

The State of Security in the U.S.-Mexico Border Region

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Executive Summary

Increasing Federal Investment—and Involvement—in a Complex Binational Region

The state of security along the U.S.-Mexico border easily ranks as one of *the* most highly charged topics of public discussion and debate in *both* the United States and Mexico of the past several years. Concerns about global terrorism, potential threats posed by those entering the United States illegally, and fears that skyrocketing violence in Mexico might “spillover” into the United States have led to dramatic policy shifts and significant new investments by the U.S. to “secure” the border. Yet discussions about border security cannot be fully extricated from or effectively addressed in isolation from other policy areas such as trade and the environment. As demonstrated elsewhere in this report, the promise of free trade and increased commerce between both countries has never been stronger, but ironically, concerns about border security have also slowed economic integration and had a divisive effect on border communities.

Addressing the complex inter-play between security and prosperity at the border is further complicated by the confusing mosaic of overlapping networks of federal, state and local agencies charged with keeping the border area and two nations safe. Diverse policies such as the U.S.’ war on global terrorism; free trade agreements such as NAFTA and the pending Trans-Pacific Partnership; U.S. immigration policy; the Mexican federal government’s strategy to confront organized crime; the Merida Initiative; police and judicial system reform in Mexico; a rapidly changing governmental architecture; building interagency and cross-border collaboration and trust; border management and trade facilitation all play out in some fashion at the border sometimes effectively and productively, and in other instances very inefficiently. All of this has taken place in a context in which U.S.-Mexico bilateral relations have become both more collaborative and more controversial at the same time.

Ironically, many of these policies have little to do with the border *per se* but reflect broader *domestic* concerns regarding national security and public safety in the U.S. and Mexico. In large part, the border region is where these often controversial landmark international accords such as NAFTA and national policies “bump up against” stubborn on-the-ground realities in ways that are particularly challenging. To take just one example, there were no new land ports of entry built on the U.S.-Mexico border between 2000 and 2009, posing huge challenges for both commerce and security.

A snapshot of security issues at the U.S.-Mexico border reveals increasing though always controversial federal involvement in a region that has historically maintained a cultural and political independence from both national capitals. The unprecedented U.S. security buildup along the border post-9/11 stands out as a key feature of the increased federal role and is exemplified by the buildup in federal personnel. The U.S. Border Patrol now has over 21,000 agents assigned to the various border patrol sectors, a 518% increase in staffing since the early 1990’s. Additionally, investments in infrastructure (fencing) and technology *between* the land ports of entry stands in stark contrast to the multi-billion dollar deficit in ports of entry infrastructure¹ that hampers both legitimate trade and travel as well as effective security operations.

North-South and East-West Asymmetries

Security asymmetries abound along the U.S.-Mexico border. As measured by Federal Bureau of Investigation crime statistics, U.S. border cities rank among the safest in the United States, and stand in stark contrast to the fragile-though-improving security situation in major Mexican border cities such as

¹ Mikhail Pavlov, Customs and Border Protection, DHS, “Meeting Land Port of Entry Modernization Needs in Constrained Budgetary Environment,” presentation to the Joint Working Committee, March 14-15, 2012, <http://www.borderplanning.fhwa.dot.gov/filemanager/filemanager.aspx>.

Ciudad Juárez. The disparity in crime and violence across the border is explained in part by the vast difference in institutional capacity (police, courts, etc.), yet this is not the only explanation. This paper underscores the remarkable difference between the *relatively* peaceful western end of the Mexican side of the border (which includes the states of Baja California and Sonora) and the four eastern states (Chihuahua, Coahuila, Nuevo León and Tamaulipas) that have suffered numerous high-profile, horrifying and deeply tragic mass homicides that have left a lasting impact on public sentiment and the public debate in both countries.

What is Needed Most? Creativity, Capacity-building, and Collaboration

As the economies, cultures, and destinies of both nations become increasingly intertwined, both federal governments, the border states and communities will have to find new, creative and robust ways to increase public safety in the U.S.-Mexico border region. This will require greater capacity at the state and local level as well as greater creativity and patience at the federal level. Even though both countries have continued to strengthen cross-border collaboration—most recently codified in official policy with the remarkable May 19, 2010 Joint Declaration on Twenty First Century Border Management by President Barack Obama and President Felipe Calderón—the U.S. and Mexico have only recently begun to make real progress on a bi-national security regime that is sustainable and “built to last.”

Lasting progress in U.S.-Mexico border security can only come from increased *bilateral collaboration* and *independent domestic progress* on key issues affecting security in the United States and Mexico. Significant progress has been made in increasing and improving bilateral security collaboration between federal agencies on both sides of the border. While a welcome development, these advances can, in some cases, weakened the long-standing cooperation between local U.S. and Mexican law enforcement agencies. While it is important to continue strong federal coordination, encouraging local collaboration can also yield significant and important dividends in fighting crime affecting cross-border cities.

Improved border management, a challenge during normal fiscal times, is particularly difficult in the United States’ constrained fiscal environment and thus requires increased attention and creative solutions. For example, the two governments—in close collaboration with border communities— should focus their efforts on making the land ports of entry from San Diego to Brownsville as safe and efficient as possible to enhance both our physical and economic security. One such effort has been the highly controversial experimental deployment of the SBInet system on the Arizona-Sonora border. While this technology has been deployed on the border *between* the ports of entry, the governments have not deployed technology in a game-changing way that could convert the ports of entry themselves into true platforms for economic security rather than highly congested and bureaucratized nodes in our North American commercial network.

Depressurizing and innovating in the border region

Ultimately, security in either country does not depend solely on what happens at the border. Rather, the more the two governments can push key security processes away from the border, the better. Disrupting illegal bulk cash transfers or firearms trafficking can be done more effectively through investigations and intelligence operations away from the border, than random vehicle checks at the border.

Much work remains to be done in strengthening overall law enforcement capacity in both countries to challenge cross-border trafficking and criminal activity. For example, fully implementing justice reform and advancing police professionalization in Mexico, as well as disrupting the organizations engaged in migrant smuggling, human trafficking and moving illicit substances northward into the United States would be important steps forward. Likewise, the United States needs to demonstrate greater political

courage and creativity to fulfill its commitments to reduce the demand for illegal drugs at home, and disrupt the flow of weapons and money that exacerbate the violence associated with drug trafficking. Enhanced collaboration to fully implement justice reform in Mexico—the shift to an effective oral adversarial system of justice—would represent a critically important element of what the two countries might achieve together to create better security generally and in the border region in particular. What stands out about justice system reform in particular is that landmark constitutional reforms were passed by Mexico’s Congress in 2008 with an 8-year transitional period established; yet progress on implementation of the reforms has been slow, with no procedural reforms adopted at the federal level and only a handful of states fully implementing the reforms. Interestingly, border states such as Chihuahua and Baja California stand out for their implementation of reform and are in the vanguard of this fundamental change.

Additionally, progress in modernizing and professionalizing Mexico’s multiple police forces and improving public trust in law enforcement will be critical to creating a safer U.S.-Mexico border region. The Calderón Administration made some progress in this area at the federal level but there is room for much more improvement at all levels of law enforcement, particularly at the state and municipal levels.

Ultimately, while the U.S.-Mexico border region enjoys a long history of independent thinking, new and innovative approaches will be needed to ensure the border area remains safe while also facilitating the enormous economic potential that exists between and among both countries. Achieving the delicate balance between federal and local needs, and economic versus security concerns, will require greater patience in the form of a more realistic (longer) policy implementation timeline, improved leadership, and creative thinking by all parties.

A framework for measuring border security: key objective and subjective factors

The purpose of this paper is to begin to set a base line for measuring border security between the United States and Mexico. Our plan is to re-examine these issues on a semi-regular basis, making adjustments to both the methodology and criteria as needed. To initiate this process, we have chosen to **focus on four major areas** to evaluate related to border security. These include **incidence of terror related activity and warnings at the border; levels of violence on both sides of the border** and an assessment of how these might be linked; **seizures of dangerous drugs, money and firearms** at the border; and efforts aimed at **apprehensions of undocumented and unauthorized migrants**.

