

# Executive Summary Backgrounder

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## 15 Steps to Better Border Security: Reducing America's Southern Exposure

*Jena Baker McNeill*

One of the concerns raised by the 9/11 terrorist attacks was the security of U.S. borders. The failed congressional attempt at comprehensive immigration reform focused renewed attention on the U.S. border with Mexico as well as on the challenges of illegal border crossings and surges in cross-border crime. In response, the Bush Administration employed additional Border Patrol agents, deployed new technologies at the border, and erected physical barriers. Sustaining these efforts is an essential component of regaining control of America's southern border and battling cross-border crime cartels while improving the flow of legal goods and services across the border.

Reinventing the wheel on border security would be a waste of resources and would further delay real security at America's borders. Following is a guideline for the Obama Administration and Congress.

**To meet the demands of training new Border Patrol agents, Congress and DHS should:**

1. **Expand Border Patrol training capacities.** Congress should provide additional funds for new classrooms, living space, firing ranges, physical fitness facilities, and training areas at the Border Patrol Academy and the Federal Law Enforcement Training Center, along with monies for additional staff and instructors.
2. **Find alternative training avenues.** U.S. Customs and Border Protection (CBP) must find faster and more innovative strategies by which to train agents without sacrificing the quality of training.

3. **Use contractors to provide more manpower.** Contract workers could be used to meet temporary manpower needs while CBP recruits more Border Patrol agents.

**SBI*net* is a tool that has the promise to provide security in areas of the border where physical fencing does not make sense. Congress can ensure the success of SBI*net* by:**

4. **Ensuring that SBI*net* is fully funded.** Congress has diverted some of the SBI*net* funds to physical fencing in the past. But doing this again or using SBI*net* money for another border project will simply continue to delay implementation—costing the U.S. government more money and time.
5. **Reforming congressional oversight of DHS.** Congress should provide clearer oversight—ensuring that both contractors and DHS officials are taking the right steps at the border by consolidating oversight of homeland security into four committees, two in the House and two in the Senate.

This paper, in its entirety, can be found at:  
[www.heritage.org/Research/HomelandSecurity/bg2245.cfm](http://www.heritage.org/Research/HomelandSecurity/bg2245.cfm)

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Future infrastructure investments must focus primarily on the ports of entry, not only to improve security but also to reduce the cost of transaction times for moving goods, people, and services across the border expeditiously.

6. **Encourage private-sector investment in border infrastructure.** The government can encourage the private sector to take these steps in a number of ways, for example, by expanding the protections of the Support Anti-Terrorism by Fostering Effective Technologies (SAFETY) Act.

Under Section 287 (g) of the Immigration and Nationality Act (INA), DHS can enter into assistance compacts with state and local governments. To strengthen this program, Congress and DHS should:

7. **Promote participation in Section 287 (g).**

DHS should create and implement a marketing strategy that would inform states of the program and encourage nationwide implementation of Section 287 (g). Creating a national center for best practices and lessons learned, and requiring DHS to report to Congress each year on the program's progress will help to ensure the continued success of Section 287 (g).

8. **Allow flexibility with homeland security grants.** Congress should allow states and cities participating in Section 287 (g) to use funds from homeland security grants to provide community policing at the border, including overtime for state and local law enforcement agents assisting in federal immigration enforcement investigations.

9. **Expand DHS Border Enforcement Security Taskforces (BEST) to include 287 (g).** These task forces involve federal, state, and local entities working with the Mexican government to tackle cross-border crime and secure the border. The 287 (g) programs will need to receive a certain amount of legitimacy from DHS in order to recruit participants, retain public support, and fulfill their missions. One way to achieve this is by expanding the already successful BEST task forces to formally include 287 (g) programs.

The best way to minimize safety and liability ramifications is to encourage states to organize State Defense Forces (SDFs). To promote the creation of SDFs, Congress should:

10. **Require DHS and the Department of Defense to encourage border states to form SDFs.** DHS should prepare a strategy by which to inform and market SDFs to state governments and citizens.

11. **Provide funds to establish a system of accreditation and standards for SDFs.** Such a system is vital to the success of SDFs—and is the best means by which to decrease liability and increase safety.

12. **Collaborate with states to create legal-guide pamphlets.** DHS should work with states to produce legal-guide pamphlets that would serve as a resource for private citizens, such as border-area property owners, who must often deal with illegal aliens trespassing on their property.

Finally, the U.S. should:

13. **Expand the Merida Initiative.** Around \$300 million of the \$1.5 billion allocated for the anti-drug program has been spent so far. The U.S. needs to go further to ensure that all of these monies are spent to provide this valuable assistance.

14. **Leave NAFTA alone.** NAFTA has produced positive economic benefits for both the U.S. and Mexico. Given the agreement's benefits, President Obama should not attempt to rewrite NAFTA and should instead reaffirm his commitment to the agreement.

15. **Provide full funding for the Coast Guard.** Maritime security efforts must be enhanced in conjunction with land security. The Coast Guard acts as the law enforcement for the high seas; however, it lacks the resources and capacities to do its job as effectively as it could.

**Conclusion.** Gaining control of the border is not optional—the security of the United States depends on the ability and determination of the U.S. government to keep its citizens safe. But the U.S. can and should do it in such a way that encourages prosperity for both Americans and Mexicans alike.

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# Background

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## 15 Steps to Better Border Security: Reducing America's Southern Exposure

*Jena Baker McNeill*

One of many concerns raised by the September 11, 2001, terrorist attacks on New York and Washington is the security of U.S. borders. The Homeland Security Act of 2002 established border security as a major mission for the new Department of Homeland Security (DHS). The failed congressional attempt at comprehensive immigration reform focused renewed attention on the U.S. border with Mexico as well as on the challenges of illegal border crossings and surges in cross-border crime. In response, the Bush Administration employed additional Border Patrol agents, deployed new technologies at the border, and erected physical barriers.

These efforts have contributed to a decrease in the illegal alien population in the U.S. and to an expansion of cross-border security cooperation with Mexico. Sustaining these efforts is an essential component of regaining control of America's southern border and battling cross-border crime cartels while improving the flow of legal goods and services across the border. This was a good start. Today, however, the Obama Administration must continue these measures and work to integrate national efforts with state and local governments as well as with private citizens.

