STRATEGY RESEARCH PROJECT

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AN ANALYSIS OF U.S. COUNTERDRUG POLICY AND STRATEGY AS RELATED TO DOD INTERDICTION EFFORTS ALONG THE MEXICAN BORDER

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ABSTRACT

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The trafficking of illegal drugs into the United States continues to damage our social institutions, decay the moral fabric of our youth, and rob the economy of countless billions in revenue. President Richard M. Nixon first proclaimed the war on drugs in 1970; unfortunately, the succeeding 30 years have seen relatively few victories in this war. Politicians and law enforcement officials relentlessly tout new strategies and policies that they guarantee will either reduce or stop the ever-present scourge of drugs and violence in our schools, our neighborhoods, and even our playgrounds. But, as the nation enters a new century the demand for these drugs remains high and the supply ever steady.

In 1989, with U.S. prisons full of smugglers and pushers and with hospitals attempting to save overdose victims and cure addicts, Congress enacted legislation mandating Department of Defense (DoD) support. The eventual enlistment of the military in the crusade against drugs was the logical outcome of the strategies pursued by U.S. lawmakers. Today, uniformed soldiers, sailors, and airmen work side-by-side with border officials and Customs agents as they search for illegal drugs. The military is manning aircraft, watercraft, and observation posts providing real-time surveillance and intelligence information to more than 50 agencies attempting to interdict illegal drugs before they hit the streets of America.

With all this effort, why is illegal drug trafficking still listed as a national security threat in the most recent National Security Strategy? This paper will analyze past policy and strategy failures, look at legal barriers impacting military involvement, and present real world concerns that prevent the full implementation of successful strategies. Since 70% of the illegal drug trafficking is suspected of transiting the southwest border, this area will be the focus for analyzing both the counterdrug strategies and DoD involvement.

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AN ANALYSIS OF US COUNTERDRUG POLICY AND STRATEGY AS RELATED TO DOD INTERDICTION EFFORTS ALONG THE MEXICAN BORDER

"On May 20, 1997, Esequiel Hernandez, an 18-year-old youth from the rural town of Redford in West Texas, was shot to death by four Marines. The soldiers were members of Joint Task Force Six (JTF-6), a military force established for anti-drug activities on the U.S. border and operating under the authority of the U.S. Border Patrol. The shooting was the second on the border this year involving JTF-6 and the first fatality since the program's establishment in 1989."[1]

— Redford News Release

Since early in the 1970s when President Richard M. Nixon first proclaimed America's war on drugs, Washington has employed a variety of policies and strategies in that struggle. Today, after several different presidents, numerous strategies, billions of dollars, and some 30 years of effort, the US is still decisively engaged in the war on drugs. The results are, unfortunately, quite dismal. Some might even say that the US is losing, or has lost, the war. A quick glance at the most current Office of the National Drug Control Policy (ONDCP) figures shows illegal drug use at a high, constant level among high school students.[2] Similarly, the average street price of illegal drugs has dropped significantly for cocaine, heroin, and meth-amphetamines.[3] With current Congressional appropriations exceeding $16 billion dollars a year, and with Department of Defense (DoD) forces actively involved, why are drug prices dropping, supply increasing, and American soldiers mistaking innocent citizens for drug smugglers? Why is America losing this war?

These same questions are on the minds of millions of Americans. And, while this paper may not adequately answer the questions, it will trace the development of the current national counterdrug policies and strategies and look at DoD involvement in, and support to Drug Law Enforcement Agencies (DLEAs). The paper will focus on domestic interdiction efforts along the U.S. Southwest Border. The policies and strategies discussed and analyzed will highlight the challenges associated with interdiction efforts and attempt to determine whether military involvement is beneficial to interdiction efforts and if increased DoD support would lead to a significant reduction in the availability of illegal drugs.

BACKGROUND

Since 1914, the Drug Enforcement Administration (DEA) has been responsible for enforcing the drug laws of our country. As significant incidents of drug abuse and smuggling evolved, the DEA, primarily dedicated to interdiction, was unable to manage the increasing number of assets provided by numerous Federal agencies. Increasing agency participation required the Federal government to look at reorganization and consolidation to insure the efficient execution of counterdrug strategies. Early in 1986, based on increased criminal activity related to the growing demand for and abuse of illegal drugs, Congress passed the Anti-drug Abuse Act. President Reagan sanctioned this crucial step and was confident that it gave the Executive Branch more authority to wage the war on drugs. Later in the same year, President Reagan also signed the unprecedented National Security Directive 221 that declared "drug trafficking to be a threat to US national security."[4]

With over 50 Federal agencies at least partially involved in the war on drugs at home and abroad, President Reagan recognized the need for a central board to organize and focus the extensive resources of the multiple agencies. He signed Executive Order 12590 in March 1987 establishing the National Drug Policy Board (NDPB). The NDPB charter was to coordinate international and domestic law enforcement efforts and develop a strategy for US counterdrug operations. It was quickly determined that the NDPB was improperly staffed and lacked the authority to control and direct the enormous resources at hand; therefore, the Anti-drug Abuse Act of 1988 eliminated the NDPB and established the Office of the National Drug Control Policy (ONDCP).[5] The ONDCP remains the centerpiece of the Nation's counterdrug policy and strategy.

Early in his first term, President Bush advanced a clear and simple policy concerning illegal drugs; "reduce drug flows and create a hostile environment for narcotics trafficking." The ONDCP quickly established five strategic goals that if successfully prosecuted would meet, counter, and defeat the growing drug problems in the US.[6] President Bush, like his predecessor spoke with words supported by action. The "war on drugs" was not a war that the U.S. could afford to lose; therefore, the goals attacked not only the suppliers and producers of the illegal drugs, but looked at education of America's youth to reject drugs and care for those already addicted to its harmful effects.

ONDCP's Five Strategic Goals

Goal 1: Educate and enable America's youth to reject illegal drugs as well as alcohol and tobacco.

Goal 2: Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

Goal 3: Reduce health and social costs to the public of illegal drug use.

Goal 4: Shield America's air, land, and sea frontiers from the drug threat.

Goal 5: Break foreign and domestic drug sources of supply.

