



*Testimony of
Janet Napolitano
Secretary
United States Department of Homeland Security
before
Senate Homeland Security and Governmental Affairs Committee
March 25, 2009
Southern Border Violence:
Homeland Security Threats, Vulnerabilities, and Responsibilities*

Chairman Lieberman, Senator Collins, and members of the Committee: I appreciate this opportunity to testify about the Department of Homeland Security's role in the U.S. effort to combat the campaign of violence waged by drug cartels in Mexico, and about the Department's efforts to keep Americans safe from this security threat.

The violence in Mexico is not only an international threat. It is a homeland security issue in which all Americans have a stake. America has a significant security stake in the success of Mexico's efforts against drug cartels. The cartels that Mexican authorities are battling are the same criminal organizations that put drugs on our streets and use violence as a tool of their trade. Illegal drugs, money, and weapons flow both ways across our border and inextricably link the United States and Mexico in our efforts against drug cartels. The two nations share a nearly 2,000 mile-long border, billions of dollars in trade, a commitment to democracy, and the need to prevail against the transnational threats of terrorism and organized crime. Threats to the United States come from every part of the globe, and the security situation of our next-door neighbor deserves our utmost attention.

At DHS, we are not in a wait-and-see mode. We are taking action now to aid the Mexican government in addressing this threat and to secure our country. DHS is bolstering the resources dedicated to this mission and taking a number of new steps. America has several roles to play: First, we must provide assistance to the Mexican government in its efforts to defeat the drug cartels and thereby suppress the flare-up of violence in Mexico. Second, we must take action on our side of the border to cripple smuggling enterprises. Third, we must guard against and prepare for the possible

spillover of violence into the United States. The Department of Homeland Security is working with the Departments of State, Justice, and Defense, as well as with border states and border communities, on all of these fronts.

The Violence in Context

Those who have worked on issues related to our southwest border know that incidents of transnational violence are, unfortunately, not a new phenomenon. But what is occurring in Mexico now is violence of a level that we have not seen before.

The spike of cartel violence in Mexico is primarily a reaction against the efforts of the Mexican government to take on the cartels and battle the organized crime, corruption, and violence that comes with the illegal drug trade, as well as a result of competition among the traffickers themselves to control constricted territories and smuggling routes. The cartels' backlash against the crackdown – though brutal and deeply troubling – is predictable. They seek to protect a very lucrative criminal livelihood. Mexican drug cartels have used violence as a tool of their trade for some time, but recent violence in Mexico between drug cartels – and, particularly, violence against Mexican officials by the cartels – has risen to unprecedented and disturbing levels. About 6,000 drug-related murders occurred in Mexico last year alone, more than twice the previous year's total, which was also a record. These included the deaths of 522 military and law enforcement officials.

We are seeing limited increases in drug-related violence in the United States. This has come mainly in the form of cartel operatives committing violence against one another, the kidnappings of those involved in the drug trade or their family members, and assaults on Border Patrol agents by those attempting to bring illegal drugs into the

country. Mexican drug cartels maintain drug-distribution networks, or supply drugs to distributors, in at least 230 American cities, leading the Justice Department to call Mexican drug cartels the “greatest organized crime threat to the United States.”¹

It is important to note that any increase of cartel-related crime we have seen in the United States is not the same kind, on nearly the same scale, as in Mexico. While kidnappings and weapons violations have risen in cities close to the border such as Phoenix, at the same time, most major U.S. cities in border states saw declines in their murder rates in 2008. For example, the police department of El Paso, Texas reported 17 murders in 2008, while over 1,600 drug-related deaths occurred that year directly across the border in Ciudad Juárez.²

The Department of Homeland Security works to fight border crime every day. U.S. Customs and Border Protection (CBP) interdicts shipments of smuggled contraband and prevents dangerous people from entering the country. U.S. Immigration and Customs Enforcement (ICE), by conducting investigations, cracks down on smuggling rings and arrests border criminals. The U.S. Coast Guard is heavily involved in drug interdictions at sea.

