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**AN UNCERTAIN SHIELD**

**The Nation's Borders in the 1990s**

The Need for a  
National Border Strategy on Terrorism,  
Drugs, and Threats to the Nation

By

Charles B. DeWitt

**NCJRS**

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**U.S. Department of Justice  
National Institute of Justice**

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Washington, D.C.

"Americans view terrorism as one of the most serious problems facing our government....They want assurance that the United States is prepared to handle the growing threat of terrorism, that we have a policy and response mechanism in place, and that we are working to improve our system."

"Drugs have strained our faith in our system of Justice. Our courts, our prisons, our legal system are stretched to the breaking point. The social costs of drugs are mounting....Greater interagency cooperation, combined with sophisticated intelligence-gathering and Defense Department technology can help stop drugs at our borders."

George Bush

## CONTENTS

|                                                                                             |     |
|---------------------------------------------------------------------------------------------|-----|
| Methodology . . . . .                                                                       | 5   |
| Preface . . . . .                                                                           | 7   |
| Summary of the Report . . . . .                                                             | 10  |
| <br>                                                                                        |     |
| Part I. The Border Threat . . . . .                                                         | 14  |
| Part II. Central Issues Affecting the Nation's Borders . . . . .                            | 33  |
| Part III. The National Drug Control Strategy and<br>the Borders . . . . .                   | 72  |
| Part IV. A Research Agenda for the National Institute<br>of Justice . . . . .               | 81  |
| Part V. The Need for a National Border Strategy . . . . .                                   | 88  |
| <br>                                                                                        |     |
| Appendices                                                                                  |     |
| A. Agencies with Border Jurisdiction . . . . .                                              | 91  |
| B. Border Information Systems . . . . .                                                     | 92  |
| C. Border-Related Law Enforcement Units . . . . .                                           | 94  |
| D. Proposed Charter for a Working Group on Border<br>Security . . . . .                     | 96  |
| E. Previous National Institute of Justice Research<br>Projects on Border Security . . . . . | 99  |
| F. Project Interviews . . . . .                                                             | 103 |
| G. Bibliography and Reference Guide . . . . .                                               | 106 |

## Figures

|    |                                                  |    |
|----|--------------------------------------------------|----|
| A. | The Agencies of US Border Control . . . . .      | 13 |
| B. | Data Processing and Telecommunications . . . . . | 44 |
| C. | Law Enforcement Units at the Border . . . . .    | 68 |

## Diagrams

|     |                                                                        |    |
|-----|------------------------------------------------------------------------|----|
| 1.  | Persons Admitted to the U.S.: Ground Vehicles<br>and on Foot . . . . . | 19 |
| 2.  | Persons Admitted to the U.S.: Border<br>Crossings in 1989 . . . . .    | 34 |
| 3.  | Persons Admitted to the U.S.: Entry by<br>Sea and Air . . . . .        | 35 |
| 4a. | Vehicle Crossings: 1985 to 1989. . . . .                               | 36 |
| 4b. | Vehicle Crossings: 1985 to 1989. . . . .                               | 37 |
| 5.  | Cocaine Seized at the Borders. . . . .                                 | 74 |

## Tables

|    |                                                                                           |    |
|----|-------------------------------------------------------------------------------------------|----|
| 1. | U.S. Immigration and Naturalization Service:<br>Border Control Statistics: 1989 . . . . . | 16 |
| 2. | U.S. Customs Service<br>Border Control Statistics: 1989. . . . .                          | 17 |

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All figures, tables, graphs, and diagrams contained in this report were designed and executed by the author. The data were extracted from public reports of Federal agencies.

**METHODOLOGY**

This report represents the initial findings of "A Study of Border Security," a study funded by the National Institute of Justice that has considered these questions:

1. What are the specific problems that stand in the way of improved border security?
2. What are the organizational obstacles to improvement of border security?
3. Would application of advanced technologies result in significant improvement of protection, detection, and apprehension at the borders?
4. To what extent do limited resources preclude substantial progress in controlling the borders?<sup>1</sup>

This report marks completion of the first phase of investigation, at the conclusion of library research, literature review, observations, and extensive interviews. As the first or investigative stage of the study, its purpose is to:

- A. Examine the security of U.S. borders and report on deficiencies.
- B. Identify and document current obstacles to improved border security.

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<sup>1</sup> National Institute of Justice Concept Paper by Charles B. DeWitt, July 6, 1989, p. 2.

- C. Provide technical assistance to appropriate Federal, State, and local agencies responsible for border security.
- D. Propose recommendations to correct identified deficiencies and enhance border security capabilities.
- E. Assist in dissemination and application of Institute studies and reports on border security.
- F. Provide a bibliography and resource directory of studies and reports on border security.<sup>2</sup>

Additional information of interest to the researcher in this field is contained in appendices to this report. For example, Appendices A, B, and C respectively list Federal agencies with border jurisdiction, information systems used for border-protection, and specialized law enforcement units with border-responsibilities. Appendix D sets forth a proposed charter for a White House review of the borders.

Appendix E describes previous research projects on border security supported by the National Institute of Justice, while Appendix G lists persons who were interviewed during the research conducted for this report. Finally, Appendix F offers a bibliography for this field.

C.B.D.

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<sup>2</sup> Ibid., p. 5.

## PREFACE

Threats to America's national security and domestic tranquility in the 1990s will include the worst evils of modern society: terrorism and drug trafficking. Terrorists and drug traffickers can influence foreign affairs policy, divert resources from other valuable uses, and incite fear in the public.

As an open and democratic society, the United States continues to stand as a beacon of constitutionalism, robust economic activity, and free and vigorous debate. These qualities have been sadly lacking in Eastern Europe and other parts of the world, where leaders today strive to emulate the American model. No small credit for the spirit and vitality of American political, social, and economic activity should go to the Nation's tradition of maintaining open access across international borders.

But a difference exists between open access intended to enhance freedom and trade, and undefended borders that allow known terrorists, narcotics smugglers, and dangerous cargo to pass unnoticed. Public officials speak of border "control," yet 340 million people enter the Nation each year without undergoing so much as a name check at the border. Law enforcement experts discuss border "security," yet, almost 8 million cargo containers and 108 million vehicles enter the Nation each year without undergoing an inspection of their contents.



Although more than a dozen Federal agencies are assigned responsibility for guarding the borders, no particular agency is in charge and coordination among them is strained. State and local law enforcement agencies appear similarly to operate on their own, only meshing with Federal efforts for special projects and in selected cases. Consequently, the vast law enforcement and intelligence resources of the United States are greatly underutilized in protecting the Nation at its borders.

The Nation's leaders must balance their commitment to liberty and federalism against this growing threat to the safety of every American. In this way, national border considerations lie at the heart of America's contemporary struggle with crime and violence.

#### Author's Note

This brief report cannot possibly give adequate consideration to all the issues nor can it answer all the questions involved in developing a national border strategy. My limited purpose is to stimulate thinking of officials about the need for a border strategy and perhaps to offer some assistance to policymakers in developing such a strategy.

A number of people and organizations assisted me in this project. I want to thank those who have done much to support this study, and commend their continuing efforts to enhance the security of America's borders. They continue to devote their time, creativity, and commitment to an issue of critical

importance to the safety of the American people: David Q. Bates Jr., Assistant to the President and Secretary to the Cabinet; Thomas M. Boyd, Director, Office of Policy Development, U.S. Department of Justice; R. Rand Beers, Director of International Programs, National Security Council; Richard C. Breeden, former Assistant to the President for Issues Analysis; Vice Admiral E. A. Burkhalter Jr., USN (ret), former Executive Director, Task Force on Border Control; John E. Guido, Inspector, Federal Bureau of Investigation, former Deputy Director, Task Force on Border Control; Ambassador David C. Miller, National Security Council; Col. Richard E. Porter, USAF (ret), formerly of the National Security Council.

Special thanks go to the White House staff, whose candor and assistance helped to make this study possible. I am grateful to the Office of Cabinet Affairs, the White House Library, and other divisions where staff were generous with their time and most patient with this researcher.

Finally, I wish to express my admiration for the dedicated professionals at the U.S. Customs Service, the Immigration and Naturalization Service, and the Department of State who continue to distinguish themselves by ongoing progress in the face of a formidable challenge.

Charles B. DeWitt

Washington, D.C.

May 22, 1990

## SUMMARY OF THE REPORT

The Nation faces more than one threat at the borders. National attention is now focused, and properly so, on the crisis of drugs in America. But a potentially more devastating threat is posed by terrorists who are ready to cross the Nation's borders to bomb public buildings or release chemical agents and possibly nuclear materials in populated areas.

This report looks at border security on three levels. It examines some of the key policy issues in depth, treats others in a descriptive fashion, and proposes an agenda for research that includes virtually every aspect of this complex issue.

This report begins with a look at the dangers posed by current conditions at the borders, and examines the growing threat of terrorism. Unlike the war on drugs, terrorism has yet to cross American borders. For the most part, Americans view terrorism as a horrible reality in Europe and the Middle East, but not in their own country. This report explores whether U.S. borders can shield Americans from this threat, and it charts a direction for further study of terrorism in America.

As American law enforcement agencies face the challenge of crime in a free society, this report documents a small part of their struggle. Border control represents a uniquely American dichotomy, and the agencies of Federal, State, and local law enforcement are caught in the middle, caught between a need for strong national leadership and the tradition of federalism,

caught between a need for clear lines of authority and the tradition of multiple Federal agencies. Figure A shows the many Federal agencies charged with border security responsibilities.

This report examines how law enforcement agencies attempt to police the borders, and it concentrates on how they could work together more effectively. The report opens in Part I with a treatment of the principal threats posed at the borders, concentrating on the neglected area of terrorism. Part II looks at such key issues as communication between agencies use of innovative technology, and fragmented organizational authority.

The menace of drugs has had a profound impact on border security. Control of the Nation's borders is an issue that dominates public debate and occupies a prominent position in the national drug strategy. This report looks in Part III at how the National Drug Control Strategy proposes to coordinate and strengthen those activities, and it describes how these efforts will enhance border security. It reviews the measures recommended to enhance data processing, sharing of information, and joint operations by law enforcement agencies.

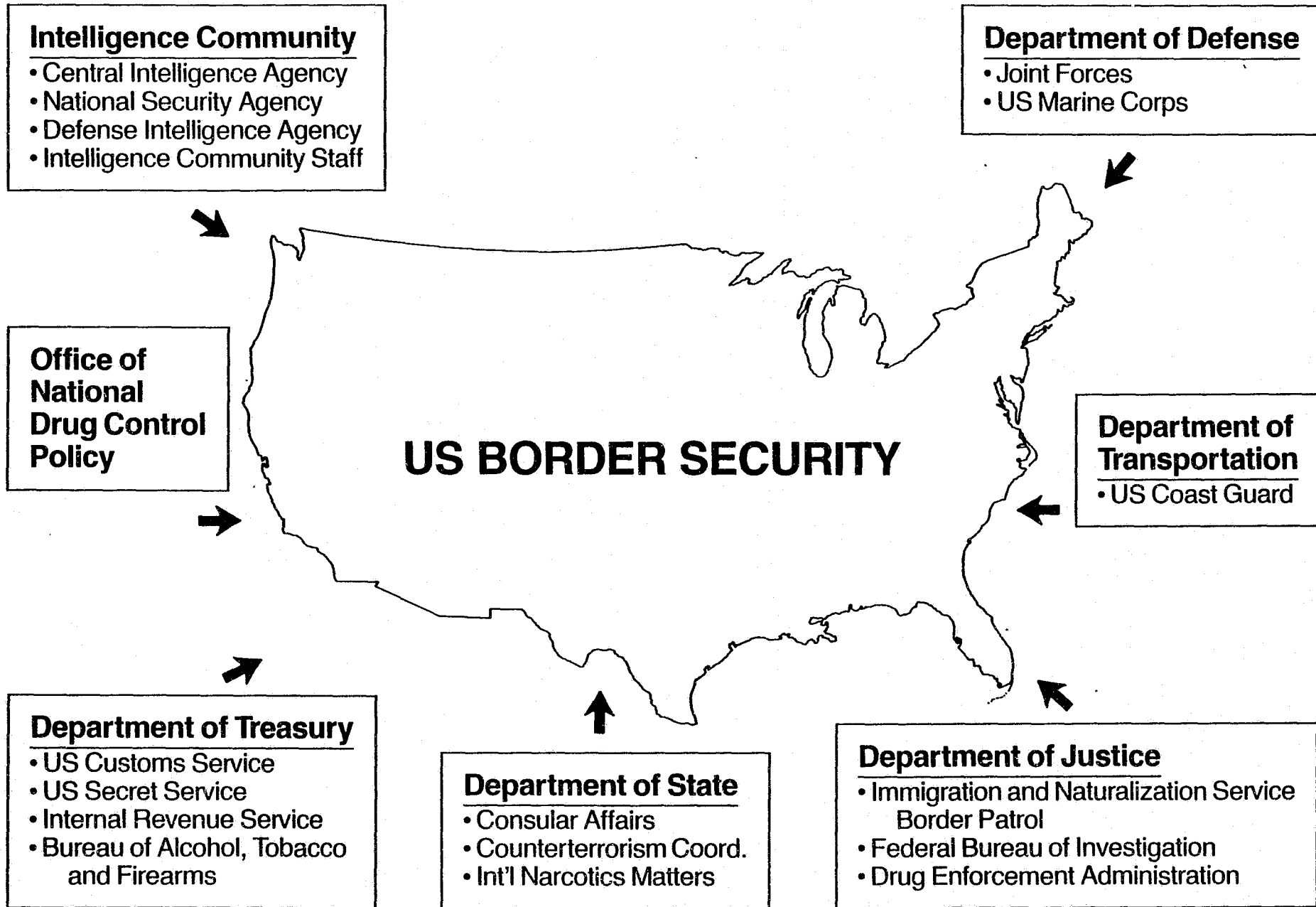
Since so little research has been conducted on conditions at the borders, questions of policy are most difficult to answer. More than ever before, complex issues now demand thorough review and analysis, and the National Institute of Justice could support an interagency process for this purpose. The National Institute of Justice serves the entire criminal justice community, spanning

boundaries among agencies and issues, and represents the logical choice for research on conditions at the borders. Accordingly, Part IV of this report sets forth an agenda for research on border security, and invites the National Institute of Justice to consider potential topics of investigation. More than 40 specific study questions are posed in Part IV.

In Part V, this report examines the need for a national border strategy to harness the energies of all the agencies now struggling to improve conditions and give common direction to their work. The author proposes a mechanism for review of border conditions, and recommends how this process might begin at once.

The Nation is lacking a plan for its borders. Security at the borders is now more critical than ever before, and the Nation is now in want of such policy direction. There has never been a strategy to provide coordination and oversight for border activities of the multiple agencies with responsibility for the Nation's frontiers. Without a direction for the future, the security of the Nation's borders will remain an uncertain shield.

