

USAWC STRATEGY RESEARCH PROJECT

ILLEGAL IMMIGRATION: IS IT A THREAT TO NATIONAL SECURITY?

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ABSTRACT

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An upsurge in illegal immigration during the 1990's and first part of the 21st century allowed unprecedented numbers of illegal aliens to reside inside U.S. borders without benefit of government oversight or control. On the positive side, illegal immigrants provided pools of unskilled and semi-skilled labor to fuel growth in the American service-based economy over the last fifteen years. Conversely, illegal immigration during this period became so voluminous and unregulated such that U.S. Border and Immigration Personnel had no idea 'who' was living or operating within the country; a fact exploited by al Qaeda and terribly displayed on September 11, 2001. This project deals with illegal immigration's growing impact on national security, highlighted by incidents such as the 2006 Mexican Presidential candidates deciding to campaign in Southern California, the Mexican Government publishing and distributing 'comic books' detailing how to avoid U.S. Border agents, and the emerging Hispanic Separatist movement known as Aztlan capitalizing on immigrant demographics expressing deference toward Mexican vice U.S. sovereignty. The study will explore recommended changes to immigration enforcement and related domestic social policies, and present a role for DoD to play as part of a greater interagency effort and component of National Security Strategy.

ILLEGAL IMMIGRATION: IS IT A THREAT TO NATIONAL SECURITY?

The purpose of this paper is to show that illegal immigration is a priority national security issue that must be dealt with quickly, firmly and forcibly. Illegal immigration is a serious concern that can no longer be viewed as a secondary matter to other national security challenges such as the war on terrorism or the older war on illegal drugs. Although solving illegal immigration is related to both the war on terror and the war on drugs, it is really the direct effect of a larger problem derived from criminals exploiting lax or inconsistent immigration law enforcement, economics, disregard for the rule of law, and a protracted information campaign. Left unchecked, illegal immigration poses several national security threats which will certainly be noticed and leveraged by enemies of the United States.

Background

The larger problem of illegal immigration manifests itself in three key areas that are symptoms, not the core issue. First, illegal immigration compromises national sovereignty by showing an inability to defend our borders and enforce immigration laws. This inability can be attributed to either lack of resolve, incompetence, or both. Exacerbating the situation, policies and statutes exist at the federal and state levels that seem to make citizenship meaningless, legal immigrant status pointless, and illegal immigrant status penalty-less. Not surprisingly, drug law enforcement has been hampered by the induced rise in illegal immigrant volume and violence.

Second, because of sheer numbers and demographics, illegal immigration compromises our national identity as Americans by fostering an 'under-assimilated' sub-class that still has lingering ties to old cultures, language and customs via the internet, media, and rapid transportation. Different from earlier immigrant groups, modern technology allows this sub-class to avoid severing ties to their origins and operate almost exclusively for temporary or transient economic incentives such as jobs and wages. These conditions produced by technology do not force immigrants to invest commensurate effort to personally identify with the new culture. As a result, intangible but more permanent national bonding qualities such as patriotism, loyalty, and citizenship are precluded.

Third, illegal immigration compromises our national social order by placing strains on the health, education and law enforcement aspects of American society. For example, several metropolitan and rural health care centers have been affected negatively by illegal immigrants forcing them to reduce or eliminate services due to non-payment or simply overwhelming system capacity by sheer volume.¹ There are documented episodes where illegal immigrants

have reintroduced diseases inside U.S. borders that were eradicated decades ago.² In many cases, activists for illegal immigrants have forced school districts to offer bilingual education, and in other localities they have obtained education subsidies for illegal immigrants at tax payer expense.³ Finally, federal, state, and local prison facilities are experiencing increasing populations of illegal immigrants convicted of charges ranging from petty theft to gang violence and drug dealing to murder.

If left unchecked, illegal immigration will soon become a national crisis even if it is only confined to our nation's social infrastructure. However, current news accounts and dispatches already show signs that the effects of illegal immigration reach beyond just social areas. Large illegal immigrant groups could present a threat to national security by creating and harboring voluminous population concentrations with ambivalent or questionable loyalty to the United States. If ignored or left unattended, these relatively unassimilated immigrant population groups offer recruiting opportunities to terrorist entities such as al-Qaeda and affiliated organizations that wish the United States harm. More ominously, these same potentially restive population groups, under the right circumstances and leadership, could participate in a remote but plausible scenario vocalized by radical organizations under the guise of multi-culturalism and attempt to fracture the United States along ethnic lines.⁴ This possibility was recognized by two former Congressmen in a Wall Street Journal Op-Ed piece, by Department of Homeland Security Officials, but more disturbingly, by Iranian officials as well.⁵ Accordingly, illegal immigration must be taken seriously and dealt with stridently on multiple fronts.

