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## House Votes to Allow Military to Assist in Border Security

By Kathleen T. Rhem  
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WASHINGTON, May 12, 2006 – The U.S. House of Representatives voted yesterday to allow military forces to be used in border-security operations under certain circumstances.

In a 252-171 vote, House members agreed on an amendment to the Sonny Montgomery National Defense Authorization Act for Fiscal Year 2007. Representatives also voted yesterday to name the bill after Montgomery, a retired congressman and tireless veterans advocate. Montgomery died today at age 85.

The act gives authority to the Defense Department to assign military members to assist Homeland Security organizations in preventing the entry of terrorists, drug traffickers and illegal aliens into the United States and in inspecting cargo, vehicles and aircraft entering the United States to prevent weapons of mass destruction or other terrorist or drug trafficking items from entering the country.

The act specifies that such a move must be made at the request of the secretary of Homeland Security, who must certify that the action "is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens."

Pentagon spokesman Bryan Whitman stressed that the military already has been helping other government agencies in some border-security functions, namely surveillance with unmanned aerial vehicles. "I think it's important to understand that the United States military does provide some assistance to the states currently," he said.

Governors in some border states use National Guard servicemembers in border-security missions, as well.

Whitman said it's important to remember that governors have authority to mobilize their National Guard forces as they see fit as long as they pay for the mobilization from within state budgets.

The Posse Comitatus Act of 1878 largely forbids the U.S. military from becoming involved in domestic law-enforcement actions. The Coast Guard and National Guard troops under the control of state governors are excluded from the act, however.

"This county has always had a certain level of discomfort & with military doing things that are law enforcement-type activities," a senior official said on

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background.

Critics of such military use point to the case of 18-year-old Ezequiel Hernandez, who was shot and killed by a U.S. Marine patrol near the Rio Grande River at Redford, Texas, in 1997. The Marines said Hernandez fired at them, and the corporal who pulled the trigger was not charged with a crime. But the case brought about widespread attention to and debate on the role the U.S. military plays in border enforcement. Similar issues have been raised about the military's role within the United States since the terrorist attacks of Sept. 11, 2001.

The federal government also can pay for governors to mobilize their National Guard forces in the case of national emergencies. This mechanism was used during recovery efforts for Hurricane Katrina. Activated Guard forces remained under their governors' operational control, but federal funds were used to pay for the operation.

In addition, National Guard forces can be federalized then used in the same manner as active-duty forces.

Press reports today state that Assistant Defense Secretary for Homeland Defense Paul McHale has asked defense leaders to devise options for use of military forces in border-enforcement activities. Defense officials today did not specifically confirm this, but said such a move would be consistent with contingency planning that goes on every day in the Pentagon.

"This is a building that develops options, & develops potential courses of action," the official said. "This is not a decision the Defense Department would make, though. Border security (and) policing is not the primary role or mission of the United States military."

Language in the bill refers to allowing military members to assist Homeland Security assets in preventing terrorists from entering the United States. Officials have long recognized that illegal trafficking in people and weapons through Latin America poses a threat to the United States.

Rumsfeld and his Central American counterparts discussed this issue at a conference in Miami in October. All in attendance agreed that porous borders to the south can contribute to international terrorism.

"Drug traffickers, smugglers, hostage takers, terrorists, violent gangs: These are threats that are serious," Rumsfeld said at the conference Oct. 12.

Whitman said today that the United States stresses to South and Central American neighbors the importance of border security. Ungoverned spaces and available funding for illicit activities certainly can have a relationship with terrorism, he said. "That's why we should be concerned," he said.

Whitman also said that today's meeting between Defense Secretary Donald H. Rumsfeld and Mexican National Defense Secretary Gen. Gerardo Ricardo Vega is "unrelated to any current speculation that I see in current press reporting."

"This has been on the schedule for quite some time," he said.