The Late, Great United States?

The North American Union of Canada, Mexico, and the U.S. and the Future of Law Enforcement in a Trans-National State

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This Command College Independent Study Project is a FUTURES study of a particular emerging issue in law enforcement. Its purpose is NOT to predict the future, but rather to project a number of possible scenarios for strategic planning consideration.

Defining the future differs from analyzing the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.

Managing the future means influencing the future--creating it, constraining it, adapting to it. A futures study points the way.

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"Tell me about the giants, Grandpa", Jacob whispered breathlessly. His eyes were big and wide as I smiled down at him, "They weren't really giants, pal, but they might've been. When I told your Mommy and Daddy that I walked with giants I was talking about something from a long time ago, but I can tell you a true story about them." I sat down on the edge of his bed and thought for a moment. How should I go about explaining to a child what police officers used to be in a land that used to be the United States of America?

Kids didn't wave at police officers anymore. Everyone did their best not to attract their attention. They were strangers whose primary job was controlling and monitoring us. "Ok, buddy, back before you were born I was a police officer. Now in those days being a police officer was a good thing. The only people afraid of police officers were bad guys. It was our job to protect the good people from the bad guys." I felt like I was telling him a story out of one of his books, *The Knights of the Round Table*, except the heroes of my story carried their shields on their chests. The reality that he knew was as close to what I was telling him as a medieval serf's was to his storybook. When I finished my tale he looked right in my eyes and asked me, "Why did it have to change, Grandpa?" "It didn't have to change, Jake. We let it because we didn't know it would be like this." I closed my eyes; I just couldn't look him in the eyes anymore. A deep feeling of regret washed over me. I remembered the haunting words from a sonnet by Dante Gabriel Rossetti which fit me perfectly; "Look in my face; my name is Might-have been;/ I am also called No-more, Too-late, Farewell"[1].

[1] Dante Gabriel Rossetti, "The House of Life: 97. A Superscription"; available from https://tspace.library.utoronto.ca/html/1807/4350/poem1774.html; accessed 07/21/07.

Our short story is fiction, set in the not-too-distant future, but it has its roots in the present day and the issues we as a nation face regarding illegal immigration and border security. A colleague recently commented that illegal immigration issues made it seem as though our borders ceased to exist. It prompted the thought: what if we had no borders? What if, instead, we were part of a "North American Union" patterned after the European Union? Could that even happen? If it did, what sort of impact would that have on law enforcement in the U.S.? The last several decades have witnessed a move towards supranational entities, e.g. the Western European Union (WEU) and the European Union (EU). Both of these had their origins in trade agreements that have evolved into what are effectively transnational states. We have seen the beginnings of this on this continent with the implementation of the North American Free Trade Agreement (NAFTA) on January 1, 1994. Might we see the formation of a North American Union in the years ahead?

The Transnational State

Is it too far-fetched to consider the United States joining with Mexico and Canada to form a trans-national political state? There are recent events that could lay the groundwork for this. On March 23, 2005 President George W. Bush, then-President Vicente Fox of Mexico and then-Prime Minister Paul Martin of Canada announced the Security and Prosperity Partnership (SPP) of North America after meeting in Waco, Texas. They issued instructions to their respective governments to create an architecture to address the security of North America and promote the economic well-being of all citizens of North America. Working groups have since been established in our governments to address both agendas of this partnership. The security concerns include

the "highest possible common level of protection from terrorists and other criminal elements." The economic concerns include "the efficiency of the movement of people, goods, and services crossing our borders"[2].

After this meeting, the Council on Foreign Relations (CFR), an independent membership organization and "think tank" for senior leaders in government and businesses in the U.S., published a report which expounds on the reasoning of the SPP. The CFR sees our three economies becoming increasingly integrated since the signing of NAFTA, facing "common security dangers, from terrorism, to drug trafficking to international organized crime"[3] This report seems to see little difference between these three nations, referring to them as "liberal democracies [which] share common principles: protecting individual rights, upholding the rule of law, and ensuring equality of opportunity for their citizens"[4]. Security issues are a key point in this report, stating these "threats cannot be adequately addressed by any one government alone.

