



**STATEMENT FOR THE RECORD
SUBMITTED BY GENERAL BARRY R. McCAFFREY (USA, Ret.)
TO THE U.S. SENATE HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS COMMITTEE
MARCH 24, 2015**

Chairman Johnson, Ranking Member Carper, thank you for the opportunity to provide testimony for this hearing on the topic of “*Securing the Border: Understanding the Presence of Transnational Crime.*” This statement will focus on how drug smuggling and transnational crime at our borders affect the nation at large.

The Border Security Challenge

The Department of Homeland Security and several of its subordinate agencies (e.g. U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and the U.S. Border Patrol (USBP)) are primarily responsible for protecting our borders and preventing the entrance of unauthorized individuals, terrorists, contraband, narcotics, and weapons of mass destruction into the United States. DHS and our border security agencies are ably supported by the Department of State’s visa issuance activities, the Department of Treasury’s anti-money laundering and terrorist financing programs, several Department of Justice agencies (e.g. DEA and FBI) that focus on transnational crime and drug trafficking, and multiple agencies in other departments that provide essential intelligence and other critical support.

Collectively, these federal agencies have to address a multiplicity of threats, including: cyber attacks and crime; drug trafficking; human trafficking; identity theft; illegal immigration; intellectual property theft; manipulation of securities and commodities markets; money laundering; penetration of financial systems; sophisticated frauds; and terrorism (and its financing). Transnational criminal organizations are engaged in all of these activities.

Border security is an enormous challenge given the volume of activity at our borders. On any given day last year 678,000 individuals and 300,000 privately owned vehicles crossed our land borders from Canada or Mexico, almost 300,000 individuals landed at one of our international airports, while 50,000 entered through our sea ports, and some 70,000 truck, rail, and sea containers entered our land and sea ports of entry.¹ As the cyber attacks by Iran and North Korea against two U.S. corporations last year underscored,² even if we were able to secure our physical borders, we would still be vulnerable to attacks from abroad.

As a nation, we have made enormous progress since the 9/11 attacks to increase the security of international trade flows, identify who is traveling to the United States before they arrive, and to be able to identify individuals who may pose threats or who merit additional scrutiny by a CBP

¹ <http://www.cbp.gov/newsroom/stats/typical-day-fy2014>.

² These two cyber attacks are summarized in Office of the Director of National Intelligence, Opening Statement by the Honorable James R. Clapper, Director of National Intelligence to Worldwide Threat Assessment Hearing, Senate Armed Services Committee, February 26, 2015.

officer when they arrive at a port of entry. While our security is much improved, there are still significant vulnerabilities that must be addressed.

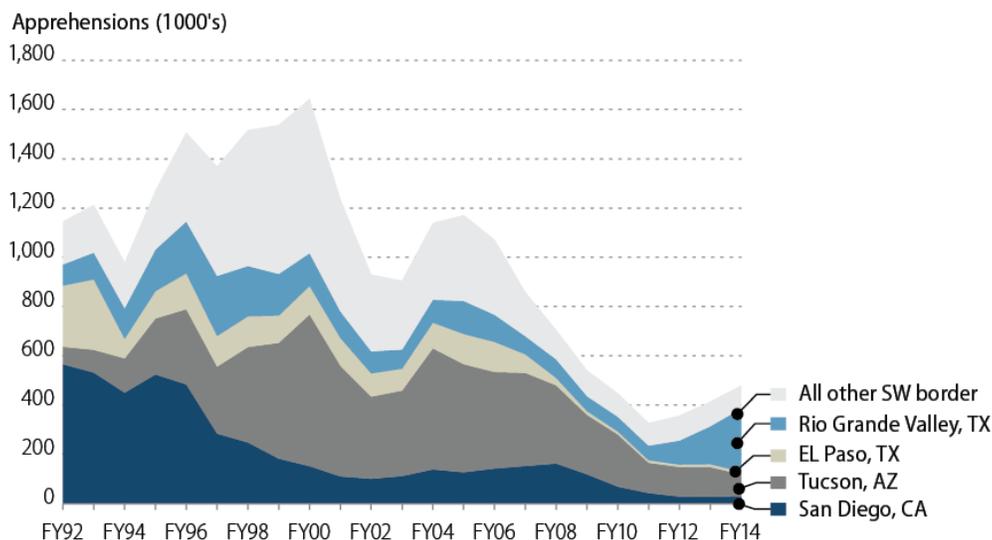
The U.S. – Mexico Border: our most vulnerable flank

The 2,000-mile border with Mexico is the principal vector for the introduction of illegal drugs and unauthorized immigration into the United States. Mexican transnational criminal organizations dominate drug and human trafficking at the U.S. – Mexico border.