### At the Border

Understanding the southern border is the first step toward gauging border security progress. This border is more than just a demarcation on a map—it has unique challenges that must be considered in any attempt to gain operational control. Not only is the

### Talking Points

- The 9/11 attacks raised concerns over the security of U.S. borders. The failed congressional attempt at comprehensive immigration reform focused renewed attention on the U.S. border with Mexico as well as on illegal border crossings and surges in cross-border crime.
- In response, the Bush Administration employed additional Border Patrol agents, deployed new technologies at the border, and erected physical barriers, which contributed to a decrease in the illegal alien population in the U.S. and to an expansion of cross-border security cooperation with Mexico.
- The Obama Administration should continue these measures by increasing training capabilities, supporting *SBI*net, encouraging states to enter into Section 287(g) compacts, and to create State Defense Forces (SDFs) in order to promote citizen participation in border security.
- Simultaneously, the U.S. should assist in Mexico's economic development and promote private investment in border infrastructure.

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southern border extremely long, spanning 2,000 miles from Texas to California, its terrain is incredibly diverse, from rugged, mountainous regions to expansive and barren desert.<sup>1</sup> While physical features, such as the Rio Grande River and the Sonoran and Chihuahuan deserts, serve as natural border barriers that limit the ability of people to enter the U.S. illegally, in other areas all that separates the United States from Mexico is an old fence.<sup>2</sup>

The main method by which to enter and exit the U.S. and Mexico is through the 39 ports of entry (POE).<sup>3</sup> These POEs operate almost around the clock, processing vast numbers of people, goods, and vehicles. In 2005, U.S. Customs and Border Protection (CBP) processed more than 319 million people and more than 133 million trucks and cars, a good majority of which came through the southern border.<sup>4</sup> While the POEs act as a security mechanism, these entrances are also a constant source of vulnerability, largely stemming from out-of-date and dilapidated infrastructure.<sup>5</sup>

POEs serve to regulate the flow of people, goods, and services into and out of the U.S. and Mexico, making the border an economic engine that generates hundreds of billions of dollars a year in commerce for both countries—and moving goods and services throughout North America.

This shared border has also led to an extensive economic relationship between the U.S. and Mexico. America is Mexico's primary source of foreign direct investment (FDI).<sup>6</sup> Immigrants living in the U.S. send millions of dollars in remittances back home to Mexico every year.<sup>7</sup> The benefits of this relationship to the U.S. are also immense. Due to the free-trade relationship established between the two countries under the North American Free Trade Agreement (NAFTA), Mexico became America's second-largest trading partner. (In 2008, China became No. 2, with Canada in first place, and Mexico dropping to third.)<sup>8</sup>

### Challenges and Challenging Solutions

As the economic relationship between the U.S. and Mexico has expanded, challenges have also arisen that jeopardize the security of the border and require the immediate attention of both the U.S. and Mexico.

**Cartels Running Amok.** Criminal cartels have seized *de facto* control of broad swathes of land in Mexico just across the U.S. border.<sup>9</sup> Some of the most powerful cartels include the Gulf Cartel, The Federation, the Tijuana Cartel, the Sinaloa, and the Juarez Cartel—who have also been known to make alliances with one another. These cartels sell drugs and weapons, engage in human trafficking, and

1. U.S. Customs and Border Protection, "National Border Patrol Strategy," September 2004, p. 9, at [http://cbp.gov/linkhandler/cgov/border\\_security/border\\_patrol/border\\_patrol\\_ohs/national\\_bp\\_strategy.ctt/national\\_bp\\_strategy.pdf](http://cbp.gov/linkhandler/cgov/border_security/border_patrol/border_patrol_ohs/national_bp_strategy.ctt/national_bp_strategy.pdf) (February 25, 2009). See also James Jay Carafano, "Heritage at the Border: Ideas that Make a Difference," Heritage Foundation *WebMemo* No. 1395, March 14, 2007, at <http://www.heritage.org/Research/HomelandSecurity/wm1395.cfm>.
2. *Ibid.* See also Timothy Egan, "Border Desert Proves Deadly for Mexicans," *The New York Times*, May 23, 2004, at <http://query.nytimes.com/gst/fullpage.html?res=9905E1DC163EF930A15756C0A9629C8B63> (February 25, 2009).
3. U.S. Customs and Border Protection, "CBP Border Wait Times," at <http://apps.cbp.gov/bwt/> (February 25, 2009).
4. U.S. Customs and Border Protection, "Securing America's Borders at Ports of Entry: Office of Field Operations Strategic Plan FY 2007–2011," September 2006, p. 11, at [http://www.cbp.gov/linkhandler/cgov/border\\_security/port\\_activities/securing\\_ports/entry\\_points.ctt/entry\\_points.pdf](http://www.cbp.gov/linkhandler/cgov/border_security/port_activities/securing_ports/entry_points.ctt/entry_points.pdf) (February 25, 2009).
5. U.S. Government Accountability Office, *Border Security: Despite Progress Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry*, GAO-08-219, November 2007, p. 28, at <http://www.gao.gov/new.items/d08219.pdf> (February 25, 2009).
6. Andreas Waldkirch, "The Effects of Foreign Direct Investment in Mexico Since NAFTA," Colby College, March 28, 2008, p. 4, at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1115300](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1115300) (February 25, 2009).
7. David Adams, "Flow of Dollars Home to Latin America Dwindles," *St. Petersburg Times*, July 28, 2008, at <http://www.tampabay.com/news/nation/article742859.ece> (February 25, 2009).
8. U.S. Census Bureau, Foreign Trade Statistics, "Top Trading Partners—Total Trade, Exports, Imports," November 2008, at <http://www.census.gov/foreign-trade/statistics/highlights/top/top0811yr.html> (February 25, 2009).
9. Colleen W. Cook, "Mexico's Drug Cartels," CRS Report to Congress, October 16, 2007, p. 1, at <http://www.fas.org/sgp/crs/row/RL34215.pdf> (February 25, 2009).

launder money. From these “businesses” stem ever-increasing numbers of kidnappings, robberies, and murders. No ordinary street gangs, these cartels are like violent mini-militaries, fully equipped with intelligence, weapons, and other equipment.<sup>10</sup> They engage in these crimes largely without interference from Mexican law enforcement, which is simply too overwhelmed, lacking both manpower and resources to tackle the problem.<sup>11</sup>

Cartel violence has escalated in recent years in retaliation to Mexican President Felipe Calderon’s efforts to crack down on cartel criminal activity. In 2007, close to 3,000 people were murdered by cartels.<sup>12</sup> By 2008, the number had risen to more than 5,300 (the number is expected to rise in 2009).<sup>13</sup> The motivation behind this violence largely centers on the highly profitable illegal drug trade—largely fed by American demands for illegal narcotics. This battle has induced outrageous acts of violence in areas like Ciudad Juarez, a Mexican city across the border from El Paso, Texas, including gruesome beheadings.<sup>14</sup> In June 2008, a 12-year-old girl was killed when cartel gunmen used her as a human shield.<sup>15</sup>

The violence has begun to spill over into the United States. In January 2008, a U.S. Border Patrol agent, Luis Aguilar, was run over and killed by drug

smugglers as he tried to arrest them in California.<sup>16</sup> In 2005, four Americans were kidnapped for ransom by a cartel in Nuevo Laredo, Mexico, not too far from Laredo, Texas.<sup>17</sup> While they were later released, their kidnapping as well as other acts of violence led the U.S. State Department to issue a travel warning for American tourists in the Laredo area.

