

## Cross-Border Collaboration in Law Enforcement and Security

Dr. Jose Z. Garcia, New Mexico State University



*Dr. Jose Garcia, NMSU*

from over 40 U.S. and Mexican agencies represented in the International Liaison Officer Association (ILOA).

As part of its 2003-2004 Speaker Series, the Trans-Border Institute hosted a luncheon and talk on November 13<sup>th</sup> at the University of San Diego (USD) by Dr. Jose Z. Garcia, Director of Latin American and Border Studies and Professor of Government at New Mexico State University. Dr. Garcia's lecture on cross-border collaboration in law enforcement and security after the September 11<sup>th</sup> terrorist attacks formed part of a special celebration for the inauguration of USD President Dr. Mary E. Lyons. Dr. Garcia's talk was accompanied by remarks from Mr. Alan Bersin, former-U.S. Attorney and current Superintendent of the San Diego Unified School District. Special guests included judges, prosecutors, and law enforcement officers

Dr. Garcia focused his remarks on 4 main themes: 1) the Homeland Security context within which the relationship with Mexico takes place; 2) areas where the U.S. is developing more effective relationships with Mexico on behalf of Homeland Security; 3) the relationship between law enforcement and civilians in the border region; and 4) Homeland Security in the wider context of NAFTA. Dr. Garcia described the Department of Homeland Security (DHS), as "an honest and ambitious project put together in response to an emergency." Dr. Garcia noted that tremendous progress has been made in an incredibly short time. "Asking for local, state, and national law enforcement agencies to interact toward common goals in a seamless fashion would have seemed just five years ago to have been asking for the moon." Still, he noted that the full implementation of this bureaucratic overhaul of 22 agencies and programs –the largest since the 1940s– will be extremely difficult and may take many years. The U.S.-Mexico relationship will be shaped in very important ways by DHS, he asserted.



On the issue of bi-national security relations, Dr. Garcia noted that the 22-point Smart Border agreement that the United States signed with Mexico in 2002 provides a strong impetus for the development of long-term mechanisms of cooperation in law enforcement. There have been limited increases in interaction on the ground between Mexican and U.S. agencies, Dr. Garcia observed, but "there is virtually no operational cooperation and no sharing of intelligence, and things are not likely to change quickly until some of the major issues are settled within DHS." Still, Dr. Garcia claimed, Mexico has made significant efforts help on the border. The Mexican foreign secretary has clearly stated that fighting terrorism is Mexico's number one security priority. Also, under heightened security measures during the war in Iraq, Mexico deployed 18,000 soldiers along the border including airports, oil facilities, and tourist spots.

Dr. Garcia brought attention to the efforts to facilitate civilian-government interaction in providing secure flows of goods and people in the border region. For example, during the past year El Paso has been a demonstration site for a Mexican and U.S. Customs program named STEP (Secure Trade Expedited Processing), in which one port of entry lane at the border is dedicated exclusively to commercial traffic. Normally cargo takes 2 hours to clear Mexican and US customs. With STEP, certified truckers give two-hour notices to the inspection port, send their manifests beforehand, and can clear customs within 30 seconds. "The goal is to eventually handle about 50% of the commercial traffic going through El Paso," Dr. Garcia noted, "This month the program has been renamed the FAST program, to connect it with a similar program in Canada, and I understand it is supposed to be implemented here in California early next year."

Finally, Dr. Garcia ended his remarks by raising attention to recent efforts to reconsider the nature of the security relationship between the North American trading partners. “Ironically, 911 may well have been the first step toward the conceptual development of a true North American security regime,” Dr. Garcia observed. The Pentagon, for example, has now placed a four star general in charge of security for the region of North America. Such steps may facilitate greater tri-lateral cooperation in the future.



*USD President Lyons with Superintendent Alan Bersin, San Diego Unified School District*

Responding to Dr. Garcia’s comments, former-U.S. Attorney Alan Bersin noted that San Diego has reached a point where –after much effort to concentrate on the border and the city’s important relationship with Tijuana in the 1990s– we find ourselves in a period in which the intensity of exchange has diminished substantially. In addition to the difficulties raised by new security concerns, Mr. Bersin observed, the binational region recently lost one of its greatest champions: Dr. Charles Nathanson, Executive Director of San Diego Dialogue. Mr. Bersin noted that returning to an emphasis on bilateral collaboration in the San Diego-Tijuana region is essential, and that efforts of institutions like the Trans-Border Institute should work toward this goal by providing forums for public discussion and analysis of the cross-border relationship.

Mr. Bersin concurred with Dr. Garcia’s assessment of the complex transition to new security arrangements under DHS. “It will take time to sort out many of these issues, but despite some grumbling they are doing incredibly well.” Reflecting on efforts to promote concentrated border enforcement through programs such as “Operation Gatekeeper,” which Mr. Bersin helped implement in San Diego, he observed: “we have been overtaken by events.” The NAFTA and globalization have fundamentally transformed the North American reality, with trade in the region expanding threefold between the U.S. and Mexico and fourfold between the U.S. and Canada. The process of integration that has made Canada and Mexico our largest trading partners has led to a major process of integration.

Mr. Bersin observed that the economic and power differential between the U.S. and Mexico weighs heavily into the relationship, often leading to U.S. heavy-handedness and Mexican sensitivity about U.S. influence. Still, despite this dynamic and the recent obstacles to collaboration and the slowdown in bilateral relations, Mr. Bersin was optimistic that cooperation between the U.S. and Mexico will continue and grow in the future. “The integrative forces of economics and commerce will not allow us *not* to cooperate... we cannot avoid it.” However, Mr. Bersin noted, “the border forces us to develop relationships... Security now involves cooperation as never before.” Mr. Bersin also noted that, given the porosity of the border, our understanding of security needs to be changed: “all the kings horses and all the kings men will not stop a terrorist at the border.” Thus, we need to begin thinking about a “trilateral future” in which the North American security perimeter includes all three countries, Mr. Bersin asserted.

#### **Speaker Biographies**

**Dr. Jose Z. Garcia** is the Director of the Center for Latin American and Border Studies and Professor in the Department of Government at New Mexico State University (NMSU). He received his B.A. in Diplomacy and World Affairs from Occidental College (1966), his M.A. from the Fletcher School of Law and Diplomacy (1968), and his Ph.D from the University of New Mexico (1974). Dr. García has written numerous articles on various topics, including the civil war in El Salvador during the 1980s, the armed forces in Latin America, the U.S.-Mexico border, and New Mexico state politics. Dr. García has lectured at the U.S. Army School of the Americas in Ft. Benning, Ga. and in every Spanish-speaking country in Latin America. He has traveled extensively on the U.S.-Mexico border, studying of cross-border governance structures in law enforcement, the environment, and water.

**Alan D. Bersin** began service as Superintendent of Public Education on July 1, 1998. Mr. Bersin received his bachelor's degree from Harvard College, studied at Balliol College, Oxford University as a Rhodes Scholar, and received his law degree from Yale Law School in 1974. He was a practicing attorney from 1975-1992 with the law firm of Munger, Tolles & Olson in Los Angeles. Prior to his appointment as superintendent, Mr. Bersin served as the United States Attorney for the Southern District of California for five years, during which time he also served as the Attorney General's Southwest Border Representative. Mr. Bersin serves as an advisory board member for the Center for U.S.-Mexican Studies of UCSD. He also is a member of the Council on Foreign Relations and the Pacific Council on International Policy.