The report recently released by the Texas Department of Public Safety provides great detail on the activities of Mexican drug cartels in border communities, particularly in the Rio Grande Valley, where human trafficking has surged in recent years.³

By many measures, the U.S. – Mexico border is more secure than it has ever been. Some 700 miles of fences and barriers have been erected along the border and the number of Border Patrol agents assigned to the border has doubled since 2001. The number of illegal border crossers apprehended by the Border Patrol has plummeted by 78 percent since 2000, as the following graphic demonstrates:

U.S. Border Patrol Apprehensions of Deportable Aliens, Southwest Border, by Selected Sectors, FY1992-FY2014⁴



Additionally, the composition of the migrant population has shifted. Last year, 53 percent of migrants apprehended at the border were not Mexican, whereas 10 years ago, 93 percent of individuals apprehended were Mexican.⁵

³ Texas Department of Public Safety (DPS), *Operation Strong Safety Report to the 84th Texas Legislature and Office of the Governor*, Feb. 2015, Unclassified Version.

⁴ Figure 6, page 22, Congressional Research Service report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*, December 31, 2014.

⁵ Washington Post, “Border Patrol statistics show changing migration pattern,” November 14, 2014, http://www.washingtonpost.com/politics/border-patrol-statistics-show-changing-migration-pattern/2014/11/05/727c9132-6534-11e4-bb14-4cfea1e742d5_story.html

The significant decline in the number of individuals who seek to enter the United States across the Southwest Border is likely the result of multiple factors, including: greater USBP enforcement capabilities; more effective USBP operations; reduced economic opportunities in the United States; greater internal enforcement within the United States; and changing economic and demographic conditions in Mexico.

The surge of migration (to include unaccompanied children last year) in the Rio Grande Valley Border Patrol Sector – more than 25 percent of apprehensions along the SW Border now occur in this sector – suggests that additional federal enforcement resources and broader federal-state cooperation are required there.

Border cities such as El Paso and San Diego are regularly ranked among the safest large cities in the United States based on reported crime rates. However, it would be a stretch to say that the border and border communities are secure when CBP lacks a high-confidence ability to detect cross-border tunnels, seizes just 5-10 percent of the illegal drugs smuggled across the border, and interdicts less than 1 percent of the \$20 billion plus laundered to Mexico each year.

In 2010, the Border Patrol stated that it controlled just 129 miles of the 2,000-mile U.S. – Mexico Border and 32 miles of the 5,500-mile U.S. – Canada border (USBP subsequently abandoned this metric). As a former infantry commander, I find it difficult to believe that a Border Patrol that is only the size of a U.S. Army infantry division can secure 7,500 miles of land borders or that a Border Patrol force smaller than an Army brigade combat team can secure the entire U.S. – Canada border.

The relative lack of “spillover violence” in U.S. border communities in Texas, New Mexico, Arizona, and California is principally the result of decisions by the Mexican drug trafficking organizations to follow different rules of engagements within the United States. They clearly have the capability to act as violently in the United States as they do in Mexico. They elect not to act as they do in Mexico because of the capabilities, effectiveness, and integrity of our federal, state, and local law enforcement agencies and criminal justice systems. Simply stated, extreme violence in the United States would harm their bottom line. When Mexican transnational criminal organizations control smuggling across the U.S. – Mexico border and distribute heroin, cocaine, methamphetamines, and marijuana throughout the United States, we do not have a secure border and communities across the nation are imperiled.

We need to continue investing in security at our land borders and require DHS to demonstrate the effectiveness of its enforcement strategies. The reality is that despite significant improvements in the Border Patrol’s capability along the US-Mexico border, most individuals who attempt to cross the border illegally eventually succeed. The Congressional Research Service estimates that since 1994 the probability of being apprehended while crossing the border has averaged 0.49 – in other words an individual is more likely to make it into the United States than to be apprehended by the Border Patrol. This figure is substantially lower than CBP estimates.⁶

⁶ Congressional Research Service report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*, December 31, 2014, page 25.