This paper will explore three root causes of illegal immigration mentioned earlier, and then discuss controlling illegal immigration by taking three critical steps. The first and most logical approach for controlling illegal immigration deals with gaining effective control of our northern and southern land borders. Border control consists of physically controlling the border through increased manpower and barriers, applying new procedures and technology, and rigidly enforcing the law. Most references and illustrations dealing with border control are focused toward the southern border with Mexico because the majority of border incidents center in that region. However, with a few cultural exceptions, the same concerns generally apply to the northern land border with Canada as well. The second step consists of changing laws to correct loopholes in immigration procedures, law enforcement and flawed incentives. The third and last step is to increase the involvement of local, state, and federal agencies to close domestic lures for illegal immigrants. At the same time, federal agencies authorized to operate outside the country will be encouraged to initiate measures designed to relieve pressure on immigrants to enter and remain in the country illegally.

Discussion

The United States has a single founder nation, Great Britain. U.S. culture, although heavily modified, still over two centuries later, remains essentially British. Interestingly, the British-based U.S. culture has proved incredibly accommodating and resilient over the years assimilating new arrivals from diverse backgrounds and within a fairly short period, recasting them as 'Americans'. This assimilation process commonly referred to as the 'melting pot' has been proudly displayed by the U.S. as a model for the rest of the world to follow. Despite modern American culture's heterogeneous background, American national identity is remarkably unified and has been described as "...a vision of a single nation defined by democratic principles and united by a common public culture and a common medium of discourse."⁶

Nevertheless, the United States is unofficially identified as a nation of immigrants. With the exception of Native Americans (American Indians), all United States citizens at some point can trace their ancestry to origins outside of the country. Some citizens need only go back one generation, while others go back to settlers landing at Jamestown, Virginia or pilgrims landing at Plymouth Rock, Massachusetts.

Throughout U.S. history, our nation has relied heavily on immigration to help develop and expand the country's economy and its accompanying infrastructure. During the 19th century, immigrant labor contributed heavily to the transcontinental railroad construction effort. It can be argued, particularly during the 20th century, that immigrants (relative to the general population) played an extraordinary role in national security programs and ultimately in defense of the nation. Some notable examples were Enrico Fermi, Albert Einstein, and Werner von Braun.⁷ More noticeable to the present American public, immigrants, as a group, have made sizeable contributions to U.S. culture, particularly in the broadcast and entertainment industry. This is by no means a comprehensive list, but Canada at a minimum has provided Lorne Greene, Peter Jennings, Michael J Fox, William Shatner, Jim Carey, Yvonne De Carlo, and Pamela Anderson to the broadcast and entertainment realm. The United Kingdom has produced Bob Hope, Jane Seymour and Angela Lansbury, while Mexico has furnished Ricardo Montalban and Anthony Quinn. Cuba has provided Andy Garcia and Gloria Estefan, while Spain has furnished Penelope Cruz to the list of notable immigrant personalities incorporated into American entertainment culture.⁸ Henry Kissinger, a native of Germany, and Madelyn Albright, originally from what is now the Czech Republic, both served as U.S. Secretary of State.⁹ In the Armed Services, General John Shalikashvili, a Polish native of Georgian parentage, served as Chairman of the Joint Chiefs of Staff¹⁰. At the pinnacle of achievement for anyone, particularly

an immigrant, Arnold Shwartzeneggar, a native of Gratz, Austria has obtained both A-list entertainment personality status and elected office as governor of the most populous state in America -California. The preceding list of recognizable personalities serves as a credible example of an open society where immigrants from diverse backgrounds have been enthusiastically received by the American public. We have welcomed them as residents along with countless others who later made significant contributions to American culture and government. There can be no doubt that the United States offers opportunities not readily found elsewhere that encourage ambition and reward achievement from anyone regardless of their origin. Graciously, the only stipulation is that immigrants obey their new country's laws and properly assimilate within the culture of their adopted society.