While all five goals are imperative to a comprehensive strategy, the fourth and fifth goals represent areas where the use of DoD assets may be appropriate. The successes or failures of the first two goals have a direct impact on the demand for illegal drugs, which affects the health and social costs related to the third goal. Failures in the first goal, demand reduction, make successes in all the remaining goals much more difficult to measure and achieve.

CURRENT POLICY AND SUBSEQUENT STRATEGIES

President Clinton's most current National Security Strategy for a New Century released in December 1999 continues to identify drug trafficking and narcotics as threats to US national interests and further discusses them as transnational threats. Transnational threats are defined as threats that do not respect national borders and often arise from non-state actors, such as terrorists and criminal organizations. They threaten US interests, values, and citizens both in the US as well as abroad.[7] The emphasis placed on protecting our national interests requires action(s) to counter threats to those interests. When so determined to be in jeopardy, all elements of power - economic, political, military, and informational - will be generated to counter the threats to those interests. In the area of counterdrug operations, all four elements are necessary to achieve success.

In Strategic Assessment 1999, Priorities for a Turbulent World, prepared by the Institute for National Studies and the National Defense University, the authors purport that transnational threats are already affecting global affairs and could intensify in ways that further damage U.S. interests.[8]

> "The great volume of illicit drugs invading the United States is symptomatic of a pressing danger. While this is not strictly a military problem, as the term 'the war on drugs' suggests, it does pose a significant threat to U.S. security, because it profoundly affects the country's social and economic well being. The economic and social costs of the illegal drug epidemic in the U.S. are massive. The U.S. government estimates that the costs for law enforcement, correction, and public health reach $67 billion annually."[9]

Given the assumption that illegal drug activities threaten US national interests and values, and harm US citizens, the Secretary of Defense and Chairman of the Joint Chiefs of Staff determined that the military's unique combat capabilities can be beneficial to DLEAs. In the National Military Strategy of the United States of America the Chairman listed illegal drug trafficking as a threat that may exceed the capability of civilian agencies and require the use of military forces.[10] The Commander in Chief (CINC), United States Joint Forces Command (formerly Atlantic Command) has the lead for counterdrug operations in the U.S.[11] Subsequently, Forces Command (FORSCOM) has further designated JTF-6 responsible for coordinating DoD Title 10 United States Code (USC), and Title 32 USC support to DLEAs in the southwest border region.

The use of military forces, active and reserve, to fight the counterdrug war remains a topic of debate from both mission and readiness standpoints; however, the military continues to support the DLEAs. The legal precedent for using DoD forces in a law enforcement role has been questioned by Congressional leaders as being in violation of the Constitution. Regardless of the debate, each CINC is allocating assets to provide limited support to assist DLEAs in certain aspects of their interdiction missions. A quick review of the legal aspects of allocating federal troops in support of the drug war is warranted.

LEGAL CONCERNS AND THE *POSSE COMITATUS ACT*

As American military involvement in the war on drugs increases and the world sees more military personnel side-by-side with civilian officials at border crossing and at other air and sea port facilities, it is imperative to review the legal implications of the use of the military pursuant to Title 10 USC. The key to understanding military support to civil authorities is an understanding of *The Posse Comitatus Act* (PCA) of 1878. The PCA was legislated after the Civil War when

Federal troops were used almost exclusively to enforce laws during the Reconstruction Era. These same Federal troops were also accused of interfering with local Southern elections during this same period. The Southerners claimed that this interference denied them the right of self-government.[12] The PCA simply prohibits Federal troop influence or interference with states' rights.

In 1981, a legislative change to Title 10 USC further clarified the military's authority to participate in narcotics control operations in support of federal DLEAs. As a result, military assistance has gradually increased over the years to levels that cause some officials to question its impact on unit readiness. These same limitations still govern their employment.[13] The specifics of the 1981 changes are summarized below.

- The military may loan equipment, facilities, and people.
- Military people may operate military equipment used in monitoring and communicating the movement of air and sea traffic.
- Military personnel may operate military equipment in support of law enforcement agencies in an interdiction role overseas only if a joint declaration of emergency, signed by the Secretary of State, Secretary of Defense, and Attorney General, states that a serious threat to U.S. interests exists.
- The military may not conduct searches, seizures, or make arrests (even when an emergency declaration is in effect).
- Use of the military cannot adversely impact on readiness.

The limitations listed above apply specifically to active force Title 10 soldiers assigned to support DLEAs in interdiction actions. These limitations protect federal soldiers in the performance of their duties and provide a clear delineation of the extent to which soldiers may participate in search and seizure situations.

Another major piece of legislation affecting military involvement in counterdrug operations is the one that actually mandates it, the Defense Authorization Act of 1989. This Act, implemented as a part of the FY 1989, Defense Appropriations Act enumerates the military's interdiction efforts by:

1. assuming the role as the single lead agency for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.

2. coordinating the effort to integrate the command, control, communications, and technical intelligence assets of the United States dedicated to the interdiction of illegal drugs into an effective network.

3. increasing the drug interdiction and law enforcement roles for the National Guard.[14]

The specifics of this Act do not allow the military to arrest or apprehend, but do allow for more than passive detection and monitoring. An example of military interaction is the active interception of a suspected aircraft. Under the authorizations of this Act, the military pilot would contact the pilot of a suspected aircraft. The military pilot would then order the suspected aircraft to land at an airfield designated by a DLEA. The military pilot would then escort the suspected drug smuggling aircraft to the airfield where the supported DLEA would handle all questioning and subsequent apprehensions or arrests.

Army National Guard (ARNG) soldiers supporting counterdrug operations do so under the provisions of Title 32, USC, after approval of the missions by each State Governor. The State Adjutants General (TAGs) develop their counterdrug budgets each spring and submit them to the DoD Office of Drug Enforcement Policy and Support, and the National Guard Bureau. The approved budgets allow the TAGs to support numerous counterdrug missions. State forces operating under Title 32 are not subject to the *Posse Comitatus* law which prohibits Federal forces (Active and Reserve) from conducting law enforcement activities.[15] However, as a matter of policy, ARNG forces actively involved in cargo inspection operations on land, at aerial and sea ports-of-entry are always accompanied by a law enforcement agent. When ARNG troops (Title 32) observe suspected criminal activity, they report it to the supported DLEA for appropriate interdiction action.[16] Even though they cannot arrest or detain suspected criminals ARNG soldiers are a valuable asset to the DLEAs, Border Patrol, and Customs agents at the border crossing sites. The large volume of autos, ships, trains, and containers that must be searched is too heavy a burden for the already stressed DLEAs.