**Illegal Immigration.** Approximately 11 million illegal aliens live in the United States. About 375,000 people enter the U.S. illegally through gaps in the southern border each year.<sup>18</sup> Once in the U.S., illegal aliens often do not feed the tax system, but put a major strain on government services, such as for health care and education. Particularly hard-hit are state and local governments, which often bear the burden of footing the bill. Illegal aliens in California have cost the state between \$9 billion and \$38 billion in public services.<sup>19</sup> The state of Texas has estimated that the bill for illegal immigrant hospital care was as much as \$1.3 billion in 2006.<sup>20</sup> While statistics demonstrate that the illegal population has decreased over the past year, the costs still remain too large for state and local governments to handle. Furthermore, in the wake of the economic downturn, as the number of illegal aliens has decreased, so have the budgets of state and local governments—providing fewer dollars with which to pay for these ser-

10. Ray Walser, “Mexico, Drug Cartels, and the Merida Initiative: A Fight We Cannot Afford to Lose,” Heritage Foundation Backgrounder No. 2163, July 23, 2008, pp. 4, 8, 9, at <http://www.heritage.org/Research/LatinAmerica/bg2163.cfm>.

11. *Ibid.*

12. Penny Star, “Drug-Cartel Murders in Mexico Double in 2008,” CNSNews, December 18, 2008, at <http://www.cnsnews.com/Public/content/article.aspx?RsrcID=40962> (February 25, 2008).

13. Bill Whitaker, “Brutal Drug War Fueled by U.S. Appetite,” CBS News, December 16, 2008, at <http://www.cbsnews.com/stories/2008/12/16/eveningnews/main4672172.shtml> (February 25, 2009).

14. Alicia A. Caldwell, “Ciudad Juarez Violence Keeps Americans Away,” *The Atlanta Journal Constitution*, October 17, 2008, at <http://www.ajc.com/services/content/printedition/2008/10/17/border.html> (January 27, 2009).

15. Walser, “Mexico, Drug Cartels, and the Merida Initiative.”

16. *Ibid.*

17. Ginger Thompson, “Mexico: Kidnappers Free 4 Americans,” *The New York Times*, May 28, 2005, at <http://query.nytimes.com/gst/fullpage.html?res=9C00E7D71139F93BA15756C0A9639C8B63> (February 25, 2009).

18. C. David Skinner, “Illegal Immigration Across the U.S.–Mexico Border,” U.S. Army War College, March 15, 2006, p. 3, at <http://www.strategicstudiesinstitute.army.mil/pdffiles/ksil499.pdf> (February 25, 2009).

19. Philip J. Romero, “Racing Backwards: The Fiscal Impact of Illegal Immigration in California, Revisited,” *The Social Contract*, Vol. 17, No. 4 (Summer 2007), p. 237, at [http://www.thesocialcontract.com/pdf/seventeen-four/tsc\\_17\\_4\\_romero.pdf](http://www.thesocialcontract.com/pdf/seventeen-four/tsc_17_4_romero.pdf) (January 24, 2009).

20. Richard Wolf, “Rising Health Care Costs Put Focus on Illegal Immigrants,” *USA Today*, January 22, 2008, at [http://www.usatoday.com/news/washington/2008-01-21-immigrant-healthcare\\_N.htm](http://www.usatoday.com/news/washington/2008-01-21-immigrant-healthcare_N.htm) (February 25, 2009).

vices, and placing a heavier burden on taxpayers.

While the economic impacts of illegal immigration are disconcerting, gaps in the southern border threaten the physical safety of Americans. Among these millions of illegal aliens are serious criminals, often not even from Mexico, seeking to enter the U.S. undetected. In 2007, CBP apprehended a man attempting to cross the border into the U.S. in the Yuma sector of Arizona.<sup>21</sup> Upon his arrest, CBP discovered that he had already been arrested 23 times in the U.S. for a multitude of crimes including robbery, and had already spent eight years in jail and 13 years on probation.<sup>22</sup>

### How to Assess Border Security

The standard for evaluating current and future border programs is how effectively they contribute to the overall national goal of shifting the balance between lawful and illegal migration, combating transnational criminal and other national security threats, and enhancing the sovereignty of both the U.S. and Mexico. Doing so requires actions based on the following principles:

- **Principle No. 1: Smart Security.** All too often progress at the border has centered on numbers—of agents hired, miles of fencing built, cameras deployed, etc.<sup>23</sup> A smart approach to border security includes policies and programs that make Americans more secure and prosperous while protecting the sovereignty of both border partners. An example of a smart approach to border security is the Border Enforcement Security Taskforce (BEST). BEST is a program that couples U.S. federal, state, and local law enforcement with Mexican law enforcement to share

information and collaborate on matters such as border crime.<sup>24</sup> Neither country is forced to cede control over its border to the other; instead, both the U.S. and Mexico work together to tackle border challenges voluntarily, while maintaining individual sovereignty.

- **Principle No. 2: Economics.** The border is an economic engine that facilitates trade—by reducing the transaction cost for business while maintaining security. The U.S. should be looking for border security policies and programs that will help to secure the border while protecting and promoting our nation's economic interests. One such effort is the Security and Prosperity Partnership (SPP). Created in 2005, the SPP works as a forum to increase dialogue between the U.S., Canada, and Mexico. The three countries have used the SPP to work together to find new avenues to improve the flow of commerce, cut red tape, and increase consistency of trade rules and regulations as well as to increase security.<sup>25</sup> This cooperation has helped to facilitate economic development and increase quality of life in all three nations—without requiring any nation to cede its sovereignty. The SPP has no formal organization and no budget, and actions taken by each of the partner countries occur within the realm of their own existing laws.<sup>26</sup> Improving Mexico's economic growth can help reduce the desire of Mexicans to cross the U.S. border illegally (as they often come to the U.S. for economic reasons). Stemming the flow of illegal immigration would allow Border Patrol agents to focus on catching international criminals and terrorists and stem the flow of drugs and weapons into America.

21. Press release, "Yuma Border Patrol Agents Nab Criminal Alien," U.S. Customs and Border Protection, November 26, 2007, at [http://cbp.gov/xp/cgov/newsroom/news\\_releases/archives/2007\\_news\\_releases/112007/11262007\\_6.xml](http://cbp.gov/xp/cgov/newsroom/news_releases/archives/2007_news_releases/112007/11262007_6.xml) (February 25, 2009).

