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## The United States federal law enforcement response to increased drug smuggling on the Southwest border

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THE UNITED STATES FEDERAL LAW ENFORCEMENT RESPONSE TO  
INCREASED DRUG SMUGGLING ON THE SOUTHWEST BORDER

By

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A professional paper submitted in partial fulfillment  
of the requirements for a  
**Master's degree**  
In Public Administration

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## Introduction

In recent years the United States Southwest Border has had a tremendous increase in drug smuggling from Mexico to the United States. Various federal, state, and local law enforcement agencies have stepped up their efforts to combat this increased influx of narcotics into the United States. The Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), United States Customs, and the Immigration and Naturalization Service (INS) are the lead agencies combating the drug trade.

The purpose of this professional paper is to take a look into the U.S. federal law enforcement responses to the increased narcotics smuggling on the two thousand mile long Southwest Border.

Another important subject that will be touched upon is the North American Free Trade Agreement (NAFTA). The agreement which was made with Mexico and Canada has opened up the borders to a wealth of legitimate trade, but at the same time has caused a major increase in the amount of drugs that pass into the United States.

The involvement of the US Military in drug trafficking along the border will also be discussed at length. Since the introduction of the military, much controversy has arisen to their use in civilian law enforcement.

Following this discussion will be a final analysis of the facts and the conclusion reached by the supporting facts.

### Literature Review

#### History

I chose the topic of drug enforcement because drugs have been a part of American society since Chinese immigrants became the first known drug smugglers of opium in the 1870's (Drug Enforcement Agency, 1999). This topic was also chosen because there is very little academic research available that focuses on law enforcement and how exactly drug issues are dealt with at the front lines of the border. There has been many nonacademic articles on how US law enforcement is making a dent in the drug trade and how our officers are helping to staunch the flow of drugs into the United States. At the same time there are many documents and reports that show law enforcement is losing the battle against narcotic traffickers and

have not made a difference in the amount of drugs that enter the United States.

Taking full advantage of the 2,000-mile border between Mexico and the United States along with the massive flow of legitimate trade and traffic, well-entrenched polydrug-trafficking organizations based in Mexico have built vast criminal empires that produce illicit drugs, smuggle hundreds of tons of South American cocaine, and operate drug distribution networks reaching well into the continental United States (DEA, 1999).

Mexico is the principal transit route for South American cocaine, a major source of marijuana and heroin, as well as a major supplier of methamphetamine to the illicit drug market in the US. The drug trade and other criminal activities generate huge cash proceeds, given the intimate ties between the two countries' financial systems, and the absence of adequate controls in the Mexican system. Mexico has become a major money laundering center and the preferred international placement point for US dollars. Drug cartels launder the proceeds of crime in legitimate businesses in both the US and Mexico, favoring transportation and other industries, which

can be used to facilitate drug, cash, and arms smuggling, or to further money laundering activities (U.S. Department of State, 1997). The power of these Mexican drug trafficking organizations makes stopping the flow of drugs a very difficult task.

The Drug Enforcement Administration (DEA) estimates Mexico traffics 70% of all drugs entering the United States. For instance, commercial trucks were allowed to pass freely from Mexico and Canada without unloading their cargo for US border inspection as of December 18, 1995 (US Customs, 1997). Although this particular schedule has been indefinitely postponed, commercial trucks are usually "waved" through the borders and typically do not undergo any inspection do to the numerous amounts of trucks. This relaxed standard eases drug smuggling. Taking into consideration the fact that 927,736 commercial trucks passed through Texas alone in 1996, it is obvious that the potential of smuggling drugs to the United States is very high.

According to the General Accounting Office of the United States "Operation Alliance", which took place in 1996, showed that the primary smuggling route across the southwest border was by land. This report

pointed out that although cocaine was the primary drug threat, followed by marijuana, the heroin threat was growing. This report stated that in spite of law enforcement agencies efforts to counter drug smuggling, the flow of drugs between the ports of entry along the Southwest border continued to flourish due to the vast open areas and relatively low law enforcement presence. This report concluded that "our successes are insignificant when compared to the threat." (GAO, 1997). According to the GAO, "Our collective efforts are only a minor irritant to the drug smugglers." This study, which was conducted under the name "Sandia", dubbed the Texas and Arizona border areas "cocaine alley" due to the large shipments of drugs that pass into the United States through these areas undetected (Government Accounting office, 1997).

#### **DRUG POLICY FAILURES**

According to the National Drug Policy Congress oversight committee of 1996, drug law enforcement has been de-prioritized. The congress oversight committee found many shifts in policy from the Reagan and Bush administrations to the now present Clinton administration. Congress showed that indicators of

federal support for the counter narcotics effort on the drug war, particularly drug interdiction, show a substantial reduction in resources committed to key areas.

In early 1995 key budget numbers were already clearly below the prior high water marks deemed necessary for an effective strategy (National Drug Control Policy, 1996). The 1994 and 1995 Clinton administration's Office of National Drug Control Policy (ONDCP) strategies represent two conscious shifts in policy, one toward greater drug treatment emphasis within the demand reduction component of the strategy and one toward greater source country program emphasis within the supply reduction component. The oversight committee also cited that according to their research, drugs are coming through the Southwest border at an unbelievable rate and law enforcement is overwhelmed (National Drug Control Policy, 1996).

Another disturbing fact is that the price of street narcotics is lower than ever and the potency of those same drugs, particularly heroin and crack, are higher. The nations interdiction effort along the Southwest border has been dramatically curtailed over the past three years due to lack of White House



support for interdiction needs, reduced funding, a tiny staff at the U.S. Interdiction Coordination Office, the absence of an ONDCP Deputy for supply reduction, reduced support for National Guard container search days, the elimination of certain cost effective assets in the eastern Caribbean, as well as the Southwest border, reassignment or absence of key intelligence gathering assets, reluctance by the Department of State to elevate counter narcotics to a top priority in certain source and transit countries, unnecessary interagency quarreling over asset management and personal issues, and the apparent inability or unwillingness of the White House Drug Czar to bring essential interdiction community concerns to the attention of the President or to aid the President's Interdiction Coordinator in doing so (National Drug Control Policy, 1996).

Narcotics Interdiction used to be the first priority of the National Security Agency, now currently it is the twenty ninth priority of the United States. During 1994 and 1995, White House Drug strategies represented a conscious shift of resources away from border interdiction or transit zone counter narcotics programs (White House Drug Policy, 1999).