I have fought border crime for the past 16 years in my posts as Governor, Attorney General, and U.S. Attorney in the border state of Arizona. I have hiked, driven, flown in a helicopter, and even ridden horseback over our southwest border. While border crimes are not new to those of us who are from border states, they are troubling, which is why we are bolstering DHS’s ability to go after border criminals. For example, DHS is redeploying assets in support of border enforcement – doubling the number of

¹ National Drug Intelligence Center, *National Drug Threat Assessment 2009*

² Crime data gathered from various sources by DHS Office of Intelligence and Analysis

ICE agents assigned to the Violent Criminal Alien Sections (VCAS) located in the five Southwest Border Field Offices, from 51 agents to 101. The VCAS works in coordination with U.S. Attorney's Offices to prioritize the felony criminal prosecution of recidivist criminal aliens.

While the United States has not witnessed a spike in border violence to nearly the same extent Mexico has – and while we are bolstering our efforts against spillover violence – we do not discount that we could see an increase in some crimes.

Accordingly, United States has a large security interest in Mexico's success in its battle against the drug cartels. The government of Mexico is not backing down from its efforts to rein in the smuggling cartels, and is instead pushing even more aggressively to strengthen security and the rule of law in Mexico. This effort touches every American community. Assisting in the fight against Mexican drug cartels is a critical step in fighting the drug trade in big cities and small towns across the nation. Another reason combating cartel violence on the Mexican side of the border is critical is that many Americans and Mexicans who live in border communities cross back and forth regularly – to work, to shop, or to visit family. Fear of the violence occurring in Mexican border cities has reduced crossings that are important to the lives of Americans and to the economic health of American border communities. The dynamic of the border region makes violence on one side of the border a pressing concern on both sides. The transnational nature of this threat clearly makes addressing the violence in Mexico a top priority in securing the United States.

DHS Efforts

The Department of Homeland Security is not waiting for the problem to worsen – we are taking action on numerous fronts to aid Mexico in its efforts against cartels and secure America against this threat. DHS has a unique set of statutory authorities and operational capabilities in identifying, interdicting and investigating criminal activity at our borders. DHS’s combination of law enforcement and border management authorities place it in a position to address the causes and effects of border violence.

As I mentioned, the mission to address the security threat of drug cartel violence in Mexico is composed of several roles America must play. For one, we must provide assistance to the government of Mexico in its push to defeat the smuggling cartels. This is a long-term effort that means building partnerships among law enforcement agencies, providing training and equipment, engaging Mexican security officials about common threats, and ensuring our efforts are not undermined by corruption. Further, we must fight smuggling on our side of the border, which means ramping up our enforcement capabilities both at the border, and make greater use of intelligence against these criminal enterprises. We also must prepare for possible, if even in some cases unlikely, eventualities that could emerge from Mexico’s drug war, including increased spillover violence into the United States.

In my testimony to the House Committee on Homeland Security on February 25, I outlined that securing America from this threat relies upon four interrelated actions: coordinating the federal response with state and local stakeholders and including local law enforcement in the United States in our efforts; building partnerships and leveraging existing relationships with Mexican law enforcement; combating the smuggling of illegal weapons into Mexico; and planning for worst-case scenarios. Working with the

Departments of Justice, State, and Defense, DHS is strengthening its actions in each of these areas.

Including state and local law enforcement

The partnership of state, local, and tribal law enforcement in the border region is essential to securing our nation against the threat of cartel violence. They have significant roles to play both in addressing the current violence and preparing for scenarios where violence in Mexico could further strain the United States.

Law enforcement agencies at the state, local, and tribal level have long fought border violence. They have deep operational knowledge of the border region. Confronting a multifaceted threat like border violence means federal agencies must constantly collaborate with our state and local partners, sharing resources and information.

With this in mind, DHS works collaboratively with state and local governments in a number of ways – though more remains to be done. The Department created the Homeland Security Intelligence Support Team at the El Paso Intelligence Center in 2007 to improve information sharing among federal agencies and with state and local partners. ICE is a member agency of the Organized Crime Drug Enforcement Task Force (OCDETF) Program, and actively participates in multi-agency OCDETF investigations of Mexican drug trafficking and money laundering organizations.