In addition, border security is characterized not only by objective measures such as the above, but also by a broad spectrum of subjective factors including key U.S. and Mexican government strategies and policies in response to border security challenges. These include efforts such as the 21st Century Border interagency initiative in the U.S. and Mexico and efforts to upgrade land ports of entry along our shared border. More specifically, national efforts include a broad range of rule of law efforts in Mexico, the new U.S. Border Patrol Strategic Plan 2012-2016 and anti-drug efforts in the United States and particularly Mexico. Finally, we make special mention of the impact of technology in border security, which has seen ups and downs over the past several years but which promises to change how our shared border is managed in the years ahead.

The State of Security in the U.S.-Mexico Border Region

Eric L. Olson and Erik Lee



Photo by Erik Lee

Introduction: The National Security Impact of U.S.-Mexico Border Security

The state of security along the U.S.-Mexico border region easily ranks as one of *the* most highly charged topics of public discussion and debate in *both* the United States and Mexico for the past several years. It is an important issue that involves a number of complex public policy pieces, many of which do not have anything to do with the border *per se* but reflect domestic concerns regarding national security and public safety in the U.S. and Mexico. In many ways, the border region is where these national policies—and stubborn on-the-ground realities—“bump up against” one another in ways which are particularly challenging to analyze and around which to build good public policy.

Both federal governments have made the border region’s security a priority focus, though this is particularly true in the case of the United States since September 11, 2001. As the horrors perpetrated on that day began to sink in among the American people and U.S. policy makers, one area of immediate concern was the country’s borders with Canada and Mexico. The border with Mexico in particular became a matter of special focus out of fear that terrorists might use the relatively porous Southwest border as an entry point into the United States to carry out further terrorist attacks against the homeland.

With this in mind, the Department of Homeland Security (DHS) was created by the U.S. Congress through the Homeland Security Act of 2002. It represented the largest realignment of the U.S. federal government since World War II. Twenty-two different agencies were moved, consolidated and/or reorganized under the aegis of DHS, including some of the key agencies that managed security along the U.S. border with Mexico. These new agencies included Customs and Border Protection, which includes the U.S. Border Patrol, the Office of Air and Marine, and the Office of Field Operations. In addition, the U.S. Congress created a new unified command (Northern Command or NorthCom) whose primary mission is to protect the U.S. homeland from external attack, and provide “civil support” in response to “domestic disaster relief operations that occur during fires, hurricanes, floods and earthquakes.”² NORTHCOM’s mission also includes support for “counter-drug operations and managing the consequences of a terrorist event employing a weapon of mass destruction.”³

Now, eleven years after the 9/11 tragedy, we have an important opportunity to look again at the issue of border security and see how the issue has evolved and changed in that period. While prevention of cross border terrorist threats formally remains the top priority for border agents, secondary issues have come much more to the fore, possibly because real cross-border terrorist threats have not materialized, and partly because other more pressing issues have taken center stage – stopping cross border violence, illegal migration, and drug trafficking.

Bottom line, the border security agenda has become less about national security and terrorist threats, and more about public safety.

A framework for measuring border security: key objective and subjective factors

The purpose of this paper is to begin to set a base line for measuring border security between the United States and Mexico. Our plan is to re-examine these issues on a semi-regular basis and make adjustments to both the methodology and criteria as needed. To initiate this process, we have chosen to focus on four major areas to evaluate related to border security. These include incidence of terror related activity and warnings at the border; levels of violence on both sides of the border and an assessment of how these might be linked; seizures of dangerous drugs, money and firearms at the border; and apprehensions of undocumented and unauthorized migrants.

In addition, border security is characterized not only by objective measures such as the above but also by a broad spectrum of subjective factors including key U.S. and Mexican government strategies and policies in response to border security challenges. These include efforts such as the 21st Century Border interagency efforts in the U.S. and Mexico and specifically efforts to upgrade land ports of entry along our shared border. More specific, national efforts include a broad range of rule of law efforts in Mexico, the new U.S. Border Patrol Strategic Plan 2012-2016 and anti-drug efforts in the United States and particularly Mexico. And finally, we make special mention of the impact of technology in border security, which has seen ups and downs over the past several years but which promises to change how our shared border is managed in the years ahead.

² From Northcom website - United States Northern Command: Defending our Nation, About Northern Command <http://www.northcom.mil/About/index.html>

³ Ibid.

Potential vs. Actual Cross-border Terror Threats

During the months and years following the 9/11 terrorist attacks, the nation's long and relatively porous and undefended borders, particularly the U.S.-Mexico border, were drawn deeply into the national conversation about national security. Border security became part of the overall analysis and rethinking of U.S. national security vulnerabilities, which included transportation networks and other critical infrastructure security. Ironically, the 9/11 terrorists did not enter the United States over the northern or southern border but entered legally on student or immigrant visas.⁴ Nevertheless, fear that U.S. borders could be vulnerable to terrorist incursions led to a number of important policy decisions. Significant fortification of the border with additional staff, equipment, and infrastructure to make access more difficult became the principal way policy-makers sought to address perceived border vulnerabilities. Along the way, these concerns were conflated with a growing call for restrictive immigration policy, and the so-called "sealing" of the border to keep out undocumented migrants, criminals and to halt exploding violence in Mexico from crossing into the United States. Despite these concerns, various public announcements (testimony, speeches, and the like) on the part of federal government officials in various agencies state a common theme: no significant terrorist threat to the United States has materialized in Mexico nor penetrated the U.S.-Mexico border since 2001. The State Department's annual country reports on terrorism provide clear language to this effect.

"There was no evidence of ties between Mexican criminal organizations and terrorist groups, nor that the criminal organizations had aims of political or territorial control, aside from seeking to protect and expand the impunity with which they conduct their criminal activity...There was no indication that terrorist organizations used Mexico as a conduit for illicit activities."

—U.S. Department of State Country Reports on Terrorism 2010

One U.S. government agency charged with keeping terrorists from crossing into the United States is the United States Border Patrol, a division of the U.S. Customs and Border Protection (CBP). The U.S. Border Patrol specifically seeks to "Prevent Terrorists and Terrorist Weapons from Entering the United States."⁵ It would come as no surprise to anyone with a passing interest in border security that U.S. Border Patrol strategy, goals, objectives, and tactics are the subject of fierce public debate. Recently, the United States Government Accountability Office criticized the new U.S. Border Patrol Strategy in a report, "Border Patrol Strategy: Progress and Challenges in Implementation and Assessment Efforts." As reported by GAO, the Border Patrol finds itself in a challenging period characterized by multiple transitions:

"Border Patrol officials stated that the 2012 Strategic Plan will rely on Border Patrol and federal, state, local, tribal, and international partners working together to use a risk-based approach to secure the border, and include the key elements of "Information, Integration, and Rapid Response" to achieve objectives. These elements were similar to those in the 2004 Strategy and GAO's past work highlighted the progress and challenges the agency faced obtaining information

⁴ 9/11 Commission Report, pg. 155. <http://www.9-11commission.gov/report/911Report.pdf>

⁵ 2012-2016 Border Patrol Strategic Plan. *The Mission: Protect America*, page 9.

necessary for border security; integrating security operations with partners; and mobilizing a rapid response to security threats.”⁶

In this context of ambiguity, institutional challenges and an overall lack of good data, precise measures of terror activity in the U.S.-Mexico border region are difficult to come by. However, U.S. border security officials interviewed for this report stated that the primary terrorist-related concern at the border involve Aliens from Special Interest Countries (ASIC) , nationals from countries that are either designated state sponsors of terrorism (such as Iran) or countries where terrorist organizations are known to operate (such as Colombia or Pakistan). The ASIC designation does not necessarily imply the person is a terrorist, but it does subject him/her to closer scrutiny by Customs and Border Protection officials than other aliens apprehended at or between the ports of entry.