In North America, failure to collaborate effectively to address security issues will have 'a direct impact on commercial relationships as well as on our freedoms and quality of life"[5] and "progress on security, for example, will allow a more open border for the movement of goods and people"[6]. This report calls for establishing a common security perimeter by 2010 and developing a North American Border Pass with biometric identifiers. It also seeks the free movement of shipping containers without further

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[2] Security and Prosperity Partnership of North America, "Report to Leaders", available from http://www.spp.gov/report_to_leaders/index.asp?dName=report_to_leaders; Internet, accessed 06/14/06.
[3] Council on Foreign Relations, "Building a North American Community", p.2. , available from www.cfr.org/publication/81021; Internet; accessed 08/20/06.
[4] Ibid.
[5] Ibid., 4.
[6] Ibid., 6.

inspection after an initial screening upon entering the common perimeter[7], the establishment of a trinational ballistics and explosives registrary and joint training for law enforcement[8]. It calls for increased information and intelligence sharing at local and national levels of law enforcement through the exchange of liaison teams and automated systems for tracking, storing, and disseminating timely intelligence. The stated goal is an increased interoperability between law enforcement agencies of the three nations with at least one major trilateral exercise conducted by law enforcement agencies annually[9].

On a judicial level, the CFR refers to NAFTA being stymied by U.S. courts[10]. In response, it calls for the establishment of a permanent North American tribunal with precedent establishing powers[11] as well as a "North American Inter-Parliamentary Group" at the legislative level[12]. In response to the SPP and in accordance with the CFR report Senator Richard Lugar (R-IN) introduced a bill on April 20, 2005 intended to direct the Secretary of State to establish a program meeting the guidelines of the SPP to improve information sharing and law enforcement cooperation[13]. This bill also calls for "exploring the formation of law enforcement teams that include personnel from the United States and Mexico"[14].

Now that we have established that the formation of a North American Union is a possibility, we should consider on our event horizon Let's take a look at how policing a transnational state is being accomplished in the EU. It is likely that issues being faced

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[7] Ibid., 8.
[8] Ibid., 10.
[9] Ibid., 11.
[10] Ibid., 16.
[11] Ibid., 22.
[12] Ibid., 32.
[13] 109th Congress, S. 853, "The North American Cooperative Security Act", available from www.govtrack.us/congress/billtext.xpd?bill=s109-853; Internet; accessed 06/13/06.
[14] Ibid., 12.

there may assist us to predict what this scenario may have in store for us here in the U.S. A report issued in 2000 by the Commission of the European Communities stated that complete economic integration and a new political Europe will be complete within a decade[15]. This report states that "globalization is dissolving traditional boundaries"[16] and that the goal is a "Europe which can show genuine leadership on the world stage…aiming at…a new kind of global governance to manage the global economy and environment"[17].

The EU governments agreed at the Helsinki Council in December 1999 to create the apparatus for "non-military crisis management," in effect, a paramilitary police force. In June 2000 the EU Council called for voluntary cooperation from member states to provide at least 1,000 (and up to 5,000) police officers for missions across national borders. This council session also called for the formation of rapidly deployable integrated police units in the EU. Representatives of national paramilitary forces from Western European nations met in Paris in January 2006, where they agreed upon the need for a "European security and investigation force"[18]. Dr. James Sheptycki, professor of Social Sciences at York University, Toronto, Canada and expert on criminal networks, explains that the rise of transnational organized crime is providing the significant impetus in efforts to transnationalize policing in Europe. After examining these efforts he

[15] Commission of the European Communities, "Shaping the New Europe", p. 3, available from http://ec.europa/comm/off/work/2000-2005/com154_en.pdf; Internet; accessed 09/28/06.
[16] Ibid.
[17] Ibid., 4.
[18] Statewatch, "Global Policing Role for EU", available from www.statewatch.org/news/dec00/nonmil.htm; Internet; accessed 06/14/06.

concludes by warning that "the winds of history are blowing…and, all the signs are, that it is towards authoritarianism"[19].

Every member state of the EU is part of a data base designed to combat terrorism and transnational organized crime known as the Schengen Information System (SIS) where data on personal identity can be exchanged. The Schengen group members have also agreed to cross-border rights of surveillance and a doctrine of "hot pursuit" for police forces[20]. There is a proposal to link biometric data from a visa information system to the SIS to make up the SIS II. This will add data from people worldwide who have applied to travel to the EU. There are concerns that "function creep" is inevitable and that this system that was designed as a reporting system is being developed into a reporting and investigation system through the process of latent development, meaning that capabilities are being built into this system beyond what it is currently intended for and remain dormant awaiting the legal authorization to activate them later. The establishment of this data base has prompted the questions as to whether privacy and free movement can survive[21].

