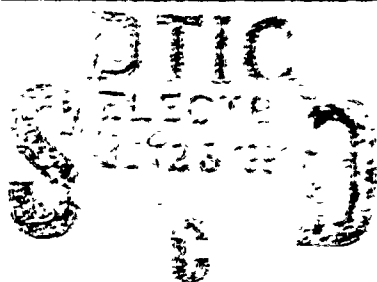
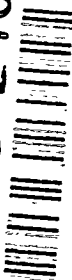


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# STUDY PROJECT

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## DOD INVOLVEMENT IN DRUG INTERDICTION: SUCCESS OR FAILURE?

BY

LIEUTENANT COLONEL JOSEPH F. HUNT  
United States Army

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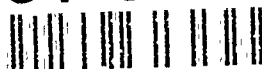
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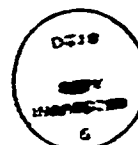


**REPORT DOCUMENTATION PAGE**

Form Approved  
 GMB No. 0704-0188

1a. REPORT SECURITY CLASSIFICATION <b>UNCLASSIFIED</b>		1b. RESTRICTIVE MARKINGS	
2a. SECURITY CLASSIFICATION AUTHORITY		3. DISTRIBUTION/AVAILABILITY OF REPORT  Approved for public release; distribution is unlimited.	
2b. DECLASSIFICATION/DOWNGRADING SCHEDULE		5. MONITORING ORGANIZATION REPORT NUMBER(S)	
4. PERFORMING ORGANIZATION REPORT NUMBER(S)		7a. NAME OF MONITORING ORGANIZATION	
6a. NAME OF PERFORMING ORGANIZATION US Army War College	6b. OFFICE SYMBOL (If applicable) AWCA	7b. ADDRESS (City, State, and ZIP Code)	
6c. ADDRESS (City, State, and ZIP Code) Carlisle Barracks, PA 17013-5002		9. PROCUREMENT INSTRUMENT IDENTIFICATION NUMBER	
8a. NAME OF FUNDING / SPONSORING ORGANIZATION	8b. OFFICE SYMBOL (If applicable)	10. SOURCE OF FUNDING NUMBERS	
8c. ADDRESS (City, State, and ZIP Code)		PROGRAM ELEMENT NO.	PROJECT NO.
		TASK NO.	WORK UNIT ACCESSION NO.
11. TITLE (Include Security Classification)  DOD Involvement in Drug Interdiction: Success or Failure?			
12. PERSONAL AUTHOR(S) Hunt, Joseph F., LTC			
13a. TYPE OF REPORT Study Project	13b. TIME COVERED FROM _____ TO _____	14. DATE OF REPORT (Year, Month, Day) 1991 April 1	15. PAGE COUNT 21
16. SUPPLEMENTARY NOTATION			
17. COSATI CODES		18. SUBJECT TERMS (Continue on reverse if necessary and identify by block number)	
FIELD	GROUP	SUB-GROUP	
19. ABSTRACT (Continue on reverse if necessary and identify by block number)			
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22a. NAME OF RESPONSIBLE INDIVIDUAL MARTIN W. ANDRESEN, LTC, FA		22b. TELEPHONE (Include Area Code) (717) 245-4114	22c. OFFICE SYMBOL USAMHT

Task Force Headquarters were established to help coordinate this complex war. The most recent national drug control strategy has given DOD the highest level of responsibility by making it the lead agency for drug interdiction. In regard to military involvement, seven potential problems are discussed: The use of the National Guard; the magnitude of the problem; the military function of intelligence; military training; air rules of engagement; statistical results; and possible corruption. Despite these problem areas, the military has significant capabilities which enable it to be successful in drug interdiction. The study concludes, however, unless new programs can be achieved, coupled with host nation support, total success will never be realized and that at best, military operations will only slow down the flow of illegal drugs accross our borders.



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DOD Involvement in Drug Interdiction: Success or Failure?