According to information from CBP, ASIC arrests by the Border Patrol increased 44 percent between Fiscal Year 2007, when 462 arrests were made, and Fiscal Year 2010, when 663 arrests were made. During Fiscal Year 2011 the number of arrests dropped to 380, a 43% decline when compared to 2010, and the trend lines through June, 2012 were down another 32%. The majority of these arrests occur on the Southwest border, including 193 reported between January and June 2012 (see Table 1 below).

Table 1: Arrests of Aliens from Special Interest Countries (Southwest Border), FY2000-FY2012

Fiscal Year	Number of Arrests
2000⁷	676
2001	766
2002	849
2003	807
2004	626
2005	510
2006	No data available
2007	462
2008	No data available
2009	No data available
2010	663

⁶ “Border Patrol Strategy: Progress and Challenges in Implementation and Assessment Efforts,” U.S. Government Accountability Office, Highlights of GAO-12-688T, a testimony before the Subcommittee on Border and Maritime Security, Committee on Homeland Security, House of Representatives.

⁷ “Border Security: Apprehensions of ‘Other than Mexican’ Aliens.” Congressional Research Services. 9/22/2005. P20

2011	380
2012 (January to June only)	193

Sources: Congressional Research Service (2000-2005 data); Internal U.S. Customs and Border Protection report, “Aliens From Special Interest Country.” 2012.

The data available seems to indicate that ASIC reports—including those made on the Southwest border—are in decline. The authors of this report are unaware if any of these cases have resulted in specific terror-related investigations, although there was one publicly reported case involving a Somali man in Texas that allegedly involved links to Al-Shabab.⁸

Nevertheless, public statements provided by the U.S. intelligence community and the Department of State suggest that risks are of a potential rather than actual nature (documented and verified). In its 2010 Terrorist Threat Assessment for Mexico, the Department of State notes that, “There was no evidence of ties between Mexican criminal organizations and terrorist groups, nor that the criminal organizations had aims of political or territorial control, aside from seeking to protect and expand the impunity with which they conduct their criminal activity.”⁹ According to the Department of Justice, however, “the threat of terrorism exists wherever criminals regularly exploit gaps in homeland security. Terrorists could conceivably attempt to enter the United States or smuggle weapons of mass destruction across the Southwest Border by utilizing routes and methods established by drug and alien smugglers.”¹⁰

Levels of Violence in the U.S.-Mexico Border Region: Focus on the U.S. Side of the Border

“The Mexican cartels have a presence in the United States, but we are not likely to see the level of violence that is plaguing Mexico spill across the US border. We assess that traffickers are wary of more effective law enforcement in the United States. Moreover, the factor that drives most of the bloodshed in Mexico—competition for control of trafficking routes and networks of corrupt officials—is not widely applicable to the small retail drug trafficking activities on the US side of the border. “

—Unclassified Statement for the Record on the Worldwide Threat Assessment of the US Intelligence Community for the House Permanent Select Committee on Intelligence. James R. Clapper, Director of National Intelligence, February 2, 2012

The risks and potential for spillover violence in the United States that is connected to drug trafficking and other criminal trafficking between Mexico and the United States has been a major concern for policy makers and for communities along the border and, indeed, across the United States. Yet efforts to measure the extent to which spillover violence is occurring have been difficult. In general, spillover violence is understood to be the violence that occurs as a result of the transnational trafficking of drugs. It can be directed at civilians, law enforcement officers, and other criminals or criminal organizations.

⁸ “Fed Issues Terror Watch for Texas/Mexico Border.” By Jana Winter, Fox News Latino, May 26, 2010 <http://www.foxnews.com/us/2010/05/26/terror-alert-mexican-border/#ixzz20R4XJNmK>

⁹ Department of State, “Country Reports on Terrorism 2010, Western Hemisphere.” <http://www.state.gov/j/ct/rls/crt/2010/170259.htm>

¹⁰ Department of Justice, “FIGHTING CRIMINAL ACTIVITY ON THE U.S. SOUTHWEST BORDER,” <http://www.justice.gov/jmd/2009factsheets/pdf/rollout-fact-sheet-swb.pdf>

The debate about spillover violence has been divided along three lines. Some local U.S. authorities claim that spillover violence is real and a serious threat to the safety and security of the United States. According to a report by two retired U.S. generals:

Living and conducting business in a Texas border county is tantamount to living in a war zone in which civil authorities, law enforcement agencies as well as citizens are under attack around the clock. The Rio Grande River offers little solace to the echoes of gunshots and explosions. News of shootings, murders, kidnappings, beheadings, mass graves and other acts of violence coming across the border go far beyond any definition of “spillover violence.”¹¹

Other experts and analysts have argued that there is insufficient data to draw conclusions about spillover violence. The Justice Department’s National Drug Intelligence Center stated in a 2011 report that, “NDIC is unable to confidently assess the trends in overall drug-related crime in the U.S. Southwest Border region.”¹² It found that “Isolated instances of crimes such as kidnappings and home invasions robberies directed against those involved in drug trafficking are reported in U.S. border communities. However, the available data are insufficient to support trend analysis – particularly an analysis of whether such crime is increasing.”¹³

Still others, including the Woodrow Wilson Center’s Mexico Institute, have used Federal Bureau of Investigation crime data to show that overall crime along the United States side of the international boundary is lower than the national and statewide averages and that the border region has not experienced an increase in violent crime during the last five years.¹⁴ See Figure 1 below, which shows the relatively low level of violence in the major U.S. border cities.

NDIC supports this view when it states in its 2011 report that, “Federal Bureau of Investigation (FBI) data show that overall violence crime rates in the Southwestern states trended downward between 2007 and mid-2010, while overall property crime rates generally remained stable.”

In general, then, the authors of this report have concluded that there currently is insufficient evidence to suggest a pattern of spillover violence between Mexico and the United States that affects the major U.S. urban centers along the border (see Figure 1).

¹¹ “Texas Border Security: A Strategic Military Assessment.” By Barry R. McCaffrey and Robert H. Scales, COLGEN: America’s Premier Landpower Advocate. September 2011.

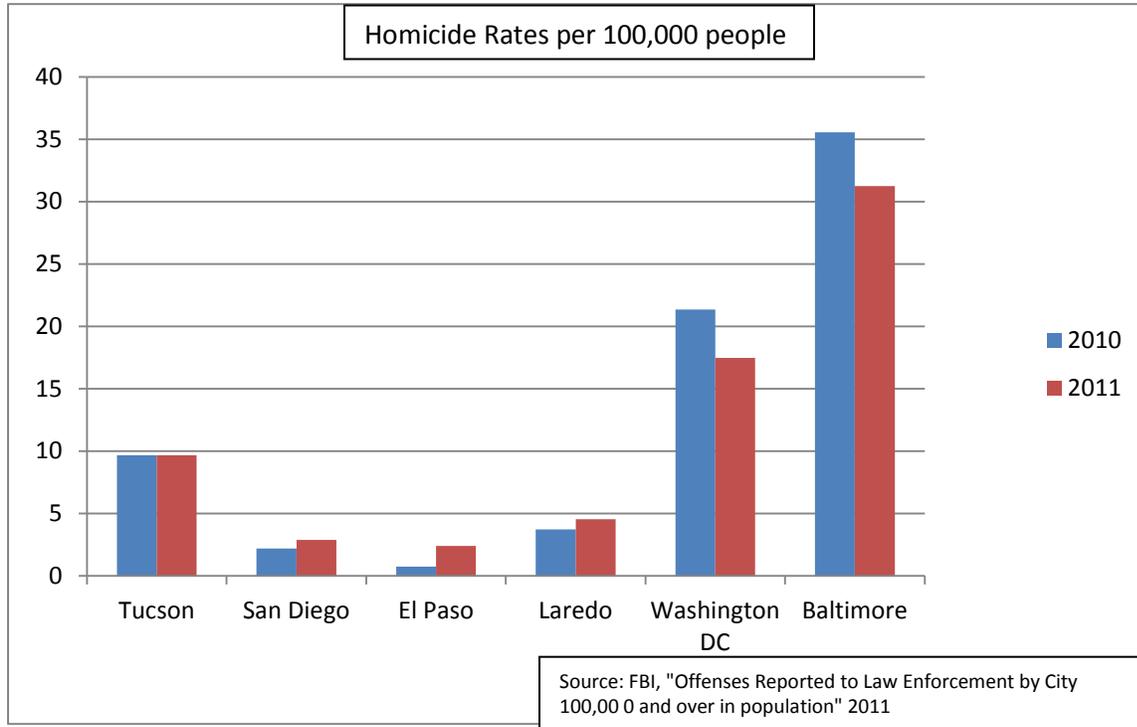
¹² National Drug Threat Assessment 2011, U.S. Department of Justice, National Drug Intelligence Center, Pg. 17.

