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Key Points

With a new administration comes new border enforcement policies and changed expectations with expectations likely to be the biggest driver of a new border crisis in the near term.

- Even before formally announced policy changes, introduced legislation, or public statements, changed expectations primed a new wave of migrants to risk traveling to the border.

- The Biden administration will be fatally slow to respond to the scale of the crisis as it unfolds.

- The change in administration and anticipated changes in border enforcement may set off a chain reaction in the balance of power among Mexican and Central American drug cartels, resulting in a wave of violence.

- The stability of the Northern Triangle nations of Guatemala, Honduras, and El Salvador are likely to be challenged with an escalation of cartel violence and the possible overt takeover by the cartels of one of those nations along with a *de facto* alliance with the People's Republic of China.

- Cartels and their suppliers in China may shift to the production of carfentanyl, an opioid 100 times as potent as fentanyl, resulting in a significant increase in American overdose deaths as well as increased risk to U.S. law enforcement personnel.

- Most of the Mexican government, with the exception of President López Obrador (AMLO), is deeply compromised by the cartels, especially the Sinaloa Federation, making it difficult for AMLO to consistently enforce his directives.

- The border crisis may progress along vastly different lines in California and Texas as governors Newsom and Abbott use their inherent authority to take very different approaches.

- The end of travel restrictions on certain nations will increase the flow of individuals connected with terror groups into the U.S.

The Coming Border Crisis Report
A Project of the Texas Public Policy Foundation

Executive Summary

In early December 2020, the Texas Public Policy Foundation (TPPF) assembled two dozen experts to game out the possibility of a renewed humanitarian and national security crisis on the southern border with Mexico. The simulation suggested that a new border crisis will rapidly occur in the early months of a Biden administration based largely on the *expectation* of a softening of the Trump administration's approach to border security. Further, it suggested that the crisis will be exacerbated by the Biden team's inability to quickly analyze the situation and develop and deploy an adequate response. Additional consequences will emerge concurrent with the renewed humanitarian border crisis: a surge in dangerous opioid smuggling and a resultant increase in American overdose deaths, and an increase in infiltration by people with links to terrorist organizations.

The TPPF simulation

For a simulation to create a useful output the right people need to participate. They need to have a process to interact and iterate their actions, and their actions must be realistically grounded. The participants in TPPF's simulation included former members of Congress, current and former U.S. law enforcement personnel, lawyers, academics, journalists, and veterans. The TPPF simulation used an iterative process representing the first nine months after January 20, 2021, Inauguration Day. Chuck DeVore, TPPF's vice president of national initiatives, designed and led the simulation. As a U.S. Army lieutenant colonel intelligence officer, now in the retired reserve, DeVore has created, run, or participated in hundreds of war games.

Key Findings

Many of the experts participating in the simulation expected that a new migrant crisis would be made manifest later in 2021 and only after policy changes by the new Biden administration affecting Mexico could be considered by the Mexican leadership. The thinking went, should the new administration seek to exert environmental, labor, or human rights pressure on Mexico, this would trigger the Mexican government to resort to the only tool they had to pressure the U.S.: immigration and border cooperation. Instead, the simulation found that the expectations of a shift in immigration policy and enforcement by the new administration would lead to a greater willingness by potential migrants to risk the arduous trip to America. Further, this greater willingness to leave home and head north would be met, welcomed, and augmented by cartels looking to profit

off human trafficking and drug smuggling. Thus, the new wave of migrants is likely to start even before Biden formally takes office.

Expectations of a shift in immigration policy and enforcement by the new administration would lead to a greater willingness by potential migrants to risk the arduous trip to America.

This early migrant crisis will then likely intensify as the new administration implements its policy changes in the areas of border enforcement, a renewed and expanded Deferred Action for Childhood Arrivals (DACA) program, vastly expanded access to the U.S. asylum system, as well as proposed immigration reform legislation. These likely shifts in policy and accompanying public announcements will, in and of themselves, serve as major magnets to intensified migration to America.

One particularly disturbing outcome of the simulation was the anticipated repercussions of significant immigration policy changes on the balance of power among the main cartels and government power centers in Mexico and in the Northern Triangle nations of Guatemala, Honduras, and El Salvador. This may set off a chain reaction of killings and assassinations as both cartels and compromised government officials seek to adjust to the new reality and the increased potential for profit from trafficking people and drugs.

The stability of the Northern Triangle nations is particularly vulnerable to unrest and targeted violence. It is possible that one or more of the elected governments in that region may collapse and be replaced by the military or, more ominously, by the cartels themselves, either acting directly in the open or by proxy. Lastly, should this happen, given that the U.S. is unlikely to embrace such a government, it is possible that any *junta* that emerges post-coup would enter a *de facto* alliance with the People's Republic of China, seeking assistance in arms and financial aid as well as intelligence, and diplomatic support. Further, such an arrangement might also be met with increased cooperation on the drug smuggling and money laundering fronts as well with a high likelihood that digital currencies based in China would be used in a significant way for the first time.

