

GUNS, DRUGS, AND MONEY

TACKLING THE REAL THREATS TO BORDER SECURITY

By Josiah McC. Heyman



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The Immigration Policy Center's *Perspectives* are thoughtful narratives written by leading academics and researchers who bring a wide range of multi-disciplinary knowledge to the issue of immigration policy.

ABOUT THE AUTHOR

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Rethinking the Equation Between Borders and Security

The external borders of the United States matter to security, but how and in what ways is neither automatic nor obvious. The current assumption is that borders defend the national interior against all harms, which are understood as consistently coming from outside—and that security is always obtained in the same way, whatever the issue. Some security policies correctly use borders as tools to increase safety, but border policy does not protect us from all harms. The 9/11 terrorists came through airports with visas, thus crossing a border inspection system without being stopped. They did not cross the U.S.-Mexico border. Future terrorists would not necessarily cross a land border. U.S. citizens and residents, and nationals of Western Europe, also represent an important element of the terrorist threat, and they have unimpeded or easy passage through U.S. borders. Fortified borders cannot protect us from all security threats or sources of harm.

Moreover, not all border crossers pose security concerns, even ones who violate national laws. The hundreds of thousands of unauthorized migrants who cross the U.S.-Mexico border each year have not posed a threat of political terrorism, and external terrorists have not traveled through this border.¹ Enforcement of laws against unauthorized immigration is, in the vast majority of cases, a resource- and attention-wasting distraction from sensible national security measures. That does not mean the U.S.-Mexico border is free from risk of harm, such as increasingly violent drug trafficking organizations operating nearby in Mexico. But that issue needs to be addressed in different ways than current enforcement policy does.

If we examine the actual situation at the U.S.-Mexico border, we find three notable facts: 1) the U.S. border communities themselves are secure; 2) the main risks to that security are potential, not actual—stemming from the dangers posed by criminal organizations, not by migrants or international terrorists; and 3) there is a mis-prioritization of resources away from ports of entry toward migration enforcement. Why then has security rhetoric so heavily prioritized the U.S.-Mexico border?

Clarity and honesty about security are essential. Security tends to creep outward from well-defined missions of preventing mass harm to unsuspecting civilians, toward being used as a justification for police and military responses to societal issues in general. In the border case, security has become a justification for adopting an “enforcement only” response to the complexities of migration. This mission creep has been called “securitization.”² Securitization construes an issue as if it were equivalent to protection from nuclear war, terrorism against civilians, and other such extreme threats. Securitization of any issue must be done carefully, because it creates a powerful incentive and rationale for the expansion of central state authority, including reduction in civil liberties, use of the military, exceedingly high enforcement budgets, and targeting of stigmatized communities. We see all of these in border and migration policy, and they are misplaced and counterproductive.

We should avoid the application of security rhetoric and practice to perceived social problems if they cannot be directly linked to well-defined matters of collective safety. It is misleading to use public safety, for example, to justify immigration-oriented, boundary-enforcement operations,

when immigrants—including the unauthorized—have significantly lower violent crime rates than native-born populations.³ A clear and disinterested definition of security is careful and focused; its agenda is to prevent violent harm to civilians. This should be our fundamental border-security criterion.

A Clear Way of Assessing Security Issues: Sorting Out the “Three Border Wars”

We need conceptually to start with a clean slate. To do that involves a clear method of risk assessment, and policy measures and allocations of resources that arise from it. That will enable us to develop a realistic and appropriate border security policy. In this regard, Tony Payan has usefully pointed out that U.S.-Mexico border enforcement blends three “wars” with very different causes, dynamics, and appropriate responses: terrorism, the guns-drugs-money nexus, and unauthorized migration.⁴ Distinguishing among them will make us more secure. To make effective policy decisions when faced with multiple priorities like terrorism, drugs, and migration, it is helpful to use a rubric for risk and response prioritization. Harm refers to the threat to the physical security of civilians. Probability refers to the likelihood of the threat occurring. Feasibility of response refers to whether public policy and government action can make a difference.