Unfortunately, sinister elements outside America's borders have noted the United States' open society, immigrant embracing culture, and until recently, relatively lax immigration enforcement policies. If this were not enough, Mexican government officials overtly encourage illegal immigration by documented policy statements and published literature, while corrupt Mexican law enforcement officials readily aid illegal immigration through illicit actions along the southern U.S. border. There is evidence that suggests terrorists are working in concert with criminal elements such as MS-13.¹¹ Regardless, terrorists have exploited weakness in flawed U.S. immigration procedures and vulnerable U.S. border points before and after 09/11.¹² Department of Homeland Security and Department of Defense officials have said on several occasions that another terrorist attack inside U.S. borders is not a matter of 'if', but when. However, a terrorist attack via illegal immigration channels can and must be prevented. America welcomes and even needs legal immigration but, in light of escalating national security concerns, cannot continue to ignore or tolerate illegal immigration.

Although founded by the British, the U.S. has received large groups of immigrants since its inception at various times from numerous points of origin.

"Most immigrants before the civil war came from Northern and Western Europe. Between 1890 and 1920, many more immigrants sailed from southern and eastern European countries like Italy, Poland and Greece."¹³ The largest wave of immigrants prior to the 1990s peaked in 1910 when 13.5 million people arrived to settle inside the U.S.¹⁴ Today, the immigrant population (both legal and illegal) is estimated to be 35.2 million.¹⁵

Immigrant labor issues are not confined to recent United States history. In the mid-twentieth century, the United States and Mexico had a prior relationship to use transient Mexican labor. The most recent formal program employed by the United States to use immigrant labor was called the 'Bracero' Program.¹⁶ The United States partnered with Mexico

to supply laborers during World War II to solve the critical U.S. agricultural labor shortage caused by troop deployments. The program was started during 1942 and concluded in 1964. During this time span, "...the program legally employed more than 4.5 million Mexican citizens primarily in Texas and California."¹⁷ The Bracero program was always a temporary arrangement that had strict guidelines for both laborers and employers to observe, protected the rights of both United States and Mexican Laborers, and mandated Mexican Laborers return to Mexico at the end of the program. The Bracero program had its problems, but it had the statutory position of a bilateral treaty that offered a measure of regulation and control.

During the last decade of the 20th century, the first five years of the 21st century and in contrast to the legalized arrangements of the Bracero program, a human flood of illegal immigrants, primarily from Mexico, has routinely and systematically crossed our southern border intending to stay permanently in the United States. Since 2001, numbers of illegals crossing per year from Mexico into the United States have been estimated to be at least 1.125 million.¹⁸ This is roughly the equivalent of adding a city the size of Dallas, TX every year.¹⁹

Although public concern about illegal immigration began to simmer in the 1990's, the subject remained on the margins as a national issue until a relatively obscure incident at the Canadian border gained notoriety across the country in the first days of the year 2000. America got a 'hint' of a much greater emerging threat when Ahmed Ressaam was arrested in late December 1999 at Port Angeles, Washington on his way to detonate a bomb at Los Angeles International Airport during the millennium celebrations.²⁰ As it turned out, Ressaam was a loose al-Qaeda associate from Montreal.²¹

Criminals Exploit Immigration Law Enforcement Flaws

Following 09/11 but unrelated to it, the greater Washington DC area was almost paralyzed during October 2002. Eleven apparently random sniper attacks on innocent citizens ranged from just north of Richmond, Virginia to the Washington D.C. suburbs of Montgomery County, Maryland. Following an intensive search over the Virginia and Maryland countryside adjoining Interstate 95 (I-95) corridor, a sniper 'pair' was captured. Afterward, authorities revealed that the primary trigger-man of the duo, Lee Boyd Malvo, happened to be an illegal immigrant following his mother who also illegally entered and remained in the country.²²

Along the southern border, there has been a general increase in lawlessness and criminal activity such as rape and robbery attributed to illegal immigrants.²³ These actions have placed civilian border patrol and law enforcement personnel at significant risk. This lawlessness by illegal immigrants is manifested through increased drug activity that has provided income to

drug cartels but also may have provided financing to future terrorist operations.²⁴ There is increasing evidence that foreign gangs such as Mara Salvatrucha -13 (MS-13) that already operate along the border and inside the U.S. may have already explicitly cooperated with terrorist organizations.²⁵ At the very least, MS-13 has increased its criminal reach from the border into interior states such as South Carolina,²⁶ Virginia and Maryland.²⁷ These accounts combined with subsequent investigative reports how the 09/11 hijackers exploited gaps in immigration and law enforcement have significantly altered the fairly benign attitude the U.S. public had toward immigrants. When sizeable groups of Latin American immigrants began appearing on a regular basis as 'day laborers' in non-border state cities such as Memphis TN, Atlanta GA, Charlotte NC, and Richmond VA, and crime rates associated with these groups began to rise, concern over illegal immigration began to soar. Documented public concern on the subject finally surfaced on the national landscape in 2005 as a priority political issue linked to both national security and domestic policy.²⁸

In a recent Rasmussen poll reported by Angus Reid consultants, "...75 percent of respondents believe [Immigration] is very or somewhat important in an election..."²⁹ These poll results documented a strong degree of public discontent regarding illegal immigration and have sent a message to politicians that they are willing to hold politicians accountable in the next election to solve the problem.