¹³ Ibid,

¹⁴ “Crime Data and Spillover Violence along the Southwest Border,” By Christopher E. Wilson, Mexico Institute, Woodrow Wilson International Center for Scholars. 2011.

<http://mexicoinstitute.files.wordpress.com/2011/10/border-violence-brief-10-14-2011.pdf>

Figure 1: Violence in Major U.S. Border Cities



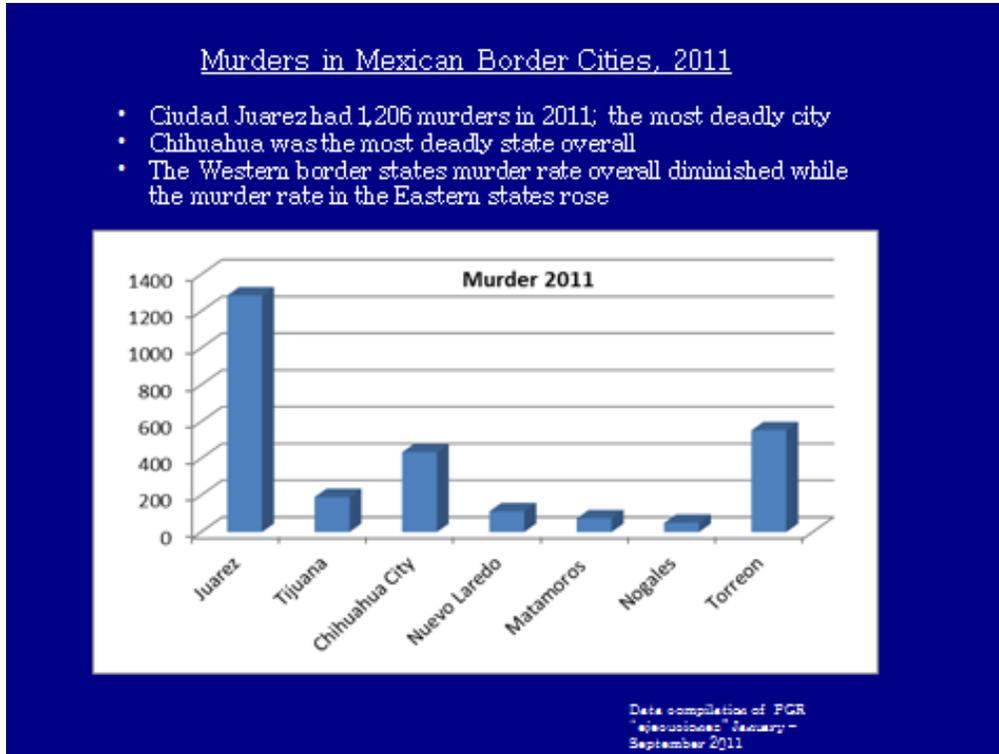
Levels of Violence in the U.S.-Mexico Border Region: Focus on the Mexican Side of the Border

The picture of violence on the Mexican side of the border is clearer, particularly from 2006 on as the region experienced a major rise in violence associated with competition between various criminal organizations, the Mexican government's efforts to dismantle these groups with a presence in the border region, and—at least indirectly—in response to U.S. border security policy. In particular, the two largest Mexican border cities, Tijuana and Ciudad Juárez, both experienced major spikes in violence beginning in 2006 (Tijuana) and 2009 (Ciudad Juárez). Figure 2 below shows a spike in homicides in Ciudad Juarez during 2011. It was statistics such as these that captured headlines around the world, particularly after horrific crimes such as the mass homicide of 15 young people in Ciudad Juarez in January 2010.

More recently, first Tijuana then Ciudad Juárez saw homicide rates decline from their historic highs as conflicts between criminal organizations have been resolved and local and federal governments have invested massively in law enforcement and social programs. Nevertheless, government data also suggests some of the violence has been displaced farther east and south, and new conflicts have erupted between criminal organizations. In any case, the nature, intensity and frequency of the violence in key Mexican border cities had a major impact on quality of life for citizens in those communities and were the subject

of fierce debate in Mexico and the United States. It continues to have an impact on public policy thinking at the highest levels in both countries. Ciudad Juárez is of continued interest to policymakers and citizens alike.