In 2006, DHS also created Border Enforcement Security Taskforces (BEST), which are led by ICE. BEST is not just a program, but an innovative model for collaborative law enforcement. The 12 BESTs that currently exist (of which eight are on our southwest border) include the participation of ICE, CBP, the U.S. Coast Guard, and

the DHS office of Intelligence and Analysis (I&A) on the DHS level; the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the Federal Bureau of Investigation (FBI), and U.S. Attorney's offices on the Justice Department level; and state and local law enforcement agencies. Mexican law enforcement agencies also participate in BEST (see: *Partnership and interaction with Mexican law enforcement*), and the government of Mexico has agreed to provide representatives to every BEST team on the southwest border.

The BEST model has been successful: DHS and its partners have cracked down on arms trafficking, human smuggling, bulk cash smuggling, and narcotics smuggling organizations. These efforts have disrupted the ability of the cartels to cause violence in the United States and Mexico. Since July 2005, the BESTs have been responsible for 2,034 criminal arrests, 2,796 administrative arrests, 885 indictments, and 734 convictions. In addition, BESTs have seized approximately 7,704 pounds of cocaine, 159,832 pounds of marijuana, 515 weapons, 341,345 rounds of ammunition, 745 vehicles, and \$22.7 million in U.S. currency and monetary instruments.

The successes of the BEST model demonstrate that we should be doing more to use this collaborative approach to tackle border crime. On this front, DHS will shift investigators to the taskforces and double its efforts and increase the number of DHS agents working on BESTs from 95 to 190. This will greatly expand our ability to work with local law enforcement on cartel-related crime occurring on our side of the border.

In addition to BESTs, CBP has also overseen and developed the implementation of Border Violence Protocols. On a local level, the protocols have led CBP to institute monthly meetings between CBP, the Mexican government, and local and state officials to

foster cooperation. CBP has added eight Law Enforcement Tactical Centers (LETCs), which are central points of information-gathering for local law enforcement to share intelligence with CBP. Additionally, the DHS Office of Counternarcotics Enforcement is co-leading, along with the Department of Justice, an interagency effort to update the Southwest Border Counternarcotics Strategy. That strategy directs the coordination of counter-drug and border security initiatives to address the drug trafficking threat while enhancing overall border security. The Strategy includes efforts to improve coordination and support among federal, state, local, and tribal authorities.

In addition, DHS will make up to \$59 million available in Operation Stonegarden funding to enhance state, local and tribal law enforcement operations and assets along the border. Changes include expanding the scope of current Operation Stonegarden funds to pay for additional law enforcement personnel, operational overtime expenses, and travel or lodging for deployment to the southwest border.

As we work to bolster intelligence sharing and joint operations between DHS and state, local and tribal law enforcement along the southwest border, we also must completely integrate these levels of government into scenario planning. When spillover violence occurs, state and local law enforcement – not federal agencies – are the first responders. DHS has contingency plans in place for a significant increase in spillover violence (see: *Planning contingencies for worst-case scenarios*), and the first part of that contingency plan involves our support of state and local first responders in the event of spillover violence. DHS will continue to work with state, local, and tribal law enforcement – as well as interagency partners such as the ATF and DEA – as the threat of

cartel violence continues to evolve, so we can ensure that U.S. plans address the reality in border communities and are fully integrated with state and local response plans.

As you know, one of my major priorities as Secretary is to improve DHS partnerships with state, local, and tribal governments across the board. I should also note the same is also a priority of Congress and the Administration, which recently dedicated \$2 billion to the Byrne-Justice Assistance Grants program and \$1 billion to the Community-Oriented Policing Services (COPS) grant program through the Department of Justice. These two programs are critical to aiding local law enforcement, and the strengthening of them will have an effect on the ability of state and local law enforcement agencies on the border to improve their capabilities.