One might surmise that increased surveillance and the elimination of borders and jurisdictional issues for police forces would be a sure recipe for decreased crime rates. Eli Lehrer points out that "America's streets are becoming safer, even as crime has exploded in Europe. Decentralized control of policing efforts has enabled the United States to catch more criminals, while long prison sentences prevent them from striking

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[19] James Sheptycki, "Transnational Policing", *Canadian Review of Policing Research*, 2005, available from http://crpr.icaap.org/issues2/sheptycki.html; Internet; accessed 06/15/06.
[20] Europa, "The Schengen Acquis and its Integration into the Union, available from www.europa.eu/scadplus/en/lvb/133020.htm; Internet; accessed 08/06/06.
[21] Statewatch, "From the Schengen Information System to SIS II and the Visa Information System (VIS): the Proposals Explained"; available from www.statewatch.org/news/2005/mya/analysis-SISII.pdf; Internet; accessed 08/06/06.

again"[22]. A study by the British Home Office in 2001 found that crime increased in every wealthy country except the U.S. in the late 1990's. According to the FBI, crime rates in the U.S. have been dropping since the early 1970's. With crime hitting record highs in all major metropolitan areas in the world, except the U.S., Lehrer believes that local control of law enforcement may be the critical difference. The U.S. is virtually alone in its make-up of numerous local departments, about 16,500, where other countries have massive regional or national police agencies. He explains that "American police departments can adapt more easily to their communities than their counterparts in the EU…not only because they are smaller but because they respond to local elected officials and voters"[23]. His research showed that the larger EU police forces have a smaller percentage of their officers on the street compared to smaller U.S. departments. Contrary to most management theories he found that the consolidation of police forces actually increased the number of bureaucrats behind desks and reduced field forces. As an example, he cites that only about a third of the 130,000 French police officers actually work the street[24].

How else might the elimination of the borders between our nation and Mexico and Canada impact our crime rates? It might be useful to examine issues we currently face regarding to immigration that one could use to extrapolate possible trends if our borders were to be eliminated by a North American Union. There is clear evidence that violent crime is being imported across our southern border. Dr. Heather MacDonald, Senior Fellow at the Manhattan Institute for Policy Research, testified before the House

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[22] Eli Lehrer, "America the Safe, Why Europe's Crime Rates Have Surpassed Ours", *American Enterprise Institute for Public Policy Research*, June 1 2002 online issue,1; available from http://www.aei.org.include/pub_print.asp?pubID=13948; Internet; accessed 08/14/06.
[23] Ibid., 2.
[24] Ibid.

Judiciary Subcommittee on Immigration and Border Security in April 2005. At that time, she claimed that 95 per cent of all arrest warrants for homicide in Los Angeles CA County in the first half of 2004 (1,200 out of a total of 1,500) were for illegal aliens, and up to two-thirds of all fugitive felony warrants (17,000) were for illegal aliens[25].

Dr. Deborah Schurman-Kauflin of the Violent Crimes Institute in Atlanta, GA conducted an in-depth study of 1,500 violent sex crimes committed by illegal aliens from January 1999 through April 2006. From this study, she estimates that there are about 240,000 illegal immigrant sex offenders in the U.S. who have had an average of four victims each. This equates to almost one million sex offenses committed by illegal aliens during the eighty-eight months analyzed. According to her research, the highest number of offenders came from Mexico followed by El Salvador[26]. She explains these startling high numbers as the result of massive numbers of immigrants from countries lacking in recognition of the basic rights guaranteed by the U.S. Constitution and more specifically, "There are large numbers of immigrants coming from countries that are misogynistic. These countries accord women little to no rights and the resulting violence committed by men against women and children is not unusual"[27].

We should also be concerned with importing unrest into our nation if we open up our borders. Currently, Mexico is experiencing political turmoil in many areas. The loser in the last presidential election there, leftist candidate Andres Manuel Lopez Obrador, vowed to set up a shadow government and one-hundred and fifty of his

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[25]Manhattan Institute, "Immigration and the Alien Gang Epidemic: Problems and Solutions" available from http://www.manhattan-institute.org/html/mac_donald04-13-05.htm; Internet; accessed 09/10/06.
[26] Deborah Schurman-Kauflin, "The Dark Side of Illegal Immigration: Nearly One Million Sex Crimes Committed by Illegal Aliens in the United States"; available from http://www.drdsk.com/articles.html#Illegals; accessed 08/21/06.
[27] Deborah Schurman-Kauflin, " Importing Violence: The Danger of Immigration from Violent Culture"; available from http://www.drsk.com/articles.htm#Illegals; accessed 08/21/06.

supporters in the Legislature to prevent the sitting President from delivering his last state of the union address before the Congress. "Mexico has gone mad", writes columnist Ruben Navarrette in reference to this growing political turmoil and the aftermath of the presidential election which led to polls showing that nearly half of Mexicans would migrate to the United States if they could[28]. In the state of Oaxaca what started out as a protest by teachers over changes to the educational system has turned into what some term a revolt against the state government. Joaquin Cienfuegos, writing on the anarchist communist international project website, declares that "A revolution in Mexico, means a great deal to oppressed people around the world, and especially oppressed people within the u.s. (sic). The revolution in Mexico can and will spill over into the u.s. (sic)"[29].