Several reasons have been given for the American public's surge in interest over this issue. Topping citizens' list is a concern over loss of American jobs to illegal immigrants and a related effect of low cost immigrant labor depressing wages. This concern was also reflected by native-born U.S. Latinos.³⁰

Other reasons for concern range across the spectrum from distress over increased crime and violence caused by gangs in areas with high concentrations of immigrant populations, to anxiety over documented accounts of illegal immigrants straining or overwhelming health/educational services, to alarm over the U.S. government's admission regarding the size of the illegal immigrant problem which has been magnified by revelations how the 09/11 hijackers took advantage of security flaws in the immigration system.³¹

Within the last quarter of 2005, US Congress members have confirmed the apprehension of at least one al-Qaeda affiliated operative along the US southern border.³² This latest action coupled with the apprehension of Ahmed Ressam in December 1999 confirms terrorists' intent to illegally breach our border and establishes the need for border security personnel to maintain constant vigilance.

Not surprisingly, illegal immigration issues have energized border state senators, Jon Kyl (R-Arizona) and John Cornyn (R-Texas), along with U.S. House Representatives Tom Tancredo (R-Colorado) and J.C. Hayworth (R-Arizona).³³ To ensure the nation's security and that of its citizens against the threat of terrorist infiltration via illegal immigration methods, the United States must act promptly and proactively.

Economic Impact

Among most immigrants, the primary reason for entering and remaining in the United States is economic. One of the earliest examples of economic disaster forcing mass immigration to the United States was the Irish potato blight/famine of 1845-1849.³⁴ It is estimated that approximately 2 million refugees left Ireland for Great Britain, Australia, Canada, and the United States.³⁵ President John F. Kennedy's biographers traced both his ancestors' arrivals in the United States to the effects of the early 19th century Irish disaster.³⁶ Immigrants from origins other than Mexico fleeing oppressive governments and seeking political asylum are not uncommon. The most recent and enduring example are Cuban refugees that fled the Castro regime in 1959.³⁷ Interestingly, most of the Cuban refugees were professionals and members of the middle class.³⁸ Nevertheless, the main reason for entering the United States from Mexico, which happens to provide the largest portion of legal and illegal immigrants, is almost exclusively economic.

In fairness, the economic pressures on Mexicans to immigrate northward into the United States are numerous and exerted on both sides of the border.³⁹ Mexico is a developing country with two significant sources of income from the United States: direct sales of oil and approximately \$10 billion dollars of direct remittance from citizens and former citizens living in the United States sending money back to relatives still living in Mexico.⁴⁰ In spite of significant oil and NAFTA related trade revenue, the domestic economy of Mexico is a fraction of the economy found north of the border in the United States. Information derived from remarks by US Ambassador to Mexico, Tony Garza, at the Mexican sponsored 'Hemispheria 2005 Conference' placed the 2004 Mexican GDP at \$654.166 billion versus U.S. GDP of \$10.869 trillion.⁴¹ To further refine the Mexican - U.S. economic relationship, it seems that "almost 90 percent of Mexico's trade goes to the United States, while only 15 percent of U.S. exports go to Mexico".⁴² Of these figures, most of Mexico's exports to the U.S. are oil.⁴³

Although there is a nascent middle class of entrepreneurs, skilled workers, and other professionals, the overall Mexican economy is still peppered with bouts of high unemployment cycles coupled with low wages for existing jobs. The Mexican banking crisis of 1982, the

Mexican stock market collapse of 1987-88 and the peso devaluation in 1995 have ensured the current Mexican economic dilemma and essentially squelched any real domestic gains in the Mexican economy.⁴⁴ With a faltering domestic economy showing no valid signs of foreseeable recovery, an immigrant situation is almost unavoidable. Interestingly, other studies indicate that NAFTA has also contributed to the illegal immigrant crisis. NAFTA agreements have flooded the Mexican agricultural market with inexpensive staple grains from the U.S. such as corn. This situation has depressed grain prices and driven a majority of rural Mexican subsistence farmers off their farms.⁴⁵ Accordingly, these farmers, if they are able, head northward as immigrants.