Despite much rhetorical bravado and a few highly publicized successes, the United States effort has been a bitter disappointment. There has been virtually no reduction in the aggregate amount of cocaine, heroin, and marijuana coming into the U.S. since President Reagan's September 1981 anti-drug speech (UN commission on narcotics, 1968).

According to John P. Walters, acting director of ONDCP, he testified that President Clinton has promoted policies that reversed or accelerated the reversal of nearly a decade of falling drug use. According to Walters, this "sea of change" in attitudes was undone by the Clinton Administration. He noted that the Clinton Administration is undermining existing anti-drug efforts on almost all fronts. Walters pointed to the President's 80 percent reduction in Office of National Drug Control Policy staff, the Attorney General's stated goal of reducing minimum sentences for drug trafficking, and a presidential directive reducing Department of Defense support to drug interdiction efforts, the reduction in resources to border initiative programs, and a reduction in resources to transit and source countries by 33%. Walters testified that the military and other

interdiction agencies have received a fifty percent force reduction in 1994, that has caused over fifty percent reduction in ability to stop drugs.

#### LAW ENFORCEMENT SUCCESS'S

In contrast to the prior research that has been suggested about the lack of law enforcement response to drug smuggling and the lack of commitment by the United States government in stopping drugs, I will present information which shows that no matter what commitment the US government has to stopping drugs, law enforcement is making a difference.

The Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and United States Customs Service (USCS) continually work side by side to help reduce the flow of narcotics into the United States. Recently a two-year probe known as Operation Impunity focused on apprehending three alleged "cell heads" running the drug trafficking organization that remained after the death of Amado Carrillo Fuentes. Fuentes was considered Mexico's No. 1 drug lord until he died in July 1997 while recovering from plastic surgery. He was known as the "lord of the skies" because of his use of large aircraft to move drugs.

According to a written statement by Attorney General Janet Reno, "The impact of Operation Impunity is significant. By targeting the cartel's importation, transportation, and distribution network we have substantially hindered their ability to move cocaine and other drugs into and around this country." Donnie Marshall, acting administrator of the DEA, said the operation was significant because it affected the operation from "top to bottom" affecting everything from transportation to distribution. Ninety-three people were arrested in this crackdown on one of the largest drug cartels in Mexico. Nearly twenty million in cash and seven million in other assets were seized during this two-year investigation.

#### **HIGH INTENSITY DRUG AREAS**

According to the Office of National Drug Control Policy pursuant to the Anti-Drug Act of 1988, High Intensity Drug Trafficking Areas (HIDTA's) are areas identified as having the most critical drug trafficking problems that adversely affect the United States. The HIDTA program is a joint venture of local, State, and Federal law enforcement agencies, which develop and implement joint, regional threat assessments and strategies to reduce drug trafficking.

The program institutionalizes teamwork through continuous joint planning and implementation, promotes equal partnership of local, state, and federal front-line decision makers, invests in developing joint process and systems to integrate and synchronize efforts and has begun measuring collective outputs and outcomes. California, Texas, and the Southwest border are just a few of the high intensity drug trafficking areas (DEA, 1999).

The Southwest border HIDTA encompasses the entire 2,000-mile border one to two counties deep divided into five regional partnerships of federal, state, and local enforcement agencies. Each partnership has an executive committee, which oversees joint drug and money laundering task forces, regional intelligence centers ,and joint interdiction operations. Some have and others are developing regional coordination centers. In McAllen, Texas, a High Intensity Drug Area, agents and officers have reported great success by dismantling a multi-pound methamphetamine distribution organization by arresting its leader and seizing over 25 pounds of methamphetamine. Other accomplishments include: dismantling of a multi-ton marijuana distribution organization, dismantling a

cell of the Gulf Cartel with the arrest of a manager and seizures of 337kg of cocaine, investigation of a cell of cocaine transportation organizations, and investigation of a multi ton international cocaine organizations in conjunction with regional DEA offices in New York, Chicago, and Los Angeles. In fiscal year 1997, seven major drug organizations in the South Texas HIDTA region were dismantled with 129 arrests, 50 convictions, and forfeitures worth almost \$600,000.

#### **UNITED STATES/MEXICO COOPERATION**

According to the U.S. Department of State, bilateral cooperation is helping to reduce narcotics production and trafficking. The highest United States and Government of Mexico authorities on drug control gathered together frequently and permitted a thorough and systematic review of the full range of drug enforcement issues. A meeting that took place in March established certain priorities and helped develop a relevant plan of action to deal with drug issues. A meeting that took place in July outlined the basis for the joint strategy and reviewed progress on cooperative activities. During the next meeting this group of individuals approved a bi-national threat assessment and reviewed progress on specific

action plans and goals for 1997 which will be used as the basis for a joint counter-narcotics strategy (US Department of State, 1997). These groups continually met throughout the year to work on technical areas such as money laundering, demand reduction, and chemical control.

Mexico has hosted many other high-level narcotics related working visits in 1996 from the US Secretary of State, Attorney General, Secretary of Defense, and other high level government officials. Government officials came to the United States to discuss drug enforcement issues. In order to help the Mexicans understand US criminal law, the Government of Mexico and the United States Government sponsored a four week course on the subject for Mexican Judges, prosecutors, and law enforcement officials in Mexico City.

In May, DEA, FBI, and the US Customs Service signed an agreement with the Mexican Attorney Generals Office (PGR) on cooperation with, and support for, counter-drug task forces located in northern Mexico. These units are complemented by similar interagency task forces on the US side of the border set up under the US Department of Justice's Southwest Border Initiative. In September, the PGR, the Secretary of

Treasury and Public Credit (Hacienda) signed letters of agreement allowing the US Embassy's Narcotics Affairs Section to provide direct support for law enforcement and eradication operations and money laundering investigations, respectively. The United States government followed up on a 1995 lease of 12 helicopters for the PGR's interdiction fleet with a transfer of spare parts and 12 decommissioned helicopters ("hulks"). The US Department of Defense also provided training slots for PGR pilot instructors and other key support personnel. In all, the United States government provided training to nearly two hundred PGR and military personnel at US facilities (US Department of State, 1997).

In years to come, Mexico and the United States have agreed to undertake activities to enhance cooperative efforts against drug abuse, trafficking, and production. The working groups of the High-Level Contact Group will soon begin to map out a specific strategy to meet this goal. The elements will include: strengthening institutional capacities of law enforcement agencies, maritime and air interdiction, control of illicit drug cultivation and production, training and equipment, combating criminal



organizations, and reducing demand for illicit drugs. The US government will increase technical and material assistance and training, particularly to specialized police and military units and to support money laundering investigations.