Unauthorized migration, for example, is highly probable at the border. Whether the government enforcement response feasibly can stop such flows is debatable,⁵ but setting this aside, the criterion of harm takes this out of the domain of security. Given the low rate of violence by migrants, there simply is no connection between most unauthorized migrants and violent threats to U.S. lives (some possible exceptions are discussed later). Serious debates about unauthorized migration center on non-security benefits/harms, and deserve to be addressed through policy measures other than border security, such as comprehensive immigration reform.

Meanwhile, political terrorism is unquestionably a potential harm, but at the U.S.-Mexico border only potential, not actual. It thus has reduced priority on the criterion of probability, but does deserve vigilance.

The domain of guns-drugs-money meets all three criteria most consistently, in particular the guns side, since it involves armed criminal organizations. Obviously, guns and organized coercion immediately threaten people’s safety, as seen in the violence on the Mexican side of the border. There is sparse evidence of violence by drug trafficking organizations crossing from Mexico into the United States, however.⁶ This, like political terrorism, is best considered a matter of prevention rather than imminent threat. Given the proximity of the threat, it behooves us to think clearly about how to provide genuine security within the framework of our constitutional values.

Not all would-be border issues can be handled the same way. How we prioritize among them matters considerably to whether we have a “security” or “non-security” border policy. Preventing terrorism and breaking the guns-drugs-money nexus requires focused, intelligence-based enforcement, principally at ports of entry, while migration interdiction involves mass

enforcement between ports of entry. Indeed, mass immigration enforcement actually has perverse, security-reducing effects by promoting dangerous smuggling organizations.

Guns, Money, and Drugs: Focusing on the Immediate Danger

The North American (U.S.-Mexico-Central America) drug trafficking organizations are, at this stage in their history, hardened by years of high illegal drug profits and acquired skill at circumventing law enforcement. The dynamic is now hard to change, and involves in part non-border policy measures,⁷ such as drug decriminalization. But a crucial border security response is to track and interdict their arms supply. This unfortunately has been massively underfunded by the United States.

While more resources recently have been put into Operation Gunrunner (the Bureau of Alcohol, Tobacco, and Firearms' [ATF] initiative to reduce smuggling of guns from the United States into Mexico), they still pale in comparison with mundane immigration law enforcement, despite the much higher harm and equal probability of occurrence of gun smuggling. The Department of Justice Inspector General has reported that Operation Gunrunner is limited by tactics of making low-level arrests, rather than sustained investigations of high-level arms smugglers, as well as serious coordination issues with Mexico.⁸ Only 162 ATF officers are dedicated to this program, as opposed to the approximately 20,000 Border Patrol officers doing generic border law enforcement at the southwestern border.⁹

The U.S. also does poorly at interdicting the flow of money that is crucial to transcontinental trafficking organizations. The Government Accountability Office (GAO) found that Customs and Border Protection (CBP) seized a mere \$41 million in cash, while an estimated \$18 to \$29 billion is transported across the Mexican border alone.¹⁰ This occurs while billions of dollars are dedicated to mass unauthorized migration arrests and removals that do not intercept money or guns, and overlap only with a small part of the drug flow.

More generally, security along the southwest border and across the whole nation requires that we focus on the critical role of targeted intelligence—slow, careful, long-term investigative work aimed at specific individuals and networks, focused on guns, money, and terrorism. This differs in crucial ways from the current approach to border security, which is unselective, inefficient, and massive: witness the costly and time-consuming, as well as inhumane, arrest annually of approximately 500,000 unauthorized migrants in the region, none of them terrorists and very few of them dangerous criminals.

Paying Attention to Ports of Entry

The minimal rate of growth of funding and personnel for land border ports of entry, and the poor performance of those ports, also indicate serious issues of mis-prioritization. Ports of entry are likely the main route for transportation of illegal drugs from Mexico to the United States.¹¹ Ports are the main outbound route for guns and money. Susan Ginsburg argues that standard transportation routes through air, sea, and land ports are the most likely travel routes for terrorists.¹² Yet during the period 1993-2010, when staffing at the Border Patrol more than

quintupled and the Border Patrol budget grew nine-fold, port staffing barely rose at all and budgets only doubled (only 17% growth in 17 years, after inflation).¹³ This was in the face of a quadrupling of commercial traffic after NAFTA, and comparable growth in non-commercial traffic as well.

