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American Armed Forces in Mexico? Not any time soon.

by

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A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

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28 October 2011

Abstract

The United States' geography, economy and people are intertwined more closely with Mexico than any other country. This important relationship requires the U.S. government to pay attention to what occurs across Mexico's political, economic and social domains. Mexico-based transnational drug trafficking organizations (DTOs) are a concern to both governments. While the U.S. has taken a whole of government approach to assist Mexico in their efforts against the DTOs, this paper will focus on cooperation between our militaries. Specifically, the paper will tackle the suggestion that the U.S. should deploy armed forces to Mexico to assist the Mexican military. This paper reviews Mexican legislation, explains historical Mexican anti-American biases and then identifies four additional challenges to U.S.-Mexican joint operations in Mexico. It concludes with several recommendations.

Introduction

*Mexico is an incredibly important part of the United States' foreign policy. It is our most important relationship, because Mexico is our neighbor, and neighbors must work together.*¹

– U.S. President George W. Bush, September 6, 2011

*This is one of the most important relationships that exists between any two countries in the world. We are part of the same family, we share this continent as our common home, and we will inhabit a common future. That is why the United States and Mexico need a strong and sustained partnership...*²

– U.S. Secretary of State Hillary Clinton, March 25, 2009

The United States and Mexico share a border nearly 2,000 miles long, stretching from the California Coast to the Southeastern tip of Texas. Mexico is the United States' third largest trading partner.³ People of Mexican origin represent 63 percent of the total U.S. Hispanic population. The Mexican origin subgroup grew by a staggering 11.2 million and accounted for 41 percent of the total U.S. population growth between 2000-2010. During the same period, the subgroup's increase was nearly nine times the growth of the remaining U.S. population.⁴ The United States' geography, economy and people are intertwined more closely with Mexico than any other country.

This important relationship requires the U.S. government to pay attention to what occurs across Mexico's political, economic and social domains, and to consider how it may be impacted or could impact the same. Transnational criminal activities, for example, led by numerous Mexico-based drug trafficking organizations (DTOs) are a grave concern to both governments. The competition among the DTOs for the financially lucrative supply of

1. Agnes Gereben Shaefer et al., *Security in Mexico: Implications for U.S. Policy Options*. (Santa Monica, CA: RAND Corporation, 2009) 7.

2. Congressional Research Service, *Mexico-U.S. Relations: Issues for Congress* (Washington, DC: GPO 15 Feb 11), 9.

3. Foreign Trade Statistics, U.S. Census Bureau, last modified July 12, 2011, <http://www.census.gov/foreign-trade/statistics/highlights/top/top1012yr.html>.

4. U.S. Census Bureau, *The Hispanic Population 2010* (Washington, DC: GPO May 2011), 2-3.

illegal drugs to meet an apparently insatiable U.S. appetite has contributed to violence along and crossing the common border. While the U.S. has taken a whole of government approach to assist the government of Mexico (GOM) in their efforts against the DTOs, this paper will focus on cooperation between our militaries.

Mexico's current administration is dedicating an enormous amount of military resources to confront the DTOs. While they've captured or killed several key leaders, violence against civilians and between competing DTOs has increased in recent years. The U.S. is rightfully concerned since much of the violence is near the mutual border and, in some cases, it occurs on the U.S. side. Short of American troops in Mexico, the U.S. Department of Defense (DoD) currently provides a wide variety of financial and non-financial assistance to Mexico. However, the escalating violence has prompted some U.S. politicians to ask if we should be doing more. Presidential hopeful, Texas Governor Rick Perry, recently suggested "It may require our military, in Mexico, working in concert with them, to kill these drug cartels and to keep them off our border and to destroy their networks."⁵

To address the "call for more," it's reasonable to consider if there are any legal impediments embedded in the Mexican constitution or their version of United States Code Title 10 (Armed Forces) that would inhibit a significant expansion of U.S. military assistance like boots on the ground. After review, neither the Mexican constitution nor the two laws governing Mexico's armed forces present any obvious legal obstructions to the American

5. Todd Gilman, "Rick Perry suggests sending US troops into Mexico to fight drug cartels; "non-starter," says Mexico," *Trail Blazers Blog* (blog), October 1, 2011, <http://trailblazersblog.dallasnews.com/archives/2011/10/rick-perry-suggests-sending-us.html>.

military working side-by-side with the Mexican military against the DTOs in Mexico.⁶ However, the U.S. leadership's willingness to deploy American forces and Mexico's acceptance of the same will be challenged by Mexican historical biases, military corruption, low interoperability, human rights concerns, and lack of U.S. public support.