22. *Ibid.*

23. David Heyman and James Jay Carafano, "Homeland Security 3.0: Building a National Enterprise to Keep America Safe, Free, and Prosperous," Heritage Foundation *Special Report* No. 23, September 18, 2008, at [http://www.heritage.org/Research/HomelandDefense/upload/sr\\_23.pdf](http://www.heritage.org/Research/HomelandDefense/upload/sr_23.pdf).

24. U.S. Immigration and Customs Enforcement, "Border Enforcement Security Task Force," December 3, 2008, at [http://www.ice.gov/pi/news/factsheets/080226best\\_fact\\_sheet.htm](http://www.ice.gov/pi/news/factsheets/080226best_fact_sheet.htm) (February 25, 2009).

25. Daniella Markheim, "U.S. Partnerships with Canada, Mexico, and the E.U. to Streamline Trade Regulations Should Continue," Heritage Foundation *WebMemo* No. 2229, January 16, 2009, at <http://www.heritage.org/Research/TradeandEconomicFreedom/wm2229.cfm>.

26. *Ibid.*

• **Principle No. 3: A Team Effort.** The effects of lax border security extend far beyond Washington. This means that securing the border should be the responsibility of more than one federal agency or policy mandate. What is required is a team effort that includes federal, state, and local governments, as well as private citizens. Making the most difference at the border will require that all of these parts are integrated to ensure that assets are deployed at the right place at the right time. Washington can support this process by making key investments in infrastructure, organization, technology, and resources and by supporting the development of this team through legislation and policy reform.

**Manpower Increase.** In 2006, the Bush Administration called for a 6,000-person increase of Border Patrol agents by December 31, 2008,<sup>27</sup> bringing the total number of agents to 18,000. CBP instituted a major recruitment campaign, and has reported that the goal has been met.<sup>28</sup> CBP recently announced that it plans to hire 11,000 more people in 2009 (many of which will be new agents).<sup>29</sup>

Some critics argue that the U.S. should be spending more money on technology and less on manpower—citing the cost of hiring and training new agents. Training one new agent at the Border Patrol Academy was estimated to cost \$14,700 in fiscal year (FY) 2006.<sup>30</sup> While the cost of training new agents is high, Border Patrol agents are useful for a variety of missions, including drug interdiction, apprehending illegal aliens, preventing acts of ter-

rorism, and ensuring the free flow of commerce across the ports of entry—activities that cannot be handled exclusively by technology.

Concerns remain that the current recruitment levels are too large for the Border Patrol training centers to handle. Training facilities are already overwhelmed; the demand for an additional 11,000 agents will make training even more of a challenge.

**Support of the Guard.** In 2006, President Bush sent 6,000 National Guard troops to the southern border through a program called Operation Jump Start.<sup>31</sup> These troops were deployed under Title 32 (“National Guard”) of the United States Code and were tasked with helping current Border Patrol agents secure America’s borders.<sup>32</sup> As CBP became more successful in its recruiting efforts, these troops were phased out.

The National Guard deployment was met with concerns by some Americans that President Bush was militarizing the border—possibly violating the Posse Comitatus Act of 1878. The Posse Comitatus Act makes it unlawful to use the “Army and Air Force to execute the domestic laws of the United States except where expressly authorized by the Constitution or Congress.”<sup>33</sup> But the National Guard members, who are stationed at the border under Title 32 (“National Guard”) of the U.S. Code, are not subject to the prohibitions of Posse Comitatus, unlike deployment under Title 10 (“Armed Forces”). In addition, any federal troops employed not tasked with the apprehension of illegal aliens or other law enforcement efforts under either title are

27. Press release, “CBP Meets 18,000 Border Patrol Agent Hiring Commitment—Weeks Early,” U.S. Customs and Border Protection, December 17, 2008, at [http://cbp.gov/xp/cgov/newsroom/news\\_releases/december\\_2008/12172008\\_9.xml](http://cbp.gov/xp/cgov/newsroom/news_releases/december_2008/12172008_9.xml) (February 25, 2009).

28. *Ibid.*

29. U.S. Customs and Border Protection, “CBP Launches Recruitment Campaign to Fill 11,000 Positions,” February 3, 2009, at [http://www.cbp.gov/xp/cgov/newsroom/news\\_releases/02032009\\_2.xml](http://www.cbp.gov/xp/cgov/newsroom/news_releases/02032009_2.xml) (February 25, 2009).

30. Richard M. Stana, “Border Patrol: Costs and Challenges Related to Training New Agents,” testimony before the Subcommittee on Management, Investigations, and Oversight, Committee on Homeland Security, U.S. House of Representatives, June 19, 2007, at <http://www.gao.gov/new.items/d07997t.pdf> (March 3, 2009).

31. Sergeant Jim Greenhill, “Operation Jump Start a Success, Officials Say,” *National Guard Bureau*, December 17, 2008, at [http://www.ngb.army.mil/news/archives/2006/12/121106-OJS\\_success.aspx](http://www.ngb.army.mil/news/archives/2006/12/121106-OJS_success.aspx) (February 25, 2009).

32. Stephen R. Viña, “Border Security and Military Support: Legal Authorizations and Restrictions,” CRS Report for Congress, May 23, 2006, p. 5, at <http://www.fas.org/sgp/crs/homesecc/RS22443.pdf> (February 6, 2009).

33. *Ibid.*, p. 3.

not covered under the prohibition. Congress has also authorized exceptions to Title 10 for certain homeland security related activities.<sup>34</sup>

During Operation Jump Start, Guard troops assisted CBP through intelligence and administrative activities. Concerns that the troops would stay indefinitely, to the detriment of other national security missions, such as the war in Iraq also proved unfounded. Troops were eventually phased out. (In fact, several border governors were concerned the National Guard might be leaving too early).<sup>35</sup> Although the National Guard should not be placed at the border for the long term, this does not mean that the Guard could not have a role in keeping America's borders safe.