AN INDIVIDUAL STUDY PROJECT

by

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DISTRIBUTION STATEMENT A: Approved for public release; distribution is unlimited.

## ABSTRACT

AUTHOR: Joseph F. Hunt, LTC, USA

TITLE: DOD Involvement in Drug Interdiction: Success or Failure?

FORMAT: Individual Study Project

DATE: 1 April 1991 PAGES: 21 CLASSIFICATION: Unclass.

In 1977 the military began a continuously expanding war to prevent drugs from crossing our nation's borders. Each year, the military has become a more willing partner in this war. This study begins with the history of the Department of Defense's (DOD's) involvement in the drug interdiction war. The goal of DOD's drug interdiction program is to deter drug smuggling by intercepting and seizing illegal drug shipments. Each national drug control strategy has required DOD to commit more personnel and equipment to drug operations. 1989 marked a significant turning point in the drug interdiction war. DOD designated several CINC's specific new drug related duties and provided additional resources to fight the war on drugs. Three new Joint Task Force Headquarters were established to help coordinate this complex war. The most recent national drug control strategy has given DOD the highest level of responsibility by making it the lead agency for drug interdiction. In regard to military involvement, seven potential problems are discussed: The use of the National Guard; the magnitude of the problem; the military function of intelligence; military training; air rules of engagement; statistical results; and possible corruption. Despite these problem areas, the military has significant capabilities which enable it to be successful in drug interdiction. The study concludes, however, unless new programs can be achieved, coupled with host nation support, total success will never be realized and that at best, military operations will only slow down the flow of illegal drugs across our borders.

## INTRODUCTION

In 1989 the Defense Authorization Bill designated the Department of Defense (DOD) as the lead agency for the detection and monitoring of aerial and maritime transit of illegal drugs to the United States. In testimony before the Senate Armed Services Committee, Secretary of Defense Frank C. Carlucci stated: "I remain absolutely opposed to the assignment of a law enforcement mission to the Department of Defense. I am even more firmly opposed to any relaxation of the Posse Comitatus restrictions on use of the military. The historical tradition which separates military and civilian authority in this country has served both to protect the civil liberties of our citizens and to keep our Armed Forces militarily focussed and at a high state of readiness."<sup>1</sup> Despite his warnings, the DOD committed itself to interdicting drugs.

In 1991 the DOD intensified its anti-drug programs and committed \$1.2 billion to detecting and monitoring illegal drug activity along the U.S. borders and the training law enforcement agents in military tactics and techniques. Secretary Dick Cheney, while briefing DOD's expanded missions, stated, "We will work very hard to stop the delivery of drugs on the way to the United States and at our borders and points of entry. Deploying appropriate elements of the armed forces with the primary mission to cut off the flow of drugs should, over time, help reduce the flow of drugs into the country."<sup>2</sup> In a matter of a few years, DOD's role in drug interdiction has changed completely. No longer do military chiefs ignore the nation's most crippling

crisis. This paper will explain DOD's involvement in this war, the problems posed by drug interdiction for both the active forces and the National Guard, and suggest some alternatives for enhancing DOD's chance for success.

#### BACKGROUND

The Posse Comitatus Act of 1878 restricts the military from involvement in civilian law enforcement matters as a result of the use of, and abuses by, the Army while enforcing the reconstruction laws in southern states.<sup>3</sup> In 1981 a change to Title 10, U.S. Code, clarified the military's authority to participate in narcotics control operations in support of federal law enforcement agencies. The amendments include the following provisions:

The military may loan equipment, facilities, and personnel.

Military personnel may operate military equipment used in monitoring and communicating the movement of air and sea traffic.

Military personnel may operate military equipment in support of law enforcement agencies in an interdiction role overseas only if a joint declaration of emergency, signed by the Secretary of State, Secretary of Defense, and Attorney General, states that a serious threat to U.S. interests exists.

The military may not conduct searches, seizures, or make arrests (even when an emergency declaration is in effect).