This paper proceeds in six parts. First, a brief overview of relevant Mexican legislation governing their armed forces is provided. Second, substantial effort is made to detail current/recent U.S. military assistance to Mexico to show that beyond doing more of the same, American "boots on the ground" is the next significant step. Third, a detailed explanation of the U.S.-Mexico history and U.S. insensitivities illustrates why many Mexicans are biased against America. Fourth, four concerns are discussed that should cause U.S. leadership to pause before offering to deploy American troops to Mexico. The fifth section speaks to potential counterarguments. The last section concludes with recommendations.

Overview of Relevant Mexican Legislation

The Mexican constitution provides the broad constitutional framework under which the Mexican Army, Air Force and Navy operate. There are approximately a dozen articles throughout the constitution legislating typical matters such as the ratification of appointments of colonels to declaring war. Of specific interest is the requirement detailed in Article 76 giving the Senate approval authority to deploy members of the Mexican armed forces outside Mexico and approval for foreign troops on Mexican soil.⁷ This requirement is not exclusive to conflict related deployments. For example, Senate approval is required when Mexican

6. Inherent in the concept of the "American military working side-by-side with the Mexican military against the DTOs in Mexico" is that the Mexican government allows U.S. forces in Mexico for this purpose. There is no intent to imply the U.S. would unilaterally deploy American troops to Mexico.

7. United Mexican States, "Constitution of Mexico, 1917."
http://www.oas.org/juridico/mla/en/mex/en_mex-int-text-const.pdf (accessed October 14, 2011).

armed forces want to participate in a multi-national exercise outside Mexican territory or provide humanitarian assistance to another country. Senate approval is also required for any multi-national training within Mexico's borders and certainly required before American troops could operate in Mexico against the DTOs.

Laws specific to the Mexican armed forces are "Ley Orgánica Del Ejército Y Fuerza Aérea Mexicanos" (Organic Law of the Mexican Army and Air Force) and "Ley Orgánica De La Armada De México" (Organic Law of the Mexican Navy). Among the administrivia associated with the organization of military organizations, the explicit missions for the Mexican Army, Air Force and Navy are detailed in these laws. Key missions they share in common are defending the integrity, independence and sovereignty of the nation, maintaining security of the interior, and disaster assistance.^{8 9}

While territorial defense is a key mission, sans an external military threat Mexico has focused on internal security since the conclusion of World War II. With the military currently playing the leading role in direct action against the DTOs, internal security is clearly their most high profile mission. The military finds itself conducting basic police functions when local police are corrupt, inept or need additional manpower. Essentially, the daily mission for a large portion of the Mexican military is Posse Comitatus; an unthinkable mission for U.S. forces.

Current/Recent Military Assistance to Mexico

Neither the Mexican constitution nor the specific laws governing their armed forces create impediments to military-to-military cooperation. As such, the U.S. Department of

8. Congress of the United Mexican States, "Ley Organica Del Ejercito Y Fuerza Aerea Mexicanos." June 1, 2011. <http://www.diputados.gob.mx/LeyesBiblio/pdf/169.pdf> (accessed September 17, 2011).

9. Congress of the United Mexican States, "Ley Orgánica De La Armada De México." January 26, 2011. <http://www.diputados.gob.mx/LeyesBiblio/pdf/249.pdf> (accessed September 17, 2011).

Defense has a robust portfolio of assistance it has provided and continues to provide to Mexico to include education, training, support to operations, combined maritime operations, foreign military financing through the Merida Initiative, and other support.