DHS will continue to work to improve our partnerships with state, local, and tribal law enforcement in all respects, especially as related to border violence.

Partnership and interaction with Mexican law enforcement

Assisting Mexico in its battle against drug violence requires strong coordination with Mexican law enforcement to ensure that Mexico and the U.S. are operating together in combating this transnational threat. DHS is engaging with Mexican authorities on a number of levels that are making our efforts more successful.

The cornerstone of U.S.-Mexico security cooperation is the Mérida Initiative, led by the Department of State. DHS is an enthusiastic partner in the Mérida Initiative. From the DHS perspective, Mérida is a platform to work more cooperatively with regional partners on addressing security threats and provides ways make America safer by developing regional security partnerships. We anticipate the largest DHS role under Mérida will be for CBP to aid Mexican authorities in adopting nonintrusive inspection

equipment. This equipment will help Mexican authorities screen for illegal substances and goods – including weapons – that are being smuggled into that country. DHS has a strong relationship with the State Department, and we look forward to building that relationship further and discussing with them, the Department of Justice, and other stakeholders ways that the Mérida Initiative could be strengthened.

DHS has a broad range of capabilities that present important opportunities to assist Mexico in confronting security threats. DHS has expertise in drug and weapons interdiction and combating bulk cash smuggling; maritime security; the gathering, sharing, and analysis of intelligence; conducting investigations; and the development and implementation of security technologies – all areas where DHS currently assists Mexican authorities in their battle against drug cartels, and where DHS is broadening its collaboration.

These partnerships take place under the aegis of the Mérida Initiative as well as outside it. DHS components such as CBP, ICE, and the U.S. Coast Guard have relationships with their Mexican counterparts and work with them to disrupt drug trafficking organizations. These relationships will be strengthened by Mérida's support for bilateral information sharing, law enforcement training, and interdiction efforts.

ICE's Border Liaison Officer (BLO) program allows ICE to more effectively identify and combat cross-border criminal organizations by providing a streamlined information- and intelligence-sharing mechanism. The BLO program creates an open and cooperative working relationship between the U.S. and Mexican law enforcement entities.

ICE currently partners with the government of Mexico on Operation Armas Cruzadas, which cracks down on arms smugglers (see: *Stopping illegal weapons smuggling into Mexico*). The ICE Attaché office in Mexico City has coordinated the establishment of vetted Special Investigative Units of Mexican officers that work with ICE special agents in Mexico to investigate and prosecute border crimes such as smuggling. Mexican agents are involved in DHS's Border Security Enforcement Taskforces on the Southwest border, to great effect (see: *Including local law enforcement*). Since August 2005, CBP has worked closely with Mexican officials on Operation Against Smugglers Initiative on Safety and Security (OASISS), a bilateral alien smuggler prosecutions program which enables both governments to share information and prosecute smugglers for crimes committed in the border region. We expect OASISS will be further strengthened by the Mérida Initiative. DHS and the government of Mexico also have a government-to-government agreement on science and technology for homeland security.

DHS is strengthening its coordination with the government of Mexico by reassigning on-board agents to immediately increase ICE Attaché personnel in Mexico by 50 percent. At present, there are 24 special agents in Mexico, and DHS is currently deploying 12 more to Mexico City, Tijuana, Hermosillo, Ciudad Juarez, and Monterrey. Through its attaché in Mexico City and associated sub-offices, ICE assists in efforts against transnational drug trafficking, weapons smuggling, human smuggling, and money laundering syndicates in Mexico. ICE Attaché personnel work day-to-day with Mexican authorities to combat these transnational threats, and these efforts will be assisted by more officers.

DHS is also immediately quadrupling the number of ICE officers in the Border Liaison Program by redeploying agents to support this important program. Currently, there are 10 border liaison officers in California and Texas – ICE will add 30 more to the southwest border.

These boosts to the ICE Attaché office and the Border Liaison Program will bolster our ability to fight border crime effectively and coordinate with Mexican enforcement efforts.