Figure 2: Homicides in the Major Mexico Border Cities, 2011

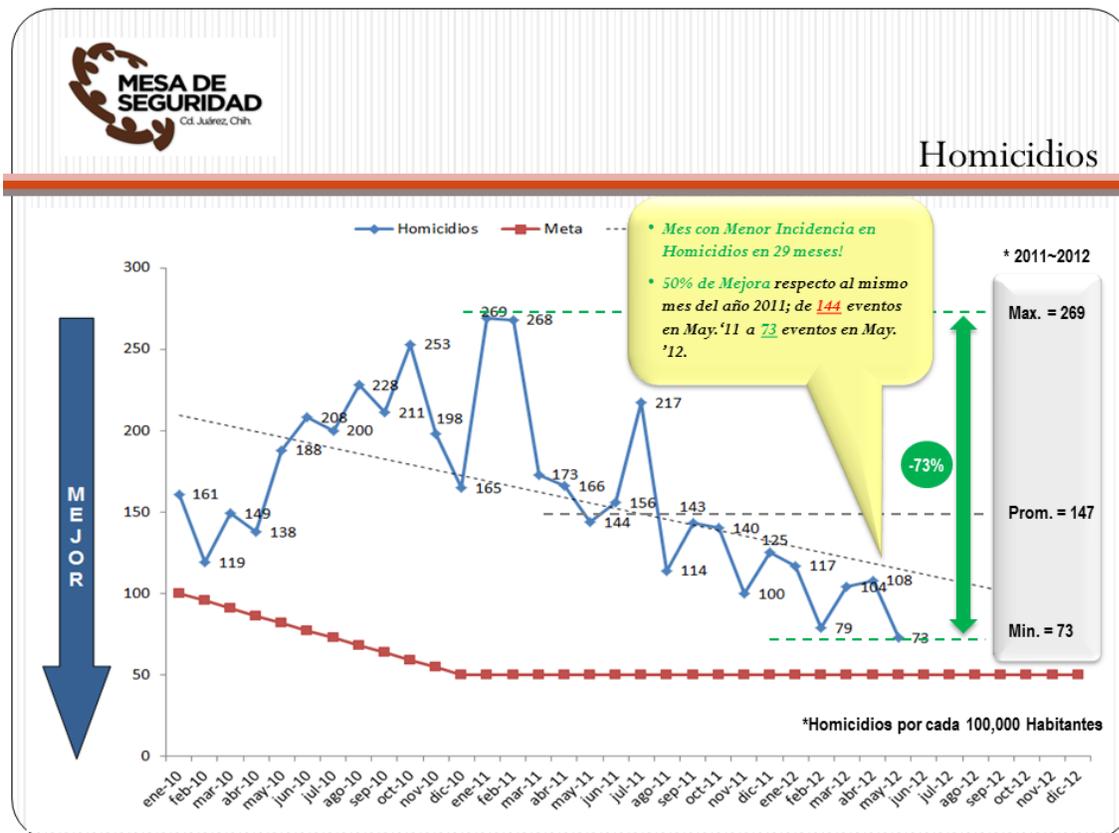


Focus on El Paso/Ciudad Juárez

More than any other sister cities along the U.S.-Mexico border, El Paso, Texas and Ciudad Juárez, Chihuahua typify the stunning and puzzling asymmetries in security between the United States and Mexico. While crime statistics underscore the very low homicide rate in El Paso (a total of 16 in 2011 according to the FBI), Ciudad Juárez has suffered greatly from the competition and violence between Mexican criminal organizations in terms of its high homicide rate as well as spectacular crimes that have repeatedly put it in the global spotlight. The city's problems stem from a complex web of local and transnational criminal actors as well as local, state and federal governance challenges that are beyond the scope of this paper.

A combination of federal, state and local governmental and civil society efforts have served to reduce various measures of criminality in Ciudad Juárez over the past several months. These efforts—in addition to ever-changing balances of power between criminal organizations—have resulted in a general reduction in crimes such as homicide, aggravated automobile theft (carjacking), and extortion, among others. In Figure 3 below, we see an overall downward trend in one of the most closely watched crime indicators for Ciudad Juárez: homicides.

Figure 3: Homicide Rate in Ciudad Juárez, January 2010-May 2012



Source: Mesa de Seguridad de Ciudad Juárez, Chihuahua. <http://www.mesadeseguridad.org>

As the principal causes of falling U.S. crime rates since the 1990s are the subject of considerable debate among law enforcement analysts in the United States, the same is true of Mexico. Falling homicides in Ciudad Juárez are variously ascribed to government efforts or reassertion of control over the city by the relevant organized crime groups. Local stakeholders in Ciudad Juárez interviewed for this working paper repeatedly cited increased cooperation between the various levels of government. Particular emphasis was given to the ways in which President Felipe Calderón and Chihuahua Governor César Duarte—hailing from the PAN and PRI, respectively—were able to join efforts under the Todos Somos Juárez framework for rebuilding civil society and enhancing public safety.

Seizures of Dangerous Drugs, Money and Firearms at the Border

According to testimony by representatives from U.S. Customs and Border Protection before the House Committee on Homeland Security on April 17, 2012, “DHS seized 74 percent more currency, 41 percent

more drugs, and 159 percent more weapons along the southwest border as compared to FY 2006-2008.” Their assessment was offered as evidence of the agency’s approach to border security.¹⁵

Yet, despite these impressive numbers, seizures at the border have proven to be an unreliable measure of effectiveness in stanching the flow of drugs, money and firearms. For one, it’s difficult to determine the relative importance of the reported seizure amounts since these are generally reported as gross amounts with no explanation of what percentage of the total amount trafficked these seizures represent. For example, seizures of cocaine were over 18,000 kilos in 2010 yet it is difficult to know what percentage this represents of total cocaine entering the United States. Furthermore, making year-to-year comparisons to determine whether the percentages seized are increasing or decreasing is also very difficult to determine. Seizures may increase or decrease in total volume, but it’s less clear if the increase in volume seized also represents a similar percentage increase.

Even when using the most generous, albeit questionable, government estimates of total illicit traffic, seizures would appear to represent a very tiny percentage of the estimated number or volume of the illegal items passing through the border. Given the extraordinary resources – personnel, technology, and finances – deployed at the border one has to ask whether the cost-benefit ratio justifies additional investments to simply catch a miniscule percentage of illegal money, firearms or drugs crossing the border. Put another way, does it make sense to invest an additional million dollars for more inspections if one can reasonably expect to recoup a small fraction of that investment in additional seizures?

Ultimately, the question is whether the border is the best place to stop these illegal flows or whether a strategic enforcement approach away from the border is more rational.

The following summarizes information that is publically available about seizures of illegal drugs, firearms and bulk cash at or near the border. As can be observed, much of the information is fragmented between governmental agencies and specific information about seizures at the border is often unavailable or not disaggregated by the government of either country.

Illegal Drug Seizures

As the chart below indicates, cocaine seizures have decreased over the last five years although there has been a gradual uptick in the past two years. By contrast, heroin and marijuana seizures have been increasing steadily during this period, and a dramatic increase in methamphetamine seizures was reported, growing by 55.55% from 2,918 kilograms to 5,253 kilograms in five years. This may reflect the Mexican cartels increasing involvement in the methamphetamine trade and the drug’s increasing popularity among consumers. The UNODC 2012 Drug Report notes that, “North America accounted for roughly half of global methamphetamine seizures in 2010, reporting 22 tons of seized methamphetamine. The biggest increase was reported in Mexico where seizures doubled from 6 tons in 2009 to almost 13 tons in 2010, but methamphetamine seizures also rose significantly in the United States from 7.5 to 8.7 tons in that period.”¹⁶

¹⁵ [DHS, April 17, 2012 <http://www.dhs.gov/ynews/testimony/20120417-cbp-national-guard-hsc.shtm>]

¹⁶ [UNODC, “World Drug Report 2012,” pg. 51]

Table2. U.S. Illegal Drug Seizures Along the Southwest Border

(in kilograms)¹⁷

	CY2005	CY2006	CY2007	CY2008	CY2009	CY2010
Cocaine	22,653	28,284	22,656	16,755	17,583	18,623
Heroin	228	489	404	556	839	1,062
Marijuana	1,034,102	1,146,687	1,472,536	1,253,054	1,859,258	1,718,424
Methamphetamine	2,918	2,798	1,860	2,201	3,788	5,253
Total	1,059,924	1,178,274	1,497,495	1,272,658	1,881,548	1,743,421

Source: CY2005 – CY2008 data are from the U.S. Department of Justice, National Drug Intelligence Center, National Drug Threat Assessment 2010, Product No. 2010-Q0317-001, February 2010, p.20, <http://www.justice.gov/ndic/pubs38/38661/38661p.pdf>. The NDIC uses data from the National Seizure System. CY2009 and CY2010 data were provided to CRS by the NDIC.

The National Drug Intelligence Center reported in 2011 that most drugs are seized along the Southwest border. To be specific, they found that in 2010, 96% of marijuana, 80% of methamphetamine, 64% of heroin and 58% of cocaine seizures took place in this region.¹⁸

Money

Although stemming the flow of cash across the Southwest border is one of the key elements of the White House's National Southwest Border Counter-narcotics Strategy, it is believed that less than .20% of illicit cash that crosses the border is actually seized. If one starts with the U.S. government's 2010 estimates of the amount of money being laundered back to Mexico and Colombia (between 19 and 29 billion) and then takes the estimates for cash seizures in the U.S. (\$32.4 million)¹⁹ and Mexico (\$7 million)²⁰ from 2010, which was \$39.4 million, then one can see how less than .20% was seized; this is using the lower estimate of how much money is being laundered into Mexico. If one accepts the government's estimate that as much as half is being returned as bulk cash then only .37% of the cash was seized in 2010.

The official numbers are suspect and the amount of bulk cash seizures at the border are difficult to determine since there is no single agency that aggregates the data on these seizures.²¹ Instead, there are a number of reports that provide data on overall seizures but do not specify where these occurred. It is only an assumption, maybe reasonable, that these seizures mostly took place along the Southwest border. For example, according to the 2011 National Drug Intelligence Center Report, bulk cash seizures in the U.S. totaled \$798 million from January 2008 through August 2010, an average of approximately \$25 million per month. The same report states that these seizures were predominantly in the border states of Texas,

¹⁷ <http://www.fas.org/sgp/crs/homsec/R41075.pdf>

¹⁸ [NDIC, "National Drug Threat Assessment 2011," pg. 13, <http://www.justice.gov/archive/ndic/pubs44/44849/44849p.pdf>]

¹⁹ NDIC, "National Drug Threat Assessment 2011," pg. 40.