This failure to prevent illegal migration across the U.S. – Mexico border (and the failure to prevent “overstays” by individuals who enter the United States legally by land and air) has resulted in a population of unauthorized immigrants in the United States that is estimated at 11.2 million individuals and widespread repercussions across the nation. While this number has been relatively stable for several years, the approximately 500,000 Mexican nationals who have returned to Mexico in recent years have been replaced by immigrants from the ‘northern triangle’ Central American countries of El Salvador, Guatemala, and Honduras. The 2.7 million immigrants from these three small countries now constitute 24 percent of the unauthorized immigrant population.

Approximately 8.1 million unauthorized immigrants were working or looking for work in 2012 – they constituted 5.1% of the labor force – or one in twenty workers. The U.S. economy has accommodated these workers and different sectors will continue to require both skilled and unskilled foreign workers to augment the domestic work force. More unauthorized immigrants should not be the answer to such labor needs as it has in the past. In our schools, children of unauthorized immigrants made up 6.9% of students enrolled in kindergarten through 12th grade in 2012. The vast majority (5.5 million) of these children were born in the United States and are, consequently, U.S. citizens.⁷

Additionally, law enforcement and intelligence collaboration between federal, tribal, state, and local agencies must be improved in border regions and in communities where Mexican cartels are active.⁸ All too often, federal strategies and coordination centers inadequately incorporate state and local partners. CBP’s 2012 South Texas Campaign focused on integrating the activities of federal agencies and did not adequately incorporate capabilities of Texas agencies. In November 2014, DHS Secretary Jeh Johnson established three joint task forces to implement the DHS Southern Border and Approaches Campaign Plan.⁹ Joint Task Force West, which is responsible for coordinating border-control operations along the U.S. -Mexico border, would certainly benefit from increased collaboration with tribal, state, and local agencies along the entirety of the Southwest border. Exercises of mass migrations plans – at the Southwest border and elsewhere – should also include state and local authorities.

⁷ The statistics in these two paragraphs were excerpted from the Pew Research Center November 14, 2014 report *Unauthorized Immigrant Totals Rise in 7 States, Fall in 14*, http://www.pewhispanic.org/2014/11/18/unauthorized-immigrant-totals-rise-in-7-states-fall-in-14/ph_2014-11-18_unauthorized-immigration-01/

⁸ As the title of the report suggests, the June 2014 GAO report *Border Security: Opportunities Exist to Strengthen Collaborative Mechanisms along the Southwest Border*, <http://www.gao.gov/products/GAO-14-494>, concluded that collaboration between federal, state, and local agencies could be improved.

⁹ Memorandum entitled “Southern Border and Approaches Campaign”, issued by DHS Secretary Johnson on Nov 20, 2014, http://www.dhs.gov/sites/default/files/publications/14_1120_memo_southern_border_campaign_plan.pdf.

The Effects of Transnational Crime Within the United States

The 2011 *Strategy to Combat Transnational Organized Crime* states that “transnational organized crime (TOC) poses a significant and growing threat to national and international security, with dire implications for public safety, public health, democratic institutions, and economic stability across the globe. Not only are criminal networks expanding, but they also are diversifying their activities, resulting in the convergence of threats that were once distinct and today have explosive and destabilizing effects.”¹⁴ Several states have recently conducted assessments of the day-to-day impact of transnational crime at the local level.

In **California**, the magnitude of transnational crime is astounding, as reported by the state Attorney General:¹⁵

- An estimated \$30 to \$40 billion in illicit funds is laundered through California commerce every year.
- Mexican transnational criminal organizations are suspected of trafficking 70 percent of the U.S. supply of methamphetamine through the San Diego port of entry.
- Mexican cartels have formed alliances with California prison and street gangs to control trafficking routes, distribute drugs, and kidnap, extort, and kill as necessary to protect their criminal activities.
- Cartels use “Panga” boats to smuggle drugs and people into California. Boats capable of carrying 12 tons of marijuana have landed as far north as Santa Cruz County.
- 305 drug-related transnational criminal organizations operate in California, and 18 street and prison gangs have ties to these organizations.