# Fig. A—The Agencies of US Border Control



## PART I

## THE BORDER THREAT

Americans pay a high price for open borders.

America's borders may be this Nation's greatest unrecognized weakness. Despite its military might and highly sophisticated technology, the nation's borders remain virtually unprotected from terrorists, drug traffickers, and international crime figures. Is it a lack of resources, or an unwillingness to abandon a belief in the open door of liberty?

The U.S. frontier includes huge seaports, remote mountain regions, rivers, desserts, and sprawling urban areas. Border crossings are monitored by officials at major airports and small landing strips, shipping terminals and tropical islands, superhighways and country roads, urban centers and small towns. But millions cross the border undetected almost everywhere in between these legal ports of entry.

The U.S.-Canadian border is 5,525 miles long, the longest unfortified border in the world; the U.S.-Mexican border is 1,953 miles long. American borders stretch 19,858 miles in all.

More than 1 million persons enter the United States every day through 292 lawful ports of entry. Other border facts are equally startling: 391,869,146 persons entered the United States in 1989, 345,420,478 (89 percent) on the ground; 40,651,760 (10 percent) by air; and 4,796,908 (1 percent) in ships and boats. The number of border crossing by vehicle reached an all time high

in 1989 -- 113,976,038 -- of which 108,141,076 were private vehicles.<sup>3</sup> 5,834,962 trucks and buses crossed the border in 1989 and 36,219 trains. Diagram 1 shows the sharp rise in the number of persons admitted to the United States who entered on the ground.

Furthermore, 673,741 aircraft and 224,005 vessels entered the United States in 1989; 8 million cargo containers arrived that year.

The Immigration and Naturalization Service (INS) of the Department of Justice conducts inspections at the border and admits persons into the United States. As shown in Table 1, INS carries out a broad range of border operations. The United States Customs Service of the Department of the Treasury shares jurisdiction at the border by screening for both contraband and goods subject to U.S. duty.

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<sup>3</sup> Includes all types of privately operated vehicles.



TABLE 1. U.S. IMMIGRATION AND NATURALIZATION SERVICE  
BORDER CONTROL STATISTICS: 1989

The following is a brief outline of statistics on Immigration and Naturalization Service operations relating to border control efforts.

|                                                            | <u>FY 1988</u> | <u>FY 1989</u>  |
|------------------------------------------------------------|----------------|-----------------|
| <u>Inspections</u>                                         | 383,908,627    | 427,552,005     |
| <u>Apprehensions - Border Patrol<br/>(Total)</u>           | 1,008,145      | 954,242         |
| <u>Apprehensions - Border Patrol<br/>(Criminal Aliens)</u> | 16,629         | 7,687           |
| <u>Criminal Alien Apprehensions<br/>by Investigations</u>  | 22,162         | 30,474          |
| <u>Drug Seizures</u>                                       |                |                 |
| Marijuana (pounds)                                         | 333,790        | 55,783          |
| Cocaine (pounds)                                           | 14,782         | 40,284          |
| <u>Value of Seizures</u>                                   |                |                 |
| Marijuana                                                  | \$250,444,625  | \$442,913,841   |
| Cocaine                                                    | \$505,038,974  | \$1,346,492,775 |
| <u>Number of Seizures</u>                                  |                |                 |
| Marijuana                                                  | 4,190          | 5,920           |
| Cocaine                                                    | 676            | 1,609           |
| <u>Vehicle Seizures</u>                                    | 9,677          | 14,442          |
| <u>Deported for Narcotics<br/>Offenses</u>                 | 3,988          | 5,263           |
| <u>Deported on criminal grounds</u>                        | 1,640          | 1,712           |

Source: Immigration and Naturalization Service, Department of Justice.

**TABLE 2. U.S. CUSTOMS SERVICE  
BORDER CONTROL STATISTICS: 1989**

The following is a brief outline of statistics on U.S. Customs Service operations relating to border control efforts.

|                     | FY 1988     | FY 1989     |
|---------------------|-------------|-------------|
| Total Carriers      | 107,912,400 | 114,869,793 |
| Total Persons       | 358,004,068 | 391,869,146 |
| Vehicles Seized     | 12,073      | 12,434      |
| Aircraft Seized     | 129         | 180         |
| Drug Seizures       | 19,246      | 20,260      |
| Marijuana (pounds)  | 11,226      | 10,159      |
| Cocaine (pounds)    | 2,333       | 2,042       |
| Merchandise Entries | 42,237,241  | 47,253,656  |

Source: U.S. Customs Service, "Customs U.S.A."

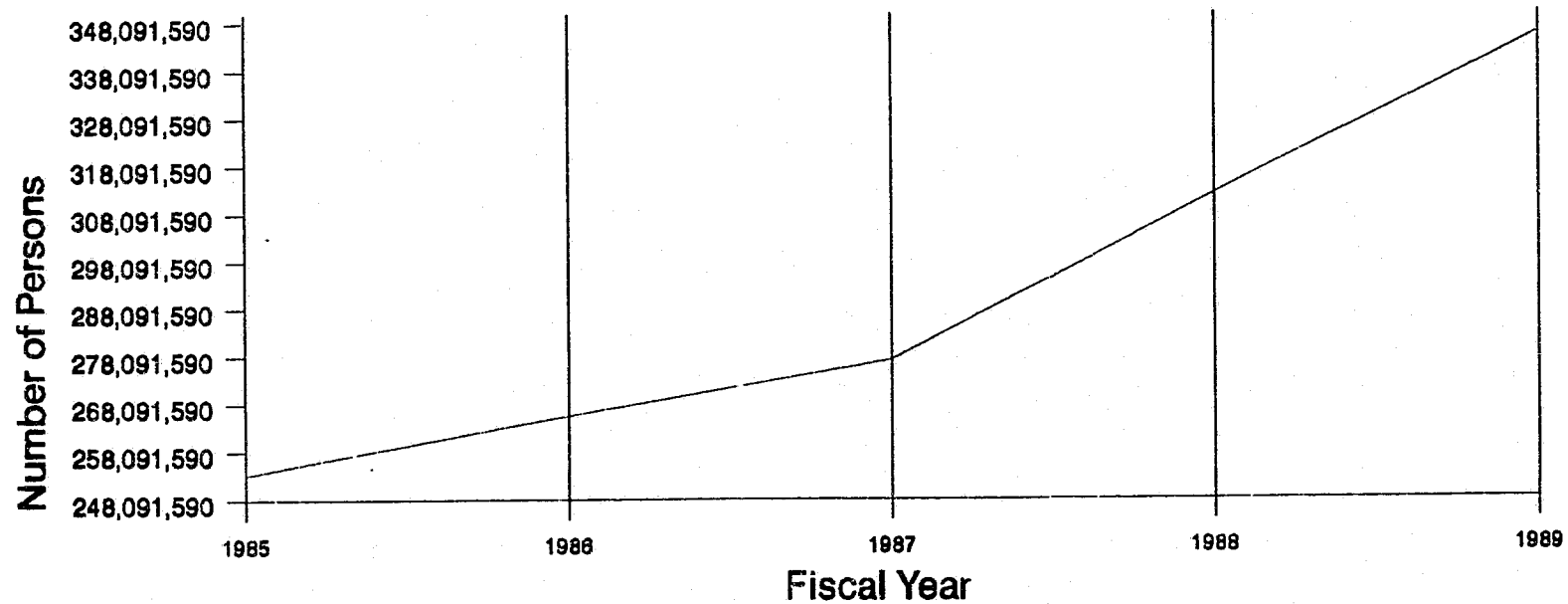
Illegal aliens are apprehended at the astonishing rate of almost 1 million per year, mostly in the Southwest. For years, the volume of illegal entries has completely overwhelmed both manpower and technology deployed along the Southwest border.

Conditions at the borders permit only cursory screening of a small minority of the approximately 392 million annual entrants to the United States, resulting in admission of persons with false identifies and forged documents. Persons who would otherwise be excluded are unwittingly admitted because little information is available to border personnel. Millions more cross undetected between the official ports of entry, across thousands of miles of unattended borders. The American coastline offers countless sites for unobserved landing of small vessels, and small aircraft may land without notice at thousands of locations.

At the same time, Americans enjoy a sense of security and presume conditions of domestic safety. The American people expect that officials will prevent and detect the movement of drug traffickers, terrorists, and dangerous felons across U.S. borders. While border interdiction of drug traffickers has received considerable attention, few recognize the limited effectiveness of current efforts regarding potential terrorist acts inside the United States. Although an impressive "net" has been created to catch boats and planes that once evaded detection, these new measures are strictly for the purpose of drug interdiction. These efforts cannot prevent an incident such

# DIAG.1 PERSONS ADMITTED TO THE U.S.

## Ground Vehicles and on Foot



— PERSONS

|         | 1985        | 1986        | 1987        | 1988        | 1989        |
|---------|-------------|-------------|-------------|-------------|-------------|
| PERSONS | 253,164,431 | 265,560,677 | 277,281,947 | 312,118,351 | 345,420,478 |

as the recent terrorist destruction of Pan American Flight 103. Once inside the United States, terrorists may use domestic carriers and travel freely throughout the Nation. For example, checked baggage is scrutinized only at the port of entry but neither routinely examined nor matched to passengers for domestic flights. In this way, border security represents the primary line of defense against domestic terrorism.

Border control is crucial to protection against other threats as well. Espionage results from the admission of foreign agents to the United States. Wildlife is destroyed all around the globe because the products of endangered species are smuggled into the United States for sale. Domestic industry suffers massive financial losses as the result of unlawful importation of counterfeit goods.

Border security represents a common linkage between these otherwise unrelated crime problems, and this report begins to look at how improved conditions at the border would benefit the U.S. criminal justice system and the citizens it is intended to protect.

#### **TERRORISM AND THE BORDERS**

During the past 10 years, terrorism has become a dominant force in international affairs. It has appeared with chilling frequency on the television screens in millions of American homes: hostage-takings, aircraft piracy or sabotage, assassination, threats, hoaxes, indiscriminate bombings and

shootings, ship hijackings, and other forms of violence and terror. Perhaps most tragic, innocent victims seldom play any role in the terrorist's grievances.

Terrorists enjoy easy transit across the borders of the United States. Only through diligence and timely action by the Federal Bureau of Investigation (FBI) and other Federal, State, and local law enforcement agencies has the threat of terrorism by foreign groups inside the United States been thus far limited. How long that record of relative success can be maintained is a matter of conjecture. Regrettably, the Nation's greatest deterrent to terrorist entry may be a perception of security that exceeds reality.

Terrorists set a record for the number of attacks -- 856 incidents in 1988 -- and possess the potential to continue the pace and deadliness of their activities.<sup>4</sup> The bombing of Pan American Flight 103 on December 21, 1988, with the loss of 270 persons (including 189 Americans) occurred over Scotland, but it was grimly obvious to all that the incident might well have occurred over American soil.

#### Growing Threat of Terrorism

A succinct yet comprehensive description of the terrorist threat to Americans, and an analysis of problems in meeting that threat, was provided in the Vice President's Task Force on

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<sup>4</sup> U.S. Department of State, Patterns of Global Terrorism: 1988, p.v.

Combatting Terrorism, released in February 1986. Under the chairmanship of then Vice President Bush, the Cabinet-level Task Force was established to review and evaluate U.S. policy and programs. The White House acted after violent attacks at the Rome and Vienna airports in 1985 left 114 wounded and 18 dead, including 5 Americans. Earlier that year, terrorists had hijacked TWA Flight 847 and the cruise ship Achille Lauro, where terrorists brutally murdered innocent Americans.

The Task Force found that terrorist activities span from industrial societies to underdeveloped regions. A "large pool of potential terrorists" exists in the Third World, where fully 60 percent of the population is under 20 years of age and half are 15 years or younger.

"Many terrorists have a deep belief in the justice of their cause," the Task Force said. "They are tough and vicious and may have little regard for their own lives or those of their victims in attempting to achieve their goals. Others may even be hired assassins."

Four general regions of operations of terrorists can be identified. The Middle East terrorist groups target Israel, Western governments, and moderate Arab governments and officials. In Europe, terrorist organizations include the Italian Red Brigade, French Direct Action, German Red Army Faction, and the Provisional Irish Republican Army. Established groups in Spain, Portugal, and Greece continue their campaigns, while new groups continue to surface. Finally, in Latin America, social,

economic, and political turmoil have prolonged patterns of insurgency and terrorism.

### Threat to the United States

The Task Force found that, by mid-decade, half the worldwide incidents of the 1980s were targeted directly at the United States. Since official statistics were first compiled in 1968, the number of terrorist incidents had risen each year with a trend toward bloodier attacks and more fatalities. In the decade ending with 1985, terrorists attacked U.S. officials or installations abroad approximately once every 17 days.

For example, various Palestinian terrorist organizations have carried out attacks against targets outside of the Middle East. Prominent among these is the Palestine Liberation Front, whose members hijacked the Achille Lauro oceanliner in 1985 and murdered an American passenger.

The Abu Nidal Organization (ANO) is another active terrorist organization. ANO attacked El Al ticket counters in Rome and Vienna in 1985; hijacked a Pan Am airliner in 1986, killing 2 Americans; and conducted numerous other violent attacks between 1981 and 1985 in which 8 Americans were killed and 50 others were injured.

Although Palestinian terrorist organizations have yet to attack targets within the United States, their history of targeting U.S. interests abroad warrants vigilance at the borders



to reduce the possibility that these terrorists can enter the United States.

#### Domestic Vulnerability

International terrorist groups have thus far succeeded in attacks on Americans overseas, while their plans have failed within the United States. That fact is attributed primarily to the success of the FBI in its counterterrorist activities together with the widespread perception that security measures are effective.

Although it is not widely known, many terrorists have crossed the borders and attempted to carry out their missions in the United States. In 1985, for example, FBI efforts included foiling a plot to assassinate Prime Minister Rajiv Gandhi of India while visiting the United States; uncovering a pro-Qaddafi conspiracy to commit three assassinations and bomb strategic sites in the United States; and interdicting a Sikh assassination plot in New Orleans.<sup>5</sup>

The Vice President's Task Force issued a sobering warning about the possible threat of terrorism:

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<sup>5</sup> Federal Bureau of Investigation, Terrorism in the United States: 1988, p. 27.

America's foes take comfort in the apparent weaknesses of our society that terrorism exposes.

Our vulnerability lies, ironically in the strength of our open society and highly sophisticated infrastructure. Transportation, energy, communications, finance, industry, medicine, defense, diplomacy, and government itself rely on intricate interrelated networks. Given these inherent vulnerabilities, and the fact that Americans are increasingly targets of terrorist attacks outside the United States, it is apparent that a potentially serious domestic threat exists. Recent threats such as Qaddafi's statement that Libyans will attack 'American citizens in their own streets' only serve to underscore this worsening climate.<sup>6</sup>

Among its many proposals, the Vice President's Task Force recommended that airport and port security be evaluated and strengthened in this Nation. Finding that pre-flight screening of passengers and carry-on baggage is "the cornerstone of our domestic security program," the Task Force called for continued monitoring and updating of security procedures. There is tragic irony to be found in the report of the Presidents Commission on Airline Security and Terrorism, a study conducted 4 years after these recommendations were made. While the May 1990 report stopped short of concluding that the destruction of Pan American Flight 103 would have been prevented if proposed precautions against terrorism had been followed, it documented a variety of security failures. Armed with recent findings and a renewed sense of urgency, Federal agencies are now responding to a White House mandate for action.