Education – The U.S. provides numerous education avenues for members of the Mexican military. Opportunities to attend professional military education courses at the intermediate and senior levels are offered at U.S. service and joint schools. These schools provide unique experiences to learn not only about U.S. doctrine and policy, but also afford students the broader experience of learning from and with their peers across all U.S. services, many U.S. government agencies, and from countries around the globe. Additionally, the U.S. hosts the Western Hemisphere Institute for Security Cooperation (WHISC) and the Inter-American Air Forces Academy (IAAFA). Both schools draw the majority of their students from Latin-America. The WHISC includes instruction in leadership development, peace support, counterdrug operations, disaster preparedness and relief planning, democracy, ethics and human rights.¹⁰ While the IIAFA offers Company Grade and Non-Commissioned Officer professional military education courses, a significant number of its course offerings are technical (e.g., UH-1N/Bell 212 Helicopter Technician).¹¹ These institutions have educated thousands of Mexican military members.¹²

Training – The U.S. offered various types of training to Mexico over the last several decades. In the 1990s, 17 U.S. military installations provided training to thousands of Mexico's armed forces with hundreds receiving specialized training in air assault and drug

10. Western Hemisphere Institute for Security Cooperation, "Overview." Last modified October 17, 2011. <https://www.benning.army.mil/tenant/whinsec/overview.html> (accessed October 14, 2011).

11. Inter-American Air Forces Academy, "Academic Catalog." 2009. <http://www.lackland.af.mil/shared/media/document/AFD-090127-057.pdf> (accessed October 14, 2011).

12. Graham H. Turbiville, "U.S. Military Engagement with Mexico: Uneasy Past and Challenging Future." (Hurlburt Field, FL: The JSOU Press, 2010), 22-23.

interdiction.¹³ Recent training includes hand-to-hand combat, urban-combat, counterdrug and counterinsurgency conducted in Mexico and the U.S.^{14 15} Additionally, Mexico participates in several U.S. sponsored multi-national exercises like UNITAS, FA PANAMAX (defense of the Panama Canal) and Fuerzas Comando (counterterrorism).¹⁶ Training through focused instruction or exercise participation remains an important quiver in U.S. assistance to Mexico.

Support to Operations – Operations against the DTOs are Mexican led and Mexican conducted. However, the U.S. military supports the GOM in a variety of ways. At the GOM's request and in coordination with the Mexican Air Force, the U.S. operates drones over Mexican territory and provides relevant intelligence to Mexican authorities.¹⁷ Additionally, the U.S. provides secure staging areas north of the Mexican border from which pre-positioned Mexican authorities can initiate cross-border strikes against criminal activities back in Mexico. These so-called “boomerang” operations alter the mode and direction of ingress to avoid the normal tip-off associated with local police or military movements.¹⁸ Information and intelligence sharing is also at an all-time high; at least two fusion centers are operating within Mexico using information gathered from across the American intelligence apparatus and manned in part by U.S. personnel.

13. Ibid., 23.

14. Ammon Carter, "Marines Train South of the Border." United States Southern Command, 13 Jul 2010. <http://www.southcom.mil/appssc/news.php?storyId=2395> (accessed 18 Sep 11).

15. Nick Mirroff et al., "Mexico's Marines Team with U.S. DEA." The Washington Post, December 4, 2010. <http://www.washingtonpost.com/wp-dyn/content/article/2010/12/03/AR2010120307106.html> (accessed September 18, 2011).

16. UNITAS (Latin for unity) is a series of annual multi-national maritime exercises aimed at enhancing regional security in the Caribbean, Central, North and South American regions.

17. Ginger Thompson et al., "U.S. Drones Fight Mexican Drug Trade." The New York Times, March 15, 2011. http://www.nytimes.com/2011/03/16/world/americas/16drug.html?_r=1&hp (accessed October 14, 2011).

18. Mark Mazzetti et al., "U.S. Widens Role in Mexican Fight." The New York Times, August 25, 2011. <http://www.nytimes.com/2011/08/26/world/americas/26drugs.html?pagewanted=all> (accessed October 11, 2011).