²⁰ United States Department of State, . "International Narcotics Control Strategy Report." Volume 2, 2011. <http://www.state.gov/documents/organization/156589.pdf> (accessed August 15, 2012).

²¹ Farah, Douglas. "Money Laundering and Bulk Cash Smuggling: Challenges for the Mérida Initiative." Woodrow Wilson International Center for Scholars, 2010.

California, Arizona, New Mexico, or actually occurred in Mexico. Likewise, according to a 2010 Washington Post article, the Department of Homeland Security seized \$85 million along the southwest border in 2009.²² ICE also implemented an initiative along the border called *Operation Firewall* which specifically tries to halt the flow of cash into Mexico; according to a statement by James Dinkins, the Executive Associate Director of Homeland Security Investigations to the Senate Committee on Homeland Security, the Operation enabled ICE to seize more than \$504 million between 2005 and 2009.²³

In each of these cases it is impossible to draw specific conclusions about where the seizures are taking place although it seems reasonable to assume that the majority are happening in the border region. More importantly, however, may be the conclusion that the amount of bulk cash being seized is quite small even when one starts with the low end of the government's own estimates of the total volume.

Firearms

One hears often that American guns are contributing the cartel-related violence in Mexico, but actually tracing the firearms and where they enter Mexico, not to mention stopping them before this occurs, is very difficult. As is shown in Figure 4 below, up to 65.5% (taking the 2008 high) of the firearms recovered by Mexican security and law enforcement and then traced are U.S. sourced. Some are manufactured and sold in the United States and others are first imported to the United States, eventually making their way into Mexico. Additionally, the majority of firearms enter Mexico illegally through five southwest border ports of entry, namely, San Diego, Nogales, El Paso, Laredo and McAllen;²⁴ and 69% of traced firearms were originally purchased in Texas, California and Arizona.²⁵

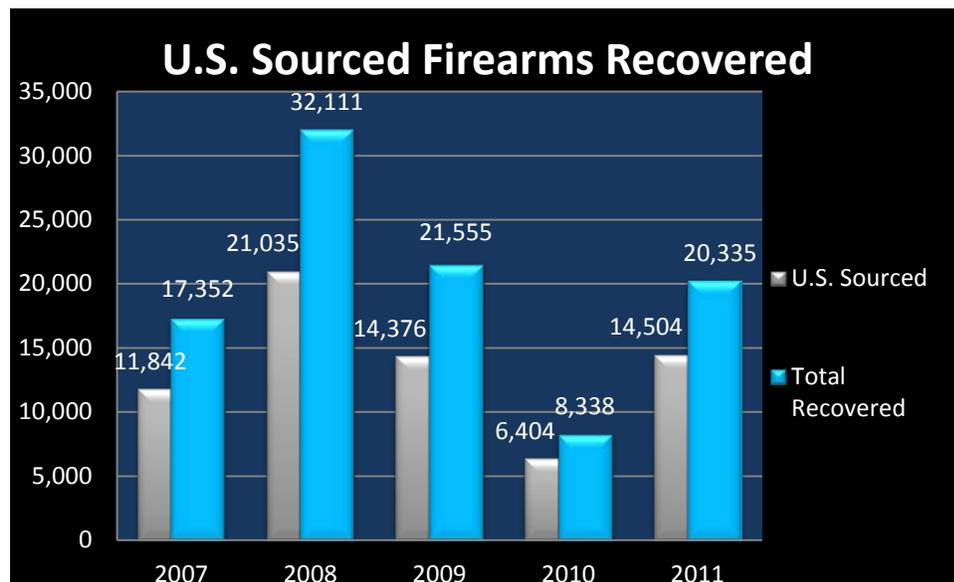
²² [Booth, William and Nick Miroff, "Cartels' cash flows across border," The Washington Post, 8/26/2012, <http://www.washingtonpost.com/wp-dyn/content/article/2010/08/25/AR2010082507206.html>]

²³ [Statement by James A. Dinkins before the Senate Committee on Homeland Security March 31st 2010.]

²⁴ ATF, "Analysis of Fire Arms Tracing Data."

²⁵ GAO., "U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges." 2009. <http://www.gao.gov/new.items/d09709.pdf>

Figure 4: U.S. Sourced Firearms Recovered in Mexico, 2007-2011



How many weapons are specifically seized at the border, as is the case with cash, is enormously difficult to determine because various agencies are involved in these seizures including local law enforcement, the ATF, CBP and occasionally ICE in the U.S.; as well as the Mexican military, Attorney General’s office, and state authorities. The information available is mostly from individual U.S. government agencies; there is no consolidated data, and there are no reports from Mexico on border seizures.

The information on firearm seizures at the border is mostly fragmented and often not specific to the border. The ATF reports that since the beginning of Project Gunrunner, an operation along the southwest border which specifically targets weapons trafficking into Mexico that began in 2006, they have seized, “over 10,000 firearms and nearly one million rounds of ammunition destined for Mexico.”²⁶ In 2009, at a DHS and ATF summit, officials revealed that between July and September 2009, CBP and ICE seized 65% more weapons along the border than in the same period the previous year, and that in the last 6 months of fiscal year 2009 they seized more than 50% more than in the last six months of fiscal year 2008.²⁷

As with illegal drugs and bulk cash, it has been impossible to develop a comprehensive picture of firearm seizures at the border by either Mexican or U.S. authorities.

²⁶ ATF, “Project Gunrunner,” <http://www.atf.gov/firearms/programs/project-gunrunner/>.

²⁷ Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Border contraband seizures soar as DHS, ATF hold summit in San Diego, News Release, November 3, 2009, online at <http://www.atf.gov/press/releases/2009/11/110309-atf-dhs-contraband-seizures.pdf>.

Increased Efforts Aimed at Apprehensions of Undocumented and Unauthorized Migrants: New Staffing, Infrastructure and Technology

The U.S.-Mexico border region is an enormous geographical space, with the international boundary extending 1,954 miles –much of it in extremely remote desert and mountainous terrain. It is a challenging space for the two nations to manage.