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<sup>6</sup> Public Report of the Vice President's Task Force on Combatting Terrorism, p. 6.

### Three Case Histories

Three recent incidents illustrate how current measures fail to stop terrorists at the borders of the United States.

On October 23, 1987, U.S. Border Patrol officers arrested Walid Nicholas Kabbani and his two companions for possession of an explosive device, but only after they had crossed into the United States earlier that day. A local chief of police stopped Kabbani near Richford, Vermont, when Kabbani was acting suspiciously, and the police chief brought him to the Border Patrol Office for questioning. As it turned out, Kabbani had illegally entered the United States with the assistance of Walid Magib Mourad and Georges Fouad Nicolas Younan, all three of them naturalized Canadian citizens born in Lebanon.

A Federal grand jury in Vermont indicted Kabbani, Mourad, and Younan on November 5, 1987, on charges that included conspiracy and violations of statutes regarding explosives. On January 26, 1988, Mourad pled guilty to conspiracy charges, and on February 2, 1988, Kabbani and Younan were found guilty of explosives violations. Mourad was sentenced to 8 years imprisonment and fined; Kabbani and Younan were each sentenced to 16 years and 6 months in prison and fined.

All three were members of the Syrian Social Nationalist Party, a terrorist group dedicated to the concept of a unified Syria. Their intended target in the United States was never identified, but their explosive device was capable of inflicting tremendous damage.

The Kabbani case exemplifies:

- o Vulnerability of the U.S.-Canadian border.
- o No background check, waiver of visas for Canadians
- o Explosive device ready to be detonated by terrorists.
- o Known terrorists were able to enter the United States without being identified.
- o Apprehension by local law enforcement, not Federal, officials.

The second case involves Yu Kikumura, a member of a Marxist-oriented terrorist group based in the Middle East known as the Japanese Red Army. The New Jersey State Police arrested Kikumura after stopping him for a routine traffic violation. While issuing a citation, a State trooper noticed evidence suggesting that there might be an explosive device in the vehicle. When the trooper searched the car, he found three bombs ready to be detonated. Kikumura was also found to possess various U.S. maps.

The Japanese Red Army, according to the FBI, was formed in the early 1970s and its self-proclaimed goal is "world revolution of Communism." Its members call for worldwide struggle against imperialism, and regard terrorism as an inseparable part of that struggle. The Japanese Red Army appears to be well-funded and capable of conducting terrorist operations

in any of the cities to which its members have traveled freely over the past several years, the FBI reported.<sup>7</sup>

The FBI and the New Jersey Joint Terrorism Task Force investigated and found that Kikumura had traveled approximately 7,000 miles in the United States, purchasing components in several States to build the explosive devices. On April 22, 1988, a Federal grand jury in Newark, New Jersey, indicted Kikumura on charges in connection with passport and explosives violations. On November 29, 1988, Kikumura was convicted in U.S. District Court in Newark for possession of a stolen Japanese passport and illegal transport of explosives with intent to kill or injure.

Investigation determined that Kikumura had traveled throughout the Northeast and that his intended target apparently was a military recruiting station in New York City.

The Kikumura case shows:

- o Use of stolen or altered passport to enter the United States.
- o No intelligence to warn of planned attack.
- o A known terrorist who is wanted by authorities is admitted to the United States.
- o Ease of obtaining components for explosive devices.
- o Apprehension by State law enforcement, not Federal authorities.

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<sup>7</sup> FBI, Terrorism in the United States: 1988, pp. 23-24.

The FBI has confirmed that most major terrorist groups have established cells inside the United States. Lines of communication and escape are in place. Weapons are available. State-sponsored terrorism is particularly threatening within the United States because terrorists may have the resources and active support of their government.

Libya is a prominent example. Bashir Baesno and Mendi Hitewash obtained student visas, at the ages of 37 and 27 years, respectively. Once inside the United States, the two began to search the black market for firearms with silencers, presumably for purpose of assassination.

Although they purchased the weapons, the supplier was not sympathetic to their cause. FBI counterterrorism agents had been monitoring the Libyans. To their dismay, the Libyan officers were arrested when they purchased the weapons from undercover FBI agents. Like many others, this was a case in which the FBI had been unable to take action earlier. Since the Libyans had entered the country on lawful visas, and had not yet committed an offense, the FBI and the INS could not bring action to deport them. As it turned out, Hitewash was believed to be a Libyan intelligence officer. Despite this information, the Libyans were free to plan assassinations and all manner of terrorism.

**This case demonstrates:**

- o Ease of obtaining student visas for fraudulent purposes.
- o Entry by foreign agents for the probable purpose of assassination.
- o Access by terrorists to weapons in the United States (the Libyans did not need to smuggle weapons into the country, they could buy them here).
- o Success of FBI counterterrorism activities.

#### **Nuclear, Biological, and Chemical Terrorism**

A threat to national security, the FBI says, is nuclear, biological, and chemical terrorism. Consider that small nuclear devices and containers for biological or chemical weapons would fit neatly into the trunk of a car. Some 60 million cars cross into the United States from Mexico each year, and another 50 million from Canada, without inspection of their trunks.

In Terrorism in the United States: 1988, the FBI reported that possible acts of nuclear terrorism include:

- o Construction and threatened use of an improvised nuclear device.
- o Seizure of a nuclear weapon.
- o Attack on or theft of nuclear material in transport.
- o Theft and use of radioactive materials as contaminants, or in dispersal devices.

Biological and chemical weapons also present an opportunity for terrorists and use of them is "of increasing concern" to the FBI, the report states. Compared with nuclear devices, chemicals are more easily acquired, cheaper to produce, harder to detect, and employable against a variety of targets. Possible acts of biological or chemical terrorism include:

- o Threat to detonate a stolen chemical weapon or improvised chemical device.
- o Sabotage of a chemical production or storage facility.
- o Contamination of municipal water supplies.
- o Attempt to spread disease organisms among the civilian population, livestock, agricultural products, or natural resources.

According to the FBI report, the "probability that a group or an individual will commit an act of chemical/biological terrorism is greater than for nuclear terrorism, but is lower than for the more convention forms of terrorism." But the possibility of use of biological or chemical agents has increased for three reasons, the report says: (1) chemical weapons from the Iran-Iraq war; (2) increased availability of chemical agents to terrorist groups through state sponsors of terrorism; and (3) increased media attention to the potential use of such agents by terrorists.

Quite possibly "no other law enforcement initiative more poignantly illustrates the need for cooperation than the very



real possibility" of nuclear, biological, or chemical terrorism, the report says. A single successful terrorist act would result in massive destruction, casualties, a paralyzed infrastructure, and public hysteria on a level that could overwhelm the capabilities of law enforcement.

Protection against nuclear, biological, and chemical terrorism clearly begins at the borders. An effective shield requires, as the FBI report correctly points out, "full cooperation of the entire Federal Government working in concert with State and local counterparts to prepare properly and respond effectively."

## PART II

## CENTRAL ISSUES AFFECTING THE NATION'S BORDERS

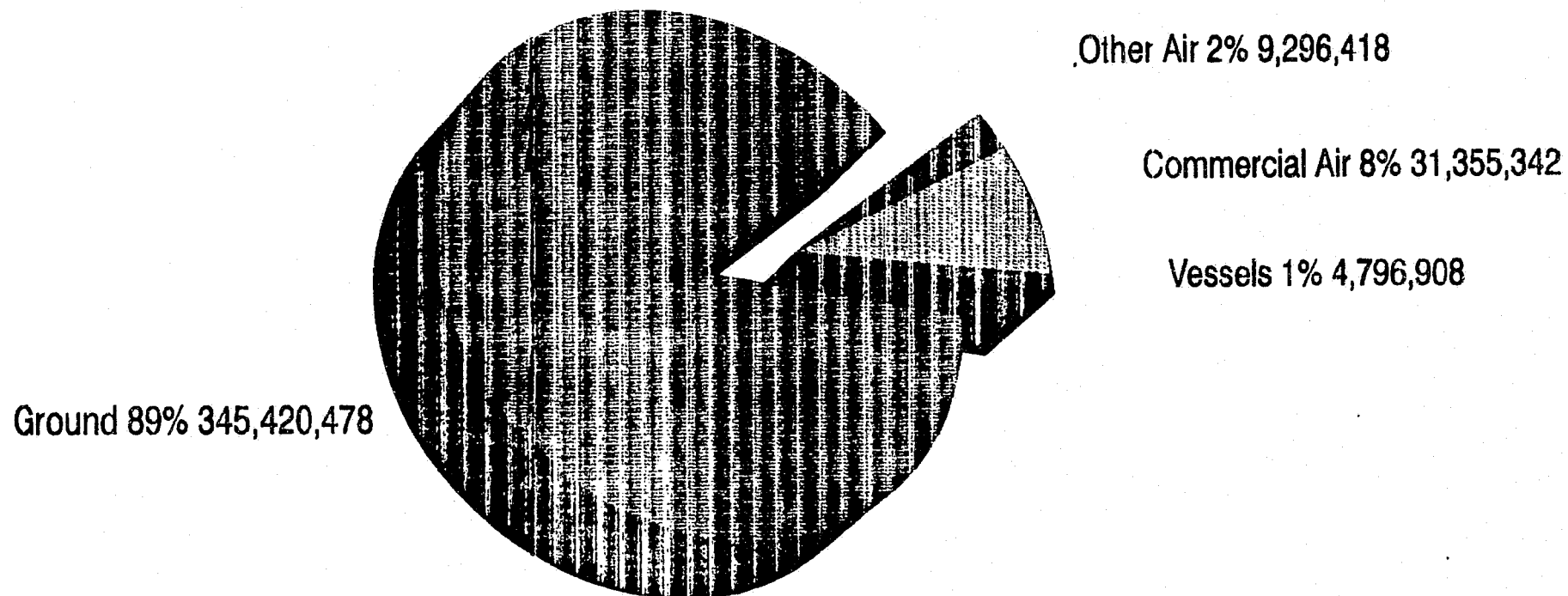
## ENTRY IDENTIFICATION

For many years, the Department of Justice and the Department of the Treasury have concentrated on identification of entrants at airports. Both departments operate extensive computer systems to detect and detain persons who are wanted by law enforcement. At many airports, the INS together with the U.S. Customs Service carefully check the names of arriving passengers against established databases to determine whether an entrant is wanted by U.S. authorities, a known violator of customs laws, an excludable alien, an international terrorist, or a fugitive from abroad. The funding and manpower resources dedicated to inspection at airports are formidable.

When compared to land crossings, airport security is somewhat ironic. Only one in ten of those who enter the United States is subject to scrutiny by airport officials, as the remaining 90 percent cross the border at land ports of entry. If 392 million persons entered the United States in 1989, this means that about 350 million persons are "overlooked," while 40 million are carefully inspected at the airports. Diagram 2 shows border crossings on the ground and by sea and air. A comparison of Diagrams 1, 2, 3 and 4 reveal the disproportionate distribution of entrants by land, sea and air.

# DIAG.2 PERSONS CROSSING U.S. BORDERS

## Border Crossings in 1989



# DIAG.3 PERSONS ADMITTED TO THE U.S.

## Entry by Sea and Air

|      | Ship and Boat | Comm. Aircraft | Priv. Aircraft | Other Aircraft |
|------|---------------|----------------|----------------|----------------|
| 1985 | 3,889,304     | 24,591,857     | 430,594        | 7,445,265      |
| 1986 | 4,030,017     | 23,966,338     | 424,918        | 7,623,656      |
| 1987 | 3,877,996     | 25,251,045     | 397,061        | 7,904,739      |
| 1988 | 5,548,397     | 31,221,955     | 435,680        | 8,679,685      |
| 1989 | 5,866,908     | 31,355,342     | 426,642        | 8,869,776      |

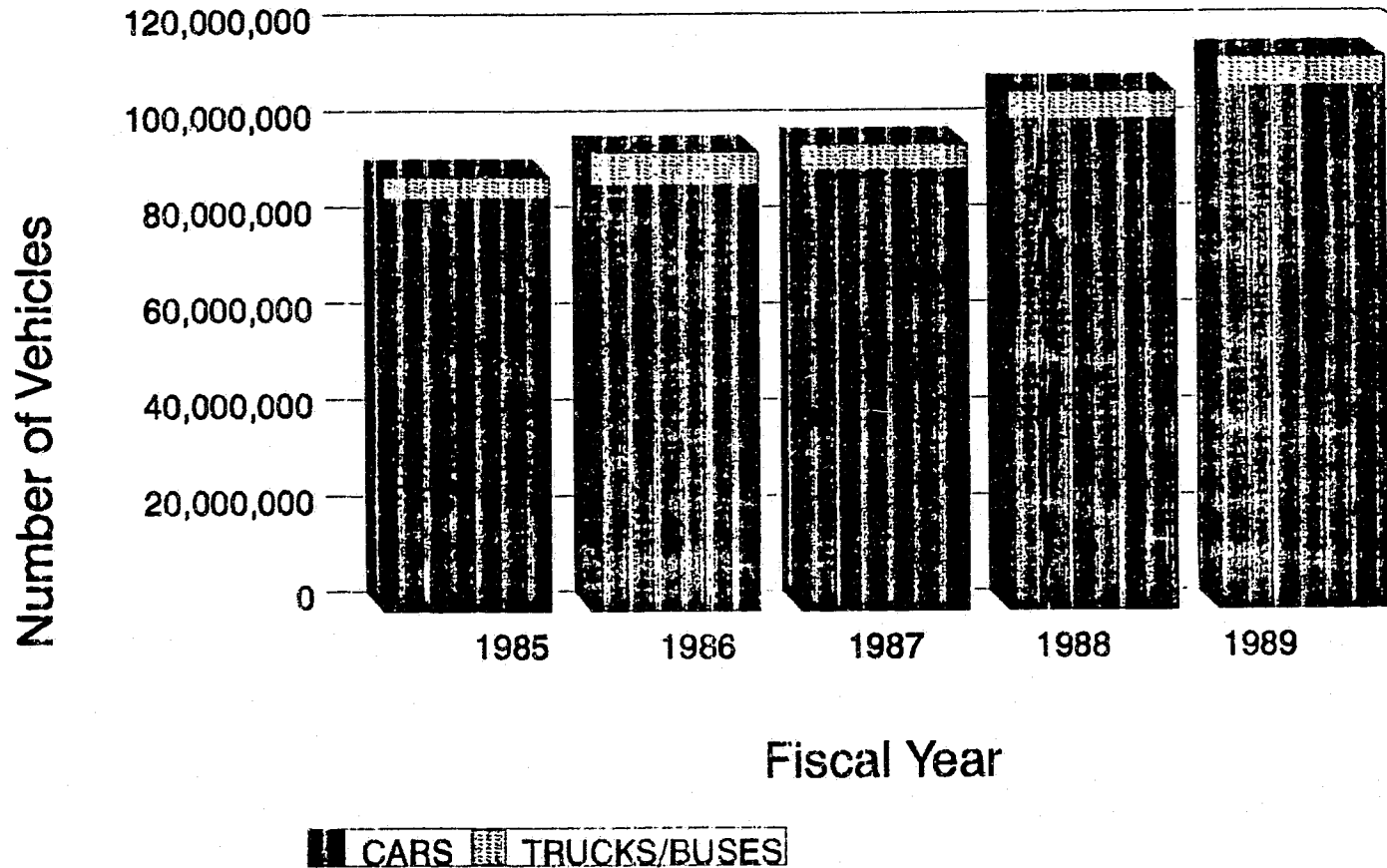
# DIAG.4 VEHICLE CROSSINGS, 1985 TO 1989

## Cars and Trucks/Buses

|      | CARS        | TRUCKS/BUSES |
|------|-------------|--------------|
| 1985 | 85,545,526  | 4,449,813    |
| 1986 | 88,327,633  | 6,567,163    |
| 1987 | 91,182,114  | 5,164,377    |
| 1988 | 101,637,082 | 5,474,554    |
| 1989 | 108,141,076 | 5,834,962    |

# DIAG.4 VEHICLE CROSSINGS: 1985 TO 1989

## Cars and Trucks/Buses



Cursory checks, including a confidential query of the vehicle license plate, are conducted at land ports. At some land borders, the U.S. Treasury information system is used to query the FBI to determine if outstanding warrants are associated with the vehicle license plate. However, officials acknowledge that these precautions are not adequate to stop anyone who is resourceful, including international terrorists, fugitives, drug traffickers, and foreign agents. Provided they walk or drive across the border, they are not likely even to be asked to identify themselves. Even when stopped, persons and vehicles crossing by land are not searched and any form of identification will usually suffice to satisfy border officials.