At this time, National Guard forces can best support border security activities through support during annual training periods. These deployments benefit guard units by providing additional training opportunities and can provide added support to Border Patrol agents. Activities can be programmed in advance so they facilitate rather than disrupt other training and deployment requirements. During these operations National Guard forces can remain under Title 32 status which places control of these troops under the command of the state governor.<sup>36</sup>

**The Secure Fence Act.** The Secure Fence Act was enacted by Congress in 2006.<sup>37</sup> The bill directed DHS to build 670 miles of physical fencing along the southern border by December 31, 2008.<sup>38</sup> Construction was met with a variety of challenges; the cost of materials for fencing, such as steel, skyrocketed.<sup>39</sup> Furthermore, DHS went through lengthy challenges—including litigation (which DHS ultimately won), which dealt with the issue of whether the Secretary of DHS had the power to waive environmental laws along the border.<sup>40</sup> As of January 2009, 601 miles of physical fencing had been built—but DHS continues to build more fencing.<sup>41</sup>

Employing tactical infrastructure at the border remains an issue of some controversy. Some view the fence as sending the wrong message to our southern neighbors—that Americans do not like them. Others argue that the financial cost is too high and that it is harmful to the environment.<sup>42</sup> Those who support the effort, however, insist that it is the only way to truly stem the tide of illegal immigration—a barrier that can make apprehending illegal aliens easier by slowing them down as they enter America.<sup>43</sup>

In some areas, erecting fences is the best way to tackle the illegal-entry problem. But the cost makes it important to use fencing only in areas with a low

34. Eric V. Larson and John E. Peters, "Preparing the U.S. Army for Homeland Security: Concepts, Issues, and Options," RAND Corp., 2001, Appx. D, at [http://www.rand.org/pubs/monograph\\_reports/MR1251/](http://www.rand.org/pubs/monograph_reports/MR1251/) at (February 25, 2009).

35. The Associated Press, "Border Governors Worried About National Guard Pullout," June 20, 2008, at <http://www.ihf.com/articles/ap/2008/06/20/america/National-Guard-Border.php> (February 26, 2009).

36. United States Code, "Title 32—National Guard," at [http://www4.law.cornell.edu/uscode/html/uscode32/usc\\_sup\\_01\\_32.html](http://www4.law.cornell.edu/uscode/html/uscode32/usc_sup_01_32.html) (February 26, 2009).

37. Ellen Sullivan, "U.S.—Mexico Border Fence Almost Complete," Associated Press, January 27, 2009, at [http://www.google.com/hostednews/ap/article/ALeqM5jE\\_bOUpQb6MxrxSQno3N6gEdY-MAD95VN7G00](http://www.google.com/hostednews/ap/article/ALeqM5jE_bOUpQb6MxrxSQno3N6gEdY-MAD95VN7G00) (February 25, 2009).

38. Press release, "Border Fence Project Surpasses 500 Mile Mark," U.S. Customs and Border Protection, December 19, 2008, at [http://www.cbp.gov/xp/cgov/newsroom/news\\_releases/december\\_2008/12192008.xml](http://www.cbp.gov/xp/cgov/newsroom/news_releases/december_2008/12192008.xml) (February 26, 2009).

39. Randal C. Archibold, "Border Fence Is Not Likely to Be Done by Year's End," *The New York Times*, September 10, 2008, at <http://www.nytimes.com/2008/09/11/us/11fence.html?emc=tnt&tntemail1=y> (February 26, 2009).

40. David Stout, "Justices Refuse Check on Border Fences," *The New York Times*, June 24, 2008, at [http://www.nytimes.com/2008/06/24/washington/23cnd-scotus.html?\\_r=1](http://www.nytimes.com/2008/06/24/washington/23cnd-scotus.html?_r=1) (February 26, 2009). Congress approved environmental waiver authority in 2005.

41. Sullivan, "U.S.—Mexico Border Fence Almost Complete."

42. Manuel Roig-Franzia, "Mexico Calls U.S. Border Fence Severe Threat to Environment," *The Washington Post*, November 16, 2007, at <http://www.washingtonpost.com/wp-dyn/content/article/2007/11/15/AR2007111502272.html> (February 25, 2009).

43. Blas Nuñez-Neto and Stephen R. Viña, "Border Security: Fences Along the U.S. International Border," CRS Report to Congress, January 13, 2005, at <http://www.fas.org/sgp/crs/RS22026.pdf> (February 25, 2009).



“melting point.” The melting point is the time it takes for an individual to cross the border and “melt” into a landscape unnoticed. In urban border communities, spending money on physical barriers makes sense because individuals can easily cross the border and sneak quickly into the urban landscape (for example, one can hide in a building or steal a car and drive away). But in other areas, like the middle of the desert, the barren landscape makes it easy for Border Patrol agents to detect border crossers.

CBP has made considerable progress in constructing border infrastructure, though installation has been slowed by dramatic increases in the cost of materials and litigation. Additionally, the initial estimates for fencing requirements did not account for the increase in deployments of manpower and technology at the border.<sup>44</sup> As a result, CBP should reassess the cost effectiveness for any additional infrastructure, and Congress should listen to their recommendations.

**SBinet.** Initiated in 2006, SBinet is designed to bring new technologies and capabilities to support the work of the men and women of the Border Patrol.<sup>45</sup> The program deploys a combination of both infrastructure and technology, such as cameras, radars, sensors, and towers, along 387 miles of border, with the goal of creating a “virtual fence” to help border agents detect people as they attempt to cross the border illegally.

The beginning phases of SBinet were problematic. Construction of the SBinet system was delayed because of land permit issues. DHS encountered permit problems when it learned that the environmental waiver authority for fencing did not extend to SBinet.<sup>46</sup> These problems as well as complica-

tions with the technology itself delayed implementation by three years.<sup>47</sup> The program also faced complaints by DHS that the pilot program did not obtain enough input from the Border Patrol agents who would be using the equipment.<sup>48</sup>

While the pilot program was deemed operational in February of 2008, concerns remain that SBinet will never be fully functional. In September 2008, the Government Accountability Office (GAO) remained “unclear and uncertain” about what kind of technological capabilities will ever come out of SBinet and emphasized that current requirements were still “ambiguous and in a continued state of flux.”<sup>49</sup> The SBinet program has taken significant steps to remedy the concerns expressed by GAO, including replacement of the program manager. Program officials have indicated that the project will move forward with permanent construction by April 2009.<sup>50</sup>

**State and Local Governments.** During the Bush Administration, state and local governments began to see the first-hand effects of lax border security on their communities, including skyrocketing costs for illegal-immigrant services, increased crime in border towns, and travel restrictions and warnings stemming from border violence. Washington’s failure to tackle comprehensive immigration reform frustrated these state and local governments even further—driving them to take action.

Recognizing the interest of state and local governments in border security, the Bush Administration did create some initiatives which would allow these governments to participate in border security. The Secure Border Initiative (SBI), for instance,

44. Kevin Johnson, “In the Southwest, Fixing the Fence Never Ends,” *USA Today*, September 17, 2007, at [http://www.usatoday.com/news/nation/2007-09-16-border-fence\\_N.htm](http://www.usatoday.com/news/nation/2007-09-16-border-fence_N.htm) (February 126, 2009).

45. U.S. Customs and Border Protection, “SBInet: Securing U.S. Borders,” September 2006, at <http://www.dhs.gov/xlibrary/assets/sbinetfactsheet.pdf> (February 26, 2009).

