



TESTIMONY

Presented by
The Texas Border Coalition
to the

Texas House Committee on Border and Intergovernmental Affairs
81st Texas Legislature

March 9, 2009

Madam Chairman and committee members, I am Chad Foster, the Chairman of the Texas Border Coalition. TBC represents the collective voice of Texas border mayors, county judges, and communities on issues that affect Texas-Mexico board regional quality of life. We support economic development opportunities and sustainable incomes in a healthy and safe environment, the flow of goods and products between Texas and Mexico, and investments and incentives in transportation, immigration, ports of entry, workforce, education, healthcare and other areas vital to the fulfillment of our mission.

TBC appreciates this opportunity to present our views on the policy options to address increasing violence perpetrated by drug trafficking organizations, gangs, and other criminal groups that is threatening citizen security in Mexico. Drug-related violence claimed more than 6,200 lives in Mexico in 2008. In January and February of 2009 alone, 1,113 people were killed. Mexican drug cartels dominate the illicit drug market in most regions of the United States.

OVERVIEW

First, it is important to understand that the situation in Mexico is not, as some have described it, another Iraq. Mexico is a nation three times the size of Texas with a population of a 110 million people. It is the largest Spanish-speaking nation in the world. It has a GDP of just under \$1 trillion.

The partnership between the United States and Mexico is the most important bilateral relationship for each nation. Mexico supplies a third of our imported oil. We account for half of all foreign direct investment in Mexico. Half of all Mexican imports come from the U.S. and 80 percent of Mexico's exports go to the

United States. It is a complex relationship that benefits the people of both nations.

Mexican President Felipe Calderón faces a daunting internal struggle that is both his fight and ours. While he confronts underemployment of 25 percent and high levels of violence, he has staked his leadership on confronting a regional fight to defend both his national integrity and our security. The fight is regional, concentrated in a few parts of Mexico. It is a fight that we share responsibility for: the narcotic trade is fueled by billions of dollars worth of American demand.

To quote General Barry McCaffery on the bottom line in Mexico: “the population is extremely hard working, humble, gracious, spiritually devout, patriotic, and family-oriented. The culture and art are rich and fiercely admired by the people. The senior elite political and military leadership is world class—broadly educated, sophisticated, multi-lingual, and very easy to deal with. At a people-to-people level the affection and cooperation between the Mexican and U.S. populations are unbelievably strong.”

While some academics and government officials warn that Mexico is on the brink of becoming a “failed state,” TBC disagrees with that extreme analysis. President Calderón has noted that his government has “not lost any part of Mexican territory,” and we note that there is no indication that Mexico is falling apart. Rather, we suggest that the Calderón government is engaged in a difficult and critical fight, one that involves the interests of the United States from start to finish and one that we must engage for our national interest. Wringing our hands over “failed states” never solved a problem and this represents a problem that we must solve.

It is also important to understand that the Texas communities on the Mexican border do not have a spillover problem. Today, the violence associated with the drug cartels in Mexico remains in Mexico. By taking appropriate action today and in the future, we can help courageous leaders in Mexico control and defeat the violence and won’t have to deal with it here in the United States. TBC recommends very specific actions to attack the problem in Mexico and actions the United States can take here at home to help Mexico defend herself.

In this vein, let me add that it makes no sense for federal and state officials to be discussing so-called contingencies in public. One, it signals to the drug cartels what they should anticipate future law enforcement actions. Second, it contributes to an atmosphere of fear that is not based in fact but in speculation about the future that has no place in the current discussion. We should face the facts as they confront us and deal with them forthrightly. We should plan for the worst case in the event we should have to deal with that, too, but we should not shout our contingencies from the rooftop.

UNITED STATES RESPONSE

On October 22, 2007, the United States and Mexico announced the Mérida Initiative, a multi-year proposal for \$1.4 billion in U.S. assistance to Mexico and Central America aimed at combating drug trafficking and organized crime. Congress has appropriated about \$870 million for the initiative, of which Mexico received nearly \$650 million.

Senate Homeland Security Committee Chairman Joe Lieberman plans hearings in late March to assess border security programs already in place. TBC recognizes that the Merida Initiative has shortcomings, both in terms of funding levels and inter-governmental and inter-agency coordination. We assert that continued support of President Calderón is essential to winning this battle and have suggested to Congress that increased funding for the Merida Initiative should be part of any fiscal 2010 foreign operations appropriation.

The Merida Initiative is half of the American response and we strongly support it, want it to grow and demand that Obama Administration address and solve the coordination hurdles that have frustrated its implementation.

But it is only half of the solution. The other half -- U.S. policy that has addressed border security with feel-good solutions based more on ideology than on practical experience -- requires immediate review and change. The United States has addressed issues related to border security by erecting a wall along small portions of the border. It is an ineffective \$50 billion wasted effort. Every serious analysis of making a border wall the centerpiece of American border security policy has concluded that any border crosser can go over, under, through or around it. While it feels good for some politicians who like to think that a wall solves all our problems, it is a waste of time, money and effort.

THE NATURE OF THE PROBLEM

While we are tempted by the opportunity to say, "we told you so," that does not solve the problem. It is more important to stress the nature of how illegal drugs enter the United States and use that knowledge to solve it.

Contrary to conventional wisdom, only small portions of illegal drugs enter the United States across the broad expanse of the U.S.-Mexico border. The overwhelming majority of drugs enter the United States through land ports of entry. That shocks many people who have not taken the time to understand the risk-reward ratio that the drug cartels have to consider when smuggling drugs into the United States. The unpredictable nature of smuggling between the ports

of entry makes the risk too high. The ports are predictable, and while they carry some risk, it is lower and more predictable.