Combined Maritime Operations –While the U.S. and Mexican navies and coast guards have a deep history of combined training, their operational partnership is equally solid and noteworthy. Cooperative visit, board, search, and seizure and interdiction operations are enduring efforts toward the reduction of illegal weapons and money reaching Mexico and drugs and migrants reaching the U.S.¹⁹

Mérida Initiative – The Mérida Initiative, signed into law in June 2008, is a multi-year program to “provide equipment and training to support law enforcement operations and technical assistance for long-term reform and oversight of security agencies.”²⁰ The DoD oversees the execution of \$304.3M in Mérida Foreign Military Financing (FMF) (FY08-FY10). FMF funds directly support the procurement of fixed wing and rotary wing aircraft.²¹ As of September 2011, the U.S. delivered eight Bell helicopters to the Mexican Army/Air Force and three Black Hawk helicopters to the Mexican Navy, increasing their ability to swiftly execute counternarcotics and other security operations.²²

Other DoD Support –DoD also provides counterdrug assistance to Mexico through special legislative authorities and funding. During FY09-FY11, DoD provided nearly

19. Paul F. Zukunft, "Testimony of Rear Admiral Paul F. Zukunft, U.S. Coast Guard Assistant Commandant for Marine Safety, Security, and Stewardship, before the House Committee on Homeland Security, Subcommittee on Border and Maritime Security." July 12, 2011. <http://www.dhs.gov/ynews/testimony/20110712-zukunft-protecting-maritime-borders.shtm> (accessed October 14, 2011).

20. U.S. Department of State, "Merida Initiative Fact Sheet." June 23, 2009. <http://www.state.gov/p/inl/rls/fs/122397.htm> (accessed October 14, 2011).

21. Congressional Research Service, "U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond," (Washington, DC: GPO, August 15, 2011), 9.

22. U.S. Department of State, "The Merida Initiative: Expanding the U.S./Mexico Partnership." September 19, 2011. <http://www.state.gov/r/pa/plrmo/172874.htm> (accessed October 14, 2011).

\$200M in assistance to Mexico.²³ This support included “pilot and maintenance training, surveillance aircraft, and various other training activities.”²⁴

At a March 2010 conference, General Gene Renuart, then Commander of the U.S. Northern Command (USNORTHCOM), professed that U.S.-Mexican military cooperation has never been better.²⁵ Given the amount of cooperation detailed above, it’s reasonable to accept his conclusion. This level of cooperation has undoubtedly been aided by Mexican President Felipe Calderón’s direct outreach to Presidents Bush and Obama and his internal direction to increase cooperation with the U.S.²⁶ Doing more of the efforts mentioned earlier is relatively easy if funded. But will these efforts make a difference, or does the U.S. need to put “boots on the ground” in Mexico as Texas Governor Perry recently suggested? The following will illuminate why “boots on the ground” is a challenging proposition.

Mexican Anti-U.S. Bias

“Most U.S. citizens do not realize that the average Mexican typically feels a deep sense of nationalistic indignation regarding past U.S. violations of Mexico’s sovereignty.”²⁷ The following historical events are taught to Mexican school children at an early age, firmly setting the cornerstone of their distrust with America.

- U.S. support for Texas’ declaration of independence from Mexico in 1836 and absorption as a U.S. state in 1845.
- The U.S.-Mexican War 1846-1848. U.S. declared war, invaded/operated in Mexico for 18 months, and occupied Mexico City. The Hidalgo treaty was signed in February 1848 ending the war and ceding to the U.S. approximately two-thirds of

23. Congressional Research Service, “U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond,” 37.

24. Government Accounting Office, “MÉRIDA INITIATIVE – The United States Has Provided Counternarcotics and Anticrime Support but Needs Better Performance Measures” (Washington, DC: GPO, July 2010), 4.

25. Richard D. Downie, "Critical Strategic Decisions in Mexico: the Future of US/Mexican Defense Relations," *Strategic Issues in US/Latin American Relations*, 1, no. 1 (2011): 5.

26. *Ibid.*, 9.

27. *Ibid.*, 7.

- Mexico's former territory including Texas, the present-day states of Arizona, California, Nevada, New Mexico, Utah, and portions of Colorado and Wyoming.
- The U.S. Navy occupied Veracruz, Mexico from April through November 1914 in response to a relatively minor confrontation born from miscommunication.
 - From March 1916 to February 1917, General Pershing led the "Punitive Expedition" with approximately 10,000 soldiers deep into Mexico's Chihuahua State in retaliation for Pancho Villa's raid on Columbus, New Mexico.
 - The final U.S. military violation of Mexican sovereignty occurred in 1919. After Pancho Villa's rebels fired unprovoked shots across the border from the Mexican city of Juárez wounding U.S. citizens and soldiers, U.S. forces crossed the Rio Grande and routed the Villistas.