An aspect of the illegal drug trade previously unknown to most of our participants was the existence of carfentanyl,

an opioid 100 times more potent than fentanyl. A substantial amount of fentanyl was seized by U.S. law enforcement authorities at two large migrant operations in California and Texas as part of the simulation. The fentanyl was in 20-kilogram packages in more than 1,000 backpacks (known in the smuggling business as "*mochilas*"). The street value of this seizure would be in excess of $20 billion at current prices. This unexpected loss caused the cartels and their Chinese suppliers and financial partners to shift to the far more potent carfentanyl. This drug could then be cut with other substances to mimic fentanyl, be pressed into opioid pills, or be used to synthesize heroin. Further, due to its vastly increased potency, illegal drug couriers could smuggle far smaller packages for the same financial value, discontinuing the use of the bulky and more detectable *mochilas*.

The wave of mostly Chinese origin synthetic opioid overdose deaths in America started in 2013. According to the Centers for Disease Control and Prevention, "In 2018, more than 31,000 deaths involving synthetic opioids (other than methadone) occurred in the United States, which is more deaths than from any other type of opioid." Drug overdose deaths plateaued from 2017 to 2019 after a steady 17-year rise. The introduction of a significantly more potent form of opioid would likely lead to a major spike in overdose deaths as well as increased risk of death and injury to frontline law enforcement personnel due to accidental exposure. Restated, the simulation indicated that it is an almost absolute certainty that drug overdose deaths in America will soar in 2021 and later years, once again commanding the headlines.

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The simulation's Mexico experts contend that much of the Mexican governmental and political establishment, especially elements associated with the dominant PRI party, of which President López Obrador (AMLO) is not a member, is deeply compromised by the cartels. That understood, AMLO's actions as president suggest that he has a tacit understanding with the Sinaloa cartel. The Sinaloa Federation is viewed as the main partner in this longstanding corrupt arrangement with PRI, with the cartels allowed to do the dirty work while the politicians and officials benefit from payoffs and bribes as well as campaign contributions. This creates a degree of institutional resistance to President AMLO and his directives, to the extent

that his decisions disrupt the existing highly profitable cartel arrangements. Thus, AMLO may not truly be calling all the shots in Mexico. This also affects the ability of the U.S. government to work effectively with their counterparts in Mexico.

A significant finding developed during the simulation during which the flow of migrants to the border was substantially shifted by state policy—in this case, the vast differences in response to the renewed border crisis taken by California Gov. Gavin Newsom compared to Texas Gov. Greg Abbott. Put simply, Gov. Newsom welcomed the migrants while Gov. Abbott deployed state law enforcement assets and the Texas National Guard to apprehend and return migrants back across the border to Mexico. The Mexican government protested this effort and Gov. Abbott was sued by the Biden administration, but Texas prevailed after the case was appealed to the U.S. Supreme Court which found that:

> The law is clear on the authority of Texas to act in such manner as proscribed by its authorization of the Texas Department of Public Safety and the Texas Rangers. Federal immigration law does not pre-empt any of the Texas actions. The District Court erred in its judgment that such authorization resulted in the Texas wrongly assuming the power to enforce the immigration laws of the United States. Texas' actions are an exercise of their constitutionally delegated state prerogatives, as reserved to them under Article 1, Section 10. As such, the any order by the United States to prohibit such activity has no basis in the Constitution.

> Texas finds itself in imminent danger by the United States decision to both encourage and allow a surge of illegal aliens and goods across its borders. Their response is both constitutionally permitted and a just exercise of their powers. Texas seeks to protect its sovereignty, and such action is not in contradiction of federal law. Texas is not seeking to make any revision of federal immigration law; instead it is securing its territory as is its prerogative as a sovereign State.

However, Texas may find it a challenge to remove illegal aliens who are relocated to Texas by the federal government or who travel there on their own from other states or via transportation arranged by NGOs supporting illegal immigration since states cannot resist federal refugee resettlement and have no power to enforce immigration laws in the interior.

The simulation's players representing team Biden were very focused on ending the misnamed "Muslim ban" that has largely barred the entry of foreign nationals from Iran, Libya, North Korea, Somalia, Syria, and Yemen, as well as immigrants from Eritrea, Kyrgyzstan, Myanmar and Nigeria, and certain people from Tanzania and Venezuela as well as suspending refugee arrivals. The Trump administration linked the travel restrictions to the lack of intelligence-sharing adequate to prevent individuals connected with terror groups from entering the U.S. Lifting these restrictions without replacing them with an effective vetting process will significantly increase the chance of future terrorist attacks on U.S. soil as well as improve the ability of terror groups to operate in the U.S., gathering intelligence and raising funds for operations.