Most of the illegal drugs enter the United States by land inside compartments built into passenger cars, SUVs or commercial trucks driven through the ports of entry. Other recent developments reported by officials is an increase in the number of smuggling boats on the Pacific Ocean and tunnels linking buildings on either side of the border.

By the same token, the weapons that arm the drug cartels in Mexico don't cross between the ports, they go right over the bridges. The guns enter Mexico through the "ant trail," the constant flow of small smugglers who slip two or three weapons into Mexico every day. The "ants" -- along with larger smuggling operations -- feed the arms race among the Mexican drug cartels.

This is not a problem that will be solved by erecting a wall or militarizing the border. We suggest that smarter, more effective efforts to secure the border should be taken first to avoid such an extreme policy. We welcome the fact that DHS plans to engage in a serious effort instead of one based on ideological fantasies.

TEXAS BORDER COALITION RECOMMENDED ACTIONS

TBC recommends a series of policies that will help solidify the basis of an effective policy to deal with drug-related violence on the U.S.-Mexico border.

1. Deliver the balance of funds to help the Calderón administration fight the drug lords;
2. Increase U.S. law enforcement efforts to seize shipments of guns and money headed to Mexico;
3. Increase cooperation between U.S. law enforcement officials and their Mexican counterparts;
4. Continue to make the case to Americans that it is drug use in this country that helps keep these ruthless cartels in business.

These four policies are no more than a foundation. TBC also recommends a series of actions to fortify the land ports of entry that are America's front line against illegal drug smuggling.

1. Currently a Z-Port X-ray system is being tested in San Ysidro and is considered safe for the traveling public (it emits about as much radiation as a television). TBC could request Z-Ports for each traveling lane and, while identification is being cleared, the vehicle can be completely X-rayed. The X-ray review can be centrally accomplished using trained

- civilians or examined at a centralized location. For example, x-rays of trucks in Pakistan are reviewed in Washington.
2. Customs and Border Protection needs additional funding for overtime to fund the personnel protecting the United States at the land ports of entry. CBP's funding is based on user fees from cross-border commerce. Lower commerce levels related to the economic turmoil present in the United States and Mexico means fewer users and less funding. TBC recommends that Congress supplement CBP funding with overtime funds, specifically allocated to front line personnel.
 3. Southbound checks for firearms and cash are critical, but without infrastructure money allocated quickly some ports of entry would have a difficult time performing these duties. In the past, CBP was able to allocate overtime funding to local police officers to secure their assistance. These officers were under CBP control and supervision. We support funding for state and local police to provide this sort of needed assistance.
 4. The National Guard has been used to assist in ports of entry for many years in areas not seen by the public like import lots and office areas. We support this sort of assistance to free up more CBP officers to work the front lines. It is important to emphasize that the military lacks jurisdiction under long-standing U.S. policy. In Fact, when the National Guard has been deployed to assist in ports of entry, the deployments have been unarmed.
 5. The shortage of CBP staff is at a critical point, and is crushing morale. Managers need to get out of the office and back on the line. The Secretary should cancel all temporary duty assignments (TDY) to headquarters that are in a permanent rotating status, permanently reassign GS 11's from deskwork to front line work at our ports of entry, and place an immediate moratorium on upper-line promotions to GS 13, 14, 15, in order to stop the shortage of employees.
 6. We also suggest the strategic redeployment of U.S. Border Patrol agents from areas between the ports of entry to the land ports of entry on the U.S.-Mexico border, with appropriate training.
 7. In addition to solve the critical shortage of manpower, the CBP should improve its procedures to assist in making inspections more effective and efficient. The CBP should stop re-inspections based on inaccurate systems and records, such as lost immigration cards, overstays, stolen vehicles, individual record hits with non-extraditable status; increase inspection efficiency and accuracy by having current enforcement teams check persons and vehicles prior to arriving to the primary inspection area; keep front-line personnel where they are needed by fencing, identifying and tracking by code all additional work and employees who work in areas of public traffic inspections; and, maintain the focus of front-line personnel by canceling COMPEX examinations on account of the wasted time and

ineffectiveness of the examinations. The actionable findings created by COMPEX examinations are less than 1 percent of the overall inspections.

We would appreciate the committee's assistance in suggesting that the Secretary of Homeland Security send her staff on surprise visits to ports with no warnings. They should stay for a couple of days to see how things are actually working. There is nothing more conducive to effective reform than actually witnessing the implications of policies designed in Washington on the front lines, in action.

In addition, TBC is building on our success in the stimulus legislation to allocate additional resources to infrastructure and technology at the land ports of entry. We are working to make sure that these successes are the basis for increased funding to finish the job of equipping land ports of entry with the infrastructure, technology and personnel necessary to curtail drug smuggling and facilitate legitimate commerce.

Given that border security is mostly a federal responsibility, TBC believes there is a role for state and local law enforcement to play in cooperation with the Department of Homeland Security. Texas has made substantial investments in programs such as Operation Linebacker and Valley Star. TBC suggests that cooperative state and local enforcement efforts should focus on defusing the arms race by working in coordination with federal officials to intercept illegal arms smuggling from the U.S. to Mexico, curbing criminal activities such as drug trafficking, human smuggling, and transnational gangs, not on local enforcement on Federal immigration laws.

SUMMARY

TBC believes there are policies and programs at the national level in Mexico and the United States, in border states, counties and communities that can and will answer the challenges posed by the increasing violence perpetrated by drug trafficking organizations, gangs, and other criminal groups threatening citizen security in Mexico.

With effective resolve and attention to what works, we can answer the call and strengthen the bonds that unite both nations.