While there has been progress by US federal law enforcement officials, both unilaterally by the Government of Mexico and bilaterally with the United States Government, the threat posed to both nations by criminal organizations based in Mexico is constant. A substantially-greater level of effort and of bilateral coordination is required if the two governments are to have a significant impact on those organizations or their trans-border operations.

Mexico's actions against the Juarez Cartel of Amado Carrillo Fuentes in early 1997 demonstrated that even determined law enforcement actions can be thwarted by cartel counter-intelligence capabilities. Mexico's arrests of a senior drug law enforcement officer, INCD Commissioner Jesus Gutierrez Rebollo, on charges of collusion with the Carrillo Fuentes organization, further demonstrated the severity of the corruption problem.

This creates another obstacle for US law enforcement officials. When the corruption in Mexico reaches the upper escholons of government, including the president and the Drug Czar of Mexico being on the payroll of drug traffickers, this causes more tension in an already untrusting relationship. US law enforcement agents have responded to this situation by ceasing intelligence briefings with certain law enforcement factions of the Mexican anti-narcotics force.

Despite the goodwill and determination of both governments, there are a number of obstacles and impediments which must still be addressed - not the least of which are corruption, sovereignty sensitivities, and differences in legal systems and investigative approaches -- but there are now new mechanisms for addressing them (US Department of State, 1997). It is clear that 1997 was a watershed year for determining the course of the bilateral struggle against this threat of illicit narcotics.

In 1997, based on bilateral discussions, the United States will look for Mexico to make progress in achieving its objectives of:

- Tangible progress in dismantling major narcotics trafficking organizations, including arrest and prosecution of their leadership.
- Strengthened investigative and prosecutorial capabilities, as demonstrated by adequate screening, training and financing of the bilateral task forces and organized crime prosecutors unit.
- Publishing and enforcing regulations that require reporting of financial transactions involving large sums of currency and suspicious circumstances, and implementing the money laundering law passed in May 1996.
- Implementing an effective asset forfeiture program.
- Implementing an effective control system on diversion of precursor and essential chemicals.
- An enhanced extradition and expulsion relationship with the USG.
- Expediting the mutual legal assistance treaty process, particularly with respect to telephone and bank records.
- Investigating and prosecuting corruption at all levels of government.

**Research Methods**

The purpose of this research is to examine the responses of US federal law enforcement to the increased drug smuggling on the Southwest border. Information on this subject was obtained through many methods and sources. I began researching the subject area by searching the internet sites of groups on both sides of the issue including, but not limited to US Department of State, General Accounting Office, and Office Of National Drug Strategy. Searching through these different reports on drug enforcement I uncovered several major themes that I decided should be explored in my paper.

The literature review presented displays on both sides of the issue at hand. That issue is whether law enforcement is effectively dealing with narcotics smuggling. Discussed in the literature review were topics such as "High Intensity Drug Areas" and their effectiveness. Also presented were some possible reasons why drug law enforcement techniques are currently ineffective.

Two interviews were conducted. The first with Senior Inspector Van Brown of the United States Customs Service at the San Ysidro Border Crossing

area on the California/Mexico border. The topics that were discussed pertained to inspection techniques and drug smuggling. Also discussed were current programs underway and various other operations underway to thwart drug trafficking on the Southwest border.

The second interview was with a DEA agent from the San Diego Field Division in Southern California. The topics discussed were DEA's efforts in fighting drug smuggling at the border and their operations that are currently underway and the politics involved with this issue.

Information was drawn from various works written about my topic. Several of these books are based on interviews with various undercover agents and what they see as the problem with drug enforcement policies.

I have been unsuccessful in finding academic articles that deal with my topic directly. I have found information dealing with various aspects of drug smuggling, but not what law enforcement is doing about. The reason I am doing this professional paper is because there is not a lot of real significant academic information that can be found directly pertaining to my topic.

In the following section the findings of my research will be discussed at length. I will cover topics such as the Border Coordination Initiative, a program created by US Customs and the Immigration and Naturalization Service. Also, there will be discussion of the various campaigns by federal agencies to combat drug trafficking. Militarization of the Southwest border is another issue that will be discussed at length.

### **Findings**

#### **(Law Enforcement Efforts)**

In order to meet the challenge of policing the nation's borders against drugs these agencies have had to work smarter by wedding new technologies with conventional investigative techniques and by prioritizing their functions. For example, in the last fiscal year 3.5 million trucks, 75 million cars, and 254 million people crossed the border into the United States. In contrast, the United States Customs service has only 1,800 inspectional personnel along the border (US Customs, 1999).

The following topic that will be discussed is a joint federal law enforcement effort to curb border drug flow. The North American Free Trade Agreement

(NAFTA) was an agreement in 1995 to open up our borders with Canada and Mexico to facilitate the flow of legitimate goods. With this agreement the amount of drugs entering the country has also increased. In response to NAFTA, US Customs started many initiatives.

The United States Customs Service started "Operation Hard Line" two years ago to permanently harden our nations Southwest border ports of entry from drug smugglers. At the time, ports of entry along the U.S.-Mexico border were under siege of narcotics traffickers, known as port runners, who would brazenly speed drug-laden vehicles through border crossings jeopardizing the safety of our border officers and civilians. Since the inception of "Operation Hard Line" port running has decreased almost 60%. Drug seizures on the Southwest border increased substantially in fiscal year 1996. Narcotics seizures increased 29% by total number of incidents (6,956 seizures) and 24% by total weight (545,922 pounds of marijuana, 33,308 pounds of cocaine, and 459 pounds of heroin) when compared to fiscal year 1995 totals. Additionally, the total weight of narcotics seizures in commercial cargo on the U.S.-

Mexico border in fiscal year 1996 were up over 153% due to the passage of NAFTA (56 seizures totaling 39,741 pounds) when compared to FY 95 seizures statistics (US Customs, 1999). This increase in narcotics seizures is due to intensified inspections and tactical intelligence resulting from "Operation Hard Line".