The result is poor performance of ports. The GAO found that ports missed investigators masquerading as inadmissible entrants and goods smugglers, at a nine percent failure rate. Ports were understaffed by the government's own staffing model by 7 to 25 percent.¹⁴ Related congressional testimony pointed to staffing shortages, overwhelming workload, poor training, demoralization, and high turnover, as well as major infrastructure flaws.¹⁵ My own field observations and interviews indicate that port personnel operate under huge workload pressures to clear traffic and process forms, while many Border Patrol operations show signs of sufficient and even over-staffing.

The problems of ports stem from a massive, systematic misallocation of resources toward anti-authorized immigrant measures (Border Patrol, border fence/wall), and away from border security measures (investments in security screening northbound and southbound at ports). Personnel can and should be shifted from Patrol operations to ports, with modest retraining. Increasing physical capacity is harder, since many ports are locked in by surrounding businesses and neighborhoods.

Besides expanding existing ports, it is important to invest in new ports. The border fence/wall, a barrier to migration of debatable utility, cost \$2.4 billion to build and will cost \$6.5 billion to maintain—money that would make the country more secure were it put into more efficient and effective new ports.¹⁶ Southbound inspections are needed at ports, aiming at guns and money, not migrants. Ports of entry are the gaping hole in U.S. border security, and we need a distinctly stronger emphasis on them.

The Misallocation of Resources toward Non-Port Security

U.S. border security policy does not follow these reasonable priorities. U.S. policy has, first off, persistently emphasized non-port security along the U.S.-Mexico border, despite the terrorist threats being either via airport entry points or internal to the United States, and guns, drugs, and money mainly flowing through land ports.¹⁷ U.S. policy has also focused on unauthorized migrants, a population not linked to terrorism and only a small percentage of whom are linked to criminal violence. For example, after the first World Trade Center bombing in 1993, most U.S. border security resources (and much of overall security resources) were directed to unrelated southwestern border build-ups in El Paso and San Diego, and later Arizona and south Texas.

From late 1993 to 2001, the Border Patrol tripled in size, from approximately 4,000 to 12,000 officers, mainly located at the southwest border. After 9/11, important (if poorly planned and problematic) initiatives addressed some genuine security gaps, such as visa screening and watch-lists. But in late 2005, a resurgent wave of anti-immigration politics, focused on Mexicans and Central Americans, redirected the bulk of new Homeland Security resources toward the

U.S.-Mexico border. In the 2005-present period, the Border Patrol has nearly doubled from 12,000 to 21,000 (thus, more than quintupling since 1994), mostly at the southwestern border. A multi-billion dollar border wall/fence was built, and the National Guard was repeatedly deployed to this region. All of this is disconnected from a rational analysis of homeland security threats.

Indeed, these measures decrease net human security. Intensive border patrolling has displaced migratory flows from relatively easy and safe traditional routes into vastly more dangerous desert and mountain regions of the border. In turn, roughly three to four hundred persons die—in U.S. territory, due to a controllable act of government—every year (this number is conservative, in fact). Security will be greater if these people are legalized, and move along safe, legitimate transportation routes, with robust inspection regimes.¹⁸

A systematic review of U.S. border security policy in the era of Al-Qaeda¹⁹ identified two deviations from an optimal security policy:

1. The U.S. overemphasizes the security role of borders altogether. We allocate too many resources to policies that view the United States as a perfectly enclosed space rather than a web of safety and security measures (an approach sometimes called layering).²⁰ Examples of high priority non-border based security policies include cybersecurity and securing of widely used dangerous chemicals (e.g., chlorine used in water purification). These could benefit from the funds now dedicated to border walls and patrols.
2. U.S. policy focuses excessively on the U.S.-Mexico border as the main border of concern, when in fact the border sites most at risk are international airports and, to a lesser extent, the Canadian border.

Indeed, great pieces of the Department of Homeland Security, especially southwestern border enforcement, do not deserve the label of “national security” at all. To remove this label and to replace it with the label of “migration enforcement” (minus security) would have the virtue of being honest, removing an irrelevant but over-emotional policy rationale from the discussion. We would then be confronted with the hard questions of equitable and effective immigration policy, unobscured by security rhetoric.