Use of the military cannot adversely impact on readiness.<sup>4</sup>

The 1989 National Drug Control Strategy states that effective interdiction is critical in the effort to reduce the flow of drugs. Interdicting illegal drug shipments and

intercepting other resources are important methods of attacking the drug trade at home and abroad. Interdiction should focus not only on drug seizures, but also on creating serious personal and financial risks for trafficking organizations and their top level personnel.<sup>5</sup> Congress expanded the military role in drug control activities in the 1989 Department of Defense Authorization Act. The Department of Defense was assigned the responsibility to serve as the lead agency for the Federal government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States. The guidelines issued by the Secretary of Defense in implementing these provisions note that:

No support will be provided to any law enforcement official if it would adversely affect military preparedness. However, since support for the detection and monitoring of aerial and maritime transit of drugs into the U.S. is now part of the Department of Defense's national defense mission there is now no need to ensure that such support provides 'substantially equivalent training'.

Vessels operated exclusively by Department of Defense personnel may intercept or pursue suspect vessels or aircraft for the purpose of communicating with them to direct them to go to a location designated by law enforcement officials.

Members of the armed forces are still prohibited from direct participation in searches, seizures, or arrests.

Information collected by the military in the normal course of their duties which appears relevant to a drug law violation is required to be reported to law enforcement officials. To the extent consistent with national security, intelligence held by the Department of Defense and relevant to drug interdiction or other law enforcement matters will be promptly provided to law enforcement officials.<sup>6</sup>



The 1990 National Drug Control Strategy describes what the federal drug policy will look like when fully implemented. The national strategy continues to be a mix of supply and demand policies. This policy directs the DOD to enlarge its interdiction efforts with the following priorities:

Focus on the Southwest border.

Larger Department of Defense Role.

Expanded Department of Defense role in the detection and monitoring phase of drug interdiction.

DOD support to border control agencies.<sup>7</sup>

#### DOD ACTION PLAN

Secretary of Defense Dick Cheney in 1989 stated, "I believe that our military forces have the capability to make a substantial contribution in the area of successful drug interdiction, and I am asking them to make the necessary preparations to carry out that responsibility."<sup>8</sup> He would provide general guidance while it would be up to the CINC's to provide the precise details for carrying out the mission in their assigned areas of responsibility. DOD designated Forces Command (FORSCOM) as a supported command, bringing together Army, Marine Corps, Navy, Air Force, and National Guard forces. FORSCOM will coordinate all DOD operations supporting counterdrug activities on the ground in the continental United States. FORSCOM will provide training and assistance in intelligence analysis and provide transportation to law enforcement agencies. Joint Task Force (JTF) 6 was established at Fort Bliss, Texas, to support civilian law enforcement officials in stemming the flow of

illegal drugs across the Southwest border. The US Atlantic Command established JTF 4 at Key West, Florida, to conduct counter-drug operations primarily in the Caribbean. The Navy dedicates four or five ships to anti-drug missions and has significantly increased aerial surveillance to extend radar coverage in the Caribbean. The Navy also has increased aircraft basing in Puerto Rico to assist in monitoring missions. DOD activated the U.S. Pacific Command's Joint Task Force 5 at Alameda, California, to detect and monitor aircraft and ships suspected of smuggling drugs into the US from the Pacific. During 1991 counterdrug sea patrols are to increase by 146 percent over the number of days spent at sea during Fiscal Year 1989, while air patrols will be increased by 24 percent. The Pacific Command plans to focus initial efforts on marijuana eradication missions in Hawaii.<sup>9</sup> Under the DOD plan the US Southern Command (USSOUTHCOM) will provide support and development of South and Central American cooperative drug interdiction capabilities. The North American Aerospace Defense Command (NORAD) has expanded its mission to detect and monitor suspected air and sea traffic. When the system is completed, NORAD will employ a network of 44 ground radar sites and land-based aerostats--tethered balloons which carry radar units aloft. A full coverage screen of 16 aerostats is to be in place by the end of 1992.<sup>10</sup>