Although, the last "violation" occurred 92 years ago and the first 176 years ago, they still skew the average Mexican's perception of America and our military. Couple those historical incursions with modern day seemingly unilateral U.S. military action in the Middle East and it's not surprising that many Mexicans look at the U.S. with a suspicious eye. The distrust is more intensely ingrained in the Mexican military forces. As an example, Mexican Army cadets are oft reminded about the U.S.-Mexican war when they pass by their shrine to the six Niños Héroes (Child Heroes). Those six heroes made the ultimate sacrifice while defending their military academy against the American invaders. Dr. Craig Deare, National Security Affairs Professor at the Center for Hemispheric Defense Studies in Washington DC, sums this best. "This historical baggage has long made the thought of cooperating with members of the armed forces responsible for expropriating their national territory unpleasant at best, unthinkable for some."²⁸

As evidenced by the following, it's also not surprising that some Mexican's believe U.S. leadership doesn't fully understand nor appreciate that Mexican sovereignty is a core value that shouldn't be trampled upon. In 2000, U.S. Southern Command (USSOUTHCOM)

28. Craig A. Deare, "U.S.-Mexico Defense Relations: An Incompatible Interface." Strategic Forum, National Defense University, No 243 July 2009: 2.

indicated it was considering putting Mexico in its Area of Responsibility (AOR). At the time, Canada, Mexico and Russia were the only countries not assigned to a Combatant Command. Mexico's Foreign Minister quickly communicated her extreme displeasure on the front page of Mexican newspapers, stating that "Mexico would not accept coming under the responsibility of USSOUTHCOM." Furthermore, association of Mexico with a U.S. Combatant Command was an affront to the Mexican doctrine of "nonintervention."²⁹ Just two years later, the U.S. included Mexico (and Canada) within the USNORTHCOM AOR. Once again, the U.S. stirred the hornet's nest, evoking strong rhetoric from Mexican leadership. Senior Secretariat of National Defenses (SEDENA) officials stated that "Mexico had absolutely nothing to do with the U.S. Northern Command" and that the "Mexican Army and Air Force would not participate in USNORTHCOM operations or programs."³⁰

While relations between USNORTHCOM and SEDENA have certainly improved during the last few years, the underlying biases are still prevalent. SEDENA still refrains from participating in any major training events or exercises with U.S. forces. Additionally, although the Mexican Navy posted a liaison officer to USNORTHCOM in 2007, SEDENA didn't do the same until two years later.³¹

While the U.S. views its "aggressions" toward Mexico as distant history, SEDENA and many Mexican government officials continue to relive it. According to an officer in the

29. Inclusion under the umbrella of a U.S. Combatant Command was perceived as U.S. interference in Mexico's foreign policy and Mexico's sovereign right to unilaterally determine its relationships with foreign militaries.

30. Richard D. Downie, 8-9.

31. It's important to understand how Mexico's armed forces are organized. The Secretary of National Defense (SEDENA) is an Army General who oversees the Mexican Army and Air Force. The Secretary of Navy (SEMAR) is an Admiral who oversees the Mexican Navy and Marines. SEDENA and SEMAR report directly to the Mexican President who's the Supreme Commander. Beyond the Mexican President there is no civilian leadership equivalent to the U.S. Secretary of Defense. Additionally, Mexico does not have any organization that parallels the U.S. Joint Staff. The result is that SEDENA and SEMAR have significant autonomy and choose to take different approaches toward US-Mexico military cooperation.

Mexican Navy, following the February 2011 murder of a U.S. Immigration and Customs Enforcement (ICE) agent in Mexico, the Mexican Congress canceled an annual U.S.-Mexico marine training event in Northern Mexico. The officer speculated the cancellation was in response to the publicity that a U.S. government agent (the ICE agent) was operating in Mexico and thereby infringing on Mexico's sovereignty.³² Canceling the military training event satisfied the aged paradigm that U.S. troops (or similar personnel) on Mexican soil is anti-Mexican – regardless of purpose.

Understanding the historical Mexican perspective is required. The negative bias toward U.S. troops is just one reason why the American military would find it problematic to operate in Mexico. Next, it's important to examine some contemporary challenges the U.S. armed forces would face if deployed.