This represents an area of great vulnerability, and the possibilities are grave. All manner of weapons, including shoulder-launched missiles and small nuclear devices, may be placed in the trunk of an automobile. In 1989, there were 108,141,076 car crossings. Diagrams 4A and B show border crossings by cars and by trucks and buses. But for a few exceptions, the occupants were not identified by name and the contents of the cars and trucks were not examined. While the primary agencies of border control -- Departments of State, Justice, the Treasury, and the U.S. Coast Guard -- are enhancing their capabilities in the air and on the sea, tens of millions cross the land borders without so much as a simple name check. Indeed, some might ask why international air travelers are

subjected to delay and inconvenience at airports, while ten times their number are allowed to enter the United States without identification.

#### UNATTENDED BORDER AREAS

There are other gaping "holes" in border security. While 90 percent of lawful border crossings may pass without a name check, at least those persons are subject to visual examination and possible inspection.

There is even greater vulnerability to unobserved entry between legal ports of entry along thousands of miles of unattended borders. INS officials estimate that several million persons enter the United States in this manner each year. Illegal aliens represent the most significant category of those who cross between official ports of entry. Although no one can be certain exactly how many illegal aliens enter the United States annually, the Department of Justice estimates three aliens for every one apprehension. Currently the U.S. Border Patrol apprehends approximately 1 million aliens each year.

While the Southwest border is almost 2,000 miles in length, less than 50 miles are fenced. Nature, not the U.S. Government, provides the most formidable deterrent to illegal entry, as so much of the terrain is inhospitable. A border crossing may require transportation cross country for 10 to 50 miles, difficult on foot but easy in a jeep. In other words, all the technology and resources of the Government may be defeated by



simple land transportation or dogged determination. In many areas, a driver equipped with a four-wheel drive vehicle faces no deterrent of any kind -- not a wall or fence, not a river or canyon, and no radar on the ground. While ground sensors are used in selected areas, personnel are too few in number to permit responding to all the crossings.

Both Canada and the United States have boasted that their common boundary represents the longest unfortified border in the world. At 5,525 miles in length, it is also an open door of enormous size, where fewer than 300 U.S. Border Patrol agents are assigned. If all the officers stood shoulder to shoulder along the Canadian border, they would stand more than 18 miles apart. While officers deployed along the Southwest border are ostensibly in place for immigration control, they also serve the critical function of deterring terrorists and narcotics traffickers. Since illegal immigration is not a major issue along the Canadian frontier, there are few formidable obstacles to terrorists and drug traffickers who would enter the United States by land.

#### **INFORMATION SYSTEMS**

Information systems represent another type of security. They should guard the Nation's frontier by providing border officers with complete and timely information to determine what should be done with those who enter the United States. Should an entrant be:

- o Subject to more careful inspection?
- o Excluded from entry?

- o Placed under surveillance by law enforcement authorities?
- o Arrested at the border?

"Holes" in the border also include gaps in the net formed by information systems. About 345 million persons enter at land ports of entry without name checks and an estimated 3 million persons cross illegally between ports of entry over the 7,000 miles of open frontier. But the smallest "hole" can also be dangerous. Failure by information systems represents a small but potentially dangerous threat to security. Approximately 40 million who enter at airports are subject to a computer name check. However, the current system sometimes fails to establish the identity of persons such as known terrorist Yu Kikumura.

In their current configuration, border systems cannot do their as well as they should. The system does not work well because it is not really a system. Rather, it is a collection of independent systems. To begin with, there are 17 completely different information systems, and not one of them was designed to work with the others.

Operation of separate systems has left border officials without the information they need to maintain adequate security at the borders. It has been possible for terrorists to obtain both passports and visas. Wanted persons have been able to pass through ports of entry because border personnel have not had access to the database containing that information.

Gaps in the information systems permit many persons to pass unnoticed because:

- o Information about terrorists is not always provided to border agencies, and border systems do not have access to terrorist information systems.
- o "Alert" or current intelligence information is not received in a timely manner.
- o Persons may hold passports that are otherwise valid but altered to show a different photograph.
- o Subjects may carry forged passports, visas, or travel documents that border personnel cannot verify, and machines may not be in place to detect forgeries.
- o Many carry valid passports that were fraudulently acquired through document fraud at the State or local level.

Most alarming of all, a known terrorist can be issued a perfectly lawful visa. It has happened. Because State Department systems have always been operated abroad by foreign nationals, they have never contained classified information. Accordingly, Drug Enforcement Administration (DEA) files on traffickers and Central Intelligence Agency (CIA) information on terrorists are withheld from these Department of State systems, and visas may be issued to the very persons whom law enforcement authorities wish to exclude.

### Changing Relationships

The current state of border databases is one of transition from the past isolation of each agency to a planned complete integration of all border systems. For many years, each department or agency has operated its own system for its own purposes. Often a subject of controversy, systems at the Departments of State, the Treasury, and Justice have been neither coordinated with nor connected to each other. Both public and classified investigations have revealed ongoing communication failures, suggesting a critical need for at least data linkages, if not a common information system.

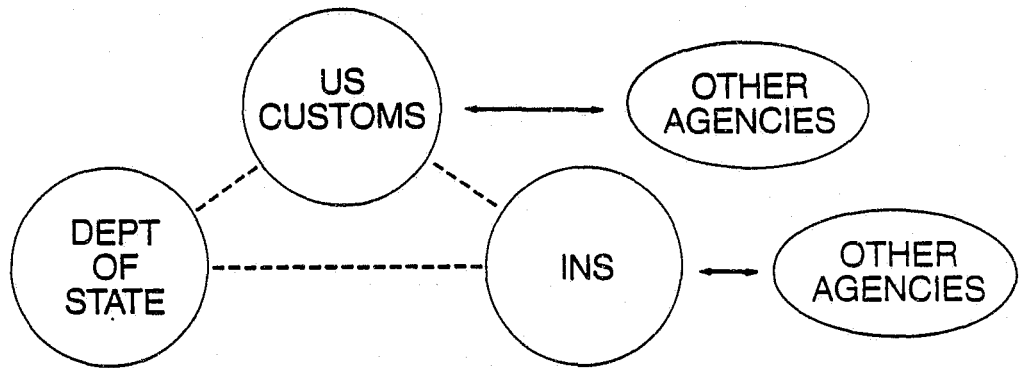
Although all 17 of the systems shown in Appendix B relate to border security, only 3 form the core of daily operations. Like a triangle, the Departments of State, the Treasury, and Justice have formed a security screen through which excludable persons should not pass into the United States. Unfortunately, the failure to form one consolidated system has left gaps among the operations of the three departments. Figure B shows the past relationships, current configuration, and future plans for data processing and telecommunications among Federal agencies.

Here are just a few of the deficiencies in the past approach to data processing and telecommunications:

- o There are 240 posts where visas may be issued, but only 90 have had access to the State Department's own information system, AVLOS. In the past, none has been

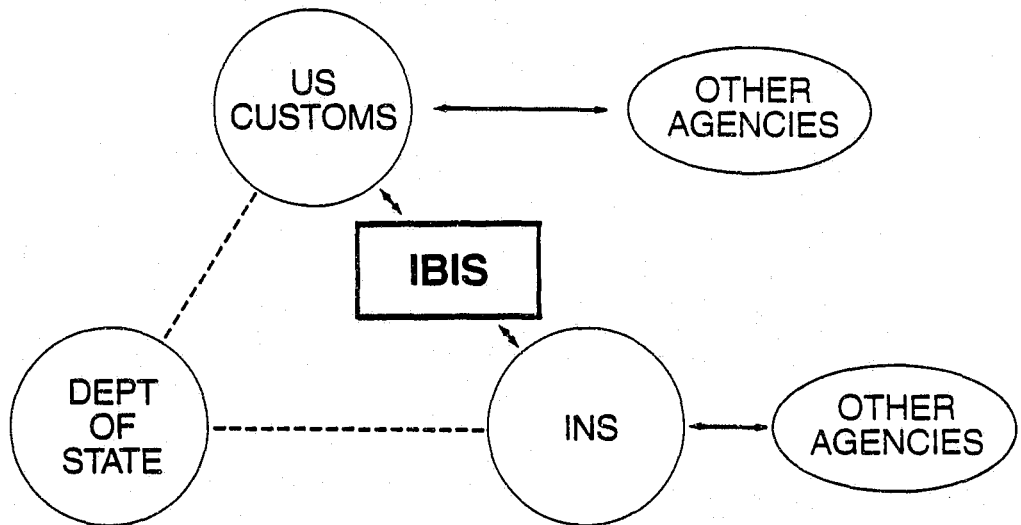
# Fig. B—Data Processing and Telecommunications

## PAST RELATIONSHIPS



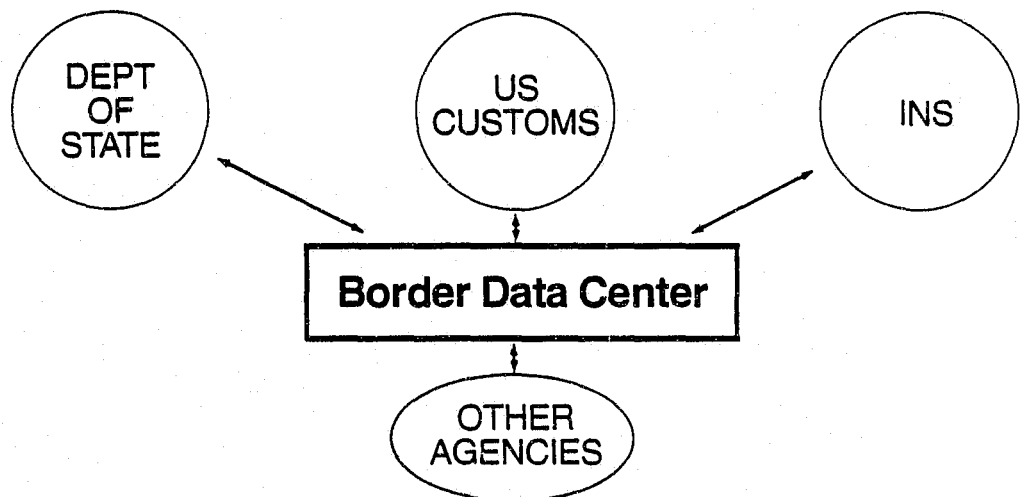
- Three independent systems, no on-line linkages
- Periodic bulk data transfer

## PRESENT CONFIGURATION



- Ports of Entry on line to US Customs and INS
- Single query system with consolidated, central access

## FUTURE PLAN



- All agencies have online access to data base
- Consolidated common data base

connected to other systems operated by the Treasury and Justice Departments. AVLOS still does not currently have on-line access to Treasury and Justice, and data are shared through periodic bulk transfer by tape.

- o Information contained in the system at the State Department is very limited because sensitive and classified material has been withheld by other agencies.
- o In the past, the Customs Service and INS have maintained duplicate operations at most airports and many land ports of entry. Both agencies have deployed personnel for entry clearance and inspection, and each has operated an independent data system.
- o The INS, at as many as 240 of the Justice Department's ports of entry, has had no access to its own information system and none of its stations has had access to the system operated by the State Department. There is virtually no way for a border officer to check on the status of a visa or to examine current information on terrorists.
- o Intelligence relating to drug traffickers, terrorists, and assassins is not accessible by officers at ports of entry. There is no central, automated "watch list" to warn personnel about known terrorists and other suspects.

Twenty years ago, the State Department designed the Automated Visa Lookout System (AVLOS) to facilitate determinations of visa eligibility. Although only 1 of 13 systems at the Department of State, AVLOS is the primary border system. It is operated for the benefit of visa-issuing posts throughout the world, and handles 1 million transactions monthly. It is operated by foreign nationals at U.S. embassies and consular posts, and now accesses two separate databases, one for visas and the other for passports. Only 90 posts have access to the automated system, and the remaining consular offices are compelled to use microfilm records for a determination of visa eligibility.

Because classified information cannot be entered into the AVLOS system, DEA provides only 150,000 identities to the Department of State. Similarly, the intelligence community provides only limited and declassified information on the identities of terrorists. Unfortunately, the State Department does not share all of its information with law enforcement, either. Although the AVLOS system contains 2 million records on foreign nationals, only 650,000 are shared with domestic law enforcement agencies.

The Department of State has recently developed the new Consular Lookout and Support System (CLASS) to replace AVLOS. The new system incorporates a language-specific transliteration algorithm so that names may be checked for various alternative spellings. Lookout data reported by Interpol are also

incorporated into the new CLASS system. Although the Treasury and Justice Departments will eventually have direct linkage to CLASS, this relationship will not become operational until the Department of State completes the CLASS upgrade. Until that time, visa-issuance staff will not be able to query law enforcement systems.

The Department of Justice, through the INS, operates a system designed to check on the immigration status of aliens who wish to enter the United States. The National Automated Immigration Lookout System (NAIIS) processes more than 370,000 transactions each month. A list of 1 million legally excludable aliens is contained in NAIIS.