Operation Strong Safety highlighted the threat posed by transnational crime to **Texas**:¹⁶

- Seven of the eight major Mexican cartels operate throughout Texas, and they have enlisted transnational and statewide gangs to support their drug and human smuggling and trafficking operations on both sides of the border. These gangs are responsible for a disproportionate amount of crime, and they threaten the safety and security of communities across the state.
- Mexican cartels are the state’s most significant organized crime threat.
- Illegal aliens from countries documented by the U.S. Department of State as having a known terrorism presence continue to be smuggled into and throughout Texas.

¹⁴ The White House, *Strategy to Combat Transnational Organized Crime*, July 25, 2011, <https://www.whitehouse.gov/administration/eop/nsc/transnational-crime>

¹⁵ The following statistics were excerpted from the California Attorney General Report: *Gangs Beyond Borders: California and the Fight Against Transnational Organized Crime*, March 2014, http://oag.ca.gov/sites/all/files/agweb/pdfs/toc/report_2014.pdf?

¹⁶ The following statistics were excerpted from the Texas Department of Public Safety (DPS), *Operation Strong Safety Report to the 84th Texas Legislature and Office of the Governor*, Feb. 2015, Unclassified Version.

In **Chicago**, the Sinaloa Cartel dominated the distribution of drugs. In 2013, the Chicago Crime Commission declared the criminal organization’s leader Joaquin “El Chapo” Guzman (who was subsequently captured in Mexico) Public Enemy Number One because of the deadly violence perpetrated by his organization. The last individual to be so designated was Al Capone in 1929.

These are not hypothetical threats; they are on-the-ground manifestations of the ability of transnational criminal organizations to penetrate our borders and to act throughout the United States. Our states, counties, and municipalities require continued federal assistance to address threats of this magnitude.

Conclusion

The *Council on Foreign Relations* estimates that the cost of transnational organized crime is roughly 3.6 percent of the global economy and observes that drug traffickers have destabilized entire areas of the Western Hemisphere and caused 50,000 deaths in Mexico within the past six years.¹⁷ Illegal drug trafficking generates enormous revenue for transnational criminal organizations. The United Nations estimates that illicit drugs generate some \$320 billion in global retail sales and \$150 billion in drug revenues in the Americas annually.¹⁸

Transnational crime is not stopping at our borders and is affecting communities and institutions across the United States. Transnational criminal organizations are active throughout the United States and involved in diverse criminal enterprises. Mexican cartels, whose primary focus is drug trafficking, are active in more than 1,000 U.S. cities, have formed alliances with local gangs, and have branched into other lucrative criminal activities. It would not be unreasonable to conclude that the Mexican drug cartels currently pose a greater national security threat than does ISIS. They certainly possess the capability to conduct deadly attacks just about anywhere in the United States.

The priority actions outlined in the *National Strategy to Combat Transnational Crime*¹⁹ are a solid framework for confronting this threat to national security and include:

- Enhance Intelligence and Information Sharing.
- Protect the Financial System and Strategic Markets.
- Strengthen Interdiction, Investigations, and Prosecutions.
- Disrupt Drug Trafficking and Its Facilitation of Other Transnational Threats.
- Build International Capacity, Cooperation, and Partnership.

¹⁷Council on Foreign Relations, *The Global Regime for Transnational Crime*, June 25, 2013, <http://www.cfr.org/transnational-crime/global-regime-transnational-crime/p28656>

¹⁸ Organization of American States, *The Economics of Drug Trafficking*, 2013, page 5, http://www.cicad.oas.org/drogas/elinforme/informeDrogas2013/laEconomicaNarcotrafico_ENG.pdf

¹⁹ The White House, *Strategy to Combat Transnational Crime*, 2011, https://www.whitehouse.gov/sites/default/files/Strategy_to_Combat_Transnational_Organized_Crime_July_2011.pdf

STATEMENT BY GENERAL BARRY R. MCCAFFREY (USA, RET.) FOR 24 MARCH 2015 U.S. SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE HEARING ON “*SECURING THE BORDER: UNDERSTANDING THE PRESENCE OF TRANSNATIONAL CRIME*”

The porous U.S. – Mexico border continues to constitute a significant threat to national security. A continuing national security concern is that terrorist organizations, which have already formed a nexus with international drug trafficking organizations, might take advantage of existing smuggling routes and operations to introduce terrorists or weapons of mass destruction into the United States.