

USE THE RIGHT TOOL

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What is called today the "drug war" is not a war. In contrast to today's drug "fight", war, especially war as it was defined in the pre-atomic age, and especially as the United States historically conducted it, would be a simpler situation. We would declare total war, mobilize every resource, deploy every weapon (with NBC warfare generally excluded), and continue on to total victory.

But the drug war is not such a war, and cannot be approached in such a way, because the drug war is essentially a civil war, a war internal to our society. We are battling ourselves in this drug fight. As Pogo says, "we have met the enemy, and he is us." We want the drugs, and we smuggle them in and sell them (although of course with foreign help), just as much as we are appalled by what those drugs do to our children and to our society, with the result that we mount efforts to stop the flow of drugs.

And furthermore, the society involved in that civil war is a constitutional society; internally, we operate by the rule of law. Our fight against drugs must be understood in that context; that is the milieu in which the Coast Guard goes about its operational business. The Coast Guard may tire of following painstaking legal procedures, maintaining chains of evidence, testifying in court, and holding our fire in sea chases - but our society requires these limitations.

American society is not clear enough about how it feels about drugs for the situation to be otherwise. As a society the anti-drug

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message *has* advanced in recent years, but Americans are not yet clear about what costs they are willing to pay to win the campaign against drugs.

The question of costs includes more than the monetary cost of the operational resources, Coast Guard and otherwise, deployed against the drug trade. Others include both external and internal *costs*, because we are simultaneously pursuing other *goals*, both external and internal. As a society we do not single-mindedly pursue this one goal of stopping drugs from coming into our country, but also those internal goals of maintaining our Constitutional freedoms, *and* our comfortable way of life; and the external goal of maintaining our status in the international community as an exemplar of right and fair-dealing.

Rights Americans have traditionally enjoyed that *might* be subject to limitations in the drug fight include the right of free movement, which would be hampered if, for instance, inspections were conducted of all boats sailing domestic and nearby international waters, and of all aircraft before and after equivalent flights. Such action would certainly affect the "right to be secure in persons, places and effects," as the Fourth Amendment puts it. A stepped-up drug enforcement effort *could* mean even *more* stringent and intrusive examinations and investigations than that. Are Americans serious enough about the drug war to submit to checks of their criminal records before they may purchase or even operate a boat, in the interest of halting potential drug trafficking trips? Are they ready to be required to present, in addition to their boats or planes, their *persons* for drug-sniffing, or, even worse, body cavity

exams, any time they return from a boat trip or airplane flight of sufficient duration to allow transit from a drug-producing area? If we didn't care about maintaining our Constitutional protections for ourselves, we might even go so far as to simply shoot anybody else we thought was a smuggler, or anybody we thought even *looked like* a smuggler. That *sounds* extreme, but the question *has* in fact been raised in certain forms. These would certainly be intrusive measures, very much at variance with the liberties traditional to American society. Americans will not casually modify their Constitutional protections in those directions.

Similarly, if we didn't care about maintaining our way of life we'd stop all *other* sorts of private and governmental spending and put *all* our resources into developing chemical or biological agents to kill coca, opium and marijuana plants and only them. If we didn't care about the international community and our standing in it we might simply "nuke" Colombia and Peru "until they glowed," as the unfortunate phrase goes.

But those sorts of things are not what we as a society and nation are about; those extreme solutions are not viable options, and we wouldn't really want them to be treated as such. Americans are *not* ready to pay *every* possible cost, whether that cost be financial, or legal-slash-Constitutional, or even with relation to their "life-style" (that ubiquitous modern phrase), in order to stop the drug scourge.

More to the point of this paper, they are *not* willing to pay the prices in those areas they traditionally *have* been willing to pay to fight and win the "real" (meaning near-total, military, non-drug)

wars of our past. So in fighting "the drug war," i.e. pursuing the goal of stopping the flow of drugs, there are internal constraints, and also the limits imposed by our pursuit of other, wider goals. Therefore what is required is a campaign with limitations. The approach and tools to be employed must be limited ones. And the ethic that goes along with this effort must be part of those limitations.