Since 1977 the Army National Guard has been the most active military agency in the war on drugs. Originally their support to state and local agencies had to be directly related to mission

training. However, in 1988, federal funds allowed governors to use the National Guard on missions not related to mission training. Currently, National Guard personnel search for isolated airstrips; survey the borders and coastal waterways; patrol and monitor activity using ground surveillance radar; and they search commercial trucks or cargo containers. However, National Guard personnel do not confront private citizens or participate in arrests. Major General John Conaway, Vice Chief of the National Guard Bureau, states that, "Every day of the week there are over 1,400 men and women of the National Guard on duty fully supporting agencies drug enforcement operations."<sup>11</sup> These National Guard members who work on drug enforcement operations are volunteers. The active duty time is not counted toward the National Guard member's annual training or weekend drill.

#### DRUG INTERDICTION PROBLEMS

One problem area involves the use of National Guard. Whenever a perceived weakness in the border defense grows acute, a National Guard supported operation often is mounted. Although the active force is constrained by the Posse Comitatus Act, the National Guard, when put on temporary active duty, is not in federal service. When National Guard personnel are not called to federal service, they are not considered to be part of the Army as defined in Title 10, but comprise the organized Militia reserved for use by the states and subject to the laws relating to the National Guard in Title 32, U.S. Code. The Constitution

gives Congress the power to call out and federalize the Militia as needed.<sup>12</sup> National Guardsmen are legally considered federal soldiers only if activated by DOD. That makes them much more flexible and adaptable in working with local civilian authorities. The National Guard has become very popular with law enforcement agencies involved in the drug war.

Lieutenant General Herbert R. Temple Jr., until recently the Chief of the National Guard Bureau, has concerns about where the military's new role might take it. He states, "I've had to resist some governors who wanted to turn the Guard into a law enforcement agency, and some people in Washington, D.C., who thought that was a great idea. That smacks of a national police to me, and I don't think America's ready for it."<sup>13</sup>

Another significant problem area of drug interdiction is the magnitude of the task. As part of our national strategy of interdiction, some members of Congress have advocated that we seal off our national borders, especially to the south. Some estimates indicate that it would require at least 90 infantry battalions simply to seal off the Mexican border. Such a demand for military personnel is not feasible.<sup>14</sup>

There are too many agencies involved in the directing, controlling and monitoring some part of the forces involved in drug enforcement operations. Congress has 74 committees (21 in the Senate and 53 in the House) monitoring, guiding, influencing, and funding various aspects of the war. Meanwhile, the Executive Branch has at least 36 separate enforcement agencies involved in anti/counter drug operations, each with its own specific mission,

approaches and objectives. Each state and territory also has its own set of laws and enforcement agencies engaged in this struggle, as do a multitude of county and local officials. Many of these efforts are not coordinated and are a waste of valuable resources.<sup>15</sup>

One of the more significant problems that the military face in their support of the drug war is in gathering, dissemination, and sharing of drug intelligence. Military personnel like to review raw data carefully before releasing it, all in an effort so as not to compromise their sources. However, law enforcement agents say that this type of system only provides out of date information. The military and civilian agencies hold different views on the function of intelligence. "The military has tremendous technical capabilities that can help us, but they need to find a mechanism to quickly transmit [information] to local law enforcement agencies so we can take action," states Robert Cummings, Assistant Commissioner for the Florida Department of Law Enforcement.<sup>16</sup> To eliminate this problem, the national drug strategy calls for the creation of a Command, Control, Communications and Intelligence system with DOD integrated into the system.