Close working relationships with Mexican officials will be critical to our efforts to execute the U.S. role in addressing this security threat. In my previous post as Governor of Arizona, one of my closest day-to-day working relationships with a fellow governor was with Governor Eduardo Bours of the state of Sonora, Mexico. Our collaboration proved critical to our states' development of innovative, binational ways to fight the threat of drug and human smuggling. I look forward to strengthening current DHS relationships with our Mexican counterparts and building new ones.

Stopping illegal weapons smuggling into Mexico

A large number of weapons recovered in Mexico's drug war are smuggled illegally into Mexico from the United States. Clearly, stopping this flow must be an urgent priority.

President Calderón has identified the illegal flow of weapons from the United States as one of the biggest security threats to his country. Stopping weapons smuggling is a particular challenge, both because of the nature of the southwest border and because much of the smuggling occurs in small shipments of a few weapons at a time. DHS is uniquely positioned to address this challenge. In order to confront the transnational

criminal groups operating across our common border, as early as next week, DHS will begin short-term increases to operations and programs designed to choke off the key resources for criminal groups: Guns and bulk cash. This will be done in concert with the ATF, DEA, and appropriate state and local law enforcement officials. .

ICE and CBP partner in the eTrace initiative, led by ATF, an innovative partnership that aids Mexican officials in the forensic tracking of weapons used in drug cartel violence. CBP is also partnering with the DEA and High Intensity Drug Trafficking Area centers to expand the DEA-created National License Plate Reader initiative, which will lead to better intelligence on trafficking organizations. CBP and ICE, along with ATF and the DEA, have jointly developed the Southwest Border Trafficking Initiative to identify and disrupt weapons and ammunition smuggling. Discussions are ongoing within that initiative to address more detailed procedures regarding the coordination of multi-agency operations and information sharing.

Notably, ICE launched Operation Armas Cruzadas, a partnership with the government of Mexico to fight cross-border arms smuggling. Under Armas Cruzadas, ICE has taken an intelligence-driven, systematic approach to arms trafficking investigations. As part of this effort, ICE initiated a Weapons Virtual Task Force to create virtual communities where law enforcement can rapidly share intelligence and communicate in a secure environment through the Homeland Security Information Network (HSIN). ICE also created a U.S.-vetted Arms Trafficking Group of Mexican officers. Since inception, Operation Armas Cruzadas has resulted in 112 criminal arrests and the seizure of 116,478 rounds of ammunition, 1,417 weapons seizures, and \$3,341,388 in monetary instrument seizures.

We clearly need to do more, however. These successful seizures account for only a fraction of the weapons being smuggled into Mexico. That is why DHS is ramping up intelligence-driven enforcement against the southbound flow of weapons in a number of ways.

The bolstered ICE presence in the border region, increased collaboration with state and local authorities in the U.S., heightened resources dedicated to coordinating with Mexican officials, and improved support to state and local governments should all help to address southbound weapons smuggling. Still, DHS is taking additional steps to strengthen our efforts.

DHS will triple the number of intelligence analysts from DHS Office of Intelligence and Analysis on the southwest border. These analysts will provide the strategic, intelligence-driven guidance that will be a driving force behind the efforts of ICE and CBP to secure our borders and stop the flow of illegal weapons into Mexico. ICE operates a Border Violence Intelligence Cell at the El Paso Intelligence Center that provides intelligence support to BESTs. These enhancements in intelligence will also improve the Department's ability to assess whether it is using its resources at the border in the most effective possible way to secure America.

Further, CBP is now screening 100 percent of outbound rail cars on the southwest border. There are eight rail crossings along the southwest border, and previously, CBP did not screen any outbound cars, instead focusing only on inbound cargo. We are using existing non-intrusive inspection equipment to screen all outgoing cars for anomalies that could be weapons. DHS is also developing protocols to inform Mexican authorities of

anomalies CBP uncovers, since the rail cars will be on Mexican soil immediately after CBP inspection.