Now, to the military: the military's task is fundamentally different from the task of regulation, or the police function. The military protects our society, taken as a whole, against the hostile intentions of another whole society. Even a traditional military civil war involves this distinct separation of parts of a society. So in war, it's not us against us, a la Pogo; it's us against them. In such a situation, we feel more free to unleash our dogs of war, to unsheath our talons.

The military *does* understand limited war: Korea began that lesson, then Vietnam demonstrated how difficult a lesson it is to learn. And the military understands limited *means* in war as well as limited *goals*: WWI saw the use of gas warfare, but it was avoided in WWII; and the nuclear trigger has been pulled only once. But the function of our military, and its resultant approach, is still fundamentally different from the limited regulatory function that the Coast Guard has been and is performing in curtailing the drug trade.

That might not always be so; for instance, it may very well happen with regard to the drug fight that the regulatory task and the

military task will draw closer together, so that essentially there is only one type of task. In the first case, the regulatory task may come to resemble more closely the military task. The Coast Guard has so far faced little determined armed resistance to carrying out its interdiction function. This is a product of motivation: it is usually the ideological elements involved that make people on both sides of real wars ready to shoot and fight and die for their cause. Smugglers, on the other hand, are usually motivated by economics, not ideology, and those involved in the modern drug trade to the United States have generally to this point decided that the lost profit on a particular shipment and the possibility of prison time or extradition were preferable to the possibility of losing their lives by resisting capture. But it is not *impossible* that in the future smugglers might decide to turn the drug war into a shooting war, in which case our government's response might shift toward something closer to the military's normal approach.

The second case is that the tasks might draw closer together by altering the military's role from the traditional warfare function, even limited warfare, to an even more limited mode of operations. But this is a worrisome course. We have all observed, for instance, the effects on the Israeli army of the policy of employing it on a large scale and over a long period against the Palestinian intifadeh. There is an unavoidable conflict between the wartime military ethic, which is to use the tools available to get the job done (i.e., to fight people until they end resistance), and the peacetime police ethic in an open society of using limited means and controlled procedures. This particular conflict has shaken the moral

foundations of Israeli society as a whole, of the Israeli army as an organization, and of Israeli soldiers as individuals, with consequent effects on morale and discipline.

Observing these effects of the conflict between the two sets of professional ethics, the warrior's versus the cop's, has confirmed many people in the opinion that such a situation leads inevitably to moral corruption. In time, much the same results might afflict the United States if we involve our military branches too deeply in the anti-drug police function heretofore carried out primarily by the Coast Guard.

The two types of functions *are* different, and we should recognize that. In war somebody has to find, grapple with and defeat the enemy on the killing ground, whether that killing "ground" is actually on land, or on or under the sea, or in the air. That function takes a single-minded focus and dedication; any wavering of your attention can get you killed, if the enemy maintains his own. If we ask our military to blur its focus, we may be signing many servicemen's death warrants should they return to real war.

The military combat branches, when tasked with a distinctly different type of function, such as the drug fight we have been discussing, are continually beset by the conflict between the different modes the two tasks require: regulation's restraint of people from performing an activity (in this case, illegal smuggling); and the military's battle against other people who are trying to perform the same function in opposition. Regulation stops people who would rather be left alone from breaking the law; war involves

pursuing strategic goals and fighting and defeating those who would prevent you from achieving them.

If the regulatory and military functions remain fundamentally different in nature and distinct from each other; and if you continue to ask the military institution to perform *both* of these disparate tasks, you will approach a time when it will essentially cease performing one of the tasks, or certainly cease performing it well.

If we start down that road, we could in the early stages depend on our military personnel and organization to respond well to the challenge. *Both* the Coast Guard and the military would perform well in the field - but not equally well, and not forever.

That is because the Coast Guard is not just another armed force. The Coast Guard as an organization has a long history of combining regulatory and military functions. But the Coast Guard's military function has always been to fulfill a support or ancillary role. (There is no shame in fulfilling such roles, rather than those roles performed by the combat branches; our nation's war effort would swiftly grind to a halt if it weren't for the medical corps, the transportation branch, those who perform police functions behind the front lines, and other similar organizational contributions.)

