



Immigration & Border Security

A White Paper
by
Dennis E. Nixon

Chairman,
Alliance for Security and Trade
Laredo, Texas

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Alliance for Security and Trade • 1200 San Bernardo
Laredo, Texas 78040 • Tel. (956) 726-6636 Fax: (956) 790-6525

Introduction

Regardless of what path Congress chooses to take in an attempt to solve the immigration and border security debate, two key trends are likely to remain constant for years to come. First, there will be more baby boomers leaving the work force through retirement than there will be new workers entering the labor force. Secondly, the United States will reach a negative fertility rate as early as 2015¹– a point where the number of live births is not sufficient for the population to replace itself.

The debate in 2006 was dominated by emotion, fear and the melding of immigration and border security. This environment shifted the debate from the true merits of the impending crisis that lies ahead to shouting matches on cable news and talk radio. Unfortunately, what got overlooked was all the data from the Congressional Budget Office that outlined our shifting demographics that include an aging population and fewer native-born Americans entering the workforce. During the debates around bills in both the House and Senate, there seemed to be more concern with the definition of amnesty than a real concern for solving the problem.

Such a polarizing simplification of a complex issue fails to address the real problem and increases our risk of suffering the many economic, political and social consequences of failing to solve the problem. This document will attempt to outline the specific problems at hand, how and where Congress should place its priorities and offer some real solutions based on facts, not emotion.

Framing the Debate

The history of our nation has been filled with periods of acrimonious debate, but it appears that in this debate, the opposing factions are reaching new heights of bitterness. Civility in this debate is more of a rarity than a common courtesy. The 24-hour news cycle has helped create an atmosphere where speed and spin are more important than in-depth research and meaningful dialogue. In an era where issue debates are run like political campaigns and soundbites overshadow real debate, it's no wonder politics reigns supreme over public policy.

Overview

The main problem with the current immigration system is that it does not allow for the supply of immigrant workers to satisfy the national demand for our labor needs. It has become most apparent in the area of low-skilled workers, where the bulk of immigrants normally fall; however, there is just as real a problem with high-skilled workers because of a shortage of scientists, high-tech workers and engineers.

¹ World Population Prospects by Economic & Social Affairs, United Nations (The 2004 Revision)

Circularity

In a post 9/11 world, our immigration policy is wrapped around security concerns and much tougher border control processes. This has resulted in the unintended consequence of killing circularity in the migrant work force. Historically, migrants entered the United States for a temporary period and returned to their home country to reunite with their families. However, stringent enforcement actions have made migratory circularity more difficult. This dynamic has encouraged more illegal immigration. Workers who used to come to work and then return to their home countries have begun to bring their families and domicile in the United States, because it has become too difficult to come and go, and too expensive – the “coyote” or smuggler has become a major beneficiary of this “get-tough” policy.

During the 2006 Christmas holiday, border officials reported a decrease in the number of paisanos traveling into Mexico from the United States. News reports attribute the decrease to stronger security along our Southern border. Again, this has resulted in more immigrants choosing to stay in U.S. rather than returning home.

The lack of circularity has become further complicated because these new families have created a new generation of “limbo” babies -- native-born American citizens whose parents are illegal residents of the United States. The Pew Hispanic Center estimates this population to be approximately three million children.

Birthright Citizens

Election year rhetoric produced cries to seal the border and deport the estimated 12 million, including their native-born American children who are U.S. citizens by birth. First of all, deporting 12 million people – equivalent to the size of the entire population of Ohio, is impractical, unaffordable and would cause massive disruptions to businesses and the economy. Second, American citizens cannot be deported; however, if their parents are, who will care for these three million American-born children? Some are even talking of taking away the birth-right citizenship of these children. We are all here by chance of birth. Any proposed action to deny birthright citizenship is wrong, fails to address the real issues causing our immigration problem and creates more problems than it hopes to solve.

What are we to do with the American-born children of illegal residents? Send them back with their parents? Would the country of their parents’ origin accept them since they are native-born U.S. citizens? Who will care for these U.S. born children if their parents are deported? Shouldn’t these children have some special right to emigrate their parents and preserve the family unit?