The secondary effects of this support are better-trained units whether they are full-time active duty units or part-time National Guard units. The impact on unit readiness as a result of these support missions will be addressed later in this paper.

COUNTERDRUG POLICY AND STRATEGY FAILURES

With clear Presidential policy statements dating back to 1987, definitive guidance in the National Security Strategy and National Military Strategy, and seemingly adequate resources, why is the United States losing the 'war on drugs?' The reasons given vary from source to source and from politician to politician, yet there appear to be several recurring themes.

- The first and most straightforward is that international drug trafficking organizations are sophisticated and their multibillion-dollar assets enable them to adapt quickly to counter US drug control efforts.

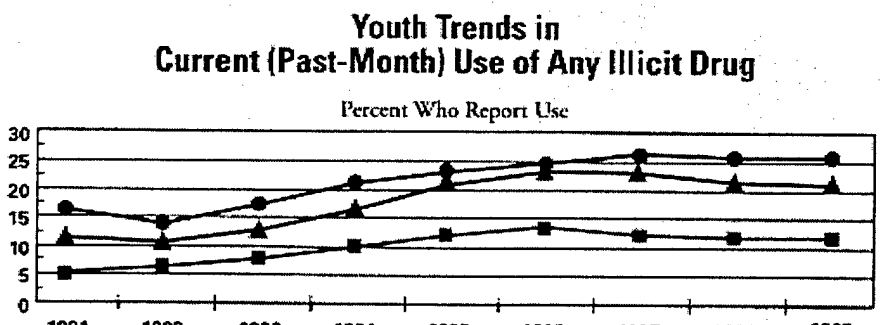
- The second is inconsistent governmental funding, challenging foreign politics and policies, and organizational/operational limitations of US agencies.

- The third is securing the genuine support of the in-transit drug smuggling countries and the adequacies of laws and law enforcement agencies to handle civil unrest and terrorism that is rampant in the source countries.

- The final reason is that adequate military support has been withheld due to concerns over adverse impact on the unit's training for combat missions. Some political and military leaders feel that military support to the drug war could jeopardize unit readiness.

Regardless of the reason, the fact remains that illegal drug use is still running rampant in the U.S. These reasons all support the premise that the counterdrug effort is vastly complex. Regardless of the elements of national power dedicated to the fight, no victory will come without years of work, billions of dollars, and unprecedented worldwide support to reduce both the demand and the supply. Table 1 provides some current demand and trend data that supports the premise that the drug problems of the 80s and 90s will continue into the first few decades of the next century. With an estimated 25% of all high school seniors using, or at least experimenting with illegal drugs, historical use patterns clearly show that a percentage of this population will continue some pattern of drug use well into their adult years. Even though the usage data is not as great at the 8th and 10th grade levels, keep in mind that this population is most vulnerable and is still in school for either two or four more years.

TABLE 1 YOUTH TRENDS IN CURRENT (PAST MONTH) USE OF ANY ILLICIT DRUG



	1991	1992	1993	1994	1995	1996	1997	1998	1999
12th Grade	16.4	14.4	18.3	21.9	23.8	24.6	26.2	25.6	25.9
10th Grade	11.6	11.0	14.0	18.5	20.2	23.2	23.0	21.5	22.1
8th Grade	5.7	6.8	8.4	10.9	12.4	14.6	12.9	12.1	12.2

Source: 1999 Monitoring the Future Study

Drug trafficking is big business in America, and the world. The ability for cartels to grow and diversify is limited only by the imagination of leaders, and leaders are only limited by aggressive, coordinated law enforcement efforts. Today's drug-trafficking and production organizations are expanding throughout the Western Hemisphere where demand is high and distribution systems are well organized. From Mexico to Argentina, vulnerable democratic countries are overwhelmed by international drug traffickers that buy governments, legislatures, judges, prosecutors, police, and even military leaders. Countries under direct assault include Colombia, Mexico, Peru, Venezuela, Panama, Argentina, Paraguay, Honduras, and Guatemala. When cartels can 'buy' entire governments, quick victories to interdict their trade don't exist.[17]

Since the early 1990s, Mexican drug traffickers have grown from small scale-marijuana smugglers to large diverse organizations, linked to foreign mafias, who supply an estimated 60%-70% of all illegal drugs smuggled into the United States.[18] These estimates, still assumed accurate by the ONDCP, support the emphasis placed on interdiction along the southwest border regions, the most porous of all U.S. entry points. The smuggling routes used to re-supply the distributors across the border are numerous, as are the methods. Yet U.S. and Mexican government attempts to counter the flow have yielded poor results. If, however,

interdiction of drug shipments across the U.S.-Mexico border were to become successful, the cartels would simply divert them through other ports of entry making them even more challenging if not impossible to interdict.

Another reason for the failures in the war on drugs is the changing political environment of the U.S. and other source countries. In the U.S. the American public has seen and heard strategy after strategy from election platforms to State of the Union addresses. The talk has been strong while the actual support has fluctuated. The Clinton Administration, unlike previous ones, failed to follow through on election year promises. President Clinton's early appointments of Lee Brown, and later, Dr. Joycelyn Elders to the position of "drug czar" were embarrassing, as were the 80% staffing cuts at the ONDCP.[19] However, his 1996 decision to appoint GEN (Ret) Barry McCaffrey as drug czar represented a positive step forward. Yet, while McCaffrey's leadership appears to be leading to positive trends, he is merely playing catch-up from the years of haphazard policies and reduced support.[20] As Americans enter another election era, the Democrats currently in office are increasing the manpower resources of the Border Patrol, Customs, and Immigration and Naturalization Service. This last futile attempt to show support and possibly earn votes is a positive step, but the inconsistencies of the Administration over the past 8 years to really support the war on drugs is evident in the poor trends showing continued high drug use among America's youth.