The next issue that will be covered are topics relating to the "Border Coordination Initiative" (BCI) in response to increased smuggling on the Southwest border. This is a comprehensive coordinated border management strategy between the U.S. Customs Service and the Immigration and Naturalization Service (INS) to increase cooperation among federal agencies on the Southwest border to more efficiently interdict drugs, illegal aliens, and other contraband. The BCI is built on six core initiatives:

- 1) *Port Management*
- 2) *Investigation*
- 3) *Intelligence*
- 4) *Technology*
- 5) *Communications*
- 6) *Aviation and Marine*



The Justice and Treasury Departments continue to work closely with the Office of National Drug Control Policy and other relevant agencies to implement the most effective and coherent approach to further combat the increasingly violent drug trade due to NAFTA while facilitating the legitimate flow of goods and people. A result of NAFTA is more drugs being hidden in shipments within the growing volume of goods exported from Mexico to the United States. This has become an increasingly favored method of smuggling cocaine. Cocaine traffickers have set up factories, warehouses, and trucking companies as fronts to move drugs into the United States under NAFTA.

The result to this increase in trade is that 70% percent of the cocaine entering the United States now arrives from Mexico as well as the majority of heroin and marijuana. (Drug Enforcement Administration, 1999).

As discussed earlier, the Border Coordination Initiative is built on six core initiatives to fight the influx of drugs due to increased smuggling increased by the North American Free Trade Agreement (NAFTA). The first initiative is *Port management*, which are a joint enforcement, traffic management, and

community partnership plans at each of the 24 ports of entry. This heightening of enforcement at the borders is the first step taken to help curb the drug flow. The second initiative is *Investigations*, which are unified strategies on all Southwest border seizures, controlled deliveries, and investigative and intelligence results to be used for targeting and inspection. The third initiative is *Intelligence*, which is being enhanced to collect more data on drug interdiction, illegal aliens, and currency and document fraud. The fourth initiative is *Technology*, utilization and sharing of technology resources and automated infrastructure. Developmentation of a joint plan to capitalize on future technology is used to fight the drug trade. The fifth initiative is *Communications*, which need to be revamped and replaced with interoperable, secure, mutually supportive, wireless communications system. The six initiative are *Aviation and Marine interdiction*.

#### **Air Interdiction**

The United States Customs Service and the DEA have very large air interdiction programs. Since the inception of NAFTA and the growing appetite in America for drugs, particularly cocaine, Customs has developed

an increasingly sophisticated armada of sensor equipped interceptor aircraft and apprehension helicopters to combat those attempting to smuggle narcotics across American borders (US Customs, 1999). Once detected, suspect aircraft entering U.S. air space are covertly intercepted, identified, and followed to their delivery sites by Customs interceptor aircraft such as the Cessna Citation jets and apprehended by aviation enforcement officers. Actions by smuggler aircraft are carefully videotaped and documented by Customs aircrews for use as evidence in subsequent criminal prosecution proceedings.

Upon the creation of DEA in 1973, the aviation program consisted of 24 aircraft and 41 special agents/pilots. The program continued to grow and in 1994 the Aviation Section was granted field division status and renamed the Office of Aviation Operations (OA). The chief pilot was redesignated Special Agent in Charge and the two deputy chief pilots became assistant special agents in charge. Today OA consist of 95 aircrafts and 117 special agents/pilots.

Further evidence of the expansion and importance of the OA to the DEA's enforcement mission is the move to new facilities at Ft. Worth, Texas, Alliance

Airport in February 1994. The new facility, known as the Aviation Operations Center, is the primary maintenance facility for the Office of Aviation fleet of aircraft and headquarters to OA's supervisory and administrative personnel, as well as contractor personnel (Drug Enforcement Administration, 1999).

The office of Aviation provides aviation support to domestic offices throughout the United States, High Intensity Drug Trafficking Areas, Special Enforcement Operations, Mobile Enforcement Teams, the Southwest Border Initiative, and the National Marijuana Eradication Strategy. These operations consist of air-to-ground, air-to-water, air-to-air, electronic surveillance, and photographic reconnaissance.

The United States Border patrol has responded to NAFTA by hiring hundreds of new agents, marine enforcement officers, and pilots. The Border Patrol has several stations along the U.S.- Mexican border. A lot of the regions that are covered by the Border Patrol are very remote and very dangerous. Agents have recently been assigned partners and armed with larger arsenal of weapons due to constant conflicts with heavily armed drug dealers in Eagle Pass, TX. The Border Patrol was at a disadvantage even before

their inception. There are over two thousand miles of porous border areas that are conducive to drug smuggling and not nearly enough personnel to cover those areas.

### Maritime Interdiction

Maritime interdiction efforts have also increased to fight the drug flow. The main agency that is our first line of defense is the Coast Guard which is the lead federal agency for maritime drug interdiction. They share lead responsibility for air interdiction with the US Customs Service. As such, they are a key player in combating the flow of illegal drugs to the United States.

The Coast Guard's mission is to reduce the supply of drugs from the source by denying smugglers the use of air and maritime routes in the Transit Zone, a six million square mile area, including the Caribbean, Gulf of Mexico, and Eastern Pacific (United States Coast Guard, 1999). In meeting the challenge of patrolling this vast area, the Coast Guard coordinates closely with other federal agencies and countries within the region to disrupt and deter the flow of illegal drugs. In addition to deterrence, Coast Guard drug interdiction accounts for nearly 25% of all U.S.

government seizures of cocaine and marijuana each year. For Fiscal Year 1997 the rate of Coast Guard cocaine seizures alone had an estimated street value of approximately \$4 billion. The Coast Guard has seized countless tons of marijuana and cocaine. In fiscal year 1997 the Coast Guard seized 103,000 pounds of cocaine and 102,000 pounds of marijuana. This agency has many marine support facilities all over the country. There are maritime stations in Florida to help interdict Caribbean drug smuggling and maritime interdiction facilities along the Southwest border in Gulfport, Mississippi, San Diego, California, and Corpus Christi, Texas which house local, state, and federal vessels that are on call 24 hours a day to respond to maritime smuggling issues. Many Coast Guard tactical law enforcement units are aboard navy ships so as to deploy to possible drug smuggling vessels in a timely manner anywhere in US waters. Maritime smuggling has rose 27% from 1996 to 1997 (Law Enforcement Today, 1996).

### **Smuggling Methods**

As law enforcement puts more resources into the drug war the dealers come back stronger and smarter. The problem with stopping the drug dealers is that

they have budgets larger than US law enforcement agencies combined. Traffickers often hide drugs in shipments of food, such as fish or produce that would spoil if they were stopped and thoroughly searched. "Much of the time U.S. law enforcement officials are dealing with perishables, and unless there is specific information that drugs are in the load the priority is business and trade," said a federal official, who like many others complained that NAFTA's mandate of unfettered commerce hampers drug interdiction efforts.