It is almost a certainty that events on the border and in Mexico and the Northern Triangle will outpace the Biden administration's ability to respond

Lastly, it is almost a certainty that events on the border and in Mexico and the Northern Triangle will outpace the Biden administration's ability to respond—a failure of the "observe–orient–decide–act" decision cycle (the OODA loop). This failure will be amplified by several factors: President Biden's historically bad track record of decision making, both in making the wrong decision and in equivocating; the Biden team's contempt for President Trump's success on the border, both in the expansion of the border wall and in diplomatic successes, especially with Mexico, which will create a bias that will blind the new administration to admitting that anything from the Trump era was effective; the rapid speed at which events will unfold, driven by expectations of would-be migrants and the trafficking cartels; and the tremendous pressure on Biden's cabinet and White House team from the far left, both members of Congress and activist groups, as well as Vice President Harris, and, the media.

A word about the improvements to the barrier system on the border—the Trump wall—is in order. At a simple level, barriers are a replacement of labor by capital. An improved wall system on the border, if staffed and maintained, allows the personnel assigned to the border to be more effective in their jobs. By itself, a wall does little, though there may be a deterrent effect and certainly a diversion effect—similar to how locking a car's doors will cause potential car burglars to look for an easier target.

Recommendations

Since it is likely the federal response to the coming border crisis will fail, it is vital that border state governors prepare their responses. This preparation must encompass budgetary considerations, law enforcement, National Guard, nonprofit groups, and legal research.

As the humanitarian crisis cascades, it is likely that federal and private party lawsuits may seek to reduce, if not eliminate, a state's ability to respond. As a result, citizen groups may once again seek to expand their presence on the border, increasing the odds for unfavorable outcomes.

In addition, members of Congress and state legislators should plan to hold oversight hearings. Lawmakers may also prepare lawsuits to reassert their constitutional authority to counter an excessive reliance on executive action.

Conclusions

There will be a new border crisis. This crisis will manifest in three basic areas: humanitarian, illegal drugs, and government instability in Mexico and the Northern Triangle nations. Further, this crisis will grow rapidly, stripping out the Biden administration's decision cycle. This failure will be catastrophic.

The response to this coming crisis will be the responsibility of President Biden and his team as well as border state governors. When the Biden team fails in its response, as the simulation projected would be the case, then border state governors will, whether they are prepared or not, become the frontline responders. ⭐

Named Simulation Participants

Andrew Arthur, resident fellow in law and policy, Center for Immigration Studies

The Honorable Dr. David Brat, former member of the U.S. House of Representatives, dean of business, Liberty University

The Honorable Francisco "Quico" Canseco, director, Election Protection Project, TPPF; former member of the U.S. House of Representatives

John Daniel Davidson, political editor at the *Federalist;* senior fellow at Texas Public Policy Foundation

Jessica De Alba-Ulloa, researcher, School of Global Studies, Universidad Anáhuac México

Sergio de la Peña, former U.S. deputy assistant secretary of defense

Chuck DeVore, vice president of national initiatives, Texas Public Policy Foundation; former member of the California State Assembly, (simulation designer and umpire)

The Honorable John Hostettler, former member of the U.S. House of Representatives; vice president of federal affairs, Texas Public Policy Foundation

Mike Howell, senior advisor, executive branch relations, Heritage Foundation

Roy Maynard, senior writer, Texas Public Policy Foundation

KT McFarland, former deputy national security advisor

Ken Oliver, senior director, Right on Immigration, Texas Public Policy Foundation

Lora Ries, senior research fellow for Homeland Security, Heritage Foundation

The Honorable Lamar Smith, former member of the U.S. House of Representatives

ABOUT THE AUTHOR

Chuck DeVore is the vice president of national initiatives and the policy director for the Election Protection Project at the Texas Public Policy Foundation. He writes about the economy and how energy, tax and regulatory policies influence general prosperity, and he frequently appears on Fox News. He also guides the Foundation's growing national work in criminal justice reform. He authored the book *The Texas Model: Prosperity in the Lone Star State* and *Lessons for America*.

For six years until he termed out in 2010, DeVore represented almost 500,000 people in the California State Assembly where he was vice chairman of the Committee on Revenue and Taxation as well as a member of the Budget Committee. DeVore was a senior assistant to a U.S. Congressman from 1988 to 1990, and in the Reagan-era Pentagon, DeVore was a special assistant for foreign affairs.

Prior to his election, DeVore was an executive in the aerospace industry for 13 years analyzing technology and corporate capabilities and working in business development. DeVore is a lieutenant colonel in the U.S. Army (retired) Reserve, having served in both the National Guard and the Reserves.

DeVore is a graduate of the U.S. Army's Command and General Staff College's Command and General Staff Officer Course. He obtained his BA *cum laude* in strategic studies from Claremont McKenna College. He studied abroad at the American University in Cairo, Egypt.