

# Mexican Drug Cartels Seize Control of Federal Lands

BY JAMES H. WALSH

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and community of life are untrammelled by man, where man himself is a visitor who does not remain.

—Wilderness Act of 1964

**C**urrent United States wilderness policy is being perverted to provide sanctuary, not for endangered plant and animal species, but for violent Mexican drug cartels (MDCs). Despite reports of a crime wave under way, little is being done to stop the ravaging of federal lands by these criminals. Ironically the wilderness regulations passed by Congress to protect sensitive ecosystems are hindering U.S. Border Patrol actions against the cartels. The head of the National Border Patrol Council states that areas well north of the border are so overrun by armed criminals that U.S. citizens are being warned to keep out of many federal parks, forests, and wildlife refuges.

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The cartels are using these lands as “pathways to citizenship” for undocumented foreign nationals from countries around the world. Illegal aliens are recruited as “mules” to carry drugs, and each day, along the 1,952-mile Mexican-U.S. border, thousands of drug smugglers and undocumented foreign nationals cross into the U.S. unchallenged. The largest border-crossing points for drug cartels and foreign nationals entering the U.S. illegally are found on federal lands in Arizona. According to Congressional reports, these crossing points include 4.3 million acres of federal wilderness areas, many in Arizona, and are now controlled and patrolled by the Mexican drug cartels. Estimates are that illegal drugs worth between \$18 billion and \$39 billion pass through these areas each year along with 100,000 illegal aliens.

In addition, the cartels also are using federal lands as marijuana plantations. The U.S. Department of Justice Drug Enforcement Agency (DEA) estimates that marijuana production on U.S. lands constitutes 60 to 65 percent of the Mexican cartels’ annual multi-billion dollar revenues. Drug cropping on federal lands is not new. Mexican cartels have been engaged in it for decades, as federal lands, for all intents and purposes, have been ceded to them. To date, the Obama administration, with the support of Congressional Democrats, has chosen to downplay this criminal cropping that increases drug abuse and drug-related crime in the U.S.

The Obama administration has responsibility for 148 national forests, 58 national parks, 54 wilderness areas, and 553 national wildlife refuges encompassing more than 300 million acres, of which 20.7 million acres in Arizona lie along the U.S.-Mexican border. Yet the President and his political appointees seem to have no clear idea of how to manage these national treasures. They talk the environmentalist talk while introducing policies that fail to protect federal lands.

In a campaign address on immigration delivered at El Paso, Texas, on May 10, 2011, the President described the U.S.-Mexican border as secure and the border fence as complete. Ask U.S. citizens who own

land along the border. Ask those who have lost family members murdered by the cartels if the border is secure. Ask the families of park and forest rangers and Border Patrol and Customs agents killed in the line of duty. Ask American Indians whose tribal lands adjoin federal lands. Ask family hikers being driven off federal lands by armed thugs who guard pot plantations and patrol illicit drug distribution routes. Ask them if the Obama administration's wilderness policies are promoting use and enjoyment of federal lands. On May 24, 2011, Governor Rick Perry (R-TX) observed that Obama "either doesn't know what is happening on the border or does not care."

### A Crime Wave Timeline

Criminal attacks on visitors to federal lands are now commonplace, but official reports of these crimes are downplayed because of political correctness and official denial that these taxpayer-supported lands are increasingly no longer under U.S. control. A timeline of wilderness crimes raises the question, just how are federal land management agencies responding? The following examples are snapshots of what is happening on U.S. public lands.

- 2002. A National Park Service officer was killed in the Organ Pipe Cactus National Monument in Arizona by cartel members. Today public visitation to this Monument is restricted for safety reasons.

- 2006. The U.S. Forest Service issued a report, "Personal Safety of Federal Land-Management Field Employees Working along the Mexican Border." The report acknowledged that the 2,500 to 3,000 illegal immigrants who cross the border each night leave human waste and trash that pollute the wilderness environment and, especially at higher altitudes, affect the water. The Forest Service warned that federal employees are subject to possible transmission of hepatitis, HIV, and other diseases from picking up trash and from physical contact with illegal border crossers. Perhaps in response, some 3,500 acres of Arizona's Buenos Aires National Wildlife Refuge were closed to U.S. citizens because of the danger from cartel criminals. Then, to make matters worse, a Memorandum of Understanding (MOU) was signed by the U.S. Department of Agriculture (USDA) and U.S. Department of the Interior (DOI). It set forth 21 requirements that must be met by the U.S. Border Patrol before its agents can step foot on wilderness and other federal lands. In addition, the Border Patrol must pay "mitigation fees" to USDA or DOI for repairing land "harmed" by agents in pursuit of drug and alien smugglers.