One area that requires special emphasis is the compatibility of military training and the skills required for drug interdiction. Soldiers and Marines who are trained to locate and destroy enemy forces, are less effective at the more delicate task of tracking and arresting smugglers. This action requires good police work. Some officials have commented on the

training value which can accrue to the military from drug missions. There are doubtless some tasks, particularly in the surveillance area and in supporting military-style operations such as Operation Blast Furnace, which carry substantial transfer of training advantages for the military personnel involved.<sup>17</sup> Other operations, however, by no means exercise all the relevant skills needed to keep personnel proficient at their assigned duties. The Government Accounting Office (GAO) review of Operation Autumn Harvest reported that it did not exercise all the functions necessary to maintain the Air Guard at a level considered optimum for its wartime mission.<sup>18</sup> Certainly it is hard to see what military value would accrue from such enforcement tasks as searching containers for contraband.

The overall effectiveness of our air interdiction program is limited by the rules of engagement. They prohibit any action being taken against an aircraft in flight that might interfere with its safe operation. The sole exception for the drug enforcement agencies is the right of self defense. These restrictions confine our air interdiction efforts to tracking suspect aircraft to a drop or landing site. Only then can enforcement action be attempted. Additionally, law enforcement aircraft can not overfly private land in many areas. The aircraft are "off limits" to any enforcement efforts while in flight in these sections of the country.

Despite all the effort, serious problems remain. According to a 1989 GAO report, both the military's radar planes and the aerostat balloons have limited ability to detect small, low

flying planes. Out of 1,443 suspect aircraft that Customs tried to intercept in 1987 and 1988, only 23% were caught, and less than 10% of those were found to have drugs aboard.

Significantly, the GAO further reports that 54% of Customs' busts of cocaine carrying planes out of Miami resulted from informer tips. Human intelligence is far more important in the drug control effort than the high-tech satellite imagery and advanced radar.<sup>19</sup>

The military does not have much of an interdiction success record. U.S. military forces were never able to close the Ho Chi Minh trail under wartime conditions. Quarantining 88,000 miles of U.S. shoreline is no easy task. Just like the North Vietnamese Army, today's drug runners use low tech tactics to evade high tech interception. In 1989 more than 8 million containers arrived in the U.S. by ship or truck. Even with all the additional manpower provided by the National Guard, only 3% were inspected. If the military were to search a large number of these containers, commerce would grind to a halt.<sup>20</sup>

Given the amounts of money available for bribery and the low pay scale of many of our servicemen, it is inevitable that a more substantial use of the military in drug interdiction will increase the potential for the corruption of our servicemen by drug traffickers. The experience of Latin America and other armies as they have become more deeply involved in drug enforcement duties has not been an encouraging precedent.<sup>21</sup> If U.S. military assistance continues to be limited to providing support rather than enforcing the law itself, then the corruption

problem is not likely to emerge on a large scale. Still, the passing of information to traffickers could substantially negate the impact of some interdiction operations and undermine the success of complete sectors of the program. In addition, the presence of corrupted military personnel poses a substantial security threat.

### What Can Be Done?

Many experts believe that stopping planes by naval interception as they leave Colombia would be more efficient than trying to intercept planes and vessels at the U.S. border. They believe that deployment of the AWACS, like those deployed to the Middle East, would be capable of monitoring all aircraft departing from Colombia. Another option is to station an aircraft carrier and an Aegis Class cruiser off the shore of Colombia to monitor Cartel planes and boats. These ships, coupled with a covert human intelligence system, would be more capable of identifying and stopping drug smuggling aircraft and boats. To make this course of action even more efficient, the rules of engagement should be modified. Customs law enforcement personnel should be empowered to shoot down suspicious planes that ignore warnings and specific instructions. The best solution would be to have host country aircraft intercept and if required shoot down drug smuggling aircraft with U.S. aircraft supporting the operation.

Another option involves quick-hit style commando raids. With real-time intelligence, Special Operations forces could slip



into any South American country to attack processing plants, destroy airfields, and even kidnap or kill key narco personnel. Retired Army Chief of Staff, General Edward C. Meyer believes the commando type raids might significantly reduce the flow of drugs into the U.S. within one year.