Recent attempts by Immigration and Customs Enforcement (ICE) to disrupt the hiring and employing of migrants has caused severe consequences for many migrants who have been arrested and deported, leaving family members stranded, or children abandoned. In some cases those abandoned are the American born children of illegal migrants. No further enforcement action should be initiated until Congress makes realistic and reasonable decisions on immigration policy. We have lived with these issues for twenty years and in light of pending immigration legislation that is likely to provide these workers a legal channel to remain in the United States, a few more months of tolerance are certainly in order.

Seeking Solutions

By focusing on enforcement, the bill that passed the House but not the Senate, repeated a mistake of the past by dealing only with half the equation. The U.S. Government has a long track record of adding more border patrol agents and increasing their budgets; however, despite such efforts, illegal immigration has continued to increase. Empirical evidence shows that an enforcement-only approach only makes the situation worse.

One proposed option for ending illegal immigration is to transfer the responsibility to the employer by imposing very stiff penalties on the employer and actively enforcing these penalties. Such a policy is forcing employers between a rock and a hard place as noted by the recent raids of meat packing plants. In a recent editorial (12/26/06), the San Antonio Express-News stated:

“...In 2002, Swift & Co. settled for \$200,000 a case brought against it by the Justice Department for discrimination against Hispanic job applicants who were required to provide additional proof of legal status.

Ask too many questions, the government sues you. Don't ask enough and the government raids you. Now some of the same labor and Latino groups that applauded the discrimination case are decrying government "terror" tactics against immigrant communities.”

The down side to this strategy is that you would simply force all these workers into an underground society and cause them to work in the shadows without any worker rights or protections. The underground world would be delighted with this outcome, because they would suddenly be provided with a large and willing workforce that they could take advantage of by paying them lower wages, because these workers would then have no real choices.

Now, there is growing evidence that increased enforcement by the United States has also increased the use of smugglers and human traffickers. On December 30, 2006, the Associated Press reported

“AP’s examination of the sweeping data found the use of smugglers on the rise among those surveyed. The interviewees were border crossers who returned to Mexico within three years or were caught and kicked out by the Border Patrol.

About half of those surveyed in 2005 said they had hired a smuggler. That compared to about 1 in 3 in 2004 and just 1 in 6 in 2000.

The actual percentage of illegal immigrants who hire smugglers may be even higher than what the AP analysis found. That’s because people may hesitate to admit they hired someone to commit a crime. And the survey excludes those who made it across and remain in the United States - a successful crossing often depends on the expertise of a hired guide.”

Complicating the situation is the fact that there is no tried and true method to verify citizenship. In many cases, U.S. citizens are denied employment because the government’s databases are unreliable, inaccurate, out-of-date and incomplete. If there is no valid system that gives 99-percent assurance of being correct, and that is fast, accurate and efficient, how can an employer be held responsible?

Returning to their home country is really not much of a choice because job opportunities are few and far between. Even if they do find work, it will take them one week, in Mexico for example, to earn what they can earn in a single day in the United States. Therefore, they have very little incentive to return home. This also puts in harms way all the native-born children of these illegal immigrants, forcing them to likewise live in the shadows.

Returning to their country of origin in most cases is not a real choice because jobs are not available or if there is a job it is at such low wages, no one wants to return to a life of abject poverty. That’s why they fled in the first place.

This is a terrible choice.

Furthermore, this plan fails to recognize the workforce needs of the businesses that are being penalized. From where will replacement workers come? In the case of Crider Poultry in Stillmore, Georgia, convicted felons are being bused in because the company lost half their workforce from raids, workers who fled, and others who quit.

Many employers will be forced to fight for the small pool of available native workers by bidding up wages, and in many cases doing without, because they will be unable to find workers. That will have significant and long lasting consequences for our economy, including stagnation at some point because as our population continues to age, the baby boomers retire and our native fertility rates decline, we will increasingly run short of willing and able workers.

Ironically, an unintended consequence of this tight labor market is that it will likely force many companies to outsource their jobs in order to grow their business. Many who have no choice will suffer extreme hardship in terms of accomplishing their business goals. The hotel, food service and agricultural industries are just a few that will suffer as a result of their inability to find workers in such a tight labor market.

Another unintended consequence of this action -- wages will be forced up too quickly and as a result, create an inflationary environment, because these wage increases will need to be passed on. This will cause a ripple effect in the economy. Who knows where this will end, how long it will last, and what the total damage will be to the economy as a result from this error? Anyone doubting this result only needs to look at the USA's very low unemployment rate to understand the need to retain these workers.