Other research suggest that drug dealers also ship small packages of drugs to the United States via express courier services or the regular mail small amounts at a time. Customs and DEA officials say their greatest success comes from cases in which they have informants give specific information about drug shipments. At the border crossings, officials say that their best weapon is a drug-sniffing dog, which can smell a single marijuana cigarette wrapped in plastic and hidden in a dashboard even through thick exhaust. Traffickers have since gotten their own drug-sniffing dogs to evaluate their packaging methods.

### **Smuggling Countermeasures**

Authorities have tried to respond to the traffickers with countermeasures. At many crossings, for example, concrete barriers have been erected to prevent cars and trucks from switching lanes, and to send them into a series of turns when leaving the gates to hinder port running. The United States has hired an additional 5,300 inspectors and patrollers since 1992. U.S. authorities have begun filming their surveyors with long-range lenses and recently spotted two Mexican police officers helping to coordinate lane shifts by a vehicle loaded with drugs (Washington Post, 1997). Officials are also using a small gadget called a "buster" to measure the density of materials and a hand held laser that measures distances down to the fraction of an inch, both of which can help detect hidden compartments. Some crossings are being equipped with giant X-ray machines to let agents inspect cargoes. Most crossings have computers listing licenses of cars and trucks that have previously been used in illegal activities. There is also another device in use by Customs called License Plate Readers. These readers allow inspectors to accomplish their work without being distracted by entering license plate numbers into the automated law



enforcement system. The first truck x-ray system continues to be successful at Otay Mesa, California. This prototype machine has contributed to the seizure of 17,765 pounds of drugs most of which were concealed in false compartments and other hiding places.

A major problem with U.S. law enforcement officers is they are entrusted with defending the border and have been caught surrendering it to drug traffickers. These federal, state, and local officials have been recruited by Mexican trafficking groups that for years have relied on corruption as their favored method for doing business south of the border. They are offered huge bribes and profits and run little risk of getting caught. Authorities have had their greatest successes in discovering corruption through sheer luck, leading them to conclude that much is going undetected (Washington Post, 1997).

To fully understand the complexity of drug trafficking it needs to be understood that traffickers will go to any means necessary to transport their drugs into the United States. Traffickers have been known to be very violent. Killing individuals for the traffickers is a daily routine (Discovery Channel, 1996). Many innocent civilians and hundreds of drug

agents have died in the line of duty. According to one unnamed US official, he stated, "these traffickers are limited by their imagination," and "money is no obstacle at all."

In recent years drug trafficking organizations have bought 727-style planes and built a fleet of two man submarines to move drugs to the United States. They have secreted loads in propane tanks and containers of hazardous material, in small cans of tuna fish and five-gallon drums of jalapeno peppers. One trafficking group fashioned a special mold that was used to ship cocaine from Mexico through the United States and into Canada completely sealed inside the walls of porcelain toilets. These groups are using satellite-linked navigation and positioning aids to coordinate airplane drops to boats waiting in the Caribbean and to trucks waiting in the Arizona and Texas deserts (Washington Post, 1997).

These Mexican drug groups also learned valuable lessons from their Italian Mafia and Colombian cartel counterparts on how to thwart law enforcement. These Mexican groups usually are organized around family ties to prevent infiltration by informants and they are compartmentalized to protect the leaders to ensure

that if one cell of their group is dismantled, the entire business is not destroyed.

In one such case a DEA agent by the name of Enrique Camarena infiltrated the organization of drug king pin Miguel Carro Quintero. Camarena discovered a field of marijuana so huge it was nicknamed "buffalo" and had it destroyed. The estimated value of the marijuana destroyed was 200 million dollars. Shortly afterward Agent Camarena was kidnapped in broad daylight near the US embassy in Guadalajara Mexico by the Mexican Police he was working with. DEA started a manhunt for Camarena and his body was found one month later, clad only in underwear and severely beaten. Agent Camarena's informant was also found buried in the same hole and showed signs of have been buried alive. According to the DEA the Mexican Federal Police dragged their feet in searching for the killers. The DEA also reported that the house Camarena was tortured in was stripped and cleaned the day after by Mexican Federal police. Some of Camarena's killers have still not been brought to justice and others are in jail in Mexico on un-related charges.

Hope has been restored to law enforcement because on Wednesday, September 16<sup>th</sup> 1998 the House Of Representatives turned aside Clinton administration objections and overwhelmingly passed a 3.2 billion bill to bolster the Coast Guard, the Customs Service, and Latin America governments in their struggle to stop drugs from reaching our country's borders. White house drug czar Barry R. McCaffrey testified in the Senate that a similar measure awaiting action would be too expensive and would represent micro-management of drug tactics based on a shallow analysis of the problem and our available tools. In the House, Republican leaders insisted they were boosting the budget for drug interdiction because they believe that President Clinton had failed to stem the flow of drugs into the US (Los Angeles Times, 1996).

#### **INTERVIEWS WITH US DRUG OFFICIALS**

A phone interview was conducted with Senior Inspector Van Brown of the United States Customs Service. Mr. Brown was very insightful and helpful in trying to explain the dynamics of drug smuggling. Inspector Brown oversees numerous inspectors at the San Ysidro border station right outside San Diego, California. I asked Inspector Brown many questions

relating to border interdiction efforts. Mr. Brown explained that Customs deals with 47,000 vehicles a day crossing through this border station. It was explained to me that inspectors are highly trained observers and are pretty good at being able to tell who is lying to them and who is not. Inspector Brown explained that people who are smuggling drugs usually have physiological responses which are tell tale ways to a law enforcement official that they have something to hide. Many of these inspectors rely on their hunches and years experience to find narcotics on a vehicle or a person.

Inspector Brown also conveyed to me that all vehicles crossing the border are subject to inspection and every vehicle cannot be possibly searched. This would be futile because there is not nearly enough time or personnel.

US Customs inspectors are the front runners on border interdiction relating to vehicles. All of the leg work of finding the drugs is done at the border by inspectors. There is a common misconception that the "Special Agents" do all the work, this is untrue. Agents make the arrests after the inspectors discover the drugs and from there they take the defendant

through the legal process and continue to investigate this incident for further leads about other drug smuggling operations. Inspectors are using a new optical device to see into small crevices in vehicles that could be hiding illegal drugs. Inspector Brown would not comment any further on this device or any other devices used for drug detection. Inspector Brown did say that drug smuggling is only limited by the smugglers imagination. There is no longer a drug courier profile. He said, "the least suspecting people smuggle drugs. Women often smuggle drugs in their children's baby carriages and on the children themselves."