Concerns for U.S. Leadership

Corruption – Widespread corruption among Mexico's police agencies is common knowledge and a major issue for Present Calderón. Corruption within the armed forces is also a concern especially since the military has thousands of low-paid members on the front lines against the DTOs. In 1998 General Jesus Gutiérrez Rebollo, Mexico's drug czar, was convicted for being a long-time employee of one of the cartels.³³ Ten years later a Mexican Army officer on President Calderón's direct staff was arrested for leaking information and supplying military weapons to drug cartels.³⁴ Other Mexican Army officers have been detained for taking money in exchange for tip-offs about pending operations against

32. Personal interview with Mexican Naval Officer, September 15, 2011.

33. Jose D. Cordoba et al., "Mexican Army Officers Detained for Cartel Payments." *The Wall Street Journal*, June 15, 2009. <http://online.wsj.com/article/SB124510705768916735.html> (accessed October 14, 2011).

34. Diane Washington Valdez, "Ex-Calderón guard leaked secrets to drug cartels." *The El Paso Times*, February 22, 2011. http://www.elpasotimes.com/ci_17442613?source=most_emailed (accessed October 14, 2011).

DTOs.³⁵ Hundreds (some estimate thousands) of highly trained Mexican soldiers have defected to the cartels often taking their weapons with them. And earlier this year three junior officers and 10 soldiers were arrested at a Mexican military checkpoint south of Tijuana with more than a ton of methamphetamine and 66 pounds of cocaine.³⁶ It's unclear if they were in business for themselves or on a DTO payroll.

Corruption in the military isn't as pervasive as corruption in the police departments, but it exists and is likely to grow. Corruption will continue to undermine operational security (a key tenet of any police or military action), reducing operational effectiveness and increasing risk to personnel.

Interoperability – Absent a legitimate external threat, Mexico is focused on internal security, which is in stark contrast to the U.S. military that is oriented toward external threats. World War II was the last time Mexican armed forces participated in combat outside their territory, prompted by several Axis attacks on Mexican ships. After entering a cooperative defense agreement with the U.S., Mexico created the 201st Mexican Fighter Squadron and nicknamed it the “Aztec Eagles.” Following training in the U.S. on the P-47 Thunderbolt, the Mexican Expeditionary Air Force pilots flew close air support during combat in the Philippines. Providing top-cover for U.S. ground forces, the U.S.-Mexican joint and combined operations contributed to Allied success.³⁷ Shortly after WWII, Mexico once again focused inward keeping with their foreign policy objective of nonintervention.

35. Jose D. Cordoba et al.

36. Associated Press, "Mexico: Soldiers Held in Trafficking." *The New York Times*, March 05, 2011. http://www.nytimes.com/2011/03/05/world/americas/05briefs-Mexico.html?_r=2 (accessed October 14, 2011).

37. Victor E. Renuart et al., "U.S.-Mexico Homeland Defense: A Compatible Interface." National Defense University, Strategic Forum No 254, Feb 10: 3.

Mexico's constitutionally based nonintervention policy drives their refusal of United Nations (UN) requests for armed troops in support of UN peacekeeping missions.³⁸

Unfortunately, the rationale behind the UN peacekeeping mission (for example, to prevent ethnic cleansing) is irrelevant to Mexico. After all, if you're in a foreign country trying to keep the peace you are by default interfering in their affairs. Subsequently, multi-national military interoperability shortfalls are expected when a country chooses to focus almost exclusively inward – they need only be interoperable with themselves. This lack of interoperability increases the likelihood of blue-on-blue fratricide should joint U.S.-Mexico military operations ever occur.

Human Rights – Putting Mexico's armed forces front and center against the DTOs has been accompanied by a significant uptick in human rights complaints. Allegations of abuses by the military were not uncommon when Mexico's armed forces, primarily the Army, were essentially an arm of the Institutional Revolutionary Party which ruled Mexico from 1929-2000. However, the number of complaints has skyrocketed since Calderón took office in 2006 and focused the military against the cartels. According to data from the Mexican National Human Rights Commission, the number of alleged military abuses went from 182 in 2006 to 1450 in