Congress has attempted to deal with the immigration issue through a variety of bills and suggested proposals. None of the bills debated by Congress or passed by Congress attempted to solve the biggest problem facing this country: Where are the workers of tomorrow going to come from and will our immigration policy satisfy our labor needs?

While the Senate bill was much more practical, it still failed to set the immigration quotas high enough to solve the demographic problems we face in future years with a declining population of native-born workers. Secondly, the proposed three-tiered approach based on time spent in the United States is an arbitrary benchmark, not one based on our workforce needs, and it only addressed part of the problem. Deporting those who have been here for two years or less is more likely to keep those workers in the shadows, rather than cause them to raise their hands and self-identify for deportation.

Solutions

Real immigration reform will require measures to secure the border, deal with the 12 million who are here illegally and create a guest worker program that allows a track to earned citizenship, which will continue to drive our economy.

We must deal with ALL the people that are here because that is where the challenge lies. We can not have half-solutions. If our ultimate goal is to know who is in this country then we must successfully bring them out of the shadows. In order to accomplish this with the existing population, we must provide them a path to residency and citizenship. They should be required to register, maintain employment, prove they are filing tax returns and obeying the law, avoid our welfare system, and stay crime-free over the course of the application process.

Regarding the future flow of immigrants, we need to raise the quotas to match this country's workforce needs and revise that figure annually. Perhaps the Federal Reserve Bank or the U.S. Department of Labor could provide such estimates. Workers would enter under a guest worker program and if, say, after 5 years, they can show all the attributes of good citizenship as has been described, allow them to apply for citizenship. If they prefer not to apply, allow them to continue working as a guest worker for another 5 years and then be asked to apply again or return to their home country. Some fashion of this plan will work.

This type of process should drop illegal entries to more of a flow than a flood. We can then use our border control resources where they are needed most - on the criminal element and on those that mean us harm. This way, we will be more likely to apprehend marginal folks instead of the next generation of busboys, waiters and roofers. If we catch workers, we should lead them to the guest worker program and encourage them to apply legally. Many small details would need to be worked out, but this would be the overall plan.

Labor Supply and Demand

We have been and always will be a welcoming society. We are known as the land of opportunity, a nation founded by immigrants. So, when did the word "alien" come to represent the immigrants of today? They are simply another group of hard-working people who seek to better themselves and their families by chasing the American Dream. No, they are not the European immigrants of the past, but they are likewise immigrants just as our country's founders- or- just as our ancestors.

The American Dream has always been rooted in the notion that if you worked hard, opportunities would follow. E-Bay, Intel and Google are all companies founded by immigrants.

Unfortunately, the word "immigration" has now been tied to the words "illegal" and "aliens," lost in the shuffle is what I believe to be at the root of this problem: You cannot solve the illegal immigration problem until you solve the "legal" immigration problem.

Boston Globe Columnist Jeff Jacoby recently summed it up this way:

“Our immigration laws are maddening and Byzantine. They are heavily skewed in favor of people related to US citizens -- nearly two-thirds of all legal immigrants qualify to enter the United States because they are the relatives of someone already here. If you were designing an immigration system that would admit people on the basis of whether they seemed likely to become good Americans -- patriotic, hard working, law-abiding, English-speaking -- this is hardly the system you would devise.”

Those who wish to seal the borders have failed to connect the dots between our need for labor, and where we get that steady supply of labor. As a businessman looking to build our nation’s future, I’m deeply concerned about that question.

Most of this debate has been focused on the low-skilled end of the workforce, but we have major problems at the other end as well. Microsoft Chairman Bill Gates has testified before Congress that he has trouble finding and hiring enough highly skilled native-born workers each year. About 40% of our PhD scientists and engineers were born in another country.

We have an arbitrary cap on the number of visas we give to those with PhD’s in Science, Engineering and Technology. We educate the world’s best and brightest at our universities, and when they get their degree and are ready to start work, we show them the door, ask them to leave the United States and somehow seem surprised when they end up starting companies in their home country that compete with the United States.

Other high-tech visa holders who are asked to leave the U.S. often end up contracting with American companies through outsourcing. Most Americans dislike the thought of outsourcing jobs, yet Congress refuses to allow for the importation of workers in adequate numbers to satisfy the need.