46. Richard M. Stana, “Secure Border Initiative: Observations on Deployment Challenges,” U.S. Government Accountability Office, GAO-08-1141T, September 10, 2008, at <http://www.gao.gov/htext/d081141t.html> (February 26, 2009). DHS was extended the authority by Congress in 2005 to waive environmental laws as necessary to construct the physical fence.

47. *Ibid.*

48. *Ibid.*

49. *Ibid.*

50. Alice Lipowicz, “DHS Prepares to Deploy Virtual Fence,” *Federal Computer Week*, February 6, 2009, at <http://fcw.com/articles/2009/02/06/sbinet-update.aspx> (February 26, 2009).

instituted a program to work with corrections departments to identify illegal aliens in prisons so that these individuals could be deported to their home countries instead of being released in the U.S. when their sentences ended.<sup>51</sup>

Supporters of state and local participation in border security emphasize that the U.S. needs to do more to integrate state and local governments into the planning and execution of border strategy because these governments are much more familiar with the on-the-ground realities at the border and bring valuable knowledge of local culture, customs, geography, politics, and threats to the community.<sup>52</sup> Local governments enforce housing violations and police departments recover stolen cars, often cutting off smuggling and drug-trade avenues. Others argue that since state and locals often end up footing the bill for illegal immigrants, these governments should have an opportunity to engage in decision making at the border.

On the other hand, some Americans insist that the federal government, exclusively, should handle the border because it is a function of national security and falls under Washington's constitutional responsibility to "provide for the common defense."<sup>53</sup> While it is the federal government's job to secure the border, allowing state and local governments to participate will do more than just enforce U.S. laws—it will increase the safety of their communities—and it should be encouraged. It is vital that DHS begin to look for ways to further integrate state and local governments into border security—capitalizing on their knowledge, expertise,

and *willingness*. The ability of such an effort to succeed is documented and demonstrates the need for this type of teamwork at the border. In 2006, Operation Rio Grande, a program among federal, state, and local law enforcement officials was a big success. The program, instituting interdiction operations, community policing, and other measures, reduced crime by a whopping 60 percent in patrolled border counties.<sup>54</sup>

The wrong approach to this problem would be to establish a sweeping mandate that would force state and local law enforcement to do the federal government's job.<sup>55</sup> Instead, DHS can rely on Section 287 (g) of the Immigration and Nationality Act (INA), which allows DHS to enter into assistance compacts with state and local governments.<sup>56</sup> Under this section, states can secure adequate training for state and local law enforcement officers—including training on immigration and civil rights law and racial profiling issues—who would then be authorized to deal with immigration offenders and enforce immigration laws.

**Private Citizens.** Much like state and local governments, private citizens living in border communities recognized the need to take action at the border—because border crimes and illegal immigration were having a direct impact on their neighborhoods and daily lives.<sup>57</sup> Border ranchers, for instance, had had enough of illegal aliens destroying and stealing fencing and scaring cattle from watering holes. Affected citizens began to organize and take action on their own. One such example is the Minuteman Project—a neighborhood watch

51. U.S. Customs and Border Protection, "Fact Sheet: Secure Border Initiative," November 2, 2005, at [http://www.dhs.gov/xnews/releases/press\\_release\\_0794.shtm](http://www.dhs.gov/xnews/releases/press_release_0794.shtm) (February 26, 2009).

52. James Jay Carafano, "Safeguarding America's Sovereignty: A 'System of Systems' Approach to Border Security," Heritage Foundation *Background* No. 1898, November 28, 2005, at <http://www.heritage.org/Research/HomelandSecurity/bg1898.cfm>.

53. Preamble to the U.S. Constitution.

54. Press release, "Perry: Border Security Operations Are Unparalleled Success," State of Texas, Office of the Governor, October 17, 2006, at <http://governor.state.tx.us/news/press-release/2348/> (February 26, 2009).

55. James Jay Carafano, "Section 287 (g) Is the Right Answer for State and Local Immigration Enforcement," Heritage Foundation *Executive Memorandum* No. 994, March 2, 2006, at <http://www.heritage.org/Research/HomelandSecurity/em994.cfm>.

56. *Ibid.*

57. James Jay Carafano, Brian W. Walsh, David B. Muhlhausen, Laura P. Keith, and David D. Gentilli, "Better, Faster, and Cheaper Border Security," Heritage Foundation *Background* No. 1967, September 6, 2006, at <http://www.heritage.org/Research/HomelandSecurity/bg1967.cfm>.

group focused on detecting illegal aliens and securing the border.<sup>58</sup>

While some view the success of the Minutemen as an example of the potential positive impact of private citizens at the border, others remain concerned that such activities verge on vigilantism. Concerns also remain that these volunteers are assuming significant safety and liability risks. However, it is not unheard of for private citizens to assist in vital government functions. In America, citizen's arrest laws exist, allowing an ordinary person to make an arrest if he or she has personally witnessed a felony.<sup>59</sup> While citizen's arrest laws vary from state to state, what is important is their significance: American laws recognize that ordinary citizens can help the government enforce the law. Using citizens at the border can produce a multitude of benefits, as demonstrated by the success of the Minuteman Project. Citizens can protect property from crime, deter drug sales, and act as additional community policing in border communities—allowing law enforcement and Border Patrol agents the leeway to focus on intercepting drug shipments and catching potential terrorists.

Critics of citizen involvement at the border are rightfully concerned with the safety and liability ramifications of these activities. A volunteer attempting to apprehend a trespasser on his or her property could be harmed without proper training and guidance. Minimizing these concerns requires a certain level of organization and accountability, which can be achieved through accreditation, official standards, and practical employment concepts consistent with volunteer service.<sup>60</sup> The best way would be to encourage states to organize State Defense Forces (SDFs), volunteer organizations dedicated to assisting the federal government in a

number of activities, including border control.<sup>61</sup> These forces report to and are funded by state governments, are governed by state law, and report to the governor. Such an organization allows SDFs to use state military resources, such as armories and training sites, while requiring states to provide training and other resources to volunteers.

**America's Relationship with Mexico.** During the Bush Administration, both the United States and Mexico sought to strengthen ties with one another. Economically, President Bush reaffirmed his support for NAFTA, the free-trade agreement formed in 1994 among the U.S., Canada, and Mexico. In exchange for this and other forms of economic support, Mexico began to cooperate more extensively with the United States on matters of border security and illegal immigration. Both President Bush and President Vicente Fox agreed to work together to reduce deaths at the southern border, where many people die while attempting illegal border crossings.<sup>62</sup>

American union groups criticize the U.S.'s free-trade relationship with Mexico as harming American workers by shifting jobs to countries where labor and production are cheaper. During the presidential campaign, Barack Obama insisted that he would rewrite NAFTA if it did not include more protections for American workers.<sup>63</sup> But the reality is that NAFTA and other free-trade agreements have benefited American and Mexican workers in terms of more jobs and more business. During the first 13 years of NAFTA, U.S. gross domestic product (GDP) grew by more than 50 percent, and the economy created a net 26 million new jobs.<sup>64</sup> Between 1993 and 2007, Mexico added 10.1 million jobs to its economy and enjoyed \$375 billion in trade with NAFTA countries.<sup>65</sup>

58. *Ibid.*

59. *Black's Law Dictionary*, 8th Edition, 2004.