As if the above factors were not enough, the typical Mexican worker labors under a government system plagued by corruption at all levels administering a flawed domestic fiscal policy joined to compromised law enforcement and judicial systems.⁴⁶ It has been estimated that graft or corruption related factors compose up to 25% of the Mexican economy.⁴⁷ These factors contribute to an environment where the objective application of the rule of law is an unfamiliar concept that further hinders the typical Mexican citizen from moving forward socially and economically. Bleak social and economic reality in Mexico coupled with haphazard U.S. immigration enforcement has made the choice fairly obvious for most able-bodied Mexican laborers. They react naturally to the prospect of better opportunities north of the border. Driven by a desire to earn a decent wage that is unencumbered by layers of corrupt bureaucrats picking his pockets, the typical Mexican worker sees a triple lure in the United States of willing employers offering steady work at a significantly higher wage absent the customary graft taxes. US employers need low-wage, unskilled or semi-skilled labor; immigrants need steady work paying relatively good wages unencumbered by hidden taxes to corrupt officials.

Prior to 09/11, neither the immigrant Mexican workers nor the US employers were too concerned about following US immigration laws or Immigration and Customs Enforcement's (ICE) ability to enforce them. Added to this scenario were some state and local governments' policies that flagrantly disregarded U.S. immigration law and deliberately offered 'sanctuary' to illegal immigrants sometimes referred to as 'undocumented workers'.⁴⁸ The end result of the previous examples was an attitude fostered on both sides of the border that only dollars mattered and that the law was merely a hindrance to economic necessity and opportunity. The scenario mentioned above is what currently drives most of the swarm of illegal immigrants. Aside from economic demand, the situation completely discounts a fundamental tenet of American society, the rule of law---these people aren't supposed to be here, yet our business citizenry and some local governments openly encourage violation of federal law. Roughly a decade later, United States citizens are reaping the consequences.

Disregard for the Rule of Law Impact

In addition to being a nation of immigrants, the United States prides itself as being a nation of laws where all classes of citizens have access to justice and 'fair play'. Unlike some parts of the third world, the United States has a clearly defined and practical procedure for the rule-of-law. Congress defines or refines laws based on articles in our constitution ensuring provisions for national sovereignty through border security, executive branch agencies proactively enforce those laws, and the judiciary upholds or affirms the law enforcement. The impartial application of rule-of-law by all three branches of the federal government is the cornerstone of our ability to function successfully as a nation, and defines the United States as a viable entity. Sadly, Mexico in truth has no equivalent tradition.⁴⁹ In the case of Mexico, disregard for the rule of law runs a close second to economic necessity for spurring illegal immigration. Mexico and its citizens view current border arrangements between the United States and Mexico in a disturbingly different fashion from U.S. citizens. To the average Mexican citizen, the international border with the United States means nothing; it is neither respected nor observed. From a 2002 Zogby poll, a majority (57%) of Mexican citizens interviewed stated that they believed "Mexicans should have a right to enter the U.S. without U.S. permission".⁵⁰ Even more outrageous, a slightly larger percentage (58%) stated that "they believed the Southwestern territory of the United States rightfully belonged to Mexico".⁵¹ With documented Mexican opinions like these published by a respected polling organization, it is no wonder that average U.S. citizens view a seeming stampede of Hispanic illegals entering the country with alarm and anger. When web postings from Aztlan Communications and comments from radical academics such as Armando Navarro are taken into account, citizens have a right to be dismayed.⁵² Other than examples cited earlier, a steady increase in border incidents, including discoveries of well constructed tunnels under the border further reinforces the perception that Mexican citizens hold the international border with the U.S. in complete disregard.⁵³ In January 2006, "...a Mexican immigration official, Francisco Javier Gutierrez, was apprehended by the U.S. Border Patrol...100 miles north of the U.S. border at a checkpoint near Alamogordo, N.M. Gutierrez was allegedly trying to assist a group of illegal immigrants sneak into the United States".⁵⁴ Accordingly, Mexico's numerous border violations have finally provoked sharp U.S. diplomatic response and a Congressional inquiry.⁵⁵

By any standard, Mexico's attitude regarding the border with the United States is an inexcusable affront to U.S. sovereignty and national security.