We can’t have it both ways. We have a shortage of native-born workers in this country and in order to provide the labor in a growing economy, we must bring in workers or outsource the jobs when there are shortages. Failure to do so will result in companies leaving the United States to go where the labor is, another factor that rings of complaints.

We must deal with legal immigration if we want to avoid the failure of the immigration reforms of the Reagan years. That effort resulted in amnesty for about 2.9 million illegal immigrants, but back then we did not recognize the need to modify our immigration quotas to provide for the shortfall in workers that our economy demands. We need about 600,000 to 700,000 more immigrants than the quotas allow. That is almost exactly the estimate of annual illegal immigration to

this country seeking to fill these jobs. Illegal immigration is driven by job demand, as reflected by the migration patterns identified by the Pew Hispanic Center. We must understand and face that fact if we want to reduce illegal immigration.

What business can function without workers? Any effort to deport migrants after any arbitrary time period will cause massive disruptions to business, rattle our financial markets, and create major shortages of goods and services. Why would someone want to hire and train a worker only to see them forced to leave?

Furthermore, attempts to push onto the backs of business by law enforcement imposing strict employer sanctions and penalties will only make the problem worse. These people are not going home. You will simply drive them into the underground economy and demonize an entire group of workers causing them to live permanently in the shadows.

Florida and Texas citrus & vegetable growers are reporting difficulty in finding enough workers to harvest their crops. While no immigration bill has passed, the tone of the debate is sending many workers underground again. This has the potential for lost retail sales, lost tax revenue, lost wages and in some cases, lost market share that might never be regained.

Furthermore, a tight labor market will drive wage rates higher and create more demand for low-skilled workers. The resulting competitive pressure between the private sector and our armed forces will make it more difficult for the U.S. Military to maintain their recruiting efforts.

Across Texas, cities like San Antonio, Dallas and Houston are facing manpower shortages as positions in law enforcement go unfilled. Police officials in those cities cite the perfect storm of baby-boom retirements combined with a younger generation that is shying away from police work.

At a time when our armed services and the National Guard are stretched thin, a tighter labor market and competition from the private sector could increase the likelihood of the reinstatement of the draft. An enforcement-only approach that limits migration in the name of homeland security could very well be what poses the greatest threat to our volunteer military.

Border Concerns

In most public policy debates, there is agreement on the problem and the argument is over the solution. However, on this issue, Congress is so focused on the immigration problem on the southern border they are ignoring the gaping holes on the northern border that pose the largest security threat to this country since 9/11.

The fact is Mexicans and Canadians are not treated equally and neither are their borders. Not from an immigration standpoint, nor a security standpoint.

To give you more perspective on the disparity of border enforcement, there are 1,000 border patrol agents that guard the 4,000 mile Canadian border. Compare that to the 10,000 agents that guard the 2,000 mile Mexican border. If this truly is about terrorism and security, then why aren't we treating both borders equally?

Common sense tells you that 4,000 miles of border creates more exposure to security threats than 2,000 miles of border. Furthermore, no terrorists to date have been found on the Southern border. However, the "would-be" millennium bomber was stopped on the Canadian border, and the 2006 arrests of 17 terrorists in Canada continue to underscore the security threat on the northern border.

The State Department has determined that Canada's disagreement with the United States over the war in Iraq is causing them to limit the intelligence they share with the United States, while Mexico has cooperated completely and implemented virtually all of the suggested changes and procedures recommended by the U.S. government.

Why then does the southern border continue to get the lion's share of the resources when both borders should be treated equally from a security standpoint?

Now we have several thousand National Guard troops deployed on the southern border.

We are told that National Guard troops are being sent as place holders – because it takes about two years to recruit, train and deploy new inspectors. Making the problem more difficult is the recruiting process. Now that we have exhausted our local recruits, we have new agents coming in from different parts of the country that are experiencing culture and climate shock when they find out how different the southern border is from the rest of the nation. These agents are just not as effective and tend to stay shorter periods on the job.

Those who fail to learn their history are doomed to repeat it. So let's take a look at our history of enforcement on the southern border.

Since 1993 on our southern border, we have had:

- Operation Blockade,
- Operation Hold-the-Line,
- Operation Gatekeeper,
- Operation Safeguard,
- Operation Rio Grande
- Operation Triple Strike
- Operation Return to Sender
- Operation Jump Start
- Operation Full Court Press

Not to mention the wars on crime, drugs and terror and our own Texas initiatives - Operations Linebacker and Wrangler.