Rear Admiral Chris Parry, RN, one of Britain's most senior military strategists "charged with identifying the greatest challenges that will frame national security policy in the future"[30], warned senior British government and industry leaders at a conference in June 2006 that nations "could be undermined by large immigrant groups with little allegiance to their host countries"[31]. Mass migration is one of his biggest concerns; he stated, "Globalization makes assimilation seem redundant and old-fashioned"[32]. He predicts such an increase in terrorism, organized crime activity, and lawlessness that "he pinpoints 2012 to 2018 as the time when the current global power structure is likely to crumble…. Some of the consequences would be beyond human imagination to tackle. The examples he gave, tongue-in-cheek, include: 'No wind on land and sea; third of

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[28] "Mexico: poor vs. middle class," Inland Valley Daily Bulletin, 09/16/06, sec. B, p. 6.
[29] Joaquin Cienfuegos, "The Revolutionary Situation in Mexico and Revolution in the u.s."; available from http://www.anarkismo.net/newswire.php?story_id=3653; accessed 09/05/06.
[30] "Beware: the New Goths Are Coming", The Times; available from http://www.timesonline.co.uk/0,,1-523-2220267-523,00.html; accessed 09/10/06.
[31] Ibid.
[32] Ibid.

population dies instantly; perpetual darkness; sores, Euphrates dries up to 'clear way for kings from the east'; earth's core opens"[33].

The question of how the union of Canada, Mexico and the United States into a trans-national state would impact crime rates and public confidence in law enforcement was posed to a focus group held on November 8, 2006. The participants were community members, law enforcement officials and educators that have expertise in international political / economic issues, cross-border drug trafficking, public corruption, community issues, organized crime, education and legal affairs. The panelists felt it would take a catastrophic event along the lines of national economic collapse or a terrorist attack involving WMD's for the citizens of the U.S. to feel compelled to join any other nation in a political union. Even then they projected that severe ramifications could result from an attempt to combine the three North American countries. Some of the events that were forecast if this were to occur included attempted assassination of key government leaders, wide-spread riots, political upheaval and even armed revolution.

A professor of international relations specializing in the U.S. and Mexico who took part in the group does not believe that such a union is feasible, even though the U.S. and Mexico are interdependent. His experience is that the government process in Mexico is not valid enough due to a weak legislative branch and lack of the rule of law. Mexicans view their police as having the lowest legitimacy out of all governmental functions due to corruption and lack of professionalism. He says that corruption is rooted in the national culture of Mexico and even officers that wish to remain clean are forced into corruption by their superiors. He also pointed out that there are fundamental differences in citizen's rights between the two countries. Both freedom of speech and the

[33] Ibid.

right of citizens to keep and bear arms is restricted in Mexico. It would be highly unlikely for a relatively uncorrupt system of law enforcement, such as we enjoy in the U.S., to merge with a corrupt one and not become tainted. One cannot expect to mix dirty water with clean water and still have clean water.

So…What Are The Chances?

Our fictional account of a grandfather in the future telling a story to his grandson paints is an, admittedly, outrageous scenario. The scenario does seem farfetched, indeed. If we think back thirty years to what was, at that time, not thought possible – like civil unions, immigration reform, etc., we will realize that we should use caution, though, before we say "that could never happen." Without even being aware of the possibility, we have already slid a little down the path towards our fictional scenario. True, it probably won't happen, at least to the extent hypothesized, but that does not mean that it can't.

Momentous changes rarely happen quickly or dramatically, unless set into motion by near-cataclysmic events. As we engage in the Global War on Terrorism, we have had to consider the potential for these types of events to occur. So we must realize there does exist in our world a potential for momentous change to happen very rapidly. Apart from that, we still must consider the possibility for this to occur. At this point in history, we are able to observe first-hand the construction of a truly transnational political state in the European Union. All we have to do is backtrack the development of the EU superstate to its origins in the European Common Market to realize that we might well be heading down the very same path.

Thomas Jefferson believed that passing on freedom to succeeding generations was so important that he wrote these words in 1775:

> Honor, justice, and humanity, forbid us tamely to surrender that freedom which we received from our gallant ancestors, and which our innocent posterity have a right to receive from us. We cannot endure the infamy and guilt of resigning succeeding generations to that wretchedness which inevitably awaits them if we basely entail hereditary bondage on them[34].

It is our choice what the story we tell our grandchildren will be many years from now. We should make sure the choices we make enable us to look them in the eyes with pride when storytelling time comes.

[34] Thomas Jefferson, Declaration of the Causes and Necessities of Taking up Arms, 1775, Founders Quote Database; available from http://patriotpost.us/gqd/quotes.asp; accessed 07/21/07.

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