However, INS has been unable to enhance significantly the system, and fewer than 50 ports of entry have had NAIIS in place. Although INS operates 8 different automated systems, the majority of more than 240 ports of entry are reliant upon a Service Lookout Book (SLOB), which has contained as few as 40,000 of the 1 million excludable persons, a small fraction of the information required to carry out their mission of border security. Further information from the State and Treasury Departments has been periodically provided by magnetic tape. These deficiencies have combined in a manner that leaves INS with little of the information needed to maintain security at the borders.

The Department of the Treasury, through the Customs Service, operates a system intended to identify violators of customs laws and regulations. The Treasury Enforcement Communications system



(TECS II) is the backbone of the border information systems, because it is available at 212 out of the 292 ports of entry and provides by far the most complete coverage. With more than 30,000 users and 300 million on-line records, it is also the most comprehensive of the border systems. TECS II provides an interface with 12 different systems operated by other Federal agencies, serving as a linkage to millions of records needed by border personnel.

TECS II has maintained automated linkages to systems such as the FBI's National Crime Information Center (NCIC) and the motor vehicle records of all 50 States. Unlike the "batch" dumping or bulk transfer of data on a periodic basis, this is an online system that provides an immediate response, clearly the ideal approach. For this reason, the TECS II system has become the focus of future planning. With TECS II as the central data processing system, the systems operated by Treasury, State, and Justice will be connected for the first time.

#### **A Common System**

As shown in Figure B, three systems are evolving from complete independence to a fully integrated database. Responding to a mandate contained in the Anti-Drug Abuse Act of 1988, the three primary agencies of border control -- the Departments of State, the Treasury, and Justice -- have developed both an interim and long-range plan for consolidation of their systems.

In a memorandum of understanding dated April 19, 1989, these departments agreed to implement the Interagency Border Inspection System (IBIS), shown in Figure B. The IBIS provides an unprecedented single-query capability at ports of entry, thereby eliminating the controversial duplication of inspection checks by INS and the Customs Service in the Nation's airports.

Implementation of IBIS at all airports and land ports of entry is estimated to require 3 years. In an unprecedented gesture of interdepartmental cooperation, the Customs Service and INS have agreed to assign airport name checks to INS. For the first time, a single query will satisfy the needs of both agencies. The INS will utilize the TECS II system as the Customs Service continues to operate the system from its central data center in Newington, Virginia. Although this arrangement does not provide a central database, and the Department of State is not yet connected to IBIS, the INS-Customs Service partnership represents a major step toward consolidation of systems and resources.

Long-range plans call for a fully integrated Border Data Center, also shown in Figure B. Although planning has progressed only to the conceptual stage, this proposal provides a viable framework for a consolidated border alert system.

The Border Data Center would be jointly staffed by two or more agencies, and governed by an interdepartmental policy board. Data-processing experts in all three departments agree that the concept is well within the limits of current technology. The

only remaining obstacles are policy consensus and a commitment of resources. For the first time, all border agencies would have:

- o Direct terminal or network access by all border agencies;
- o A central database for border security;
- o Single query/single-routine capability; and
- o Immediate access to a central "lookout" file.

While long overdue, this unprecedented partnership is commendable. Provided that the current course is maintained, the prospects for the future look bright. With White House support, these agencies may finally close the gaps in border information systems.

#### No Terrorist Alert List

Although these developments have improved the linkages between systems, little has been done to expand the information contained in those systems. A central system is only the first step toward an alert system. What next follows is the creation of a central "watch" list to ensure that border officials can get what they need when the new system is accessed. If the departments and agencies shown in Figure A do not freely share sensitive information, even the most advanced border system may not contain what is needed to identify and stop the drug traffickers, terrorists, assassins, and foreign agents who come to U.S. shores. The current method of periodic bulk transfer is

both limited and selective. There is no central repository of information that may be used as a "watch" list by border agencies. Even with on-line linkages among different agencies, there is currently no plan for access to highly sensitive information by border agencies.

Over the years, each agency has assembled and maintained files for its own purposes. Of paramount concern to both the intelligence community and drug enforcement agencies is protection of the sources and methods through which such information is collected. To compromise these secrets can threaten the lives of informants and require the termination of intelligence-collection devices. For example, the DEA maintains a highly confidential system of suspected drug traffickers, but does not permit access to this system because of the risk that informant identities and other sensitive information might be compromised.

Common information systems are a first step in the direction of information sharing. Just as an IBIS mechanism has been developed to overcome electronic barriers among agencies, such an interdepartmental approach could also be initiated for the sharing of sensitive information. In recent years, great strides have been made to coordinate Federal efforts and consolidate information on terrorists. Through the Office of National Drug Control Policy and the Department of Justice, progress is also under way to centralize intelligence information on drug traffickers. A "watch" list for the borders is a logical step,

well within the reach of officials already working in these related areas.

A border alert system might develop along these lines:

- o Agencies of the intelligence and domestic law enforcement communities may use established interagency mechanisms to compile and maintain a central "watch" list for use by border personnel;
- o Intelligence agencies may begin to work with domestic law enforcement agencies to develop a systematic method for sharing information from foreign sources on persons and contraband that may cross the borders;
- o Classified and other sensitive information concerning drug traffickers, terrorists, and those who pose a threat upon entry to the United States could be downgraded and made accessible by border agencies in a manner that would protect methods and sources; and
- o Information collected outside the United States concerning those who may enter for unlawful purposes could be given priority attention for immediate communication to border agencies, thereby permitting officers to intercept suspects as they enter the United States.

#### **TECHNOLOGY AND THE BORDERS**

The war on drugs has brought vast resources to the borders, and many of the benefits have been realized through technology.

Air and sea interdiction has been enhanced by the military, as joint forces now target aircraft and vessels that would have evaded detection without advanced technology. It is fair to say that a radar "net" has been stretched along the vulnerable frontiers, and drug traffickers will no longer cross the borders by air and sea without someone noticing.

Technology has not made such dramatic advances on the ground, however, where the Nation shares common boundaries with Canada and Mexico for more than 7,000 miles.

To secure the vast, unattended borders with Canada and Mexico represents a challenge to American technology. The Southwest border stretches for almost 2,000 miles across varied and rugged terrain. Less than 50 miles are fenced, and much of the border runs through populated regions and cities. However, hundreds of miles are protected from illegal crossings by nature itself. Rugged terrain and vast deserts pose a formidable natural barrier, but not to the determined and resourceful. Since many illegal aliens lack the means to cross, more than half the illegal aliens arrested by the Border Patrol each year are apprehended along the 60 miles of the border near the cities of El Paso, Texas, and San Diego, California. For this reason, unlawful immigration, could be significantly decreased by implementing simple security measures along these primary areas of vulnerability, not the entire Southwest border.

The Canadian border represents a different kind of threat. Illegal aliens are only a minor concern, but many roads cross the border in remote areas and few restrictions are in place.

### Sensors

The Border Patrol has deployed a variety of detectors on the Southwest and Canadian borders to ascertain the type of crossing (car, truck, animal, human, etc.) and to help make decisions on how to respond and intercept the unlawful entry. Ground sensors have been used since the 1970's with mixed results. Policy problems again overshadow practical issues. The Border Patrol has been below authorized strength for years, and sensors are of dubious value when there are insufficient personnel to respond. Moreover, many of the devices are outdated and unreliable. With U.S. Marines now patrolling the Southwest border with the Border Patrol, the equipment is being used to maximum effectiveness, perhaps for the first time. Also, the military has shared technology on new devices, as sensors are in widespread use to protect military installations.

The National Institute of Justice has conducted research in this area and found that the big problem is reliability and the false alarm rate. New systems with an advanced computer interface enable monitoring centers to sort out vehicles, people, and animals, thereby avoiding many of the problems that have plagued Border Patrol officers. (See Appendix E.) To date, there has been no effort to transfer technology from the

corrections field, yet these same issues are of concern to corrections officials for perimeter security at prisons. A three-way technology transfer among the Border Patrol, the military, and the corrections field would be valuable.

### Seismic

These units, the first type used by the INS and Border Patrol, are old and not reliable. They simply pick up ground vibration, and several different varieties have been employed. The National Institute of Justice has evaluated the buried coaxial cable-type of device, which is commonly used for the perimeter of prisons and military bases. Sophisticated computer software is required to sort out signals and keep false alarms to a minimum. The most significant disadvantage is very simple -- the monitoring facility cannot "see" anything.

### Imaging Devices

Infra-red technology (IFR) represents the next generation, the most advanced now in use. Originally developed by the military for night vision, IFR may be employed as a night scope that can see for up to two miles. By detecting heat, these devices can pick up persons and vehicles moving in the night. The Border Patrol has received surplus and obsolete units from the military for use along the Southwest border.

Further research by the National Institute of Justice has shown that Low-Light Television (LLTV) technology holds great



promise for the Border Patrol, not only for illegal aliens, but also for interdiction of major drug traffickers. A 3-year study by the University of Texas indicates that manpower and other operating costs can be saved with this approach. This approach uses computer technology to detect and track movement over low-light television monitors.

### Barriers

With appropriate vehicles, the Southwest border can be crossed almost anywhere. Even the great expanses of rugged desert are easily traversed in 4-wheel drive vehicles. Although they are not commonly available to illegal immigrants, jeeps and trucks are the stock and trade of drug traffickers along the Mexican border.

Fortunately, vehicle barriers are easy to build, relatively inexpensive, and common throughout America. The concrete "K" rail now used to divide most highways would serve as an appropriate barrier in areas where border agencies now engage in high-speed auto chases. In fact, the threat of terrorism has resulted in such barriers around almost every public building in the Nation's capital. Although it would not be feasible to provide such barriers along the entire border, there are a number of identified "choke points" where roads and geographic conditions force a concentration of persons and vehicles.

In recent years, fencing design has been advanced by the military, corrections, and the Nation's highways. For example,

concrete walls topped by metal fencing may be found along more than 60 miles of highways in the Washington, D.C., area, about the length needed to stop most of the illegal crossings from Mexico. A concrete retaining wall or sunken fence 12 feet in depth, topped by an 8-foot metal security fence has been estimated to cost about \$3 million per mile.<sup>8</sup>

### Use of Animals

Animals still play an important role in this high-tech world. Dogs are probably the most efficient and economical way to detect drugs, and the courts have held that they do not constitute an intrusive search. The ONDCP has called for more dogs at the borders. Similarly, horses are still viewed by the Border Patrol as the most cost-effective means of transportation in certain areas. In an era of computers and tele-imagery, these 19th century tools of law enforcement still have their place.

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<sup>8</sup> Federation for American Immigration Reform, "Ten Steps to Securing America's Borders," January 1989.

**DOCUMENT FRAUD**

A weakness in security that is common to each subject category -- terrorists, narcotics traffickers and felons -- is that of false or altered documents.

National policy on identification at the borders has not been clarified. A majority pass without even a name check and about 10 percent are carefully examined at the airports. Whatever the outcome of this pending policy question, it is important to note that even the most consistent and thorough identification practices would be of dubious value when border officials cannot determine that documentation is proper. Current conditions demonstrate widespread use of fraudulent documentation, and border authorities are not equipped to distinguish the phony from the real. There are tens of thousands of cases known to the Federal Government where false birth certificates have been used to obtain social security cards. Since passports are also available through the mail, nothing could be easier for a terrorist.

**Birth Records**

To begin with, there are no national standards for birth records. Without such policy, the "breeder document" is a pervasive problem. Law enforcement and intelligence circles know what the public does not -- that false identities are very common. The key to establishing a false identity is a U.S. birth record, which is easily obtained by impostors or with altered

documents. A birth certificate is then used to secure all manner of valid identification, including a social security number, a drivers license, a voter registration card, and, of course, a passport. Hence, the term "breeder" document.

This pervasive problem is difficult to attack because there are more than 7,000 independent State and local agencies that issue birth certificates, without any form of standardization, quality control, etc. The U.S. Government is concerned about widespread social security fraud, and has determined that there are no fewer than 10,000 official seals now used for birth certificates.

Although some States now provide a common form within their State, and some have begun to use safety paper, it is still quite simple to commit fraud with copies. Common examples are: a valid birth certificate that is stolen, a counterfeit or forged birth certificate, an altered but valid birth certificate, or a valid birth certificate of a deceased person.

Certified copies may often be requested through the mail, and are surprisingly easy to obtain. Usually no identification is necessary to obtain a birth certificate. In the vast majority of offices, a person may simply ask for, and obtain, a certified copy of a birth record. "Underground" publications, available for public purchase, explain where and how to obtain false identification.

What can be done? The Federal Government can establish standards and enforce them. Although a national identification card is out of the question, there is much to be done:

- o Standardization of forms is long overdue.
- o Agencies may clamp down on requirements for obtaining birth certificates, passports, and other breeder documents.
- o Training to detect false identification is needed.
- o A lead agency may be designated to establish a national clearinghouse for phony ID.

#### Document Verification

Considerable progress has been made to standardize machine readable documentation, including a new U.S. passport. The Anti-Drug Abuse Act of 1988 requires a comprehensive program for machine readable documents (MRD), including passports, alien identification, border crossing cards, visas and pilot licenses. Readers are being deployed at airports to check passports. MRD readers now number about 366, with 500 more scheduled before the end of 1990. The Customs Service has taken the lead by installing these units at ports of entry. However, the military has apparently decided against machine-readable ID, and the State Department has experienced delays in testing of a new MRD visa. The Federal Aviation Administration (FAA) is still working on the pilot license requirement.

The most dramatic step forward is also an effort by the Customs Service. MRD gear is being installed on border pedestrian lanes, as part of feasibility testing for 100 percent name check. At this point, the program is experimental and viewed with considerable skepticism because of massive volume. MRD technology will catch most, but not all, of the attempted document fraud at the borders. Forged and stolen documents may be easily detected, but carefully altered documents and improperly issued documents are far more difficult to identify, since the document itself is valid. For example, a valid passport with the wrong photograph, or a valid passport issued for a deceased person, would both probably pass MRD inspection.

#### Personal Identification

How is it possible to ensure that the person carrying it is the person to whom it was issued? Private industry and the military have answered this question with personal ID measures, such as fingerprint readers.

The FBI has been a pioneer in single fingerprint identification, a technology developed for matching fingerprints taken at crime scenes. This technology has been expanded to include the testing of single fingerprint readers as well. A print reader can be installed anywhere (the FBI is testing them in patrol cars of local police) and the print is electronically transmitted to the NCIC for a match almost instantaneously. Although no border post yet has fingerprint capability, the

technology is readily available. As this represents the only positive identification of the person, it should be included in future planning.

Technology is a good answer to high volume, where manpower and conventional resources can be overwhelmed by sheer numbers. Perhaps the most alarming example of the need of such technology is cargo containers.