Information Campaign Impact

To garner support for their version of immigration to the U.S., repeated border infractions, and justify their fallacious position regarding the border with the United States, Mexico has cleverly concocted a remarkably sophisticated information campaign waged on several fronts. Parts of this information campaign have been either deliberately or inadvertently supported by agencies in the United States. As supported by the 2002 Zogby poll, it seems that the average Mexican either has no concept of the Treaty of Guadalupe Hidalgo ending the Mexican American War, or flagrantly discounts its provisions as illegitimate.⁵⁶

A 'hint' of official Mexican attitudes and policies toward U.S. sovereignty were delivered at a 1997 Chicago speech by former Mexican president Ernesto Zedillo where he stated that "...the Mexican nation extends beyond the territory enclosed by its borders...."⁵⁷ In early 2005, Mexican actions prompted an outcry from Members of Congress when news broke that the Mexican Foreign Ministry had published and distributed a pocket guide/comic book showing its immigrants the most effective routes into deserted portions of the U.S. border and how best to avoid the U.S. border patrol.⁵⁸ In the spring of 2005, a major U.S. broadcast media giant, Clear Channel Communications, ran a billboard in Los Angeles California depicting the state suffix crossed-out and 'Mexico' superimposed in its place.⁵⁹ Needless to say the public backlash was prompt and proper. The notion of trying to change the U.S. national character, particularly in the southwest, has already been subtly established. Amazingly, Mexican Presidential candidates have allocated campaign time in the United States for the pending 2006 Mexican presidential elections.⁶⁰ Imagine the uproar if a U.S. presidential candidate allocated campaign time and scheduled campaign stops in Canada or Mexico. Indications that pending U.S. immigrant legislation regarding a proposed border fence had struck a nerve with Mexico surfaced in several heated dispatches in the media. Mexican displeasure with the border fence proposal most recently surfaced under the guise of a coordinated Latin American response published by U.S. media in early 2006.⁶¹ The Mexican government has also resorted to taking out "...ads urging Mexican workers to denounce rights violations in the United States and hired a Dallas-based public relations firm to improve the image of Mexico and counter growing U.S. concerns about immigration."⁶² Taking current rhetoric from the Mexican government into account, it is not hard to understand why the numbers of illegal immigrants currently residing in the United States are so large and thus present a potential national security risk.

Prospective Solutions

Just prior to World War I, hostile activities flared along the U.S. southern border due to Pancho Villa's lawless raids against US citizens and their property.⁶³ In response, President Wilson dispatched General Pershing and an expeditionary force to capture Villa and restore law and order along the border. Although Villa was never captured, General Pershing's expeditions managed to halt Villa's raids and restore calm to the southern border area. Otherwise, the United States' northern and southern borders remained relatively quiet and uneventful for most of the 20th Century up to the 1970s. This 'state-of-affairs' was primarily due to more pressing U.S. foreign and domestic interests that included two World Wars, Korea, Viet Nam, and a worldwide depression.

Until the 1970s, border control attitudes along the southern border assumed that the Rio Grande River, vast expanses of desert & mountain wilderness and a few fences with some manned patrols provided enough border security. The same attitude was echoed along the Northern Border and assumed the Saint Lawrence River, the Great Lakes, and large tracts of forested wilderness with mountains plus even fewer fences and manned patrols provided enough border security to keep undesirables out of the country. In the 21st century, sole reliance on unsupervised or unpatrolled wilderness and natural barriers are not enough. Active, manned border control must be implemented. The most pressing concern is... do Americans have the will and stamina to implement the needed changes?

Border Control

A well understood and generally accepted concept of the Wesphalian model is the right of a nation's citizens to be secure within their borders and the ability of the national government to provide and guarantee that security. The United States' implied constitutional requirement for border control applies not only to immigration and the overall protection of the nation's citizens, but also for the proper regulation of trade and commerce.⁶⁴ Related to this concept is the need to prevent the inadvertent spread of disease and interdict counterfeit or prohibited goods.

At our border, US agents should be a first line of defense or control by knowing 'who' is coming into the country, what travelers' intentions and itinerary are while they're here, where they're traveling while they're in the country, and when will they be leaving.

The contiguous 48 United States hereafter referred to as the "United States" has two land borders: one to the north with Canada, and the other to the south with Mexico. The United States' northern border with Canada (excluding Alaska) is approximately 4000 miles long. Although there are some minor boundary disputes still pending with Canada dating back to the

19th Century, the northern border has often been referred to as the longest undefended border in the world.⁶⁵ With the exception of a tunnel discovery related to drug smuggling under the U.S. and Canadian border in July 2005, border incidents along the northern border have been almost non-existent.⁶⁶ While the southern border spans only half the northern border's distance at 1989 miles, over the years it has engaged the preponderance of U.S. border attention by the amount of incidents, skirmishes and resources that occur there.