Yet, we have failed to stop the inflow of illegal immigration, as well as drugs.

Between 1986 and 2002, your federal government:

- Increased the Border Patrol's budget by a factor of ten.
- Tripled the number of Border Patrol agents, and,
- Spent eight times as many hours patrolling the border.

What was the real result of all this border enforcement build-up?

- the undocumented population doubled,
- the death rate for border crossings tripled,
- the probability of apprehension dropped significantly,
- and, the per-apprehension cost rose by 476-percent

On May 18, 2006, Eric Lipton wrote in the New York Times:

"It is a humbling acknowledgment that despite more than a decade of initiatives with macho sounding names, like Operation Hold the Line in El Paso or Operation Gate Keeper in San Diego, the federal government has repeatedly failed on its own to gain control of the land borders."

The problem with our government's approach is that it has been and remains both tactically and strategically off course. Tactics do you no good unless they support an overall strategy.

Are we trying to secure our borders from terrorists or from those who want to enter our country to find employment?

Findings from polling data and exit polls show that nearly two-thirds of Americans support a guest worker program – this according to a variety of non-partisan polls taken immediately after the November 2006 general elections.

That's contrary to what many Republicans in the House of Representatives would have you believe. It's very disheartening to see the party of business – the party of economic growth, the party of free trade and open markets, become so misguided on this issue. We are witnessing an inherent failure to appreciate how business works, the need to honor the relationship between employer and employee, and acknowledge the value that immigrants add to our quality of life.

The melon you eat for breakfast was picked by immigrant labor. The freshly manicured lawns we admire, the ironed shirts we wear, and the bathing and caring of our elderly parents, the food we eat, the offices we work in, the houses we live in, and the services we receive in hotels – all are performed by the hands and hearts of immigrant workers.

No economy grows without workers to support that growth.

Currently, our national unemployment rate is 4.5-percent, according to the U.S. Department of Labor. For all practical purposes, we are at full employment in this country and that includes all of the employed unauthorized workers.

America's growing demand for labor comes at a time when the domestic supply of willing and available workers continues to decline.

The baby boomers are on the leading edge of retirement. It is estimated that 82 million baby boomers will be replaced by 67 million new workers, resulting in a shortage of 15 million workers. At the same time, the U.S. fertility rate is projected to fall below “replacement” level by 2015.

In a report released recently to Congress², The Congressional Budget Office said:

“Unless native fertility rates increase, it is likely that most of the growth in the U.S. labor force will come from immigration by the middle of the century.”

European fertility rates have been steadily falling for the past two decades. In countries like Spain and Italy, one-child families are getting closer to being the norm³.

² The Role of Immigrants in the U.S. Labor Market, November 2005.
<http://www.cbo.gov/ftpdocs/68xx/doc6853/11-10-Immigration.pdf>

³ Persistent Drop in Fertility Rates Reshapes Europe, by Frank Bruni, New York Times, 12/26/2002

That means the growth of our labor force is going to come from immigrants, and the children of immigrants from this hemisphere. We must understand without these immigrants our economy will stall because you must have workers to grow.

Meanwhile, here in this country, we are struggling with a group of immigrants whose greatest crime is their desire and willingness to iron our shirts, mow our lawns, build our houses and offices, cook our food, wash our dishes and care for our children.

The Indigenous Population

Mexico once occupied part or all of nine southern and western U.S. States. Therefore, it comes as no surprise that while the United States will celebrate its' 230th anniversary in 2007, Hispanic dominant cities like Laredo are celebrating their 252nd, and San Antonio their 276th. Hispanics are the indigenous population in a very large part of this nation.

There are those who just don't want Hispanics in America, and they are using the concerns for national security to drive their agenda. They have taken that agenda and used it to try to seal-off this nation from the immigrants that have made the United States the envy of the free world. We now call them "aliens" as if they were from Mars.

What we are seeing across this country is a failure of leadership. The American public is distressed over the situation in Iraq. They are distrustful of Congress, and they see right through those who pander on the immigration issue for perceived political gain and who offer no solutions.

Cross Border Trade

There is more to this issue than illegal immigration. Mexico is Texas's leading trade partner and the second leading trade partner of the United States. This is about business with neighbors and the globalization of business. The three countries that make up NAFTA - the US, Mexico and Canada - have a combined population of 425 million, total output of more than \$13 trillion and regional trade of \$700 billion in goods and services. We seek to globalize business relationships through trade agreements, but we want to separate the people who do the work.