### Cargo Containers

One way to measure the extent of vulnerability, or the size of the "hole" in the drug net is by the volume of drugs moved into the United States undetected. Aircraft can be detected by radar and carry limited loads. Private boats may be stopped at sea by the Coast Guard and the Navy and must conceal their cargo in hidden compartments, severely limiting their cargo-carrying capacity.

When law enforcement officials in Florida, California, and other States with major shipping points began to confiscate cocaine by the ton, it became apparent that the traffickers had found a new avenue into the country -- the cargo container.

Eight million containers enter the United States lawfully each year, and the 5,800 custom inspectors are lucky to examine 3 percent of those. Even with the assistance of the National Guard at major ports and airports, containers from targeted source countries are inspected at a rate of no more than 30 percent. A

recent arrest in Los Angeles uncovered a single cache of cocaine weighing more than 20 tons.

Although several efforts are under way, more research will be required before new systems become operational. The Customs Service is expanding and improving the current Automated Cargo System (ACS), which tracks containers into the United States. Intelligence information is used to identify patterns, track containers, and target which containers should be examined. This procedure sounds good, but manpower restrictions are a limiting factor. Just as the FBI has identified and located approximately ten times the number of terrorist groups they have the manpower to watch, the Customs Service does not have the personnel to inspect even a significant fraction of the containers. For this reason the National Guard has become an essential element in the cargo inspection effort.

New technologies are under study by the Customs Service to automate container inspection. An appropriate topic for National Institute of Justice research, high-tech equipment may one day be used to "interrogate" cargo containers. The Customs Service is currently sponsoring research to determine the feasibility of neutron technology. Another approach would be laser scanning of cargo containers, an innovative concept also in early stages of study.



### Advance Passenger Manifests

With visa waivers now in effect for nations that serve as embarkation points for terrorists, law enforcement officials have responded with a plan for advanced screening of passenger manifests. If a manifest is transmitted to the United States, American officers have an opportunity to run the names through information systems prior to arrival of the aircraft. This approach permits the name check once performed for issuance of visas. The Customs Service has tested this concept, with the cooperation of countries where international flights to the United States originate.

The Customs Service has designed a data processing system to facilitate timely screening of passenger manifests prior to arrival in the United States. The Advance Passenger Information System (APIS) has been successfully tested by the Customs Service for a limited number of international flights.

However, the system relies upon the full cooperation of the country where the flight has originated. Since the procedure raises technical questions and requires negotiations, it is too early to determine whether the Customs Service will be able to expand the test project to a fully viable program.

Moreover, it is solely reliant upon a name check for identification of suspects. If the name is wrong, or not contained in the border system against which it is checked, then a terrorist, assassin, or drug trafficker may clear the border without arousing suspicion.

### **Domestic Island Entries**

Law enforcement officials fear that there may soon be an even greater threat from the Nation's "back door," entry from an island or port that is considered "domestic." For example, terrorists have landed at Puerto Rico in a manner that evaded formal entry clearance. Once there, they are free to take domestic flights anywhere in the United States without fear of further scrutiny. The same is true of the American Virgin Islands and other U.S. possessions. Since screening for drugs and explosives follows a more relaxed procedure for domestic flights, this is a critical point of vulnerability. This "back door" poses a uniquely difficult challenge for coordination of law enforcement agencies. As a border problem, this is an example of a law enforcement issue that spans a number of agencies, without any one in particular in a position by law to assume accountability for a solution.

### **FRAGMENTED AUTHORITY FOR THE BORDERS**

While the border is usually viewed as part of the larger question of drug interdiction, history seems to suggest that it might be better to look at these issues the other way around. The proliferation of drug interdiction operations at the borders raises a fundamental question of policy: How can there be clear lines of authority for drug interdiction if authority for the borders is not clear in the first place?

During times of crisis, such as the current war on drugs, expedient solutions focus on the symptoms of disorganization. This report is a call for study of a major cause of disorganization -- fragmented responsibility for America's borders.

There is no border management office, no border coordination committee, and no ongoing interdepartmental process for border issues. Accordingly, the dozen agencies charged with border duties receive few of the rewards of coordinated management or cooperation, few of the benefits of commonalities of information and other resources, and none of the economies that result from consolidation.

Coordination of drug interdiction has long been a source of controversy and debate. Questions of organization and control have provoked conflict between Congress and the White House through one Administration after another. On each occasion, drugs -- and not the borders -- has been the focus of attention. The borders are relegated to secondary importance, merely one of the many issues to be addressed in the war on drugs. Figure C shows all the current law enforcement operations at the borders. Without exception, these units are concentrating on drug interdiction, and do not focus on other border threats.

Jurisdiction among Federal agencies concerned with terrorism is also complex. For example, the Department of State has jurisdiction for offshore matters, while the FBI covers domestic terrorism and the FAA monitors threats to airline security.

But which agency is responsible for preventing terrorists from crossing the borders and entering the United States?

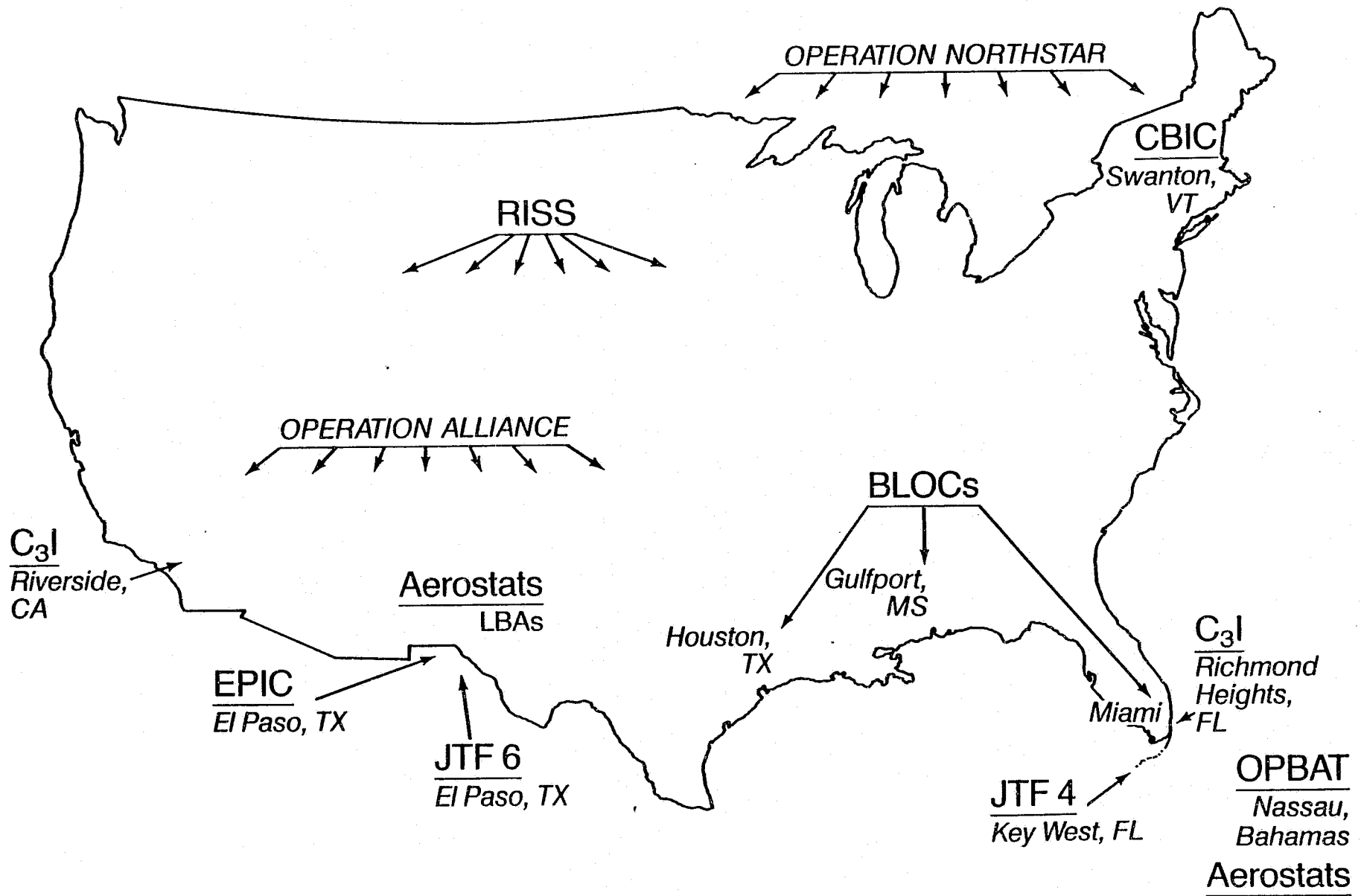
Although at least 12 agencies have some role in this effort, none is designated by law as being in charge of counterterrorism at the borders and none is assigned the role of "lead" agency for counterterrorism activities at the borders.

#### Need for Overseas Coordination

To prevent the most serious incidents of terrorism in the United States, domestic law enforcement authorities must ultimately rely upon American sources abroad. However, the intelligence community can only collect and analyze information, and it is up to domestic law enforcement agencies to work with their counterparts outside the United States to combat terrorism and drug trafficking. For example, the advance passenger manifest concept and investigation or document fraud both require active support from law enforcement officials in foreign countries where terrorists and drug traffickers might embark for the United States.

While the FBI and the DEA maintain limited numbers of personnel abroad at U.S. embassies, this effort is not

**Fig. C—Operational Units/Border Interdiction**



coordinated with border security agencies, a critical example of the need for improved coordination of law enforcement resources.

#### Domestic Coordination Efforts

For several years, the operational drug enforcement units shown in Figure C have faced continuous problems of coordination, problems that have led to public criticism for confusion and waste.

Appendix C lists each of the "ad hoc" law enforcement units created to fight the drug war at the borders. Each of these groups has its own mission, reporting relationship, and source of funding. Border control agencies and ports of entry should be connected to these groups, because they are the sources of information on persons to be stopped at the border. For example, both the Coast Guard and the Customs Service operate aircraft, and both maintain aerostats. The military also does both of these jobs. No single agency has authority over all of them, except for the coordinating role of the newly created Office of National Drug Control Policy (ONDCP). Indeed much of the controversy concerning the creation of ONDCP was focused on this fundamental question of how to coordinate and manage multiple independent Federal departments.

More than a decade ago on September 7, 1977, the Executive Office of the President released an interagency review of the borders that included, among many recommended actions, the creation of a consolidated border management agency. This

proposal responded to increasing concerns over the lack of coordination in drug interdiction, particularly along the Southwest border. Few agencies responded with enthusiasm, and the report was doomed by a lack of consensus.

Since the border report was completed in 1977, law enforcement expenditures on drug interdiction have more than doubled. Yet management of border security remains virtually unchanged. No single agency is accountable for the borders, and the border authority of the newly created ONDCP is limited to coordination of drug interdiction.

On May 27, 1988, at the request of President Reagan, Vice President Bush established a classified Task Force to examine border security. A study was conducted over a period of 6 months, and a classified report was ultimately submitted to the President in January 1989. The study focused on specific operational needs, including recommended changes in the operations of the participating agencies. The White House is now in the process of implementing those actions, which include the coordination of information systems noted above.

#### State and Local Coordination

As exemplified by the case studies in terrorism, border security often depends upon State and local police departments. Since Federal officers cannot possibly cover the vast distances between ports of entry, border security is ultimately another example of federalism and law enforcement. State and local

agencies work with Federal law enforcement to achieve common objectives in the border areas.

This reality represents an enormous complication of the already fragmented organization. For example, Operation Alliance covers the Southwest border region through the cooperative efforts of more than 1,000 Federal officers placed in the four border States. Likewise, the Blue Lightning Strike Force in the Southeast consists of 1,600 officers from more than 200 different agencies.

Perhaps the most comprehensive effort to coordinate law enforcement resources is the Regional Information Sharing System (RISS), a network of 7 independent projects with 2,400 participating law enforcement agencies. The purpose of RISS is to provide investigative linkages between different, and sometimes distant, agencies. On a case-by-case basis, individual law enforcement agencies request support from their regional center, where staff will put the agency in contact with other agencies that may be of assistance. Since Federal, State, and local agencies are tied into RISS, it represents an ideal opportunity to coordinate border operations and investigations. Coordination of border-related investigations has not been attempted, but RISS appears ready to accept that challenge.



**PART III**  
**THE NATIONAL DRUG CONTROL STRATEGY**  
**AND THE BORDERS**

In September 1989, the White House released the National Drug Control Strategy, the first comprehensive plan for attacking the drug crisis in America. Oversight and coordination of the Strategy is the responsibility of the ONDCP, under Director William J. Bennett. The goals of the Strategy are: "to restore order and security to American neighborhoods, to dismantle drug trafficking organizations, to help people break the habit of drug use, and to prevent those who have never used illegal drugs from starting." The fundamental approach of the Strategy is a mix of supply and demand policies. At the forefront is a border interdiction policy designed to block trafficking through enhanced intelligence and expanded law enforcement operations. In this way, border security is a key to success in the war on drugs.

The Strategy was unveiled in two parts. In a volume issued in 1989, the Administration explained how various tools may be employed to reduce drug use and what role those tools play in a national drug policy. In 1990, the Strategy looked more closely at the actual workings of drug-reduction programs. Together, the

two volumes constitute the overall National Drug Control Strategy.

Although the Strategy addresses all elements of the drug problem, only those sections concerned with borders are reviewed below.