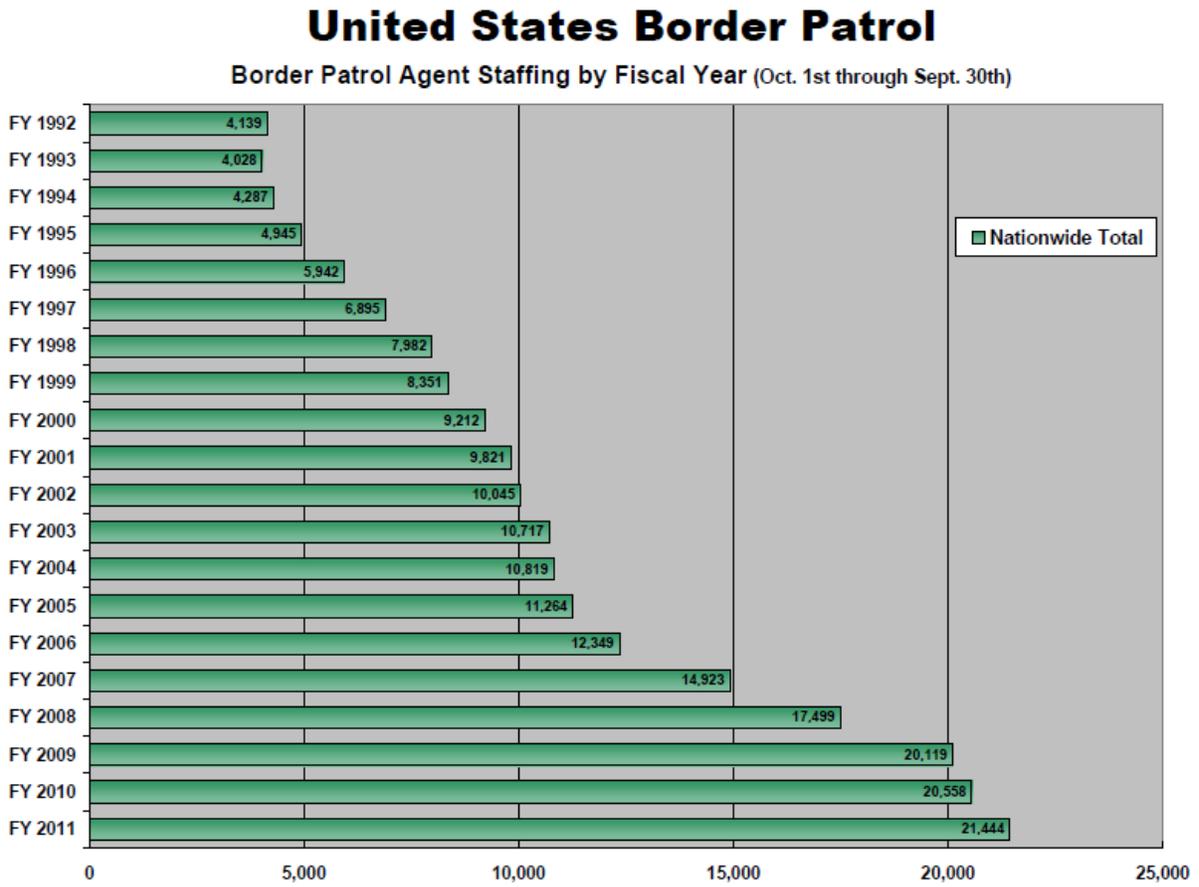
In the U.S. a large number of federal agencies have a say in border security affairs, though historically it is the U.S. Border Patrol that has had the highest public profile in security matters on the border.²⁸ The Border Patrol's actions drive a large portion of the public discussion on border security. Its focus on staffing, infrastructure and technology has significantly shaped what the border looks like today. For this reason it is worthwhile to spend a significant amount of time examining the U.S. Border Patrol.

Staffing

As the profile of the U.S. Border Patrol has expanded, so, too, has its funding and particularly its staffing. As seen in Figure 5 below, Border Patrol staffing has undergone a significant increase since the early 1990s. From fiscal year 1992 to fiscal year 2011, staffing expanded by 17,305 agents, a 518 percent increase over two decades. The increase was given particular emphasis during the FY2007-FY2011 period, when two major trends came together to prompt Congress to increase staffing between the ports of entry. These include the failure of comprehensive immigration reform in the U.S. Congress as well as increasing violence in Mexican border cities such as Tijuana and Ciudad Juárez as one of the byproducts of stepped-up pressure on transnational criminal organizations by President Felipe Calderon's administration beginning in December 2006.

²⁸ The U.S. Border Patrol is now part of the U.S. Department of Homeland Security but was formerly part of the now-disbanded Immigration and Naturalization Service, which was a division of the U.S. Department of Justice.

Figure 5: U.S. Border Patrol Staffing, Fiscal Years 1992- 2011



Source: U.S. Customs and Border Protection

As staffing has peaked, we have discovered something unexpected: unauthorized immigration is way down from its peak. A number of researchers, including Douglas Massey of the Mexican Migration Project at Princeton, have argued that Mexican migration to the U.S. is now at net zero, that is, roughly the same numbers of Mexicans are returning to Mexico as are entering the United States. Various reasons have been given for this largely unexpected development, including a weak U.S. economy, a relatively strong Mexican economy, enhanced border deterrence and increasingly dangerous conditions for migrants in key corridors.

This is demonstrated by the fact that U.S. Border Patrol apprehensions in FY 2011 were down in key sectors. To take one example, as is seen below in Table 3, during FY2011 in the El Paso sector there were only 10,345 apprehensions, down from a peak of 285,781 in 1993. San Diego apprehensions in FY11 were at 42,447, down from their peak of 565,581 FY92. And perhaps most remarkably, Tucson Sector apprehensions FY11 were down to 123,285 from a peak of 616,346 in FY 2000.

Table 3: U.S. Border Patrol Apprehensions for Southwest Border Patrol Sectors, FY 2011

Sector	Staffing	FY 2011 Apprehensions	Peak Apprehensions 1992-2011/year
Big Bend	667	4,036	15,486 (1998)
Del Rio	1,626	16,144	157,178 (2000)
El Centro	1,164	30,191	238,126 (2000)
El Paso	2,738	10,345	285,781 (1993)
Laredo	1,871	36,053	141,893 (1997)
Rio Grande Valley	2,504	59,243	243,793 (1997)
San Diego	2,669	42,447	565,581 (1992)
Tucson	4,239	123,285	616,346 (2000)
Yuma	969	5,833	138,438 (2005)

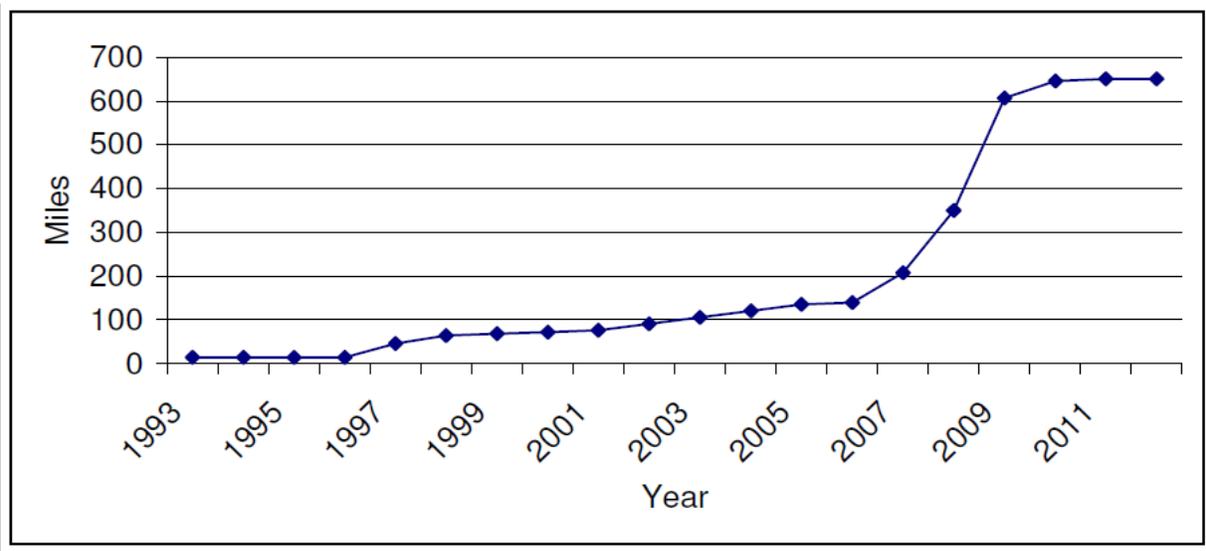
Sources: United States Border Patrol Apprehensions / Seizure Statistics - Fiscal Year 2011, http://www.cbp.gov/linkhandler/cgov/border_security/border_patrol/usbp_statistics/fy_profile_2011.ctt/fy_profile_2011.pdf and United States Border Patrol Southwest Border Sectors Total Illegal Alien Apprehensions By Fiscal Year, http://www.cbp.gov/linkhandler/cgov/border_security/border_patrol/usbp_statistics/60_10_app_stats.ctt/60_11_app_stats.pdf.