We also can not allow our fixation for national security to drive away legal visitors. Our militant attitude at the border is ruining our image around the world among legitimate travelers.

According to a new survey by the Discover America Partnership, the U.S. entry process is considered the “world’s worst” by travelers and is turning away foreign business and leisure travelers from visiting the United States⁴.

That’s why we need a broad-based policy that focuses on legal immigration as much as illegal immigration. We need to ensure that those who want to enter our country to spend money can continue to do so with relative ease so that we can continue the dream of NAFTA.

Technology Alone Won’t Secure the Border

However, I worry about where the administration and specifically the Department of Homeland Security are headed in terms of border security all in the name of protecting us from terrorism. The government has tried to seal off the border, but has failed.

In response to the administration’s love fest with high-tech equipment to do the job, the head of a defense think tank was recently quoted in the Washington Post stating:

“If the military could seal a 6,000 mile border for \$2 billion dollars, Iraq’s borders would have been sealed two years ago⁵.”

So, let’s take a quick look at the government’s track record with technology.

Since 1998, The Department of Homeland Security’s two failed technology programs have cost taxpayers \$429 million dollars. Half of the video surveillance cameras purchased for the border were never installed.

According to the Homeland Security’s Office of Inspector General, the Remote Surveillance Cameras are only operational where electric power is available.

And just recently, the Washington Post issued this finding:

“In Arizona, (Border Patrol) agents say cameras are mainly limited to populated areas because other parts of the border, where most illegal crossings occur, do not have electricity, and solar-powered cameras don’t work⁵.”

⁴ <http://www.poweroftravel.org/release-11-20-06.aspx>

⁵ Technology Has Uneven Record on Securing Border, by Spencer S. Hsu and John Pomfret, Washington Post, 5/21/2006

So, while half the cameras didn't work, it appears the others are in areas where there are few or no illegal crossings.

There are 11,000 sensors located on both the northern and southern borders.

Again, the DHS Inspector General found the following:

- 60-percent of sensor alerts are never investigated;
- 90-percent of the rest are false alarms because they cannot distinguish between a human, a deer, or inclement weather causing the sensor's to go off; and,
- Only 1-percent of sensor alerts resulted in apprehensions

The Department of Homeland Security also had in its arsenal, an unmanned aerial vehicle. When Secretary Chertoff announced the Secure Border Initiative, he said the Predator Drone would help secure the southern border.

After 7 months in operation, this \$14 million piece of machinery crashed in the Arizona desert.

Another tool in the arsenal is the Tethered Aerostat Radar. Used by Customs for the War on Drugs, this blimp comes in three sizes, the smallest of which is twice the size of a Goodyear Blimp. Unable to operate in high winds, it had so many production problems that the government cancelled the contract with the vendor.

Faced with their failed policies of the past, the Department of Homeland Security is now turning to military contractors for help. Another tool they are considering is the Global Hawk unmanned aerial vehicle built by Northrop Grumman. The Global Hawk has the same wingspan as a Boeing 737.

In a New York Times article (5/18/06) entitled "Seeking to Control Borders, Bush Turns to Big Military Contractors," Eric Lipton writes:

"Through its Secure Border Initiative, the Bush Administration intends to not simply buy an amalgam of high-tech equipment to help patrol its borders - a tactic it has already tried, at a cost of hundreds of millions of dollars, with extremely limited success, it is also asking the contractors to devise and build a whole new border strategy that ties together the personnel, technology and physical barriers."

In many ways, having the federal government turn to the military contractors for help is reminiscent of the very thing President Dwight D. Eisenhower warned the American people about in his final address to the nation – just days before leaving office in 1961:

"In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

"We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together."

Here is the error of just throwing technology at a problem without thinking it through.

The Inspector General of the Department of Homeland Security has said that despite the fact the Department of Homeland Security has authorized UAV's for operational use....

"The Federal Aviation Administration limits the use of UAV's in the National Airspace System because they do not possess an acceptable 'detect, sense and avoid' capability. According to an FAA official, an acceptable solution to this limitation is still ten years away."

Unfortunately, the Department of Homeland Security doesn't want to be confused with the facts. None of this stuff really works and costs hundreds of millions of dollars, but apparently our government believes the American people will feel good knowing we are spending huge amounts on this high tech gadgetry.