CBP is also moving swiftly to focus existing resources on the southwest border. The Z-Backscatter (ZBV) mobile X-Ray unit, used in a mobile inspection capacity to identify anomalies in passenger vehicles, has greatly assisted CBP officers in inspections. Nine ZBVs can be transferred to the southwest border immediately. CBP is also immediately deploying 100 Border Patrol agents to augment outbound inspections at the ports of entry; Border Patrol agents have not normally served in this capacity. Additionally, three Mobile Response Teams, consisting of 25 CBP officers each, have been placed on ready and are prepared to deploy to the southwest border to augment port of entry operations. Of the 75 mission ready Mobile Response Team members available, 15 have already been deployed to support a specific outbound operation along the southwest border.

In addition to addressing weapons smuggling, DHS is also combating the illegal movement of cash across the southwest border. One reason drug cartels pose such a dangerous threat is their extensive monetary resources. The U.S. must interrupt that illegal flow of money. Operation Firewall, led by ICE, addresses the threat of bulk cash smuggling. ICE and CBP have conducted various Operation Firewall operations with Mexican counterparts. ICE has also recently established a Trade Transparency Unit with Mexico to identify cross-border trade anomalies, which are often indicative of trade-based money laundering. Under this initiative, ICE and law enforcement agencies in cooperating countries work to facilitate the exchange of import and export data and

financial information. ICE's efforts led to more than \$50 million in cash seizures in fiscal year 2008.

Increased ICE presence in Mexico and at the border will strengthen efforts to reduce illegal bulk cash smuggling. The non-intrusive inspection equipment CBP will use to screen outbound rail cars for weapons will also be able to detect anomalies that could be bulk cash. Furthermore, CBP currently has 12 dual-detection canines, trained to detect both weapons and currency and that are operationally available, which are being deployed as a part of a strategy to catch outbound smuggling.

Planning contingencies for worst-case scenarios

I believe the United States can effectively help to suppress the violence in Mexico, by both doing our part on our side of the border and providing assistance to Mexican authorities. However, this does not mitigate our need to plan for worst-case scenarios, even if they are unlikely – and not only scenarios where the United States encounters significant spillover violence, but also other situations where DHS capabilities could be strained as a result of ongoing violence.

DHS has a plan in place to address border violence, authorized by former Secretary Chertoff in January. The plan, known as the Southwest Border Violence Operations Plan (“the Plan”), outlines a layered response to provide the appropriate level of support to local law enforcement and DHS components in the event of escalating violence. State and local law enforcement, however, had little input into the Plan, so we are in the process of collecting that input now, before the Plan is final.

The Plan provides a structure by which DHS and the federal government can coordinate an effective response, while remaining flexible to conditions on the ground.

Because of their predominant role at the border, CBP would serve as the lead DHS component responsible for the effort to prevent and respond to a significant escalation of violence along the southwest border, while the Plan also clarifies and coordinates the roles of other DHS components.

There are a number of cabinet departments and federal agencies involved in this effort to fight violence on the southwest border that DHS needs to partner with on contingency plans. The Department of Defense has been a close partner in scenario planning. Under current plans, any Defense support in responding to a border violence scenario would include the Department of Defense in a supporting role at a late stage. However, we are working with the Department of Defense to determine if there are other support roles for the Department of Defense to assist us in securing our southwestern border.

I have also asked my department that the Southwest Border Violence Operations Plan be revised to determine whether it will be responsive to other challenging contingencies apart from a rise in violence along the border.

We are also increasing DHS awareness of how state and local law enforcement resources are positioned, and how to coordinate calls for assistance from state and local governments. DHS is working among its components to develop an overarching plan that integrates existing component plans into one Department plan. This overarching plan will enhance the Department's ability to fully leverage all of our component capabilities in this critical effort. DHS' Office of Operations Coordination and Planning, which led on devising the current plan, will lead efforts to plan for additional scenarios, and to fully engage our state, local and tribal partners in DHS planning.

Conclusion

I thank the Committee for this opportunity to testify. As you can see, I am committed to addressing the threat of cartel violence in Mexico as a top homeland security priority for the United States. I look forward to working with Congress on securing America from this threat. I am happy to answer your questions.