President Clinton's foreign policy decisions on Latin America related to fast-track trade negotiations are symptomatic of the failing U.S. confidence in Latin America; a problem that has been building since the 1994 collapse of the Mexican peso. The annual drug certification process appears to be based more on politics than on enforcement of anti-drug laws. During President Clinton's Administration, U.S. drug policy in Latin America and the annual drug certification process have lost credibility throughout the Americas, damaging U.S. prestige and leadership. Moreover, while pursuing aggressive anti-drug policy from 1995 to the present against Colombia because of cartel ties to President Samper, the Clinton Administration largely ignored the growing drug problems in Mexico, a vital economic partner in the North American Free Trade Association (NAFTA).[21] Recent decisions to support the Colombian government's internal struggles appear to show a concerted effort by the Administration to stop drugs at their source, but only after eight years of turning a blind eye to the problem. The time for pursuing ineffectual policies has passed and the time for Executive and Legislative non-partisan

agreement, international cooperation, and determined action has arrived. It will, however, take years to see the impact of these recent decisions.

The need to fight the war on drugs at the international level has been evident for years, however, the ability to gain support for the battle has been, and remains the missing link. America cannot hope to win the war on drugs without international cooperation, and gaining international confidence is step one to gaining cooperation. The U.S. is far from both. Regardless of a drug's source country or region, its eventual entry onto U.S. soil can probably be linked somehow to Latin America. Therefore, the Administration's failures in Latin America politics, foreign affairs, and economics discussed earlier have had a direct bearing on the failure of many Latin American countries to battle the drug traffickers and cartels. When promised U.S. dollars for alternative crops fail to arrive, and when promised Congressional pushes for NAFTA trading parity for the countries of the Caribbean Basin never materialize, the poor and destitute seek their own parity.[22] If that parity comes from the lure of the drug trade and it means cash in the pocket, food on the table, and non-violence to the family, then the U.S. will lose out to the cartels.

THE ENORMOUS CHALLENGES ASSOCIATED WITH COUNTERING ILLEGAL DRUG USE IN THE U.S.

The war on drugs continues to drain the U.S. of valuable assets. There is no defined end state when the world press will publish a front-page article declaring "Victory in the War on Drugs." Numerous Congressional panels have stated a "desire to reduce the amount of drug abuse and drug traffic to a level which is acceptable to U.S. society and which does not seriously degrade our national security, our economic well-being, or our social order."[23] But, no one has clearly defined or articulated what that "level" should, or could be. The past 13 years have seen countless victories over the illicit drug trade. Customs officials flaunt the millions of dollars worth of drugs confiscated at airfields. The Border Patrol publicizes large seizures of marijuana and cocaine and sponsors press conferences to view the ritual burning of the drugs. The Coast Guard is highlighted in the news when they intercept and board a vessel full of illegal narcotics enroute to a U.S. port of debarkation. These are excellent news stories, and they do report victories over the drug traffickers and cartels, but for every apprehension made, how many shipments got through? Drug interdiction is a cooperative, international effort. Each

organization and agency must share intelligence, plan major actions, and share their strategies for future operations.

The battleground for the war on drugs is set; the opposing parties are faceless millions who fuel the battles. On one side, the mission is to supply illegal drugs with the goal of developing customers and making money. On the other side, the mission is to interdict and arrest the flow of drugs. There are no boundaries to the battleground, and there are no special uniforms to identify the opposing forces. The intensity of the battle is directly proportional to the demand. Thus, the single most effective means of ending the war is to eliminate the demand. But, since the demand cannot be singularly eliminated, the best course of action is to attack the drug problem simultaneously from numerous avenues. The DoD contributions to the war rest almost solely on interdiction, and it is this avenue that best utilizes military contributions. The U.S., the most powerful nation in the world, with the most powerful military, has been engaged in the war on drugs for over 13 years. If victory has in fact eluded the grasp of the DLEAs, supported by the mightiest armed force in the world, what is preventing the U.S. from emerging victorious? The following statistics may help to not only answer the question, but also put into perspective the magnitude of the challenge facing the DLEAs and military units.

> "In FY 1999, more than 75 million passengers and crew-members arrived in the United States aboard commercial and private aircraft. Some 9 million came by marine vessels and 395 million through land border crossings. People, some good and some bad, entered America on 200,000 ships, 900,000 aircraft, and 135 million trucks, trains, buses, and automobiles. Cargo arrived in 16 million containers. The US-Mexico border was one of the busiest sites. Over 295 million people, 88 million cars, 4 million trucks, and 461,000 rail cars crossed into the vast expanse of the American southwest."[24]

This enormous volume of people, vehicles, and containers makes interdiction of drugs difficult. The arrests of the smugglers rarely lead to the real sources of the drugs; therefore, the seizures and arrests yield little impact on the price or availability of illegal drugs that reach the schools and neighborhoods of America.

The war on drugs is a complex undertaking. There are five principal federal departments concerned with drug control issues along the southwest border; Treasury, Justice,

Transportation, State, and Defense.[25] The Office of the National Drug Control Policy (ONDCP) is tasked to coordinate the efforts of these departments to wage the war on drugs on several fronts. Yet, even with the tremendous assets of the federal government, including DoD, most efforts to interdict or disrupt drug trafficking are failing. Furthermore, in the past 13 years the ONDCP has failed to establish a quantitative measure of effectiveness making even current drug data figures "rough estimates." The resulting scenario makes the demand for inexpensive illegal drugs a lucrative business enterprise for everyone from cartel chiefs (powerful drug lords from the production countries) to local U.S. gangs who prey upon America's youth. The constant and growing demand for these drugs insures the problem will not go away, and with a booming U.S. economy only a quick drive or short walk across the border, Mexico will continue to be a major player, if not enemy, in this war.

The eventual enlistment of the military in the crusade against drugs was the logical outcome of the policy decisions made by U.S. lawmakers, and it is an admission that all previous methods of fighting drugs have failed. The American people demand a solution to the harmful effects of the illegal drug trade and related violence. The social and moral decay associated with illegal drugs are degrading American stature now more than at any other period in American history. It is estimated that the yearly drain on the U.S. economy exceeds $150 billion annually, with the price tag growing each year.[26] Drug related problems impair our foreign relations, jeopardize our national security programs, and cause Americans to question our national resolve. The majority of Americans are concerned about drugs and the violence that accompanies the drugs into the schools and neighborhoods of suburban America. If the uniformed civilian agencies cannot achieve success, then the uniformed military services surely must be the answer.