ACCELERATED RESPONSE SYSTEM

No matter how much technology we have available, it still takes boots on the ground to apprehend illegal immigrants. Despite having 10,000 Border Patrol agents along our southern border, response times vary to calls made by private citizens. In many cases, the illegal immigrants have fled by the time agents arrive on the scene. That's why we must consider a new civic-focused, accelerated response system.

Throughout our history, we have relied on the patriotic duties and civic responsibilities of our citizenry to help our country when we needed it most. From the Revolutionary War to the Great Depression, and from World War II to 9/11, American citizens have been willing to do what it takes to remain safe. Since the Texas/Mexico border is made up of populated municipalities and privately owned land, citizens need to be engaged as an extra set of eyes and ears for local, state and national law enforcement agencies; however, the federal government must be willing to do its share as well.

As we dial 911 for police, fire or an ambulance, we should implement a new Accelerated Response System that will allow Border Patrol agents the ability to respond with the same sense of speed, urgency and accuracy as local police and fire departments do to a call made through the 911 system.

Two things must be set into motion to make this work. First, local citizens, civic leaders, farmers and ranchers, and border communities must know how the system works. A three digit phone number should be created ending in “11” similar to 911 for emergencies, 411 for directory assistance and in some cities, 311 for city services.

Second, the Department of Homeland Security must increase their response rates to be on par with local police, fire and emergency personnel. The failure to respond quickly only encourages more illegal entries. Also, Border Patrol should seek the voluntary compliance of private property owners in identifying their houses, ranches and access points through the use of GPS technology. That way, when a private citizen living in a remote area calls the Accelerated Response System and identifies himself/herself, law enforcement personnel will know exactly where that person is and which roads or ranch gates to use to access the property.

Private citizens are willing to come to the aid of their government, but their government must be able to tap into their sense of civic duty and patriotism.

US-VISIT

Two years and hundreds of millions of dollars later, the Homeland Security Department conceded in December 2006 that they lacked the financing and technology to develop and implement a system to determine when foreign visitors leave the country. While DHS has implemented the entry portion of the U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) program, they have not found an accurate way to track visitors when they leave the United States.

The Alliance for Security and Trade (AST) welcomed the announcement from the federal government that DHS postpone the implementation of the exit portion of the US-VISIT program for now. In 2004, AST brought to light the flaws in the proposed exit portion of US-VISIT. At that time, AST charged that using the proposed technology would only reflect that the travel documents had left the country, but not necessarily the visiting foreigner to whom they belonged.

We said then as we say now, an overdependence on technology for all of our solutions only results in a false sense of security. You would have greater success handing the visitors an envelope and stamp to mail in their I-94 visas than relying on unproven technology. It's not easy in a post 9/11 world to admit we can't solve everything. We applaud DHS for going public with this news – we only wish they had done so sooner. If they would commit to working with local stakeholders, better solutions could be obtained.

In their December 2006 report to Congress, *BORDER SECURITY: US-VISIT Program Faces Strategic, Operational and Technological Challenges at Land Ports of Entry*, the Government Accountability Office (GAO) stated the administration estimates it would take five to ten years to create the appropriate technology to cost-effectively implement the exit portion of the US-VISIT system. The report also said that developing the program with existing technology would be prohibitively expensive, far exceeding the \$1.7 billion that has already been appropriated for the program.

Additional costs would not only be incurred with the technology, but implementing the program would also require new employees, buildings and roads at border crossings and would likely obstruct the vital flow of travel and commerce across the border. The GAO further reported that an attempt by the Homeland Security Department to use less expensive Radio Frequency Identification technology was determined to be unreliable due to high failure rates.

The bottom line to all of this is it doesn't matter how much technology we use, it still takes boots on the ground to apprehend suspects of immigration or security violations. Unfortunately, this has not worked either because our land borders and sea coasts are too vast and impossible to control.

Instead of relying on high-tech inefficiency, we should utilize the natural barrier of the Rio Grande in Texas to our advantage. In many border communities along the Texas / Mexico border, there is vegetation that grows tall, pollutes the river and serves as a hiding place for illegal immigrants. Rather than putting up a fence or wall, our first priority should be to remove the harmful vegetation, much of which is non-native and invasive. Doing so would provide border patrol agents with a clear line of sight, make them less vulnerable to attack and improve visibility for remote cameras and unmanned aerial vehicles.