While it is difficult to predict future flows of migrants, overall we seem to be at or past a point of diminishing returns in terms of staffing. This is significant because of the enormous expenditures to increase staffing for the U.S. Border Patrol over the past twenty years as is demonstrated in Figure 6 above and the emphasis during this period on securing the areas between the land ports of entry (which is the specific jurisdiction of the Border Patrol).

Infrastructure

The construction of infrastructure between the Ports of Entry (POE) along the U.S.-Mexican border has been an uneven process and tends to happen in bursts of activity in reaction to a perceived need for greater border security. Operation Gatekeeper and Operation Hold the Line were implemented by the Clinton Administration in the San Diego and El Paso regions respectively in the mid-1990s partly in response to local concerns over illegal immigration. These programs began a new era of security infrastructure along the border which was characterized by reinforced fencing, increased lighting and use of various types of sensors to detect and deter illegal crossing between the ports of entry. Figure 5 below shows the dramatic increase in fence building that corresponds with the increase in staffing beginning in 2007.

Figure 6. Total Miles of Border Fencing, 1993-2012



Source: Marc R. Rosenblum testimony, "Measuring Border Security: U.S. Border Patrol's New Strategic Plan and the Path Forward," Committee on Homeland Security, Subcommittee on Border and Maritime Security, May 8, 2012.

Trusted Shipper and Traveler Programs: Part of the Answer to Shared Security and Economic Growth in the Border Region



Source: CBP.gov

Moderate investments to update infrastructure and to fully staff the ports of entry are certainly needed, as long lines and overworked staff promote neither efficiency nor security. But in a time of tight federal budgets, asking for more resources cannot be the only answer. Strategic efforts that do more with less, improving efficiency and reducing congestion, are also needed. Trusted traveler and shipper programs (i.e. the Global Entry programs, which includes programs such as SENTRI, FAST, C-TPAT) allow vetted, low-risk individuals and shipments expedited passage across the border. Improving these programs and significantly expanding enrollment could increase throughput with minimal investments in infrastructure and staffing—all while strengthening security by giving border officials more time to focus on unknown and potentially dangerous individuals and shipments.

—Erik Lee and Christopher Wilson, “The State of Trade, Competitiveness and Economic Well-Being in the U.S.-Mexico Border Region” (2012)

Strengths and weaknesses of the U.S.-Mexico land ports of entry

The working paper “The State of Trade, Competitiveness and Economic Well-being in the U.S.-Mexico Border Region” laid out the principal challenges facing U.S.-Mexico land ports of entry, which function both to facilitate commerce between the two nations but also as security “membranes” (keeping out what we don’t want but allowing and hopefully facilitating legitimate trade and travel). These challenges include aging infrastructure, little to no funding to improve existing infrastructure and add needed infrastructure, and trusted travel and shipper programs that need to grow significantly to improve the both security and

trade. On the U.S. side of the border, the land ports of entry are under the jurisdiction of the Office of Field Operations, which evolved from the U.S. Customs Service as it was absorbed into Customs and Border Protection under the U.S. Department of Homeland Security.

The Impact of Technology on Border Security

As discussed above, infrastructure and staffing levels along the border have increased dramatically in the last decade. The U.S. federal government in particular has made significant investments in technology in the hopes of enhancing its results, gaining a significant return on investment and defending the United States from all threats. And much the same as we have seen with the border security areas discussed above, the public debate over the what, where, why and how of technological investment is the subject of fierce debate. In general, though, the premise—that technology, which has proven such a game-changer in other areas of modern life, should also return value in border security—is a solid one. Additional developments in this area promise to be of great interest to observers of border security. Of additional interest is how additional technology can be folded into tightening federal budgets—particularly in the United States—and whether falling apprehensions of undocumented migrants at the border will justify additional investment in this area.

Conclusion

The state of security in the U.S.-Mexico border region is one of asymmetry, transition, and ambiguity. Without a doubt, the U.S. and Mexican federal governments have made large investments in staffing, infrastructure and technology and have reorganized and refocused efforts to respond to specific threats and events. Yet gains in areas such as apprehensions of undocumented migrants and reductions in violence in key cities such as Ciudad Juarez seem tenuous at best and beg for more comprehensive, creative and collaborative solutions between these two countries, one a superpower and the other a key emerging power.

What's Needed Most: Creativity, Capacity-building, and Collaboration

As the two nations become more intertwined economically and people-to-people ties become more intense, the federal governments, the border states and communities will have to find new, creative and robust ways to increase public safety in the U.S.-Mexico border region. This will require both greater capacity at the state and local level as well as greater creativity, a more realistic, longer timeframe for policy implementation and leadership at the federal level. Although both countries have recently achieved new levels of collaboration—codified into official policy with the remarkable May 19, 2010 Joint Declaration on Twenty First Century Border Management by President Barack Obama and President Felipe Calderón—the U.S. and Mexico have only recently begun to make real progress on a binational security regime that would be “built to last.”

Lasting progress in U.S.-Mexico border security can only come from both increased *bilateral collaboration* as well as *independent domestic progress* on key issues affecting security by the U.S. and Mexican publics. One key collaborative objective that needs increased attention and creative solutions is border management, particularly in the context of an extremely constrained fiscal environment in the United States. The two governments—in close collaboration with border communities—must use all current and

additional creative means at their disposal to make the land ports of entry from San Diego/Tijuana to Brownsville/Matamoros as safe and efficient as possible to enhance both our physical and economic security. There have been remarkable experiments in implementing already existing technology, particularly between the ports of entry with highly controversial initiatives such as SBInet. Yet the governments have yet to employ this technology in a game-changing way to make the land ports of entry true platforms for economic security rather than highly congested and bureaucratized nodes in our North American commercial network.

Depressurizing and innovating in the Border Region

In general, the more the two governments can push key security processes away from the border, the better, as an overconcentration of resources at the border (and particularly between the ports of entry) has the potential to distract from a more strategic distribution of security resources throughout the U.S., Mexico and beyond. There remains much work to do in this area, but several key challenges stand out, including enhancing intelligence sharing between the U.S. and Mexico, implementing justice reform in Mexico, disrupting the flow of firearms and bulk cash southward into Mexico as well as the flow of migrants, victims of human trafficking and illicit substances northward into the United States.

Enhanced collaboration on implementing Mexico's justice reform —the shift to an effective oral adversarial system of justice— and professionalizing Mexico's multiple law enforcement agencies should be top priorities for promoting better security in the border region. Likewise, the United States needs to demonstrate much greater progress in reducing illegal drug consumption at home by identifying and funding effective prevention and treatment programs. Moreover, the politically sensitive issues of disrupting firearms trafficking from the United States to Mexico and disrupting money laundering schemes within the U.S. financial system must also be a greater priority if collaboration is to become a two-way street. Together, these challenges will require innovation and creativity amongst policymakers to ensure that the many competing interests and concerns that affect the border do not result in a region locked in inefficiency but one that can reach the potential dynamism that it rightfully represents.

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Eric L Olson serves as Associate Director of the Mexico Institute at the Woodrow Wilson International Center for Scholars in Washington, DC. He oversees the Institute's work on U.S.-Mexico security cooperation and research on organized crime and drug trafficking between the U.S., Mexico, and Central America. He also coordinated the Institute's work on Mexico's 2012 presidential election including its 2012 Election Guide; the Dialogos con México speakers' forum; and the Institute's congressional outreach and education efforts. Prior to joining the Wilson Center he was a Senior Specialist in the Department for Promotion of Good Governance at the Organization of American States from 2006-2007. He served as the Advocacy Director for the Americas at Amnesty International USA from 2002-2006. Prior to Amnesty, he was the Senior Associate for Mexico, and Economic Policy at the Washington Office on Latin America for eight years. He worked at Augsburg College's Center for Global Education in Cuernavaca, Mexico from 1989-1993 where he was the program director. From 1986-1988, he worked in Honduras, Central America as a development specialist for several local non-governmental organizations.

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