As previously mentioned, of the five goals set forth by the ONDCP, the goal that impacts all others is the reduction in demand. The supply of drugs is directly proportional to the demand. The U.S. government is working hard to educate America's youth on the pitfalls of drug abuse and addiction. Programs are in place to care for the addicted, but these are long-term programs that will reduce demand in the future. The immediate need is to reduce both the supply and demand, and the key to supply reduction lies not in domestic agencies, but in foreign policies. The challenges of arriving at an agreeable international strategy that will be embraced by foreign governments and the populace are almost insurmountable. American influence in the Andean Ridge area of Latin America is the first step along the path to victory. However, in

Colombia for example, there are over 300,000 locals directly involved in the drug trade, with indirect involvement exceeding 1.2 million. This agrarian growth and technological partnership enterprise accounts for over 20% of all export earnings and profits exceed over $1.5 million annually.[27] Washington's insistence that Andean Ridge countries wage war against an industry that provides needed jobs and vital commerce merely strengthens the left-wing insurgents and anti-democratic military factions. Foreign diplomacy is a challenge.

ORGANIZING FOR SUCCESS WITH SENSIBLE OBJECTIVES

The DoD is fully prepared, funded, and organized to continue supporting interdiction efforts. As America enters a new century, every effort must be made to ensure the war on drugs is won before another 100 years pass. The following initiatives outlined by GEN (Ret) MacCaffrey, U.S. drug czar, form the basis for changes to current operating strategies. As the inter-agency and inter-governmental process translates these initiatives into organizational direction, they become the underlying tenets for focusing efforts toward a solution to the drug trafficking threat at the southwest border.

1st-- Act in a coherent and coordinated manner that builds on our strengths: No one element of the federal government can alone solve the problem of drug trafficking across the Southwest border. Only by working together, utilizing the strengths of all our agencies, can the government build a border infrastructure that will defeat the flow of drugs.

2nd-- Organize for accountability, responsibility and success: Without altering the balance of operations of the various agencies fighting drugs at the border, there needs to be a structure that ensures accountability and success. To paraphrase Harry Truman, "the buck has to stop somewhere." The obligation to secure our borders is a federal one, so this responsibility it would seem, must be vested in some federal official and office. Committees make bad managers, so it would seem logical that the drug czar must have ultimate responsibility for consolidated U.S. and foreign efforts.

3rd-- Harness technology: Hand checking cars, trucks, and railcars for drugs is a tedious and inefficient process that often leaves agents hunting for needles in haystacks -- literally. There exists the need to develop and deploy a family of complementary systems within the next five years that can inspect 20 percent of in-bound containers, shipments, and conveyances for drugs. Each port of entry must have the capacity to subject every in-bound

shipment to non-intrusive inspections by complementary systems. Technological advances will put in place a seamless curtain against drugs. This curtain will not be iron, but electrons -- made up of information and technology. And, it will be held in place by good organization and shared commitment -- a commitment based on common values and interests. It will be permeable to trade and culture but impermeable to drugs, crime, and violence. The various agencies and authorities fighting drugs will have to set aside their turf instincts, come together and agree that progress requires cooperation.

4th-- Cooperation with Mexico is vital: The vast majority of the U.S. and Mexican populace are committed to winning the war on drugs. The U.S. and Mexican Presidents must confront the international drug threat head on and insure they provide consistent and forceful guidance to focus their Administrations' efforts to the same end. Mexico has taken important strides to end drug corruption, including, for example, prosecuting senior officials who had been involved in the drug trade, and creating vetted counter-drug police units. The U.S. can best aid these efforts by reducing the U.S. demand for drugs and breaking up the trafficking organizations that use our open borders as a door to greater ill-gotten wealth. Both governments must also stop the flow of U.S. weapons and drug cash south across the border. The traffickers and cartels rely on borders as limits to authority and shields against sanction. Only through cooperation can both nations ensure that the arm of the law is actually long enough to match the reach of the threat.[28]

Before discussing the strategy and plan for increased DoD involvement, it is important to consider the impact of increased interdiction efforts along the Mexican border. The Clinton Administration, along with previous Administrations, has made great strides in improving relations with Mexico. In fact, Mexico is the third largest U.S. trading partner (after Canada and Japan) having increased more than 40% since NAFTA was passed.[29] The war on drugs cannot appear as an effort to close the door of economic opportunity. The use of DoD forces cannot resemble a picket line along the border. The fences and barriers erected along the border are primarily designed to channel the populations of both countries to official border crossing sites. The sovereignty of both nations must be respected, as well as the rights of the law-abiding citizens. Attempts to isolate the two nations would do more harm to the progress of the last decade than it would to impede the flow of illegal drugs.[30]

THE RECOMMENDED STRATEGY AND PLAN

Since the Defense Authorization Act of 1989 directed DoD to be the "lead agency for detecting and monitoring aerial and maritime transit of illegal drugs into the United States," each Service has, pursuant to the National Military Strategy and Joint Publication 3-07.4, dedicated units, equipment, and personnel to the counterdrug effort. Additionally, four Joint Task Forces were initially established, one for USJFCOM (formerly USLANTCOM), USPACOM, AND USSOUTHCOM, as well as FORSCOM. As these military organizations began working counterdrug operations, built intelligence files, and gained experience in the mission areas, a review of the operational structure was required to reduce the multiplicity of command, control, and intelligence centers. Paramount to this review was the need to include the DLEAs in the operations planning and dissemination of intelligence. The review led to the formation of Joint Interagency Task Forces (JIATF) oriented to regions within CINC areas of responsibility (AOR). JIATF-W, JIATF-E, and JIATF-S were built from USPACOM, USATLANTCOM, and USSOUTHCOM respectively. This streamlining of structure enhanced the integration of the DLEAs and supported the requirement for a synergy of effort among the numerous - over 50 - federal, state, and local agencies.[31]

JTF-6 was formally established in 1986 to coordinate DoD support for the DLEAs who struggled, with limited manpower and budgets, to control the illegal flow of drugs across the southwest border. Since that time there have been over 4200 missions completed with an average of 500 missions conducted annually. While any type of unit can volunteer for the numerous missions, the support generally falls into four categories: operational, technological, logistical, and intelligence. The mission lengths vary from one to eight weeks in duration and run continuously throughout the year. El Paso, Texas was chosen as the headquarters because of its central location along the border, its close proximity to a military installation, and the temperate climate. With an annual average of 300 days of sunshine and clear skies it is an excellent location for coordinating air operations.