Another interview was conducted with an agent from the San Diego field division office of the Drug Enforcement Administration. The agent I interviewed would not give me his name and wanted to remain anonymous. I had prepared a series of questions for this agent, but only had the opportunity to ask two of them. The first question asked was, "Are you effectively enforcing the Southwest border against drug smuggling?" This agent answered me and said, "Why don't you ask the fucking president, he has tied our hands in our efforts to stop the drug flow." The

agent continued to say that President Clinton handles Mexico with white gloves. I also asked him why cocaine in 1985 cost anywhere from \$30,000 to \$40,000 a kilo and it can now be bought for twelve to fifteen thousand dollars a kilo. I was under the assumption and still believe the reason in this price difference is that there is now a plethora of cocaine on the market and it does not demand the same price because of the amount currently available. This agent had a different view point. He stated the reason cocaine prices were down was because cocaine is no longer in high demand like it was in the 1980's and methamphetamine is now the drug of choice which is why prices have dropped considerably.

The Drug Enforcement Administration is the lead federal agency for the enforcement of narcotics and controlled substance laws and regulations. The DEA's priority mission is the long term immobilization of major drug trafficking organizations through the apprehension of their leaders, termination of their trafficking networks, and seizure of their assets (White House Drug Policy, 1999).

The Drug Enforcement Administration supports the Federal Drug control priorities through its programs

that reduce domestic drug-related crime and violence, reduce the domestic illegal drug production and availability, and prosecution of those that illegally manufacture, traffic in, and distribute illegal drugs in the United States.

DEA also has been increasingly involved in the Southwest Border Initiative and contributes to the Department of Justice's comprehensive interagency strategy against drug trafficking in the region. This program is an integrated, coordinated law enforcement effort designed to attack the command and control structure of organized criminal enterprise operations associated with the Mexican federation. According to Thomas Constantine, ex-Director of the DEA, Mexican organized crime syndicates share a loose consortium of major trafficking organizations with well-established organized crime credentials that compose the Mexican Federation. Four organizations comprise the Mexican crime groups: the Tijuana organization, the Sonora cartel, the Juarez cartel, and the Gulf group.

#### **MEXICAN DRUG CARTELS**

These following organizations were described in detail by Thomas Constantine to the US Senate in 1996. An excerpt will be provided. The Tijuana organization



is headed by the Arellano Felix brothers, Benjamin, Francisco and Ramon, and is headquartered in Tijuana and Baja California. This group controls smuggling across the border to California and is among the most violent of the Mexican organizations and has been connected by Mexican officials to the violent death of Cardinal Juan Jesus Posadas-Ocampo who was killed in the cross fire of rivals drug gangs at the Guadalajara Airport in 1993. During 1994, this group was engaged in a turf battle over methamphetamine territory in San Diego. Twenty-six homicides were committed during one summer as rival groups battled over trafficking regions. Benjamin Arellano Felix was indicted on May 2, 1989 in San Diego on charges of operating a continuing criminal enterprise which involved the importation and distribution of cocaine. Arellano Felix is frequently seen in Mexico and has never been arrested on these charges. Francisco Rafael Arellano Felix, his brother, was indicted in San Diego in 1980 for possession and conspiracy to possess cocaine. He too, has not been arrested.

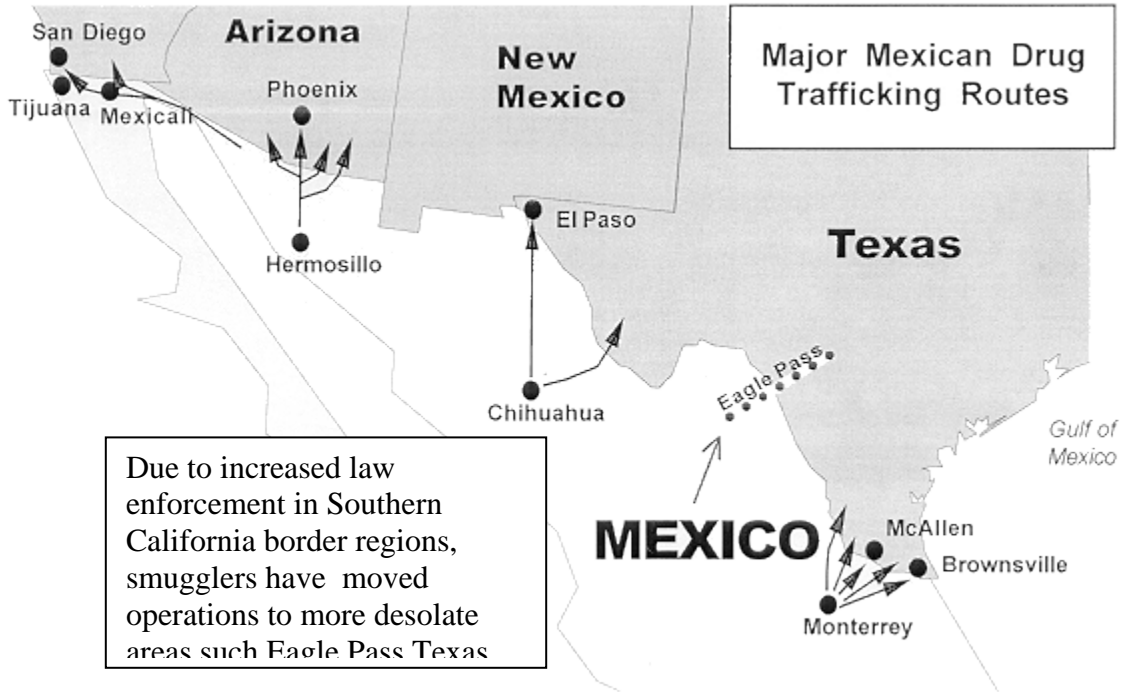
The **Sonora cartel** is headed by Miguel Caro Quintero and operates out of Hermosillo, Agua Prieta, Guadalajara and Culican, as well as the Mexican states

of San Luis Potosi, Sinaloa and Sonora. Rafael, Miguel's brother, is in jail for his role in the killing of DEA Special Agent Enrique Camarena in 1985. The Sonora cartel has direct links to the Colombian cartel and operates routes into California, Arizona, Texas and Nevada. Miguel Caro Quintero was indicted in Arizona for shipping two tons of cocaine from Mexico to Arizona, and has been indicted twice in Colorado. He continues to be a fugitive, but claims publicly to travel freely in various areas of Mexico.