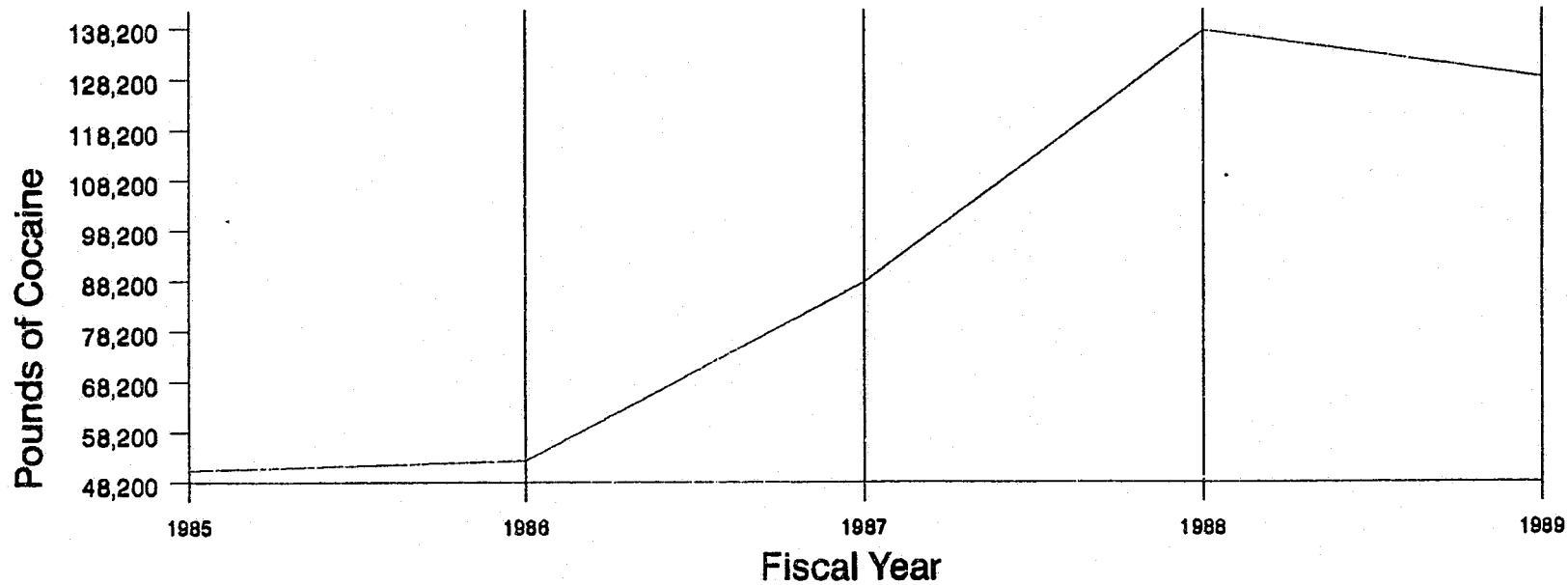
### **Interdiction Efforts**

The goal of border interdiction is to intercept and seize illicit narcotics shipments, as an ongoing deterrent to drug smuggling. Diagram 5 shows, for example, the amounts of cocaine seized at the borders by the Customs Service in recent years. The 1989 volume emphasized the twofold interdiction problem: to determine which person, vehicle, vessel, container, or other shipment might transport drugs; and to track, apprehend, or seize that person or shipment.

The Strategy's border-interdiction policies include:

- o Enhancing and expanding the Department of Defense (DOD) role in detecting and monitoring drug trafficking.
- o Improving coordination of air, land, and maritime interdiction efforts to deter and intercept drug smuggling and illegal shipping of drug-related money, munitions, and precursor chemicals as they enter or leave the United States.
- o Intensifying the focus on drug smuggling across the Southwest border, and adding Customs Service canine drug detection teams at ports of entry.

# DIAG.5 COCAINE SEIZED AT THE BORDER U.S. CUSTOMS SERVICE



— POUNDS

|        | 1985   | 1986   | 1987   | 1988    | 1989    |
|--------|--------|--------|--------|---------|---------|
| POUNDS | 50,506 | 52,521 | 87,898 | 137,408 | 128,124 |

- o Providing additional INS resources and personnel to deter and prevent illegal entry by drug smugglers into the United States.
- o Developing enhanced drug detection technology to increase cargo and baggage inspection at ports of entry.
- o Improving automated data processing equipment for use by the Customs Service, INS, and the Coast Guard.
- o Completing the Command, Control, Communications, and Intelligence (C3I) systems, and confirming their integration into the DOD Joint Task Forces.

The strategy lists a number of border-related topics, suggesting that each represents an area where improvement is needed. The following activities are exemplified in the strategy: A comprehensive information-based approach to Federal air, maritime, land, and port-of-entry interdiction, which requires upgraded intelligence support; installation of document machine readers at appropriate ports of entry; and development of the IBIS and other computerized border information systems.

Enhanced border activities will:

- o Attempt to reduce document fraud, especially fraudulent use of U.S. birth certificates.
- o Invest INS and Border Patrol officers with automatic exclusion and general arrest authority.

- o Improve detection and monitoring systems and secure operating procedures.
- o Expand secure communications systems.

### Land Interdiction

Current conditions require little or no skill to transport illegal drugs on one's person or in baggage through ports of entry or over the land border between ports of entry. The volume of persons attempting such transport is so large that land interdiction is an important part of anti-drug efforts.

- o First, land interdiction requires full use of sophisticated databases and good tactical intelligence to alert agencies about drug shipments crossing the borders.
- o Second, it requires that the Federal Government intensify cooperation and data exchanges with the private international trade and travel industries to improve detection and sort out conveyances and persons.
- o Third, the Federal Government will intensify Federal, State, and local multi-agency interdiction efforts, such as Operation Alliance along the U.S.-Mexican border and the proposed Operation Northstar along the U.S.-Canadian border.
- o Fourth, the Administration will seek to increase drug-detection dogs for vehicular inspections, cargo and contain examinations, and air passenger processing.

- o Fifth, the Administration has proposed to improve physical border controls, including barriers to prevent drug-carrying vehicles from making high-speed runs across the Southwest border.
- o Finally, ONDCP wishes to expand operations of the Border Patrol between ports of entry, using DOD technical and intelligence support, as needed.

### Intelligence

Successful interdiction of incoming drug shipments often depends on good intelligence. To be useful in border interdictions, that intelligence -- both foreign and domestic -- must be collected, analyzed, and disseminated in a timely fashion to the ports of entry.

The ONDCP has recommended creation of a National Drug Intelligence Center to consolidate and coordinate law enforcement information related to drug trafficking and to provide a strategic picture of drug smuggling and distribution organizations. The center will be planned by the Department of Justice and governed by a policy board chaired by the Attorney General. Similarly, the Strategy calls for expanded and improved applications of data processing technology for drug enforcement intelligence agencies.

Through its Science and Technology Committee, the ONDCP will investigate advanced intelligence systems that help interdiction authorities target drug cargoes. Research will be aimed at

developing highly sensitive drug-detection instruments capable of identifying drugs in container cargo, mail, and baggage.

### **Information Management**

Both automated data processing and telecommunications systems are involved in drug interdiction efforts. The ONDCP will focus on effective data sharing and on integrating or correlating data currently resident in separate systems. System security and access as well as legal and policy considerations will receive careful attention.

### **Air Corridors**

The ONDCP was required by its legislation to review the feasibility of air corridors. The Department of Transportation prepared a report entitled "Establishment of Air Corridors," which directly addresses many issues of border security. Both ONDCP and the FAA have expressed reservations about establishing air corridors, and agree that alternative methods to identify unauthorized aircraft should be explored. Work has advanced on a requirement that all general aviation aircraft be required to use transponders, thereby permitting law enforcement to target suspicious aircraft. To this end, the FAA has prepared a rule requiring all aircraft to have transponders when operating within an established Air Defense Identification Zone (ADIZ). The new rule has received final clearance and will soon be published.

## Federal Resources

The Strategy notes budget authority for interdiction at levels of \$1.5 billion for fiscal year 1989 and \$2.0 billion for fiscal year 1990, and proposes budget authority of \$2.4 billion for fiscal year 1991 (an increase of \$344 million, or 17 percent, over fiscal year 1990).

Resources for interdiction have increased faster than for any other component of the drug control program, and the Strategy recommends holding the current level relatively constant as funded assets are deployed and the situation is assessed.

The Strategy recommends increasing Customs Service resources from \$444 million in fiscal year 1989 to \$471 million in fiscal year 1990 (including \$15 million derived from the Organized Crime Drug Enforcement account) to allow it to increase its money-laundering investigations.

The Strategy recommends increasing Coast Guard resources from \$633 million in fiscal year 1989 to \$691 million in fiscal year 1990 (including \$1 million derived from the Organized Crime Drug Enforcement account) to allow it to operate at an increased level.

The Strategy recommends that DOD devote \$568 million to drug control activities in fiscal year 1990: \$313 million for border control, \$137 million for international initiatives, and \$118 million for prevention and treatment programs for DOD personnel. The \$313 million for border control is up from \$308 million in fiscal year 1989, and does not include DOD funds applied to



international drug control. At the recommended 1990 level, DOD will use border control funds to upgrade intelligence, move an aerostat from Cape Canaveral to western Florida, operate National Guard activities, and undertake other anti-drug initiatives.

The Strategy recommends increasing INS resources from \$113 million in fiscal year 1989 to \$117 million in fiscal year 1990 (including \$8 million derived from the Organized Crime Drug Enforcement account) to enable it to strengthen the presence of the Border Patrol along the Southwest border. As more aerostats become operational, traffickers can be expected to make greater use of land crossings from Mexico, and such a strengthening of Border Patrol presence will be needed.

\* \* \* \* \*

The National Drug Control Strategy provides the first comprehensive plan for attacking the drug crisis in this Nation. Important questions remain, however, about such critical matters as coordination and communication. Would not a national anti-drug effort be enhanced by a national border strategy? Research needed to provide objective support for such a strategy is discussed in Part IV.

## PART IV

## A RESEARCH AGENDA FOR THE NATIONAL INSTITUTE OF JUSTICE

A. Interdepartmental Policy Questions

This study has identified a number of topical areas for further research. During literature review and interviews, it became evident that there are dozens of questions yet to be answered and further study will be required before officials can proceed.

Where border issues are a matter of interdepartmental policy, progress will not be realized without consensus. That process cannot begin until many of the questions raised in this report have been answered by objective research.

There is a clear need for balanced and objective analysis, and the agencies responsible for the borders would be well served by comprehensive analytical reports in these areas:

- o Management of Border Control Activities:  
Responsibility for border security is now scattered across the jurisdictions of more than a dozen different agencies.
- o Identification at Land Borders: Current budget and enforcement activities are inconsistent between airports and land ports. There is no consistent policy of identification at all ports of entry.
- o Unattended Borders: There is no plan to address the vast expanses of unattended borders. Neither interim

nor long-range plans have been developed to provide for barriers, detectors, and illumination at strategic "choke points."

- o Data Processing and Telecommunications. Research would play a key role in identification of the problems that now prevent progress in each of the following areas:
  1. Consolidated Border Alert System: While substantial progress has been made to link the independent databases of the Departments of State, the Treasury, and Justice, an integrated border alert system is far from a reality.
  2. Comprehensive Database: Even if consolidated, the information contained in border systems is not sufficiently comprehensive to interdict terrorists and drug traffickers. The feasibility of a watch list should be studied in detail.
  3. Sensitive Information: Sensitive and classified information on terrorists and assassins has not been downgraded in a manner to permit access by border control agencies.
  4. Foreign Missions: U.S. visa-issuing posts do not have access to border systems, and cannot always identify applicants who should be barred from entry.
- o Document Fraud: Widespread use of false documents permits easy entry by those who would be otherwise

barred or arrested at the border. "Breeder" documents should be targeted for further study, with consideration for development of national standards.

- o Exit Controls: Control on exit border crossings might represent a significant deterrent for terrorists and assassins, but this topic has never been studied. At present, there is no immigration control over departures, unlike the majority of free world nations. This is of particular significance to money laundering, unlawful banking, and international finance practices.
- o Cargo Control: Current screening of container cargo is not an adequate deterrent to smugglers. Extensive technical research is needed to examine the feasibility of X-ray, laser, and neutron scanning of cargo.
- o Visa Requirements:
  1. Waiver of Non-Immigrant Visas: Elimination of the visa requirement for selected countries has precluded background checks on potential drug traffickers, terrorists, and foreign agents.
  2. Visa Eligibility: Visas are granted to aliens who travel from major drug exporting countries, without adequate investigation to ascertain their lawful purpose in the United States. Visas are granted to espionage agents and terrorists who pose as students.

## B. Research on Entry Controls

### 1. Technological Issues:

A wide range of practical problems are perplexing to border officials, and research is required to identify the best directions for the future. Entry controls raise a considerable number of technological questions, such as those previously examined in two of the National Institute of Justice studies. Since the Institute serves the entire criminal justice community, it is appropriate for the Institute to provide analytical support to any interdepartmental body investigating improvements in border security. In this capacity, the Institute might examine the following questions of technology:

- o Border clearance at points of entry
  - Machine-readable documents
  - Single fingerprint identification
  - License plate readers
- o Sensors and surveillance equipment at land borders
  - Seismic detectors
  - Imaging devices

## 2. Border Procedures:

There does not appear to have been a management study on the most efficient way to handle many of the procedures and regulations. While the Vice President's Task Force was able to identify and document deficiencies, there were neither time nor resources to evaluate alternative mechanisms to enhance current conditions. The Institute might examine:

- o Advanced manifest screening: Can procedures be developed to transmit sufficient verifiable data to permit adequate screening before arrival?
- o Preflight inspections: What practices will be acceptable to nations where flights originate?
- o Air corridors and transponders: What is the safest and most efficient method to target suspicious aircraft?
- o Money laundering: How can controls be applied to transfer of funds which will prevent laundering and enable the authorities to track money flow?
- o Domestic island entries: Are measures adequate to prevent islands from becoming an open "back door" to slip past inspection?
- o Barriers and border illumination: Which physical security measures are cost effective in the Southwest and what is feasible along the Canadian frontier?

#### D. Agency Coordination

Many of the pending questions involve coordination among different agencies of Federal, State, and local government. Although many new programs and services have been introduced since the Vice President's Task Force on Border Control, research is needed to ascertain their effectiveness. NIJ is in the best position to work with these agencies to determine what works and why. The Institute might examine:

- o Foreign operations of domestic law enforcement agencies
- o Joint military and domestic law enforcement operations
- o Arrest and deportation powers for border agencies
- o Law enforcement and intelligence authority
- o Cross-designation of arrest and search authority
- o Joint law enforcement operations
  1. Operation Alliance, Northstar
  2. OPBAT
  3. BLOCS (3 in Southeast)
  4. C3I (2 now operational)
  5. RISS (7 separate projects)
  6. EPIC
  7. JICC
- o Counterterrorism data systems
- o Counternarcotics data systems

#### E. The Private Sector

The private sector can be tapped as a resource for solving some aspects of the border problem. This approach is already

being used to a limited extent. Unable to house all of the illegal aliens awaiting deportation, the INS has begun to contract with the private sector for these services. With this approach, the private sector builds and operates minimum and medium security centers for both INS detainees and for offenders sentenced by the Bureau of Prisons who are being processed for deportation. The INS alone has private contracts for more than half a dozen security centers containing a total of approximately 800 beds.

The National Institute of Justice has been a leader in research on the private sector and criminal justice. Both corrections and law enforcement applications have been evaluated, including cost-benefit analysis and legal issues of government responsibility. Lessons learned through NIJ research may be applied to border security to ascertain whether the private sector can play a role in augmentation of government resources and enhancement of government efficiency.



## PART V

## THE NEED FOR A NATIONAL BORDER STRATEGY

This report opened by asking why the U.S. borders remain virtually unprotected, perhaps representing the Nation's greatest weakness. Is it a lack of resources or an unwillingness to abandon a belief in the open door of liberty? This review suggests that it is neither. Resources are readily available and American principles of liberty and independence need not be compromised to improve security at the borders. Rather, it appears that border issues have simply been neglected. Fragmentation of authority and lack of a national border strategy have left the Nation's borders without policy and coordination.

As this report demonstrates, the Nation tends to address one problem at a time, and to seek one solution at a time. The current problem attracting national attention is drugs, and well it should. The current solution includes interdiction at the borders. That solution is altogether appropriate and indeed represents a top priority of the overall national drug strategy.