- 2009. Gil Kerlikowske, Chief of President

Barack Obama's Office of National Drug Control Policy, acknowledged that "Mexican drug trafficking organizations have been operating on public lands to cultivate marijuana, with serious consequences for the environment and public safety." Nevertheless, New Mexico's Democrat senators, Jeff Bingaman and Tom Udall introduced the Organ Mountain-Desert Peaks Wilderness Act (S1689) that would designate 241,400 acres of public land as wilderness to be managed by the BLM in Dona Ana County bordering Mexico. Voters in southern New Mexico oppose the bill, as it would mean additional pathways for drug cartels and illegal aliens with little to no border enforcement.

- 2010. Some 900 attacks on U.S. Border Patrol agents and 91 attacks on U.S. Customs agents occurred in Arizona in the Border Patrol's Tucson sector. The supervisor of the California Department of Justice's Bureau of Narcotics Enforcement told the Associated Press: "Just like the Mexicans took over the methamphetamine trade, they've gone to mega, monster [marijuana] gardens. It's amazing how they have changed the way they do business. It's their domain." An editor in Northern California's Mendocino County, reported on illegal alien workers actually laying miles of plastic pipe and installing oscillating sprinkler systems for the Mexican cartels' clandestine marijuana fields on federal lands funded by U.S. taxpayers.

- August 13, 2010. An article in *Californiality* reported that, far from the southern border, Northern California citizens are suffering from a bloodbath by the Mexican cartels who are shooting at police and ordinary citizens alike. Residents complain that the drug cartels are destroying valuable forestland and contaminating the water and earth with toxic pollutants.

- December 22, 2010. Department of the Interior Secretary Ken Salazar signed Secretarial Order 3310, granting the Bureau of Land Management (BLM) authority to designate BLM areas with wilderness characteristics as "Wild Lands" and to manage them to protect wilderness values. Critics contend that Order 3310 usurps the prerogative of the U.S. Congress to determine which federal lands will be designated and managed as wilderness areas. On April 13, 2011, Order 3310 was halted as part of the Congressional compromise on the federal budget for 2011. It remains to be seen if it is included in the federal budget for 2012.

- 2011. The Government Accountability Office (GAO) continued a series of reports criticizing the response of federal agencies to criminal activities such as human smuggling and drug growing. Among those criticized were the U.S. Department of Homeland Secu-

rity (DHS) and the federal land management agencies, especially the U.S. Forest Service (USFS) in the USDA and the Bureau of Land Management (BLM) in the DOI. The reports cited lack of coordination among the Border Patrol, other DHS agencies, and the federal agencies that manage lands along the border. While the politically astute GAO hedged its criticisms, the reports did not shy away from the facts that indicate no real control of the border. With U.S. environmental laws passed by Congress to protect federal lands being ignored, criminal activities threaten to destroy wilderness ecosystems. The GAO reports show that only 44 percent of the U.S.-Mexico border is under current “operational control” of the U.S. Border Patrol, and only 15 percent of the border is “actually controlled” by the Border Patrol. Texas Governor Perry observes that, in his state, the Mexican drug cartels have “operational control of much of the border.”

- February 14, 2011. The U.S. Forest Service acknowledged in a press release that control of U.S. public lands by drug cartels has been going on for decades, but that the agency is now cooperating with the U.S. Border Patrol, the DOI, and other land management agencies to provide proactive enforcement patrols on federal lands at least within the Arizona/Sonora corridor. Critics note that this effort, which is limited to the Coronado National Forest-Sonora corridor area, is too little too late and leaves federal lands in other areas in the hands of the drug cartels.

- April 13, 2011. Republicans in the U.S. House of Representatives introduced H.R. 1505, The National Security and Federal Lands Protection Act. Sponsors of the bill are Doc Hastings (R-WA), Peter T. King (R-NY), Lamar Smith (R-TX), and Rob Bishop (R-UT). This Act would prohibit the DOI and USDA from using environmental regulations to hinder Border Patrol enforcement actions to secure federal lands located along the border. H.R. 1505 would assign operational control of the border lands to the Border Patrol rather than to federal land managers. In opposition, Congressman Raul Grijalva (D-AZ) seeks legislation to preclude the U.S. Border Patrol from operating at all on federal lands. He seeks to designate additional federal border

lands as wilderness, including areas already in use as corridors by drug cartels and illegal aliens.

- April 15, 2011. The U.S. House of Representatives Subcommittee on National Parks, Forests and Public Lands conducted a hearing to investigate whether environmental laws are harming the environment and the security of the nation. Part of the problem is that wilderness policies tend to be rigid to the point of preventing U.S. Border Patrol agents from pursuing international criminals on wilderness lands. Democrat members of the subcommittee attempted to trivialize the activities of the cartels on public lands of the American Southwest.

- April 30, 2011. An article in the *Tucson Citizen* reported that the Arizona border is far from secure, with the Pajarito Wilderness, the California Gulch, and most of the rest of the Coronado National Forest, especially areas



**Aldo Leopold, a Yale-educated forester, articulated a “land ethic” which stated, “A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.”**

in Pima County, Arizona, now part of drug cartel domain.