Furthermore, a roadway could be built along the banks of the river to provide border patrol agents the access and mobility they need to do their jobs. This approach, along with a virtual border, would accomplish more than a physical fence, and at a much lower cost. This is a realistic solution that will produce realistic results.

In this document, we present numerous reasons why a fence on the southern border doesn't work. In their December 12, 2006 report to Congress, *BORDER SECURITY: Barriers Along the U.S. International Border*, the Congressional Research Service gives an additional reason – the astronomical cost -- nearly \$60 billion dollars – almost ten times original estimates. Furthermore, the estimate does not include the cost of land acquisition or construction labor which could be significant expenses if private contractors are used. The final segments of the San Diego fence are running as high as \$21 million per mile, compared to \$3 million per mile for the first 9 miles.

Texas is unique in the fact that, unlike other states on the southern border, the Rio Grande serves as the primary dividing line between Texas and Mexico. But more importantly, the Rio Grande is an “Artery of Life” to our people, business and industry and our way of life. While we support the need for security measures, the steps we take must be well thought out, so that we don't do harm to ourselves in the process.

Unlike other border states, the majority of the land along the Texas border is held by either private property owners, or by those municipalities that sit on or near the border. Any effort to wall or fence the river would severely impede the rights of the private property owners along the border who use the river for irrigation, livestock watering and recreation. Furthermore, it would disrupt the valuable ecosystems along the river, and around Lakes Amistad and Falcon.

Fishing and hunting have been major industries in Texas for many years, and serve as the economic engine for many small communities throughout the year. Additionally, Texas has now become a leader in bird watching – a vibrant industry that attracts tourists from all over the world. Again, a fence would destroy the visual attraction that tourists enjoy, and eventually the revenue that comes from those who traditionally seek out these prime fishing and hunting destinations. The fence would eliminate access to the river, which generates great economic activities for Texas. Are we really intending to wall off Lake Amistad and Falcon Lake?

The Rio Grande is an American Heritage River that is fed by a vast array of streams and tributaries. The AHR Initiative has brought border communities together in conjunction with state and federal government efforts aimed at environmental preservation, natural resource conservation, historical and cultural preservation and economic revitalization. A physical barrier along the Rio Grande would destroy decades of work and progress in these areas.

Currently, the U.S. International Boundary Water Commission is focused on improving water quality standards in the Rio Grande and a physical barrier would disrupt runoff flow and water quality.

Furthermore, the river has changed course and will again. In 1881, the river changed course and added several hundred acres of land that belonged to Mexico and put it in U.S. territory. The official border measurement of the Rio Grande ranges from 889 to 1,248 miles, depending on how the river is measured.⁶ Because it winds and meanders all the way from Brownsville to El Paso, it would require many more land miles of fence than what has been estimated and underscores why a physical barrier such as a fence is neither feasible nor practical along the Rio Grande in Texas.

A Border Perspective

I have lived and worked along the border for 35 years. And I'm very concerned about the direction our country is taking all in the name of terrorism prevention. This debate has fueled a negativism towards the Mexican border like no other time that I have observed. People are actually looking at the Southern Border with great distrust which is driving a level of antagonism that I have never before witnessed.

We say we want to secure our borders from terrorism, yet 90-percent of the attention, focus, money and resources are put on the southern border while some checkpoints on the northern border continue to operate on the honor system. Terrorists will not honor the honor system.

⁶ <http://www.tsha.utexas.edu/handbook/online/articles/RR/rnr5.html>

Our government is out of touch with the American people. There are endless studies that provide a blueprint to success if we would only read and understand the facts.

The American public wants a balance. They want secure borders teamed with a guest worker program that includes a track to citizenship – a track to EARNED citizenship. The public has made the connection between a steady labor force and a growing economy. We need willing workers to keep our economy growing and our nation secure. Remember, without economic security, we have no real security. If we allow our economy to falter, the terrorists win.

Nativism and protectionism do not work in a global economy, so we must therefore ask ourselves this fundamental question: Do we want to only be Americans or do we want to be the strongest, free-country in all of the Americas?

We must understand that a decision we make today will only be understood when we look back a decade or two from now. Let's make the right decision so we can look back with pride on what we accomplished.

Thank you.