The **Juarez cartel** is headed by Amado Carillo Fuentes, the most powerful figure in the Mexican drug trade. His organization is linked to the Rodriguez Orejuela organization in Cali, Colombia and has family ties to the Ochoa brothers in Medellin, Colombia. For many years, this organization ran transportation services for the Cali cartel, and used aircraft including 727's to fly cocaine from Colombia to Mexico. He also used to move drugs from regional bases in Guadalajara, Hermosillo, and Torreon. Carillo Fuentes has been indicted in Dallas and Miami and has also been a fugitive for eight years until his recent death after undergoing plastic surgery to alter his

looks. Amado Carrillo Fuentes was in the process of moving his headquarters to Argentina.

The **Gulf group** was headed by Juan Garcia Abrego and is based in Matamoros, Tamaulipas State. It distributes cocaine into the United States as far



north as Michigan, New Jersey and New York. DEA has reports that this organization smuggled in excess of 30 tons of cocaine into the United States. Humberto Garcia Abrego, Juan's brother, was arrested in October 1994 by Mexican authorities. Juan Garcia Abrego, one of the FBI's Ten Most Wanted, was arrested on January 14, 1996. After his arrest Mexican officials worked quickly to expel Abrego to the United States to face charges of conspiracy to import cocaine and the

management of a continuing criminal enterprise, however his organization continues to operate in spite of Abrego's arrest.

Within the last year, several top law enforcement officials from Tijuana have been assassinated. These killings are indicative of the impunity with which the Mexican crime syndicates feel they can operate and are consistent with the intimidation and narco-terrorist methods of the Cali and Medellin cartels. The capture of these powerful drug traffickers and the dismantling of their organizations operating on both sides of the border are top priorities of the Drug Enforcement Administration.

DEA, in cooperation with Federal, State and local law enforcement agencies, is focusing increased intelligence, technical resources and investigative expertise on the major Mexican drug trafficking operations responsible for smuggling vast quantities of cocaine, heroin, marijuana, and methamphetamine across the Southwest border into the United States. The Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration also provide operational

planning, intelligence, and training to the Government of Mexico law enforcement authorities to strengthen their capacity to collect drug intelligence, attack production capability, conduct transshipment interdiction, investigations, and asset seizures and prosecute key traffickers.

### **Asset Forfeiture**

All federal agencies especially the DEA and FBI use asset forfeiture to their advantage to ensure that criminals do not benefit financially from their illegal acts. Federal law provides that profits from drug-related crimes, as well as property used to facilitate certain crimes, are subject to forfeiture to the government. Since drug trafficking is a crime of greed, asset forfeiture is an effective weapon because it removes the profit from such illegal activities. Asset forfeiture can also financially disable drug-trafficking organizations. International drug traffickers use their wealth to purchase the very best state-of-the-art weaponry and communications equipment. Seizure of the drug profits prevents them from possessing such advanced equipment and makes it

more difficult for them to thwart law enforcement efforts (DEA, 1999).

Not only are the profits of crime taken away from criminals through asset forfeiture, but the money is put into the Asset Forfeiture Fund, which is used to help crime victims and to fund law enforcement programs that further combat crime. For example, in Philadelphia, two federally forfeited properties that had been used as "stash" houses for drug organizations were recently transferred to an organization called United Neighbors Against Drugs. The properties now serve as a community center for drug abuse prevention, job skills training programs, and safe haven educational programs for neighborhood children.

Asset forfeiture has been a part of American jurisprudence since the founding of the nation. To protect citizens from the abuse of this power, federal civil forfeiture laws contain numerous protections. No property may be seized unless the government meets the standard of "probable cause" - the same standard of proof required to arrest a person or secure a warrant to search a person's home. Property is seized by the DEA only when it is determined to be a tool for, or the proceeds of, illegal activities such as

drug trafficking, organized crime, or money laundering.

The Southwest border strategy also targets Mexican trafficking organizations operating across the border and attacks their command and control infrastructures wherever they operate. The efforts of DEA produced some good results in FY 1996. They had 4,342 cases and 5,282 arrests, confiscated (7,711 kg): heroin (51kg), marijuana (250,433 kg), methamphetamine (264 kg). DEA seized 136 clandestine lab seizures and had 227 narcotics Title III intercepts (DEA 1999). Title III intercepts which are federally regulated guidelines that pertain to legal eavesdropping in all states. Previous to this regulation investigators could listen to everything that came over the wire or the bug. This regulation put limits on what and what you cannot listen too (Franceschini, 1993).

### **Military and Drug Enforcement**

#### **(Exercise in Futility)**

Since the mid 1980s, the use of the United States armed forces in the "war on drugs" has been a topic of much debate. The term 'war' is evoked and ambitious

objectives declared, justifying the participation on an increasing level of armed forces in counter-drug operations both domestically and internationally (DRCNET, 1999).

Too many Americans, frustrated by the apparent lack of progress in the control of the illegal drug trade, feel the use of the armed forces seems a logical step. The military drug warriors bring additional manpower, resources, and experience to the struggle against drugs. Despite the commitment of the armed forces, however, the United States is no closer to its goal of being "drug free" today than it was a decade ago. As will be seen the stated objectives, with their contingent use of the armed forces, has had no basis in viable military strategy. The end result has been a drug war which has been not only demonstrably a failure but has proven counterproductive to the interests of America's national security and liberties.

#### **MILITARY OBJECTIVES**

The U.S. government's stated objectives in the war on drugs can be summarized as follows:

- Eradication of drug crops



- Interdiction of drug smuggling
- Investigation and prosecution of drug traffickers
- Reduction of demand by increased penalization of users

In accomplishing these objectives, the United States has seen a gradual insertion of its armed forces into drug enforcement since the 1980's. For example the National Defense Act of 1989 gives the Department of Defense responsibility for certain aspects of drug enforcement, including command-control-communications-intelligence, detection, and monitoring. This act also authorizes the National Guard to get involved with drug enforcement matters as well. Title 10 US Code, chapter 18, gives guidance for the use of the armed forces in law enforcement (DRCNET, 1999). The armed forces are prohibited from making direct search, seizures, and arrests, unless authorized by written law.

Joint Counter-drug operations states that the Posse Comitatus Act, which forbids the use of the military for civilian law enforcement, does not apply to the National Guard in state service. There is much controversy over this matter of "state service" because drug enforcement maybe a federal mission, and

that federal funds are used to support the national guard.