But the drug interdiction strategy is not part of a more comprehensive national border strategy. Despite great progress in coordination of the drug war, the organizational dilemma at the borders remains a constant problem. Thus, despite the substantial resources now being committed to the war on drugs, despite the unprecedented momentum of law enforcement, despite individual successes in the war on drugs, the same concerns and

the same frustrations are occurring. Different law enforcement units continue to operate with different radio frequencies and different equipment. Agencies in possession of information that may be critical to the mission of other agencies do not share the information. As it now stands, the drug interdiction strategy is only that; it is not a border strategy. If it were a border strategy, it would be part of a comprehensive plan to coordinate and manage all activities of all agencies concerned with the borders.

Can the Nation's law enforcement agencies provide adequate security at the borders and meet the challenges of the 1990's without a plan? Surely the problems generated by the lack of a border strategy will continue to haunt law enforcement officials at the Federal, State, and local levels and will recur over and over as practical and frustrating barriers to effective law enforcement. For this reason, the Nation's borders constitute an uncertain shield. The first step toward enhanced border security is to develop a larger strategy.

#### White House Leadership

President George Bush has made the borders a top priority, and work is well underway to address topics raised in this report. As Chairman of both the Task Force on Combatting Terrorism and the Task Force on Border Control, the President personally examined these issues, and the Office of Cabinet Affairs has been assigned responsibility to support an

interdepartmental review of these past efforts. The Cabinet has been asked to report on progress.

More than ever before, the Nation needs a national border strategy. A series of studies and task forces have pointed the way toward such a strategy, and this report attempts to take the process one step further. While the key issues to be addressed in developing such a strategy are explored here, others need more extensive research. A national border strategy would provide management for the future. Without this strategy, the Nation's borders will never shield the American people from those who would do them great harm.

## APPENDIX A

## AGENCIES WITH BORDER JURISDICTION

Each of these 17 departments and agencies has statutory authority over certain aspects of the borders:

- o Bureau of Alcohol, Tobacco and Firearms
- o Central Intelligence Agency
- o Defense Intelligence Agency
- o Department of Defense
- o Department of Justice
- o Department of the Treasury
- o Drug Enforcement Administration
- o Federal Bureau of Investigation
- o Immigration and Naturalization Service
- o Intelligence Community Staff
- o Internal Revenue Service
- o National Security Agency
- o Office of Management and Budget
- o Office of National Drug Control Policy
- o U.S. Coast Guard
- o U.S. Customs Service
- o U.S. Secret Service

## APPENDIX B

## BORDER INFORMATION SYSTEMS

No fewer than 17 systems contain information relating to border security:

|             |                                                                                                 |
|-------------|-------------------------------------------------------------------------------------------------|
| APIS        | Advance Passenger Information System<br>U.S. Customs Service, Department of the Treasury        |
| TECS II     | Treasury Enforcement Communications System,<br>U.S. Customs Service, Department of the Treasury |
| NAILS       | National Automated Immigration Lookout System<br>Immigration and Naturalization Service*        |
| NCIC        | National Crime Information Center<br>Federal Bureau of Investigation                            |
| NADDIS      | Narcotics and Dangerous Drugs Information System<br>Drug Enforcement Administration             |
| AVLOS/CLASS | Automated Visa Lookout System, Consular Lookout and<br>Support System, Department of State*     |
| FINCEN      | Financial Crimes Enforcement Network<br>Department of the Treasury                              |
| JMIE        | Joint Maritime Information Element<br>Intelligence Community/Coast Guard/Navy                   |
| ACS         | Automated Commercial System<br>U.S. Customs Service                                             |
| LEIS        | Law Enforcement Information Systems (3 databases)<br>U.S. Coast Guard                           |
| OASIS       | Operational Activities Special Information System<br>Immigration and Naturalization Service     |
| OBRIII      | Counterterrorist Expert System<br>Federal Bureau of Investigation                               |
| OCIS        | Organized Crime Information System<br>Federal Bureau of Investigation                           |

|        |                                                                          |
|--------|--------------------------------------------------------------------------|
| TIS    | Terrorism Information System<br>Federal Bureau of Investigation          |
| M204   | Intelligence Database<br>Drug Enforcement Administration                 |
| DITDS  | Defense Intelligence Threat Data System<br>Defense Intelligence Agency   |
| DESIST | Decision Support and Information System<br>Central Intelligence Agency   |
| MCDS   | Multilateral Counterterrorist Data System<br>Central Intelligence Agency |

\* Although the Department of State operates 13 systems, only those relating to border entry and security are shown here. Likewise, INS maintains eight different systems.

## APPENDIX C

## BORDER-RELATED LAW ENFORCEMENT UNITS

JTF6 Department of Defense  
El Paso, TX

JTF4 Department of Defense  
Key West, FL

LBAs Land-Based Aerostats  
U.S. Customs, Southwest Border Areas  
Department of Defense, Florida Keys  
U.S. Coast Guard, Bahamas

SBAs Sea-Based Aerostats  
U.S. Coast Guard

ICC Intelligence Coordination Center  
U.S. Coast Guard

RISS Regional Information Sharing Systems  
Multiagency programs, funded by the Federal  
Government.

OPBAT Operation Bahamas and Turks  
Multiagency Operation, Drug Enforcement  
Administration, Coordination  
Nassau, Bahamas

EPIC El Paso Intelligence Center  
Drug Enforcement Administration  
El Paso, TX

C3I Command, Control, Communications, and Intelligence  
U.S. Customs Service  
Richmond Heights, FL

C3I Command, Control, Communications, and Intelligence  
U.S. Customs Service  
Riverside, CA

CBIC Canadian Border Intelligence Center  
U.S. Border Patrol  
Swanton, VT

BLOC            Blue Lightning Operations Centers  
                 U.S. Customs Service

- o Miami, Richmond Heights, FL
- o Gulfport, MS
- o Houston, TX

Operation       Multiagency Effort  
Alliance        Southwest Border



APPENDIX D  
PROPOSED CHARTER FOR A WORKING GROUP  
ON BORDER SECURITY

It has been proposed that the Office of Cabinet Affairs convene a joint working group of the Domestic Policy Council and the National Security Council to examine conditions at U.S. borders and update previous efforts toward border security. The concept has been accepted by the Secretary to the Cabinet and the National Security Advisor, and this charter is recommended for consideration.

**Mission**

The mission of the Working Group on Border Security is to prepare a status report for the President on the security of American borders, including recommendations on how security may be enhanced. This review will focus on past reports and investigations relating to control of the borders, most particularly the Vice President's Task Force on Combatting Terrorism and the Vice President's Task Force on Border Control. The report to the President will include a status report and plan for implementation of recommendations. Recommendations and implementation proposals may include policy options for consideration by the Domestic Policy Council, and the National Security Council for submission to the President.

## Organization

The Working Group will represent both the Domestic Policy Council and the National Security Council. Accordingly, findings and recommendations of the Working Group will be duly reported to the Domestic Policy Council and the National Security Council.

The Working Group will consist of officially designated representatives from the below-named agencies and departments with responsibility for border security. Representatives will have authority to speak on behalf of their respective departments and agencies.

The Chair may invite additional departments and agencies to participate in meetings of the Working Group, as appropriate for specific issues. The Chair will coordinate activities of the Working Group with the Executive Secretaries of the Domestic Policy Council and the National Security Council.

## Membership

- o Central Intelligence Agency
- o Department of Defense
- o Department of Justice
- o Department of State
- o Department of the Treasury
- o Drug Enforcement Administration
- o Federal Bureau of Investigation
- o Immigration and Naturalization Service
- o National Security Agency

- o Office of Management and Budget
- o Office of National Drug Control Policy
- o U.S. Coast Guard
- o U.S. Secret Service
- o U.S. Customs Service

## APPENDIX E

PREVIOUS NATIONAL INSTITUTE OF JUSTICE  
RESEARCH PROJECTS ON BORDER SECURITYA. Study of Image-Enhancement Techniques Using Artificial  
Intelligence and Their Application to Intrusion Control

RECIPIENT: University of Texas at El Paso  
Electrical Engineering Department  
El Paso, Texas 79968

PROJECT DIRECTOR: Riter, Stephen (915) 747-5470

DOLLAR AMOUNT: \$300,182

PROJECT BEGIN DATE: July 15, 1984

PROJECT END DATE: July 14, 1988

The project had three goals: "to evaluate configuration of equipment and subsequent alternative configurations, to examine alternatives for increasing the effectiveness and lowering the costs of the systems, and to establish equipment standards for the surveillance system."

This examination of low-light-level television (LLTV) demonstrated that when properly designed and operated, this technology may have dramatic impact on the workload of the Border Patrol. This project was an actual installation and evaluation of the system near El Paso, Texas. Researchers found that the Border Patrol was extremely reliant upon the experimental system at the conclusion of the study, and would be very reluctant to have the system removed.

Unfortunately, the study stopped short of definitive recommendations in several areas of importance. For example, it did not: examine life-cycle costing of the LLTV system; compare effectiveness with other systems, such as IFR; conclude whether automatic camera controls were of value; or determine what to do about operator fatigue when dealing with multiple monitors, a common problem in the corrections community. A major deficiency in the research was its inability to demonstrate what effect parallel computers may have when used to track moving objects along the border regions. Conclusions in a real, operating environment were extremely limited.

B. Ported Coaxial Cable Sensor (PCCS) Tasks

RECIPIENT: University of Arizona  
Associate Vice President for Research  
Tucson, Arizona 85721

PROJECT DIRECTOR: Peyton, Charles (602) 621-3511

DOLLAR AMOUNT: \$130,821

PROJECT BEGIN DATE: June 1, 1985

PROJECT END DATE: May 30, 1987

This project was intended to "reduce the false alarm rate of electronic detection and monitoring of border movements and also allow large areas to be monitored at reduced labor expense via central remote monitoring facilities. The research considered applications in police and private security work where surveillance of large areas is required."

In a final report submitted to the INS, researchers compared the factors that affect ported coaxial cable sensors with a theoretical model. The study team employed this approach to develop a plan for deployment that would enable such a system to distinguish between human intruders and animals. The results provide specific technical parameters to guide Border Patrol officials concerning the installation of such systems.

The objective in each of five separate experiments was to show how a ported coaxial system may be deployed to achieve a response ratio of no greater than 3:1. After review of several alternatives, it was recommended that varying the separation distance between the two cables would be the most effective way to deal with problems of terrain, including the conductivity of soil. Moreover, researchers proposed that the border patrol might consider "an adaptive threshold system," wherein the signal processing algorithms would be continually adjusted in order to mitigate false alarm rates and other system failures.

C. Undocumented Aliens: Impact on the Criminal Justice System

RECIPIENT: San Diego Association of Governments  
Criminal Justice Research Unit  
1200 Third Avenue, Suite 524  
San Diego, CA 92102

PROJECT DIRECTOR: Pennell, Susan (619) 236-5383

DOLLAR AMOUNT: \$127,540

PROJECT BEGIN DATE: October 1, 1984

PROJECT END DATE: September 30, 1988

"This research documented the nature and extent of illegal aliens involved in criminal activity and determined its impact on costs and workloads of local criminal justice systems in San Diego and El Paso Counties. Methodology included collection and analysis of arrest data and two site visits."

The San Diego, California, Association of Governments examined crime data in both San Diego and El Paso, Texas. The study concluded that illegal aliens become involved in primarily property crimes such as burglary and larceny. Of sample population arrests for serious felonies, 15 percent were aliens in El Paso and 12 percent in San Diego. When compared with the general population, illegal aliens were found to be disproportionately represented in the property crime category, and the study concluded that they were more likely to be arrested for property offense than for the other offense categories. In El Paso, for example, 35 percent of the arrests of illegal aliens was attributable to burglary, in contrast to 26 percent for the general population.

The researchers also found significant differences in the crime patterns of the two regions. While 35 percent of the illegal alien arrests in El Paso were for burglary, this number was only 19 percent in San Diego. An important finding relates to jail crowding, as illegal aliens were unlikely to be released on their own recognizance and unable to post bail as well.

## APPENDIX F

## PROJECT INTERVIEWS

This is a partial listing of those who were interviewed by the author for this report and who contributed to its content.

James K. Stewart, Director, National Institute of Justice

John E. Guido, Inspector, Deputy Chief, Office of Liaison and International Affairs, Federal Bureau of Investigation

Thomas Boyd, Director, Office of Policy Development, Department of Justice

Richard C. Breeden, former Assistant to the President for Issues Analysis, the White House

David Q. Bates, Jr., Assistant to the President and Secretary to the Cabinet, the White House

Col. Richard E. Porter USAF (ret.), formerly of the National Security Council

Ambassador David C. Miller, Special Assistant to the President, National Security Council

R. Rand Beers, Director, International Programs, National Security Council

Richard E. Broome, Director, Situation Support Directorate, National Security Council

Steven I. Danzansky, Director of Cabinet Affairs, the White House

Kenneth P. Yale, Executive Secretary, Domestic Policy Council

Michael P. Jackson, Executive Secretary for Cabinet Liason, Office of Cabinet Affairs

Arthur A. Houghton, Senior Policy Analyst for Supply Reduction, Office of National Drug Control Policy

Oliver B. Revell, Associate Deputy Director, Investigations, Federal Bureau of Investigation



Neil J. Gallagher, Section Chief, Counterterrorism Section,  
Federal Bureau of Investigation

David F. Nemecek, Section Chief, National Crime Information  
Center Section, Federal Bureau of Investigation

Stanley Morris, Deputy Director for Supply Reduction, Office of  
National Drug Control Policy

John P. Walters, Chief of Staff, Office of National Drug Control  
Policy

Henry Marston, Deputy Director, Office of Research, Office of  
National Drug Control Policy

Frederick C. Harrison, Intelligence Community Staff, Chairman,  
DCI, Intelligence Information Handling Committee

John Grimes, National Security Council Situation Room

Edward Himmelfarb, Senior Attorney Advisor, Office of Policy  
Development, Department of Justice

Gene McNary, Commissioner, Immigration and Naturalization Service

Michael T. Lempres, Executive Commissioner, Immigration and  
Naturalization Service

Richard Weatherbee, Assistant to the Attorney General, Department  
of Justice

Robert Mueller, Assistant to the Attorney General, Department of  
Justice

Dan Heimbach, Deputy Executive Secretary, Domestic Policy Council

John Schall, Deputy Executive Secretary, Domestic Policy Council

Rod McDonald, U.S. Customs Service

James R. Locher, Assistant Secretary of Defense, Special  
Operations and Low Intensity Conflict, Department of Defense

William A. Bayse, Assistant Director, Technical Services  
Division, Federal Bureau of Investigation

Michael H. Lane, Deputy Commissioner, U.S. Customs Service

Ambassador Gerry Bremmer, Former Ambassador at Large for  
Counterterrorism

William G. Myers, III, Assistant to the Attorney General,  
Department of Justice

Peter K. Nunez, Assistant Secretary for Enforcement, Department  
of the Treasury

APPENDIX G  
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