60. Carafano *et al.*, "Better, Faster, and Cheaper Border Security."

61. *Ibid.*

62. Tim Weiner, "In Mexico, Grim Resolve After Deaths," *The New York Times*, May 26, 2001, at <http://query.nytimes.com/gst/fullpage.html?res=9F07E4DA163CF935A15756C0A9679C8B63&n=Top%2FReference%2FTimes%20Topics%2Fpeople%2FF%2FFox%2C%20Vicente> (February 26, 2009).

63. Ambassador Terry Miller, "Trade Policy and Election Promises: Does the Rhetoric Match the Facts?" Heritage Foundation Lecture No. 1072, March 12, 2008, at <http://www.heritage.org/Research/TradeandEconomicFreedom/hl1072.cfm>.

*New Challenges.* Mexico has been strongly affected by the U.S. economic downturn in late 2008. Mexico relies heavily on oil revenues and sales to the U.S. market—the United States purchases as much as 82 percent of Mexico's exports.<sup>66</sup> As economic growth in Mexico decreases and unemployment rises, illegal immigration may begin to increase again if quality of life further deteriorates in Mexico (illegal immigration decreased with the U.S. economic downturn).

The terrorist attacks of 9/11 changed the focus at the border from purely illegal immigration to include the security of the U.S. homeland—as the U.S. became concerned that the southern border might be used as a loophole for terrorists to enter the U.S. Mexico's current economic instability has provided the drug cartels with more power—adding to the security concerns at the border. The more powerful the cartels become, the more rule of law deteriorates—making the border ever more susceptible to crime and terrorism.

The increasing power of drug cartels and deteriorating rule of law, as well as Mexico's economic instability have led some scholars to question whether Mexico is destined to become a failed state.<sup>67</sup> But the United States and Mexico, working together, can ensure that this does not become a reality. America must remain steadfast in its commitment to free trade with Mexico and should expand economic opportunities with Mexico and Central America as much as possible. Mexico's security is linked to America's security—if Mexico remains a haven for drug cartels and other serious criminals, it will become increasingly difficult to maintain control of the border.

## The Way Forward

The Obama Administration should use the lessons learned and best practices of the Bush Administration as a guide for the future. Reinventing the wheel on border security would be a waste of resources and would further delay real security at America's borders. Following is a guideline for the Obama Administration and Congress.

**To better secure the border, 11,000 border agents and support staff are set to be hired—and must be trained to do their jobs effectively and safely. To meet these training demands, Congress and DHS should:**

1. **Expand training capacities.** Training is essential for new border agents—it helps maintain the agents' safety, minimize liability, and ensure that the agents understand and fulfill their missions. CBP needs to ensure that all new agents receive adequate training. Congress should provide additional funds for new classrooms, living space, firing ranges, physical fitness facilities, and training areas at the Border Patrol Academy and the Federal Law Enforcement Training Center, along with monies for additional staff and instructors.<sup>68</sup> CBP should also look to collaborate with local institutions to use their already constructed spaces as satellite training campuses.<sup>69</sup>
2. **Find alternative training avenues.** CBP must find faster and more innovative strategies by which to train agents, without sacrificing the quality of training. An example of such a solution would be to provide computer-based post-academy training that would decrease the training costs while allowing knowledgeable CBP agents to share best practices with other agents.

64. Daniella Markheim, "Renegotiating NAFTA and Other U.S. Trade Agreements: Fixing What Isn't Broken," Heritage Foundation *WebMemo* No. 2116, October 24, 2008, at <http://www.heritage.org/research/TradeandEconomicFreedom/wm2116.cfm>.

65. Office of the United States Trade Representative, "NAFTA Works," April 1999, at [http://www.ustr.gov/assets/Trade\\_Agreements/Regional/NAFTA/asset\\_upload\\_file851\\_3609.pdf](http://www.ustr.gov/assets/Trade_Agreements/Regional/NAFTA/asset_upload_file851_3609.pdf) (February 26, 2009).

66. Ray Walsler, "Calderon and President-elect Obama Meet: A New Start in the Neighborhood," Heritage Foundation *WebMemo* No. 2202, January 12, 2009, at <http://www.heritage.org/Research/LatinAmerica/wm2202.cfm>.

67. United States Joint Forces Command, "The Joint Operating Environment 2008: Challenges and Implications for the Future Joint Force," November 25, 2008, at <http://www.jfcom.mil/newslink/storyarchive/2008/JOE2008.pdf> (February 26, 2009).

68. Carafano *et al.*, "Better, Faster, and Cheaper Border Security."

69. *Ibid.*

3. **Use contractors to provide more manpower.**

One way to easily increase manpower is to employ contractors. Contractors can perform virtually any border security mission, including law enforcement functions. Contract workers could be used to meet temporary manpower needs while CBP recruits more Border Patrol agents.

**When considering technological aids, SBInet is a tool that has the promise to provide security in areas of the border where physical fencing does not make sense. But the Obama Administration must ensure that the initial problems with the pilot program do not resurface during the permanent construction phases of the project. Congress can ensure the success of SBInet by:**

4. **Ensuring that SBInet is fully funded.**

SBInet will never function properly if it is not given adequate resources. Congress has diverted some of the SBInet funds to physical fencing in the past. But doing this again or using SBInet money for another border project will simply continue to delay implementation—costing the U.S. government more money and time.

5. **Reforming congressional oversight of DHS.**

Currently, 88 committees, subcommittees, and commissions have some sort of oversight jurisdiction over DHS.<sup>70</sup> This system of oversight has led Congress to communicate conflicting messages to DHS. CBP, as a part of DHS, has also experienced these mixed messages in its attempt to execute policies and programs at the border, such as SBInet. Congress could provide clearer oversight—ensuring that both contractors and DHS officials are taking the right steps at the border and by consolidating oversight of homeland security into four committees, two in the House and two in the Senate. By ensuring that CBP answers to fewer committees, each exclusively dedicated to homeland security, Congress and DHS can work

together to develop a smart border strategy without jeopardizing America's sovereignty.