The military support provided by JTF-6 along the U.S. southwest border is representative of the capabilities deployed to aid all domestic counterdrug activities of the DLEAs. The DoD also provides numerous Mobile Training Teams (MTTs) to DLEAs to instruct them on not only the use of military equipment, but also in the most effective employment of the military units/capabilities. A key aspect of the military support is that all the activities and

missions accomplished on the counterdrug deployments directly support the parent unit's Mission Essential Task List (METL). In other words, the missions and training accomplished for the DLEAs, under the tactical control (TACON) of the Commander, JTF6, directly support the unit's wartime tasks. The most frequently performed type of JTF-6 operations support the Border Patrol with Listening Posts/Observation Posts (LP/OP) in which small groups of soldiers are deployed in remote areas at or near the border to conduct covert surveillance of a suspected drug trafficking area. The number of these LP/OP missions has increased from 41 per year in the early 90s to over 120 per year in the late 90s.[32] Hence, the deployed units don't require unusual train-ups because in every case the soldiers are simply performing their basic soldier skills and tasks, albeit in a different environment.[33]

While the ONDCP coordinates efforts in support of all five strategic goals, the DoD support from JTF-6 mainly focuses on air, maritime, and land interdiction. Each drug cartel has its own unique smuggling techniques that challenge interdiction efforts. The 2000 miles of southwest border, including both the Gulf coast and the California coast, provide a multitude of challenges for JTF-6 and the associated DLEAs. After 12 years of actively supporting the interdiction efforts with ground sensors, aircraft, road improvements and construction, fencing operations, military training teams, National Guard search teams, and all-weather visual surveillance, the interdiction efforts have netted significant seizures of all types of illegal drugs and money. Therefore, one might surmise that increasing DoD assets would increase capabilities and lead to even more reductions in supply. Would an increase in DoD assets yield comparative increases in seizures?

The answer is not as obvious as expected. JTF-6 staff's primary responsibilities are to synchronize, integrate, and support the counterdrug effort. The staff is relatively small, 127 military and 43 civilians (10% smaller than the original Table of Distribution and Allowance), but with experience they have determined that "a lot of smart people can do the same thing in a different way with fewer people."[34] There are no military units assigned to JTF-6; all the units who support JTF-6 do so as volunteers strictly for the training value. The incentives to support JTF-6 missions generally fall into two categories. First and foremost is the opportunity to train with a real and quite challenging opponent. Second, JTF-6 pays the bills for the deployment. These two incentives offer units training opportunities they can find in no other area of the U.S.

The ONDCP and DoD share a major concern as military units deploy to support the DLEAs; and that concern is to ensure the support does not appear to militarize the border. The fatal shooting in 1997 described at the beginning of this paper was a tragic incident that has not been repeated. JTF-6 provides support at the request of the DLEAs who are in-charge of surveillance and interdiction operations; DoD is strictly in a supporting role. The drug cartels are powerful organizations that have the ability to purchase arms and ammunition equal to that of the military units; however, the incidents of armed smugglers are rare. While military units will continue to arm themselves for protection, it is the Border Patrol that is tasked to provide security. For example, when engineer units are improving roads and erecting fences, the soldiers can concentrate on training their technical tasks while the Border Patrol provides security. This force protection agreement enables the units to focus on training wartime tasks in support of their METL, and decreases the likelihood of mistaking a citizen for a smuggler.

Another area to analyze as increased DoD support is considered are the budgetary constraints of JTF-6. The total DoD budget for counterdrug operations in Fiscal Year (FY) '01 is only $1,029.1 million, only 5.3% of the total ONDCP budget.[35] In fact, of the five ONDCP goals, goal 4, "shielding air, land, and sea frontiers" is only budgeted $2,500.3 million for FY '01, or 13% of the total ONDCP budget. The majority of the FY '01 budget is focused on goal 2, "reducing drug-related crime." Additionally, of the 10 Federal counterdrug funding priorities for FY 2001- FY 2005, funding for Southwest Border Programs is number 8 of 10 on the priority list.[36] As previously stated, one of the primary incentives for units to volunteer support to counterdrug operations is that JTF-6 pays all the bills. To increase DoD support would require changing the entire funding priorities of the ONDCP, a change that would require an adjustment to the overall counterdrug strategy.

Consider the following report of one illegal drug seizure by a DoD element supporting a DLEA, in this case, the US Customs Service.

> "A California National Guard counterdrug task force in Oakland, CA, was assisting the US Customs Service in inspecting warehouse cargo. While examining plastic produce bags from Taiwan, a task force member noticed inconsistencies in packaging and weight. A thorough examination of the complete shipment uncovered high-grade Southeast Asian heroin. The nearly

1100 pounds, the largest seizure in US history, reportedly had a wholesale value of more than $2 billion."[37]

This is obviously not an ordinary seizure due to its estimated street value; however, it is representative of the thousands of interdictions, seizures, and subsequent arrests executed by joint DLEA and DoD members each year. It clearly shows that DoD support is beneficial in regards to supply reduction. Every one of the over 500 annual JTF-6 missions contributes to not only the physical reduction in actual drugs, but also to the overall counterdrug effort. The staff training provided by military units to the other DLEAs is as valuable, if not more so, than the actual seizure. One of the ONDCP's major challenges has been the synchronization of effort. With more than 50 agencies supporting the counterdrug effort, each with their own focus and strategy, it has been the military staff training that has increased cooperation and coordination between the agencies. It is this synergistic effort and focused strategy that will enable the nation to make measured success in this war on drugs.[38]

Finally, military support is also beneficial in a symbolic way. Every DoD supported interdiction of illegal drugs, regardless of size, amount, purity, or type is a visible sign of the National commitment to fight the war on drugs. The President, along with other publicly elected officials and political figures tout illegal drugs as a "threat to national security." The use of DoD assets to counter that threat confirms the seriousness of National resolve to eliminate the threat. It also underscores the enormous capabilities of the military and the civilian DLEAs to counter the flow of illegal drugs. As DoD supports more military operations other than war (MOOTW), the demonstrated military expertise in command, control, communications, and intelligence (C3I) is shared with various agencies. This improved training in C3I leads to synchronized operations that greatly improve the efficiency, effectiveness, and synergy of the overall operation. It also allows the civilian agencies to operate at higher efficiency levels when DoD assets are not available.