Weakening, not Strengthening Trafficking Organizations

There is one important security argument for mass border enforcement outside the ports of entry. Potentially, terrorists could travel through Mexico and enter outside the ports of entry, making the dangerous and difficult crossing over land. As Susan Ginsburg demonstrates, this is the least likely route for terrorist travel, and no Salafi Islamic terrorists have crossed the U.S.-Mexico border either this way or via ports.²¹ What then, is the real cost of misdirected policy? Burying potential dangerous actors—and potentially valuable sources of intelligence—amid millions of unauthorized migrants.²² We are creating with mass border migration enforcement a bigger and bigger haystack in which to find a deadly pin. What is the rational policy solution?

Comprehensive immigration reform, enabling an intelligence-based security system to isolate and interdict small numbers of high-risk persons and activities.

Current mass U.S. enforcement policy at the border is encouraging powerful, sophisticated, wealthy, and ruthless smuggling organizations, akin to indiscriminate use of antibiotics that results in dangerous, multi-drug resistant infections. Certainly this has taken place with drug smuggling. We seem now to be replicating this with human smuggling through our immigration-enforcement policy, which has both increased the rate of use of smugglers and the price they receive.²³

Recent accounts from the field indicate some overlap between armed, criminal drug organizations and human smugglers, which is new and worrying. Previously, smuggling may have posed many rip-offs and risks, but it was not an armed criminal enterprise. The worst-case scenario is that heavy-handed U.S. enforcement policy, absent comprehensive immigration reform, creates in the future increasingly sophisticated human smuggling organizations within Mexico with global links, that could move terrorists across the southwest border (though probably via ports of entry and not over land). This is only a potential risk, but one that we can avoid through comprehensive immigration reform.

Keeping the U.S. Borderlands a Safe Region

Is the U.S.-Mexico border dangerous? If we examine the actual situation there, we find two notable facts: the U.S. border communities themselves are secure both in terms of crime statistics and how people feel; and the agenda is prevention, not cure.

Border communities on the U.S. side are safe, objectively and subjectively. El Paso is the safest large city in the United States;²⁴ other border communities, large and small, are similar.²⁵ A survey of border community residents found consistently that they feel safe and secure.²⁶ “Spillover” violence from Mexico is quite rare.²⁷ We do not fully understand what explains these low crime rates, although immigrants, who have low violent crime rates, are certainly part of the story, and voluminous local, state, and federal law-enforcement agencies help. Whatever the cause, there is an atmosphere of genuine security on the U.S. side of the border.

The goal should be to preserve that atmosphere of security, because there are indeed significant potential risks, including armed segments of drug trafficking organizations, that might change their current avoidance of violence in the U.S. borderlands. Hence, the call for a policy of prevention rather than reaction.

Prevention will occur through trust between community members and law enforcement, as illustrated successfully in El Paso. Following the recommendations of the leading experts (Major Cities Chiefs and the Police Foundation),²⁸ local law enforcement should not engage in explicit or de facto immigration law enforcement. Keeping these domains separate increases the trust of the immigrant community in police, which allows intelligence, tips, and a stream of small calls to arrive from the community to police. That, in turn, bolsters the crime-prevention

capacities of the police, including addressing the potential risks from drug trafficking organizations.

Border Security and Constitutional Rights

The eight million people living on the U.S. side of the U.S.-Mexico borderlands, whose efforts have created highly safe communities, are as entitled to a free and fair a life as people in the U.S. interior. The new border security regime should protect the values that make life in a secure world worthwhile. Above all, these include essential rights and liberties, among them the 4th, 5th, and 14th Amendments to the Constitution (which regulate law-enforcement stops, searches, seizures, detention, and questioning, and constrain racial and other forms of profiling). The residents of the border region—who are as much “persons” in the constitutional sense as anyone else—should not have their rights written off because they live near a boundary.

Yet the residents of U.S. border communities have seen their rights and liberties eroded by mass drug and immigration law enforcement (in contrast to enforcement targeted at high-risk criminals). Issues that need to be addressed include warrantless questioning at interior checkpoints, warrantless questioning and detention on common carriers (e.g., buses, trains, taxis, and airplanes), profiling in streets, roads, and other public areas of border communities, and unjustified stops and questioning by border officers (based upon poorly articulated suspicions).²⁹ As in any law-enforcement situation, and especially a situation possibly involving security, there are challenging trade-offs between rights and public safety. But in the border region, the incursion on civil liberties has unquestionably gone too far.

