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S U B - C O M M I T T E E O N B O R D E R P A T R O L

At a meeting of the inter-Departmental committee created for the purpose of considering the problems of border patrol held on June 12, 1922, the following sub-committee was created and instructed to consider and make recommendations concerning certain phases of the inquiry:

Miss Katherine E. Pike, representing the Treasury Department;
Mr. David D. Caldwell, representing the Department of Justice;
Dr. C. L. Marlatt, representing the Department of Agriculture;
Mr. W. W. Husband, representing the Department of Labor.

Subsequently, Mr. Caldwell retired from the committee and Mr. George E. Strong was appointed to represent the Department of Justice in his stead.

This committee has considered the suggestions that: (1) Officers of the various services engaged in guarding the border be designated also as officers of the other branches of the service concerned in order that all might possess to the fullest extent such police powers as are conferred by law upon any one group of officials; and (2) the possible coordination of all police work on the land borders, or portions of such borders, through the creation of a border patrol clothed with all feasible police power.

Your committee have given careful consideration to the subjects mentioned and beg to report as follows:

With the exception of certain police powers possessed by Customs officers and the fact that deputy United States marshals possess the powers of a sheriff in the jurisdiction concerned, there is no particular police power possessed by one set of Government officials operating on the borders that is not possessed by all. Which, in effect, means that such officers have no power not possessed by an individual citizen so far as the arrest and detention of persons without warrants are concerned. Your committee, therefore, are of the opinion that the general delegation of power is not feasible and would result in more or less confusion and little or no practical benefit. Moreover, your committee are strongly of the opinion that the various Federal laws ought to carry with them the necessary legal authority to make such laws effective and that officers appointed to enforce such laws should have all necessary legal protection and not be forced to attempt to rely upon some law entirely foreign to the issue for such protection.

However, the new tariff law has so defined the word "merchandise" as to include the importation of prohibited merchandise (Sec. 401, Title 4, Tariff

Act of 1922). This necessarily includes intoxicating liquors, and it is therefore apparent that authority heretofore exercised by prohibition enforcement officers as to smuggling across the border is not conferred upon Customs officials. Obviously, this legislation will necessitate a more complete and extended control of the importation of goods over the borders than has been the case in the past. In this connection it may be noted also that the continuing in force of the so-called quota limit immigration law until June 30, 1924, has made imperative the erection of stronger barriers along the land borders in order to prevent the illegal entry of aliens who are unable to lawfully enter the United States because of the numerical limitations contained in the law in question.

Moreover, a member of your committee has recently had occasion to investigate conditions surrounding the smuggling across the land borders and has found that in some sections the protection is so inadequate that wheat, cattle, and other commodities are being smuggled into the country.

The foregoing facts and the obvious inability of the various Government agencies interested to successfully cope with the situation (even though coordination of work among such agencies has been developed to a very considerable extent) clearly suggests the necessity of creating a unified border patrol along practically all of the Mexican border and at least a part of the Canadian frontier, the personnel of such patrol to be clothed with all feasible police powers for the purpose of detecting attempted violations of the law, and forcing the traffic in all kinds of merchandise, agricultural products and live stock, as well as aliens, into the proper channels in order that they may be accorded proper inspection under the various laws concerned.