HOW TO MEASURE SUCCESS

The next question deals with determining how much DoD support is required to "significantly" stem the flow of illegal drugs, and if such support would adversely affect military readiness. In order to answer the first part of the question, the mission parameters would have to be stated clearly and distinctly. The military emphasizes end states in all operations.

Defining the end state enables the Commander and his/her subordinates to direct their efforts toward a single goal or objective. The war on drugs causes great frustration to military commanders. First of all, while interdiction demonstrates military capability and national resolve, it appears to have little impact on the supply or availability of drugs on the streets of America. Second, due to the limitations imposed by *Posse Comitatus*, the military units/members are not even able to participate in the most exciting and fulfilling portion of the mission: the apprehension of the perpetrator. The frustration is intensified when the supported DLEA is unable to respond in time to make the apprehension and the suspect escapes. Therefore, before DoD support is increased, the military would require definitive proof that increased mission support would lead to significant results.

The answer to this question requires an analysis of the data contained in Tables 2a and 2b below. Table 2a is a straightforward report of illegal drug seizures (marijuana and cocaine only) by the three primary interdiction agencies – Border Patrol, Customs, and Coast Guard – that receive direct DoD support. Line 4 compared to Line 5 shows that these three DLEAs do interdict the majority of all illegal drugs smuggled into the U.S. The remainder is interdicted by the other local, state, and federal DLEAs at locations other than U.S. ports of entry. These figures also represent all U.S. ports and not just the southwest border points. The ONDCP reports that 60% of all cocaine shipments do transit the southwest border, and that 174,000 kg of cocaine were smuggled across the southwest border in the first 6 months of FY99.[39] With these facts in mind, a comparison to Table 2b will show that interdiction efforts must improve significantly to even impact on the overall supply of illegal drugs.

The data in Table 2b shows the real challenge to U.S. DLEA interdiction efforts. Line 1, estimated consumption, compared to Line 2, estimated availability, clearly represents the abundance of illegal drugs on the streets of America. In any instance where the availability exceeds the consumption, competition for the distribution and sale will remain high. The excess of illegal drugs in the U.S. when compared to Line 3, worldwide production estimates, paints a bleak picture for the continued war on drugs. In fact, with production figures far exceeding consumption, and with demand remaining steady in the U.S., a modest increase in DoD assets would probably have little impact on the supply of drugs. Likewise, a significant increase in DoD assets to a level that might impact on the supply would likely lead to a militarization of the border. Without improvements in non-intrusive surveillance technology, and with an ever-

increasing number of shipment containers entering the U.S., there is no evidence to show how increasing DoD support to DLEAs would lead to a reduction in supply or an increase in seizures.

TABLE 2a FY 99 Seizures By Primary U.S. Interdiction Agencies (Kilograms)

	AGENCY INVOVLED WITH SUPPORT FROM DoD UNITS*	MARIJUANA	COCAINE
1	Border Patrol Seizures (primarily land ports of entry)	514,659	11,180
2	Customs Service (air and marine interdiction assets)	280,149	47,258
3	Coast Guard (maritime coast and open water assets)	27,923	50,706
4	Total Interdiction Seizures in FY '99 by These Three Agencies	822,731	109,144
5	Federal-wide Seizures in FY '99	1,175,373	132,318

**All data is from ONDCP figures (pages 73 and 77) in the 2000 edition of National Drug Control Strategy.*

TABLE 2b FY 98 Consumption, Availability, and Production Estimates (Kilograms)

	ONDCP Figures and Estimates For United States	MARIJUANA	COCAINE
1	Drug Consumption (by type), Estimates for FY '98 (Note 1)	954,000	301,000
2	Drug Availability (by type), Estimates for FY '98 (Note 2)	2,450,000	357,000
3	World-Wide Production (by type), Estimates for FY '98 (Note 3)	9,800,000	229,900,000

Note 1: ONDCP Table 47, page 146, 2000 Edition National Drug Control Strategy

Note 2: ONDCP Table 48, page 146, 2000 Edition National Drug Control Strategy

Note 3: ONDCP Table 46, page 145, 2000 Edition National Drug Control Strategy

The importation and distribution of illegal drugs is a violation of local, state, and federal laws in the U.S. (unless legalized by individual state laws for medicinal purposes). This illegality forces smugglers and distributors to use ingenious methods to prevent interdiction; therefore, accurate measurements of the impact of interdiction on the drug trade are difficult. This problem is exacerbated by the lack of a centralized reporting system with valid standard measures for use by the 50 or so agencies involved in interdiction efforts. From the Border Patrol seizures of several tons of marijuana to the neighborhood policeman who yields a "dime bag" during an arrest, every "bust" is a victory in supply reduction. The table that follows shows nation-wide totals of illegal drug seizures from 1989-1999.[40] Unfortunately, even with the magnitude of these seizures, there is still no verifiable means of determining the overall impact. How many kilograms must be seized before DoD assets could achieve an end state (if so

determined) and declare success? While Table 3 provides impressive seizure data, it does not enable the determination of the quantity that must be seized to declare success. Additionally, when the seizure quantities in Table 3 are compared to the worldwide production capabilities in Table 2b, it is clear that U.S. DLEA seizures are really having little impact on the overall availability of illegal drugs.

TABLE 3 FEDERALWIDE DRUG SEIZURES, '89-'99 (MEASURED IN KILOGRAMS)

YEARS	COCAINE	HEROIN	MARIJUANA	HASHISH
1989	114,903	1,311	393,276	23,043
1990	96,085	687	233,478	7,683
1991	128,247	1,448	224,603	79,110
1992	120,175	1,251	344,899	111
1993	121,215	1,502	409,922	11,396
1994	129,378	1,285	474,856	561
1995	111,031	1,543	627,776	14,470
1996	128,555	1,362	638,863	37,851
1997	101,495	1,624	698,799	756
1998	118,398	1,475	825,303	240
1999*	132,318	1,094	1,175,373	761

**FIGURES ARE PRELIMINARY AND SUBJECT TO UPDATING*

The solution to determination of a finite measure of success and a definitive end state for DoD assets may be reached in the near future. After a decade of numerous studies, countless interagency reviews, and exhaustive commissions, the General Counterdrug Intelligence Plan (GCIP) establishes a framework for field operators, improves counterdrug relationships, and responds to policy makers as they formulate counterdrug policy. For the first time, the GCIP has created a permanent coordination mechanism to resolve drug intelligence issues and aid national agencies in satisfying performance measures of effectiveness. The GCIP facilitates the appropriate and timely exchange of information between the intelligence and drug law enforcement communities.[41] If the GCIP could determine valid performance measures of

effectiveness, then the DoD challenge would be the determination of increasing DoD assets without adversely affecting readiness.