Furthermore, the way we handle the border region is an important preview of the creeping loss of basic civil and human rights in a distorted search for “security”: if it can happen in a poor, largely minority region like the borderlands, it is a warning to the rest of the country. Security is only worth having if it means securing our basic values and way of life. A vision of a new border security system is a vision of a robust set of liberties and freedoms for all.

Practical Policy Steps

We can take practical policy actions that address the broad framework of security outlined here. These steps may seem challenging in the current political climate, but they are well within the architecture of our current system and cannot be dismissed as utopian. We can substantially improve border security through the following measures:

- Change priorities away from singular border control; consider the border as only one element toward increasing the overall security of civilians. Shift resources according to a rational prioritization model, including shifting toward internal security risks (e.g., cybersecurity) and away from borders. Make this change not only in practice, but also in discourse; tone down the border rhetoric.

- Take an intelligence-driven approach to homeland security, rather than a mass migration enforcement approach. Focus on specific individuals, materials, and travel patterns. Genuinely prioritize terrorism prevention, rather than using that as rhetorical cover for an immigration-enforcement policy. Use more selective arrest strategies, focusing on security-threatening persons (e.g., those with involvement in the guns-drugs-money nexus) and less on mass migration enforcement. This can be phrased as quality, rather than quantity.
- Tackle with vastly greater resources the guns and money side of the guns-drugs-money system. Greatly increase the resources involved in tracing and breaking the flow of money and guns, making them proportionate to the resources put into drug interdiction, at borders and elsewhere. Guns are the single most dangerous threat to civilians, while they are the least prioritized. This must change.
- Shift resources from enforcement in between ports of entry (border patrolling, fences/walls, drones, etc.) to ports of entry, the higher likelihood travel path for guns, drugs, assassins, and terrorists. Shift at least ten thousand Border Patrol officers to the Field Operations division of Customs and Border Protection to bolster ports, as well as investing in physical infrastructure at ports. Rates of growth in budget and personnel at ports should match or exceed that of the Border Patrol, and retroactive adjustments are also essential.
- Go after organizations rather than arresting individuals. With regard to both migration and drugs, U.S. border policy is focused on arresting individuals, mostly for small violations or at low levels of organizations. We need to do two things: remove the markets for criminal organizations, and shift border priorities from unsophisticated arrest-oriented organizations like the Border Patrol to higher-quality investigative organizations like the FBI.
- Comprehensive immigration reform is essential. We need to reduce the “haystack,” reduce the population moving without documents or accountability, so that truly dangerous actors are more easily isolated. We need to secure the integration and cooperation of immigrant communities. And we need to free up enforcement resources for more important work.
- Increasing and reforming legal channels for immigration will reduce risky travel by migrants through deserts and mountains in the border region. The reduction in border deaths will contribute significantly to true human security.
- Immigration-enforcement agencies need to show trust to immigrant communities. These communities will reciprocate by providing information crucial to public safety and security. Such trust-building measures include clearly separating local and state law enforcement from federal immigration enforcement, and stronger accountability and oversight over federal immigration-enforcement agencies, especially with regard to basic civil liberties possessed by all persons in the country.

- The military does not belong in civilian law enforcement, even in support roles. It is clumsy, expensive, not trained in such roles, and points toward the militarization of U.S. domestic society. The military should be dedicated to national security in traditional manners. An appropriately prioritized civilian law-enforcement system is more than sufficient for true border security.

Endnotes

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⁹ Bureau of Alcohol, Tobacco, and Firearms, "[Fact Sheet: Project Gunrunner](#)," August 2008. Thirty-seven additional agents were added after this fact sheet was written; the figure in the text is revised to reflect that fact.

¹⁰ U.S. Government Accountability Office, [Moving Illegal Proceeds: Challenges Exist in the Federal Government's Effort to Stem Cross-Border Currency Smuggling](#), GAO-11-73, October 2010.

¹¹ National Drug Threat Assessment, 2010, *op. cit.*, at p. 21.

¹² Susan Ginsburg, [Countering Terrorist Mobility: Shaping an Operational Strategy](#) (Washington, DC: Migration Policy Institute, 2006).

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