The only reason for a reevaluation or change to 'tighter' border security during the 1970s was to combat a surge in illegal drug traffic generated to satisfy America's growing appetite for illicit drugs. In the 1970s, border patrols, checkpoints, and barriers were increased to prevent illegal drug shipments from transiting the border. Although the US southern border with Mexico is essentially half the distance of the northern border, it contains a disproportional bulk of U.S. border resources and attention.⁶⁷ This situation is due primarily to the volume of illegal immigrants and illicit drugs that routinely cross the southern border. Nevertheless, the northern border with Canada was not exempt from the same illegal drug activity taking place along the southern border. Even with increased patrols and facilities to interdict illicit drug traffic, conditions along both borders prior to 09/11 could still be characterized as a homeowner going to sleep with all house doors open to the public. The United States' borders were just about as porous as 'Swiss Cheese'. Unfortunately, the huge volume of both people and cargo daily transiting our borders pose a serious challenge to the goal of obtaining greater border security.⁶⁸ To achieve the desired objectives requires a significant contribution of both national will and means.

Recent articles in the media indicate there is a growing movement seriously considering the possibility of constructing a 'wall' along the southern border based on a variation of the Israeli security fence.⁶⁹ This concept is step in the right direction, but would still only be a partial solution for stemming the human flow across the border. Ideally, the proposed barrier would 'channel' traffic into controlled areas heavily manned by the border patrol, thereby relieving pressure to be everywhere all the time. Another physical measure currently being implemented to increase security has been to increase the size of the border patrol to accommodate more patrols, at higher manning levels, patrolling more often. Congress, working through the Department of Homeland Security and Department of Defense has implemented this option. More Border Patrol personnel augmented by active duty United States military functioning in a surveillance role have helped to further strengthen physical border security.

Joint Task Force – North (formerly JTF-6) has readily fulfilled that task, but has a limited role due to Title 10 restrictions. The only other option currently being contemplated by Arizona

is to employ the National Guard in an active role protecting its border with Mexico. As long as the Arizona National Guard remains under state control, Posse Comitatus restrictions do not apply. The Arizona National Guard can participate in law enforcement missions prohibited for federal forces. However the best mode of employment for the National Guard would be as a quick reaction force that reinforces the border patrol on an exception basis. This option would save resources, allow the Border Patrol to remain the lead agency in border control, and send a message to Mexico that the United States is serious about its borders, but soften the message by not completely militarizing the border. Because the combined length of the northern and southern border is approximately 6000 miles, President Bush has cautioned there is a limit to how much additional manned patrols can accomplish.⁷⁰ Accordingly, technological improvements to augment security such as aerial drones, lighting, and sensors have come into play.⁷¹

Regulation of commerce is the final essential element pertinent to an effective border control policy. This last aspect potentially poses the hardest dilemma.

Preventing terrorist access along with maintaining law and order or eliminating criminal activity imply a degree of rigid enforcement that if executed improperly would at least hinder the free flow of legitimate goods and at worst shut down cargo transit completely. Either scenario is unacceptable. Technology advances seem to offer the best solution due primarily to the volume of cargo shipments involved. The only exception (but it doesn't arise necessarily from terrorist or illegal actions) is a quarantine scenario. This is a cumbersome method intended to prevent the spread of disease such as 'Mad Cow' or Avian flu in livestock, stop the transit of a WMD container, or seize a shipment of contraband such as illegal drugs. Other than the quarantine option for suspicious cargo, goods and services must otherwise be free to transit the border unimpeded. Regardless, solutions for increasing physical border security will require significant increases in resources but must be buttressed by meaningful changes in both laws and economic policy.

Change the Law

The United States must consistently and aggressively enforce laws protecting its borders and, when applicable, eliminate or modify those laws or procedures that don't work.⁷² After 09/11, when analysis of how events happened began to emerge, Americans learned that all 19 culprits were foreign agents that circumvented 'gaps' in our border control and immigration system either physically, procedurally, or both.⁷³ At least a few of the 09/11 agents were in the

country on expired student visas immediately prior to committing their attacks.⁷⁴ Accordingly, immigration procedures and laws must be reevaluated and strengthened where necessary.

Regarding law enforcement procedures, changes toward the handling of illegal immigrants to detain and deport vice catch and release are being implemented.⁷⁵ At the federal level, a pending U.S. House of Representatives Bill introduced in late 2005 offers several features.