The military research and development (R&D) programs should help U.S. Customs exploit microcomputer processing capabilities and other high technology areas to create systems that will produce artificial intelligence. Customs R&D is currently working very hard to make significant improvements in the following high tech areas:

A variety of sensor systems for use on fixed wing aircraft, helicopters and aerostats.

Sensors to detect contraband hidden inside cargo containers.

Computer driven radar and radio systems coupled to digital data relay links.

Interface with the national C<sup>3</sup>I Centers with sensor data and flight plan information.<sup>22</sup>

Military assistance should be given to receptive host countries along the lines envisioned by President George Bush in his 1989 proposal as part of the war against drugs. Military forces trained for low intensity operations in jungle conditions, such as special forces and light infantry, could make it more difficult for drug traffickers to move the massive shipments of coca paste and chemicals. This option would require a

significant commitment for military manpower to operate in the immense size of the territories being considered. For this option to have any chance of success, the host country would have to receive a highly expanded developmental assistance program. Crop substitution programs, enhanced job opportunities and improvement of living standards for the people of the host country would be critical for success. Legislation should be enacted that provides incentives to drug producing countries to terminate the production and refining of narcotics within their borders, and mandates diplomatic or economic sanctions for noncompliance.

Strengthening U.S.-Mexican relations will make a significant contribution to improving the drug interdiction effort. A recent Rand Corporation study noted that when the Coast Guard intensifies its drug interdiction efforts in the Caribbean, smugglers simply shift to other routes and their trafficking costs increase very little.<sup>23</sup> Drug smugglers now fly close to, but land short of, the U.S. border in Mexico and transfer loads to other means of transportation to enter the country. These drug traffickers are attracted to a porous 2,000 mile border, where there is the potential to exploit the logistical infrastructure already established by local marijuana and heroin traffickers.<sup>24</sup> To protect U.S. security interests and strengthen U.S.-Mexican anti-narcotics efforts, DOD should demand that the Administration should:

Make anti-narcotics cooperation a major issue in US-Mexican relations.

Encourage the Salinas government to improve its drug control capabilities to wage war on internal drug trafficking, cultivation, and corruption.

Establish a more effective joint narcotics interdiction campaign with the Mexicans along the border.

Improve U.S. and Mexican cooperation in measuring the progress of Mexican efforts to destroy drug crops.

Urge the Salinas government to escalate the war against drugs, but to do so in a way that does not threaten Mexican sovereignty and national pride.<sup>25</sup>

### CONCLUSION

Secretary of State James Baker speaking before the UN General Assembly said, "The American people consider drugs the number one problem facing the United States. And winning the war against drugs is a top priority for President Bush."<sup>26</sup> Although DOD has become an enthusiastic player in the nation's drug control effort, it must reconsider periodically the value of the manpower and resources committed to the interdiction effort. The forces and equipment currently engaged in drug interdiction cannot stop the flow of drug traffic along our vast borders. When any tactic becomes successful the drug dealers begin something new and avoid our interdiction defense.

Drug interdiction has always been known to be the least effective means to stop narcotics usage. The resources that have been made available have not produced the intended outcome. Statistics have proven that the current interdiction program is not stopping nor seriously slowing the flow of drugs. But, the program does force the narco traffickers to spend a great deal of effort in trying to avoid the joint military interdiction forces.

The real truth is that the most success the current interdiction effort achieves is the fact that few smuggling operations can afford to be in the business. No interdiction effort at the U.S. borders would produce a massive increase in drug traffic.

If DOD is going to be successful, it's first major step must be to improve relations with Mexico. Our mutual border is the most porous to drug smuggling. DOD with assistance from the State Department, must place maximum effort in securing host country acceptance to combined military action against drug interdiction at the source. This action should also include interdiction in the host country of incoming chemicals required in the processing of illegal narcotics. Technological advances will be helpful, but will only be effective against small time drug smugglers. To win this conflict, DOD must enlarge its role from supporting to command of the drug interdiction effort. Until DOD is willing to accept this responsibility it will not win the war against interdicting drugs.

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