The ability for military to take action in drug enforcement issues comes from Title 32 US code, which effectively frees the armed forces from some of the constraints of the "Posse Comitatus Act". As stated earlier the military supports law enforcement and participates in everything except search, seizure, arrest. Some of the missions of the military include,

- Intelligence support: provision of linguists for translations; conduct of intelligence analysis; analysis of data.
- Communications: provision of equipment and support.
- Logistics: provision of transport, helicopters and other aircraft; supply, maintenance, etc.
- Cargo and mail inspection at points of entry into the United States (which are generally not covered by Constitutional restrictions on search and seizure).
- Training of law enforcement personnel in military skills related to drug enforcement.

- Reconnaissance: including aerial observation, sensors and ground surveillance.

These objectives appear to be sound but they are not attainable. The United States Department of Defense has performed analysis of the military force it would take to secure U.S. borders against drug trafficking to complete the mission of interdicting drugs. This analysis was reported to the Narcotics control Strategy Report. The needed amount of personnel and supplies area as follows:

- 96 infantry battalions
- 53 helicopter companies
- 210 patrol ships
- 110 surveillance aircraft

An infantry battalion is equivalent to five hundred to a thousand men. In order for a battalion to function in the field, it requires several levels of support from intelligence to logistics units. The same is similar with the helicopter companies. According to this study the end result would be that a force of 500,000 or so personnel would be needed to function in the field. Again according to this report anything less than the stated amount of personnel

would be a waste of resources in as much as drug traffickers would exploit any gaps in the border defenses.

### Conclusion

The response of law enforcement to the increasing drug trade has been enormous. The question that needs to be answered is, "Are these agencies effectively curbing the flow of drugs?" The scope of this paper and the information obtained is limited because of many factors. The first factor is that law enforcement agencies reports and current operations underway are highly classified material which cannot be disclosed to civilians and even certain agency personnel. These law enforcement agencies operate on the military principle of the "need to know basis," and I as a civilian during the course of my research called many different law enforcement agencies for information.

I asked about arrest figures, wiretap figures, and seizures. I was given some statistics but the majority were from 1996 and prior. The current statistics have not been de-classified and I was told many times that if these recent figure were divulged operation's could be jeopardized. That did not seem

like a legitimate excuse but that was the answer I was given.

The second limitation to research was that a lot of information came from the agencies themselves. According to all these law enforcement agencies they are very successful at stopping drugs but as we know drugs are readily available any where in the country. These agencies showed a positive bias towards their own success. I could not use this information alone to come to a conclusion because the results of my research would be one sided.

Throughout my research I have found almost no academic research on this topic. Everything I have found pertains to drug smuggling on the Southwest border, but does not pertain to what law enforcement is doing about it. Due to this problem information was hard to come by so I conducted two interviews with different federal agencies to get some insight from field agents to what exactly is going on.

Throughout my research the constant theme of the "war on drugs" plagued my conscious. I asked myself is there truly a war underway or was this phrase merely window dressing created by the media and the government to create hype about the drug problem to

let the American people think that their tax dollars are hard at work fighting drug king pins in Mexico. I keep reminiscing about when President Reagan told America that we've turned the corner in the war on drugs.

Another important issue to take into consideration is the fact that Mexico relies on the drug trade to support its economy. If there were truly a war on drugs and funding was taken away from Mexico and the borders shut down Mexico would collapse economically. I came across numerous articles citing that there are entire cities and villages in Mexico whose entire populations work centers around the cultivation of marijuana and other drugs. If those drug plantations were destroyed, hundreds and thousands of people would cease to have an income and this would lead to increased crime and impoverish an already poverty stricken country. According to these articles the individuals that refuse to cultivate the drugs are murdered.

The threat of violence, extortion, and bribery are the reasons the drug trade continues to flourish in Mexico. These factors associated with drug smuggling pour over our borders into the United States

and put American lives at risk and threaten the National Sovereignty and security of our nation.

I have viewed many programs where American News crews will go to Mexico and accompany Mexican military and police on "search and destroy" missions for narcotics. I truly believe that these situations are manipulated by the Mexican government and these controlled burns and destruction of these so called drug fields are staged for media purposes trying to show the United States that Mexico is committed to ridding its country of illegal drugs. What people need to understand is the level of collusion that exists between traffickers and law enforcement. As I stated earlier, there has been many documented cases of police and military unloading narcotics for drug dealers and protecting them while in uniform and on duty.

I continue to question if the United States is really committed to stopping drug trafficking. The answer to this question would have to be no. If the US was committed to stop drug trafficking Mexico would have to be de-certified under NAFTA as a country committed to stopping drugs. Offshore bank accounts would have to be made illegal for US citizens to have,

and a multitude of other policy changes would have to be in order to cut down on the flow of narcotics.

There is a delicate balance between politics and drug enforcement and this needs to be understood. These two policies conflict with each other and that needs to be dealt with. Two years ago I had the opportunity to meet the Special Agent in Charge Of the US Customs New York field division. I asked this individual about the problems that NAFTA has created and he said to me, "Evan you have to ask yourself which is more important trade or enforcement?" I said enforcement and he followed up on that comment by telling me that trade is more important than enforcement. He stated that trade was 80% important and enforcement was the remaining 20%.

I have come to the conclusion that law enforcement agencies give their best effort into combating drug trafficking with the amount of resources they have available to them presently. These law enforcement officers and agencies have been somewhat effective in controlling the drug problem. They have made a small dent in the organizations that transport these drugs into the United States. Without these agencies the country would be a violent place to



live. The lack of resources such as manpower and money are the limiting factors when dealing with this issue.

The other problem faced by American agents is that the bi-lateral coordination efforts are hampered between American Federal agents and Mexican Police because of the known collusion of the Mexican Police and traffickers.

The biggest problem that United States law enforcement officers face is often what Customs and DEA believe is a new trafficking trend is in fact months old. By the time it has been detected the drug dealers have moved on to a new technique.

More research needs to be done on this subject to try to get a grasp on the issues that law enforcement faces on a day to day basis. Some possible future studies in this subject field might be able to coax US policy makers into putting more resources into drug programs and enforcement and coming up with new strategies to help rid our country of drugs. The problem of drugs took a long time to develop and it will take an even longer time to cure. In closing, as Tom Cash (personal communication, August 23, 1999), the ex-DEA Special Agent in charge of Miami, said

about US enforcement efforts, "You can do something or you can do nothing."

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