First the House bill "criminalizes the act of crossing into the U.S. border; prior offenses were treated as merely civil offenses. Second, the legislation requires employers to verify the citizenship or legal residency of employees. Third, the federal bill gives more authority to local law enforcement agencies to arrest and detain illegal aliens."⁷⁶

The pending House bill provides a good first step, but needs to go further. The only flaw in the House bill is a missing provision to penalize state and local 'self-declared' immigrant sanctuaries such as Oregon and Maine or Houston, TX and Durham, NC by withholding social program federal funding.⁷⁷ States such as Georgia and Arizona have bills pending to encumber financial wire transfers that immigrants frequently use to send funds back to Mexico.⁷⁸ Another pending procedural 'fix' left to the states to indirectly stem the flow of illegal immigration is to tighten the requirements for obtaining a driver's license. Currently, states such as North Carolina and Tennessee have gained a notorious reputation for glibly issuing driver's licenses to virtually anyone that applies for one.⁷⁹ Virginia has already tightened its procedures for obtaining driver's licenses since the revelation that several terrorists apprehended since 09/11 had obtained driver's licenses under false pretenses. Until loopholes like this are closed, illegal immigrants will be encouraged to continue to exploit gaps in our system. The RealID act signed by President Bush in May 2005 attempts to apply federal leverage to fix this problem.⁸⁰ Lastly, by the pending House Bill focusing on basic principles such as increasing enforcement of existing laws, ensuring 'true' verification of immigrant legal status by state agencies and potential employers, plus buttressing employer penalties, particularly asset seizure, a significant trend will start toward shrinking the illegal immigrant problem.⁸¹ However, to effectively stop the flow of illegal immigrants, steps must be taken to ensure that they have no particular incentive to leave Mexico.

Engagement

Economies south of the border, particularly Mexico, must be stabilized, and then closely followed by efforts to cleanse the political landscape from overt corruption and avarice. This will require dedicated, active interagency cooperation primarily by U.S. Agency International

Development (USAID) and USNORTHCOM via a theater security cooperation plan directed mainly at Mexico. USNORTHCOM and the U.S. State Department should actively engage the Mexican government to institute political reforms that will reduce corruption and make economic payoffs greater through legitimate business means instead of under-the-table payoffs to tainted officials. Efforts by USAID should be directed toward private mid-level economic investment in Mexican communities that not only create jobs, but also improve public services and infrastructure. Results will not happen overnight. The illegal immigration situation comes from 20 years of neglect. The process will be slow and laborious—conditions that run counter to the ‘microwave society’ prevalent in 21st century America. However, the potential payoff should be equal to the investment.

Close engagement by USNORTHCOM with the Mexican military must be done carefully due to the endemic corruption that permeates most of the Mexican government.⁸² I believe the main reason the United States has been so slow to directly address the immigrant problem is not only for the availability of inexpensive labor favorable to business. It is really because of our heavy dependence on Mexican oil. In the late 1930s, Mexico nationalized its petroleum industry. Although a settlement was later reached, U.S. corporations were only compensated pennies on the dollar by the government of Mexico.⁸³ As such, both U.S. government and business learned a bitter lesson that no one wants to repeat. In theory, if we carelessly affront the Mexican government, they could reduce or eliminate their oil exports to the United States. Therefore the United States should proceed cautiously with a plan that clearly depicts long-term benefits to all of Mexican Society. If we do not pursue an active economic engagement strategy, other strategies mentioned earlier will probably only amount to band-aids on a chest wound.

Conclusion

Illegal immigration is a concern that poses a serious threat to national security. In the broadest sense, it sends a dangerous message that to the U.S. Government: its laws do not matter, it is incapable of enforcing its borders, and it cannot protect its citizens. Illegal immigration has been shown to provide cover for terrorist opportunities, spur growth in crime, and strain social resources. Although illegal immigrants come from numerous origins, the vast majority of illegal immigrants come from Mexico. Illegal immigration from Mexico has several root causes stemming from Mexican criminal elements exploiting flaws in U.S. immigration law enforcement, Mexican economic depression, Mexico’s disregard for U.S. rule-of-law, and Mexican society along with the Mexican government waging a comprehensive information

campaign against the U.S. Solving the illegal immigration challenge has to employ a national strategy that addresses each of the root causes as a national priority. All aspects of national power must focus on physical security of the border, coherent and enforceable laws, and a strategy to grow the Mexican domestic economy so that middle and low income Mexican citizens can make a living by remaining in Mexico. There are several ways to fix or mitigate the challenges presented. However, to properly implement these solutions will take a substantial commitment in resources, patience, and national will.

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