- May 4, 2011. DHS Secretary Janet Napolitano advised the Senate Committee on Homeland Security and Government Affairs that the southern border was secure, but in the next breath stated that her Department was making an effort to redefine “control”. She noted that the DHS Customs and Border Protection section was creating a new comprehensive index drawing data from governmental and non-governmental agencies (third parties) to determine what is happening on the border. Critics find this “comprehensive index” to be yet another effort of the Obama administration to cook

the books on border security while giving lip service to meaningful border control.

- June 17, 2011. The Department of Homeland Security issued a memorandum to its Immigration and Customs Enforcement (ICE) employees to use “prosecutorial discretion” in determining deportation of illegal aliens. In other words, ICE is to ignore the dictates of current U.S. immigration law.

- June 22, 2011. U.S. Department of the Interior officials reported to a U.S. House of Representative chairman and a House Subcommittee chairman that the Department of the Interior “wild lands” initiative (DOI Secretarial Order 3310) was “dead”, despite earlier reports to the contrary.

### **Meltdown of the Wilderness Act**

The current void in enforcing the Wilderness Act gives the impression that the Obama administration considers the control of federal lands by Mexican drug cartels a minor annoyance. U.S. citizens, however, are waking to the realization that such control is an environmental menace and a public safety hazard. How has the United States allowed a meltdown of the Wilderness Act and who is to blame?

The architects of the U.S. wilderness system could not have envisioned the current shameful state of affairs. In 1909, Aldo Leopold, a young Yale-educated forester serving on the Gila National Forest in New Mexico, recognized the need to set aside “roadless” areas to protect endangered plants and animals. Leopold’s input was significant in the 1924 Congressional set-aside of the first wilderness area on federal lands. Named the Gila Wilderness, it is at the core of the Gila National Forest. In 1935, Aldo Leopold, Bob Marshall, Howard Zahniser, and others founded the Wilderness Society to promote designation of additional wilderness areas. On September 3, 1964, the Wilderness Act, written by Howard Zahniser, was signed into law by President Lyndon Johnson. The Act is administered by four government agencies, the National Park Service (DOI), the U.S. Forest Service (USDA), the U.S. Fish & Wildlife Service (DOI), and the Bureau of Land Management (DOI). Today New Mexico has a total of 558,014 wilderness acres on the Gila Wilderness, the Aldo Leopold Wilderness, and the Blue Range Wilderness.

Current and past U.S. Congresses share the blame for the current crime wave on U.S. forests, parks, and wilderness areas with the DHS, federal land-management agencies, environmentalists, and home-grown eco-terrorists. As Mexican drug cartels expand their power over the nation’s wilderness areas, Democrat politicians

and environmentalists remain uncharacteristically quiet. One environmentalist offered an absurd justification that, after all, “It’s easier to cross the border to grow marijuana on public lands than to grow it in Mexico and smuggle it across.”

Abdication of the nation’s invaluable public lands to criminal aliens has occurred with the knowledge and acquiescence of Congress and the White House, who share oversight responsibilities for the federal land-management agencies. This is a far shot from what the first chief of the U.S. Forest Service, Gifford Pinchot, envisioned when he introduced the wise-use conservation of natural resources.

Federal laws and bureaucratic regulations that slow or prevent entry by U.S. Border Patrol agents into wilderness areas are a major bone of contention. In addition to the Wilderness Act, the Border Patrol has to deal with federal laws such as the National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act. The drug cartels and illegal aliens, of course, are not required to obey these laws.

Because of environmental laws and regulations, U.S. Border Patrol agents often operate 60 to 80 miles from the southern border, making immigration enforcement less efficient. Assaults and shootings of forest rangers, park rangers, Border Patrol agents, and Customs agents are now commonplace, as the Mexican drug cartel terror spreads across the southern border and throughout the United States. Evidence indicates that Islamic terrorists also are illegally entering the United States across the southern border, yet the response of the Obama administration remains muted.

Many of the drug cartel leaders are “anchor-baby” citizens (born on U.S. soil to a non-citizen mother), and many are cognizant of every aspect of U.S. politics. Drug sales provide them with billions of tax-free dollars to influence elections of those politicians who will make life easier for them. To exploit the Democrat Party’s desire for votes and concerns for Hispanic sensitivities, the drug cartels employ operatives and advocates for immigration rights in Washington, D.C., and in many state capitols.

Some critics suggest an unholy alliance among Mexican drug cartels, environmentalists, and open-border advocates in Congress and the White House. To squelch such suggestions, it is time for President Obama to secure the southern border, which will protect fragile ecosystems on federal lands as well as the lives of citizens who farm private lands on the U.S.-Mexican border. Instead, the President makes ill-advised border jokes. It would be a travesty, if the Wilderness Act were to end up the sacrificial lamb in the President’s re-election bid. ■