**Future infrastructure investments must focus primarily on the ports of entry, not only to improve security but also to reduce the cost of transaction times for moving goods, people, and services across the border expeditiously.**

6. **Encourage private-sector investment in border infrastructure.**

The best means by which to tackle border infrastructure problems is through investment by the private sector.<sup>71</sup> Not only would this save government resources, it would allow the private sector to use its knowledge and creativity to design border infrastructure that is commerce-friendly without jeopardizing security or sovereignty.<sup>72</sup> The government can encourage the private sector to take these steps in a number of ways, for example, by expanding the protections of the Support Anti-Terrorism by Fostering Effective Technologies (SAFETY) Act which includes liability protection for private-sector entities investing in and marketing new technologies that increase Americans' safety.<sup>73</sup>

**Under Section 287 (g) of the Immigration and Nationality Act (INA), DHS can enter into assistance compacts with state and local governments. To strengthen this program, Congress and DHS should:**

7. **Promote participation in 287 (g).**

DHS cannot demand that state and local governments participate under 287 (g). But Congress can ensure that states know the option is available. DHS should create and implement a marketing strategy that would inform states of the program and encourage nationwide implementation of Section 287 (g). Creating a national center for best practices and lessons learned, and requiring DHS to report to Congress each year on the

70. Jena Baker McNeill, "Congressional Oversight of DHS in Dire Need of Overhaul," Heritage Foundation *Backgrounder* No. 2161, July 14, 2008, at <http://www.heritage.org/research/HomelandDefense/bg2161.cfm>.

71. Jena Baker McNeill, "Building Infrastructure Resiliency: Private Sector Investment in Homeland Security," Heritage Foundation *Backgrounder* No. 2184, September 23, 2008, at <http://www.heritage.org/Research/HomelandDefense/bg2184.cfm>.

72. *Ibid.*

73. Support Anti-Terrorism by Fostering Effective Technologies (SAFETY) Act, Public Law 85-804 (2002).

program's progress will help to ensure 287 (g)'s continued success.

8. **Allow flexibility with homeland security grants.** More robust community policing should be a key component of a smart border strategy.<sup>74</sup> Community policing is a “collaboration between the police and the community that identifies and solves problems” in a proactive manner. It helps to deter the types of crime at the border, not to enforce federal immigration laws.<sup>75</sup> Deterring this criminal activity will in turn make the federal government's challenge of policing the border more manageable. Congress should allow states and cities participating in Section 287 (g) to use funds from homeland security grants to provide community policing at the border, including overtime for state and local law enforcement agents assisting in federal immigration enforcement investigations.<sup>76</sup>
9. **Expand DHS Border Enforcement Security Taskforces (BEST) to include 287 (g).** These task forces involve federal, state, and local entities working with the Mexican government to tackle cross-border crime and secure the border. The focus is information-sharing and collaboration; its strength lies in the fact that it maintains the sovereignty of the two nations—both continue to control their own security policies.<sup>77</sup> The 287 (g) programs will need to receive a certain amount of legitimacy from DHS in order to recruit participants, retain public support, and fulfill their missions. One way to achieve this is by expanding the already successful BEST task forces to formally include 287 (g) programs.

**The best way to minimize safety and liability ramifications is to encourage states to organize State Defense Forces (SDFs), volunteer organizations dedicated to assisting the federal government in a multitude of activities, including**

**border control. To promote the creation of SDFs, Congress should:**

10. **Require DHS and the Department of Defense to encourage border states to form SDFs.**<sup>78</sup> Creating SDFs will help develop the team effort at the border by increasing the resources available. States are not required to organize SDFs and may be reluctant to do so without DHS support and guidance. DHS should prepare a strategy by which to inform and market SDFs to state governments and citizens.
11. **Provide funds to establish a system of accreditation and standards for SDFs.** Given the current economic situation of many state governments, there may not be money available to establish a system of accreditation and standards for SDFs. But such a system is vital to the success of SDFs—and is the best means by which to decrease liability and increase safety.<sup>79</sup>
12. **Collaborate with states to create legal-guide pamphlets.** DHS should work with states to produce legal-guide pamphlets that would serve as a resource for private citizens, such as border-area property owners, who must often deal with illegal aliens trespassing on their property. This will help to ensure that private citizens can protect their property without taking careless, risky, or illegal actions.

**Finally, to secure the border, the U.S. should:**

13. **Expand the Merida Initiative.** Gaining control over the drug cartels is one of the most important steps that Mexico must take in order to regain control of the country. In June 2008, the U.S. and Mexico jointly developed the Merida Initiative—a program aimed at tackling drug cartels through U.S. assistance to Mexican law enforcement with equipment, technology, and training. Around \$300 million of the \$1.5 bil-

74. *Ibid.*

75. Jerry Ratcliffe, *Intelligence-Led Policing* (Cullompton, United Kingdom: Willan Publishing, 2008), p. 67.

76. *Ibid.*

77. U.S. Immigration and Customs Enforcement, “Border Enforcement Security Taskforce,” December 3, 2008, at [http://www.ice.gov/pi/news/factsheets/080226best\\_fact\\_sheet.htm](http://www.ice.gov/pi/news/factsheets/080226best_fact_sheet.htm) (January 28, 2009).

78. *Ibid.*

79. *Ibid.*

lion allocated for the program has been spent so far. The U.S. needs to go further to ensure that all of these monies are spent to provide this valuable assistance.<sup>80</sup>

14. **Leave NAFTA alone.** NAFTA has produced positive economic benefits for both the U.S. and Mexico. Stripping Mexico of these benefits could further cripple the U.S. and Mexican economies. Given the agreement's benefits, President Obama should not attempt to rewrite NAFTA and should instead reaffirm his commitment to the agreement. He should also urge President Calderon to continue efforts to reform Mexico's economy by breaking up monopolies and other oligopolies, and look for ways to assist with the agricultural and commercial development of rural and southern Mexico.
15. **Provide full funding for the Coast Guard.** An effective border strategy cannot focus exclusively on land borders. As land borders become

more secure, drug smugglers and human traffickers will quickly look to sea options. Maritime security efforts must be enhanced in conjunction with land security. The Coast Guard acts as the law enforcement for the high seas; however, it lacks the resources and capacities to do its job as effectively as it could.<sup>81</sup>

## Conclusion

Gaining control of the border is not optional—the security of the United States depends on the ability and determination of the U.S. government to keep its citizens safe. The U.S. can, and should, do it in such a way that fosters prosperity for Americans and Mexicans alike.

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80. Walser, "Calderon and President-elect Obama Meet: A New Start in the Neighborhood."

81. Mackenzie M. Eaglen, James Dolbow, Martin Edwin Andersen, and James Jay Carafano, "Securing the High Seas: America's Global Maritime Constabulary Power," Heritage Foundation *Special Report* No. 20, March 12, 2008, at <http://www.heritage.org/Research/NationalSecurity/sr20.cfm>.