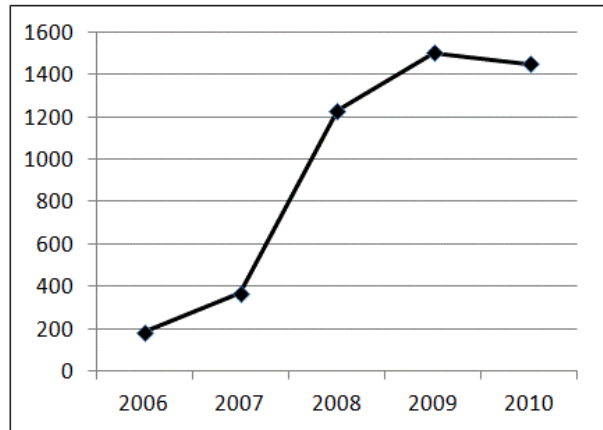


Table 1 - Human Rights Abuse Complaints

38. Library of Congress, Federal Research Division, "Country Profile: Mexico, July 2008." <http://memory.loc.gov/frd/cs/profiles/Mexico.pdf> (accessed 17 Sep 11).

2010.^{39 40 41} Human rights organizations are concerned and dissatisfied with the military's response.

According to Mexico's Code of Military Justice, crimes committed by military members will be tried in military courts. Human rights organizations, the Inter-American Court of Human Rights and the United Nations have consistently posited that "allowing the military to investigate, try and discipline all alleged crimes committed by active-duty soldiers promotes impunity and should be abolished."⁴² Human Rights Watch reports, based on data from SEDENA, that the military courts have sentenced only one officer for human rights violations in the last four years. The Mexican military justice system is far from independent and far from transparent.⁴³

When asked about human rights abuses by the Mexican military during a January 2011 visit to Mexico, U.S. Secretary of State Clinton replied "We need to make sure any human rights violations committed by the military against civilians are tried in civilian courts. We know the Mexican government is working on that."⁴⁴ Six months later, Mexico's Supreme Court ruled that the Code of Military Justice must be reformed so that human rights abuse cases always fall under civilian jurisdiction. Thus far the Mexican Congress hasn't complied.⁴⁵ Given the enormous number of allegations (including serious crimes like rape, torture and murder), what appears to be a poor attempt by the Mexican military justice

39. Roderic AiCamp, "Armed Forces and Drugs: Public Perceptions and Institutional Challenges," *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, and Andrew Selee (Washington DC: Woodrow Wilson International Center for Scholars, 2010), 319.

40. Kristin Bricker, "Military Justice and Impunity in Mexico's Drug War." *The Centre for International Governance Innovation, Security Sector Reform*. no. 3 (September 2011): 4.

41. Data from AiCamp and Bricker displayed in Table 1.

42. Kristin Bricker, 4.

43. Human Rights Watch, "Country Summary - Mexico." January 2011. http://www.hrw.org/sites/default/files/related_material/mexico_2.pdf (accessed October 23, 2011): 1-2.

44. Mary Beth Sheridan, "Clinton vows support for Mexico in drug war, urges progress on rights." *The Washington Post*, January 24, 2011. <http://www.washingtonpost.com/wp-dyn/content/article/2011/01/24/AR2011012401886.html?hpid=moreheadlines> (accessed October 20, 2011).

45. Kristin Bricker, 7.

system to investigate unbiasedly, and the Mexican legislature's glacial progress toward reform, the U.S. should remain very concerned.

Positive results against the DTOs would be quickly overshadowed if they came while U.S. troops were joined with Mexican military committing human rights violations in the process. American units would be tarnished by association and possibly seen as complicit for their inability to prevent the abuses.

U.S. Public Support – President Obama recently announced the withdrawal of all U.S. troops from Iraq by December 31, 2011. This followed nine years of what hasn't been a very popular war. The toll in terms of U.S. blood and treasure is not lost upon the general American public nor the families and friends of every U.S. military member or civilian who deployed during the conflict. The idea of deploying American troops to Mexico to fight what many perceive is a Mexico problem would be met with considerable skepticism.

Using the National Guard to protect the U.S. border has been politically controversial on both sides of the border. Yet it's a reasonable military mission and for the time being fairly low risk. Additionally, operating drones in Mexico doesn't risk American lives but fighting DTOs with military ground forces carries substantial risk. Violence in Mexico and along the border is bad, but the effects aren't felt by the vast majority of U.S. citizens. Until such time, when average Americans recognize the DTOs as a true threat to their peace and way of being, support for sending America's sons and daughters into Mexico will be withheld.