Over the years the CG acquired its special military roles for various reasons. Sometimes they grew naturally out of our peacetime, regulatory roles. But in each case that extension reached only to a certain point. Some examples:

In WWII, in addition to our own cutters, we manned Navy ships on convoy duty - in order to free Navy personnel for fleet duty.

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Our skills in small boat handling led to our most famous role, that of coxswaining landing craft in amphibious operations - which we performed so that the Marines could go on and fight inland from the beaches.

In Vietnam we patrolled the coasts and rivers to prevent infiltration of *additional* enemy forces and supplies via water - but it was the army and marines who went into the jungles to fight the enemy forces *already in place*.

Historically, we have also performed military roles simply because we were available. Let me remind my Navy listeners that the Coast Guard is the *senior* United States naval service, because we have been *continuously* in existence since 1790, whereas the Navy was disbanded after the Revolution. In the hiatus, our precursor Revenue Cutter Service performed many of the functions the Navy would have - because the Navy wasn't around.

So the Coast Guard has always been assigned, and has performed, military roles along with its peacetime regulatory functions. But the point is that those wartime military roles were limited to ancillary functions, and they grew out of, instead of replacing, our peacetime regulatory roles. Fulfilling ancillary functions in war has meant the CG has had a more limited focus. (By the way, that does not mean that in fulfilling such ancillary military functions the danger is also limited; in WWII the Coast Guard had the highest per capita casualty rate of any service.) All of this means that the Coast Guard's organizational mindset is more attuned to

achieving a *limited* goal, pursued *within* a broader campaign, which is considered in a *broader* context.

And internally the Coast Guard is accustomed to managing the schizophrenic tensions between the two functions. Within our organization the military function can continue to coexist with the regulatory one precisely *because* the military one *is* limited; otherwise that coexistence would not work.

An interesting historical note is that at least once previously in American history the Navy was assigned to assist the Coast Guard in performing what was essentially a police function, also directed to some extent against foreigners but primarily at American citizens themselves, who were engaged in maritime smuggling with a significant degree of approbation from the society at large. This was in 1808, when President Thomas Jefferson responded to the Napoleonic Wars-era deprivations of Britain and France on American shipping by instituting his Embargo, which attempted to keep all American shipping in port as punishment. He assigned the Treasury Department's collectors of customs and their enforcement agents, the Revenue Cutter Service, the job of making sure the law was obeyed. But many Americans, especially Federalist shippers, opposed the Democratic-Republican Jefferson's policies, believing them to be ruinous at home and feckless abroad. Smuggling began immediately and grew to significant levels, leading Jefferson to detail the Navy, which he had previously done his best to cut to the bone for both ideological and budgetary reasons, to assist in enforcement. As we would expect, despite difficult conditions both the Cutter Service and the Navy did a commendable job. There was

some squabbling, apparently, when it came to divvying up the prize money, but that was common.

We should note, however, that there were certain significant ways in which these seemingly similar historical circumstances differed. Jefferson's Embargo was so unpopular that it was rescinded after only a year; we are in for a much longer haul than that in the drug fight, and it is as time goes by that erosion of values, outlooks and skills occurs. The Navy then was tiny, with few international, much less global, responsibilities, and even fewer expectations that it could fulfill them; therefore few nations and people elsewhere were relying on its maintenance of its military virtues.

Thus in the current situation, surveying the enforcement institutions available to the United States, it is the Coast Guard alone that has the structure, training, organization and tools, as well as the history, mindset and professional ethical framework, to continue over the long run to fulfill the necessarily schizophrenic role of being both an armed but specialized military force and a peacetime regulatory police force. Asking our other armed services to dilute the purity of their concentration on combat preparation and execution with the significantly different task of suppression of the drug trade is asking for trouble, and is not the policy most likely to get the job done within the ethical constraints of American society.