Military unit "readiness" has been a major issue in recent months. The "readiness" issue drew Administration level interest during the deployment and redeployment of units involved in support to operations in the Balkans. While individual Service Secretaries investigate and resolve reporting procedures and standards, DoD continues to support CINC counterdrug missions with a mix of required, requested, and volunteer forces. As discussed earlier, JTF-6 missions along the Mexican border are representative of DoD missions in each of the JIATF AORs. The counterdrug missions must, by law, provide training value to the military unit. Interdiction missions allow units and individuals to train against a real world, flexible, and sophisticated enemy driven by an intense and greedy desire to succeed. The units who volunteer for the missions typically train in 90% of their wartime mission tasks. The after action reports submitted indicate the training is "the best they had ever received."[42] The military's efforts have led to a greater recognition of the potential for military assistance and a significant expansion of the partnership among active duty forces, reserve components, the National Guard, and law enforcement agencies.[43]

CONCLUSION

As the United States enters a new century, the drug problems of the last century still linger and gnaw at the very core of American values. The impact of illegal drug use is felt in the short-term as hospitals, prisons, and schools struggle to handle the ever-present violence and lawlessness associated with the drug trade. Unfortunately, the long-term effects are still developing. The adverse effects of occasional drug use are unknown. The adverse impact on education may not be determined for years. The detrimental impact on the youth who see, experience, and live among the death and poverty of drug infested neighborhoods may not be apparent for years. For these reasons, short-term and long-term, and known and unknown, the U.S. government must continue to fight the war on drugs with all available assets: DLEAs, DoD, education, and international cooperation.

The U.S. cannot fight the war alone, for to do so would lead to defeat. Likewise, the U.S. cannot expect countries that profit from the production and sale of illegal drugs to simply cease pursuing a very profitable enterprise. Therefore, while Federal agencies work with foreign

governments to reduce production and increase interceptions of illegal drugs, the ONDCP leads the war on drugs on the domestic front. Recent improvements in inter-agency cooperation, information sharing, and intelligence gathering show how the ONDCP, DLEAs, and DoD can work together to increase interdiction of illegal drug shipments. Education programs for elementary through high school youth are yielding progress in demand reduction, yet the problem will linger for the foreseeable future. Consider a recent statement by George Will in the Washington Post dated January 18, 2001; "Here is the arithmetic of futility: about one-third of the cocaine destined for the United States is interdicted, yet the street price has been halved in the past decade of fighting the drug war on the supply side." This statement very clearly articulates the current condition of American counterdrug efforts after 13 years of aggressive interdiction and education efforts; illegal drugs are still readily available and the demand is still high.

The DoD role in the war on drugs is mainly focused on the interdiction of illegal drugs destined for the U.S. DoD units support the DLEA with detection and monitoring, integrating C3I, barrier construction and road improvement, and specialized training. Each of these operations are standard examples of MOOTW tasks. As civilian and military leaders of the nation struggle with defining the role of the post Cold War military, DoD contributions in support of a defined national security problem (illegal drug trafficking) should remain a priority mission. A disengagement of DoD forces from DLEA support operations would be a statement of failure for the military, and the nation. Simply put, the DoD contribution, largely symbolic in that military units are only in a support role to the DLEAs, does underscore the seriousness of the nation in fighting the war on drugs.

Those who criticize the way the military has been employed may not realize the limitations placed on the military by *Pose Comitatus* and international sovereignty. They may also be unfamiliar with the validity of training for and supporting MOOTW tasks in which the roles of the military are often "supporting" roles that are far different than the traditional attack and destroy role. The units/individuals supporting the DLEAs do so for several reasons, the primary being training. As Commanders report the positive aspects of these training opportunities for their units, the soldiers, sailors, airmen, and Marines also gain satisfaction knowing that their contributions are ridding the nation of a serious threat.

As the previous tables and data have shown, the demand for drugs is high, and the supply of drugs far exceeds the demand. Furthermore, by the ONDCP's best estimates, the DLEA's interdiction efforts have had little impact on the availability or price of these drugs. Without a reduction in the demand for drugs, the economics of supplying that demand provides the incentive for the cartels to continue production and distribution. Given these simple dimensions and their adverse impact on American values, the National Security Strategies of the U.S. will continue to identify illegal drugs as a threat to U.S. national interests. It is unlikely, based on successful DoD support in the past, that there will be any reductions in military support. Likewise, there is no discernable reason to suggest that DoD support will increase. Simply putting more soldiers or units along the border, at the piers, or at the airfields will not guarantee a positive impact on interdiction efforts. The cartels are too rich, powerful, and crafty to allow successful interdiction efforts to impact on the overall drug trade. They will simply relocate their smuggling operations or change their methods. Since the supply far exceeds demand, and since drugs are much cheaper at their source, the cartels can afford to lose a percentage to interdiction while simply diverting larger shipments to other ports of debarkation. Needless to say, the cartels have the upper hand on the DLEAs and DoD. As long as the demand for drugs remains high, the cartels will find a way to smuggle the drugs into the U.S. and there is little that the DLEAs and DoD can do to stop them.

Finally, as military deployments continue to increase and as the Service Chiefs face new laws mandating reductions in PERSTEMPO, unit commanders will become more selective in choosing to support "optional" or "volunteer" training events that require deployments away from home station. So, as unit budgets continue toward reduction, and as MOOTW continue to increase, the ability for a unit to deploy on any mission other than an assigned one, may cause even JTF-6 to become short units for its counterdrug missions. The ultimate key to winning this war on drugs is the reduction in demand. The ONDCP is funding and prioritizing that goal. So, until technological advances allow for non-intrusive searches of the millions of containers and trucks that enter the U.S. each year, there is no evidence to suggest that increasing DoD support will significantly impact the smuggling of illegal drugs into the U.S.

WORD COUNT = 9268

ENDNOTES

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