While there is no constitutional/legal issue with U.S. military forces working side-by-side with their counterparts in Mexico, Mexican suspicion, corruption, and lack of interoperability pose significant threats to U.S. forces. The Mexican military's poor human

rights record and the lack of U.S. public support to deploy Americans to Mexico also present consequential challenges to the notion of combined U.S.-Mexico military operations.

Counterargument

The anti-American bias is very real. SEDENA takes an isolationist approach to U.S. military cooperation and anecdotal evidence suggests they are especially distrustful of the U.S. military.

In contrast, SEMAR actively partners with the U.S. in training, exercises and maritime operations. The U.S. and Mexican Navy have an engaged, cooperative and mutually supporting relationship. Thus interoperability concerns in the maritime environment and with marine forces are of less concern than with the Mexican Army. Importantly, SEMAR's Marines have proven to be Mexico's "go to" military force, reacting quickly and producing significant results.

Coupled with demonstrated competence against the DTOs, the Mexican Navy and Marines also have a much lower incidence of corruption and human rights abuse allegations. According to Rear Admiral Jose Luis Vergara, a spokesman for the Mexican Navy, the smaller force enables easier detection of wrong doing. Additionally, the officers are subjected to regular polygraphs.⁴⁶

Subject to Mexico's request and with Mexican populace support, American "boots on the ground" in partnership with Mexico's Navy and Marines is akin to hitting the "easy button." It also appears the historical anti-U.S. bias is giving way to the realization that the DTOs continue to present a threat to Mexico's internal security and outside help is needed.

According to the Pew Research Council, 38% of Mexicans support the deployment of U.S. troops to Mexico to fight the DTOs. This is an eye-opening 12% increase over the year

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prior.⁴⁷ An agreeable Mexican population coupled with a solid military partner in SEMAR may be enough to permit (subject to Mexico's Congressional approval) American troops in Mexico conducting joint anti-DTO operations with SEMAR forces.

Support of the American public is still a concern. However, unless something changes drastically, the border violence will increasingly bleed into the U.S. Although it's impossible to define, there is a tipping point. When the level of violence on the U.S. side reaches it, American public support for deploying troops to Mexico may follow.

Conclusion and Recommendations

Neither the Mexican constitution nor the two laws governing Mexico's armed forces present legal obstructions to U.S. and Mexican Armed Forces conducting joint operations against the DTOs in Mexico. Nevertheless, American "boots on the ground" in Mexico is a bridge too far today. A Mexican population warming to the idea and a competent military partner in SEMAR, does not completely obviate the issues of historical biases, corruption, interoperability, human rights concerns, and lack of U.S. public support.

To answer the "call for more," the U.S. and Mexico should evaluate current U.S. cooperative activities (education, training, operations support including intelligence gathering/sharing, equipment, and counterdrug assistance) to determine adequacy and areas for increased attention (e.g., intelligence gathering/sharing). The U.S. should continue to engage SEDENA with the explicit goal of eliminating the distrust leading to joint unit level activities. Additionally, the U.S. should increase foreign military financing funds for Mexico with the stated goal of increasing interoperability in support of possible U.S.-Mexico combined military activities.

47. Richard Wike et al., "Fewer Than Half See Progress in Drug War - Crime and Drug Cartels Top Concerns in Mexico." August 31, 2011. <http://www.pewglobal.org/files/2011/08/Pew-Global-Attitudes-Mexico-Report-FINAL-August-31-2011.pdf> (accessed October 14, 2011).

Combat operations in Mexico with American “boots on the ground” may eventually be required. In deference to Governor Perry, it’s a step the U.S. should resist until and if the identified issues are adequately addressed. Based on the following response from the Mexican Ambassador to Governor Perry’s suggestion, the United States won’t see an invite for our military any time soon.

We have been very explicit about this in the past and will be so again: Predicated on a new paradigm of joint responsibility, law-enforcement, security and intelligence cooperation between Mexico and the U.S. to confront transnational criminal organizations has vastly improved over these past years. But U.S. boots on the ground in Mexico is not in the books; it is a non-starter.⁴⁸

*– Mexico Ambassador to the U.S. Arturo Sarukhan,
October 1, 2011*

48. Todd Gilman.

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