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Mission:

**To make Legislative
recommendations to help
the Texas Border Region
grow and prosper
economically.**



**Testimony of the
Texas Border Coalition
to the**

**Texas Legislature Mexican American Legislative Caucus
November 13, 2008**

Texas Border Coalition Chairman and Mayor of Eagle Pass, Texas Chad Foster

Thank you, Chairman Lucio for affording the Texas Border Coalition this opportunity to present our views on border security and the Texas-Mexico border region. The Texas Border Coalition appreciates your leadership in exploring the issues related to the border wall.

Our panel today includes Laredo Mayor Raul G. Salinas, Brownsville Mayor Pat Ahumada, El Paso County Attorney Jose Rodriguez, and John McClung, President & CEO the Texas Produce Association. We speak today on behalf of 2.1 million Americans in 14 border counties along the 1,250-mile Texas-Mexico border. Ours is a region of contrasts, exhibiting differences and similarities of language, culture, tradition, and economy. The multi-national, multi-cultural nature of our communities on both sides of the international boundary gives our region a distinct sense of place.

I would like to start at the global level: Mexico is the United States' third largest trading partner. Companies from the United States and Mexico did over \$1 billion in business every day in 2007 -- and a large percentage of that business crossed the border in trucks, railroad cars, and through cross-border services. Over the past 10 years, 90 percent of the tourists who visit Mexico have come from the United States, many of whom cross the border every day.

In addition, 13 million Mexicans legally visit the United States as tourists annually, contributing to the over 1 million jobs created in the United States by tourism. Mexico is our largest market for products such as beef, dairy, swine, rice, turkey, apples, soymeal, sorghum and dry beans. Mexico is also our second largest market for corn, pork, poultry meats, soybeans, wheat and pears. Practically speaking, what this means for Eagle Pass, Brownsville, McAllen, Laredo and El Paso -- at almost all of the 38 ports of entry between the U.S. and Mexico -- is long lines of trucks, refrigerated carriers and other vehicles bringing products back and forth across the border.

Through the first six months of this year, the total amount of trade between Texas and Mexico was \$58 billion, not including transshipments – or about 5 percent of the Texas economy. When items such as tourism, retail sales, freight and insurance are included, some economist estimate the number is probably closer to 10 percent of our state’s economy. The Texas and Mexico economies are intertwined and depend on each other.

Locally, before the current downturn in the economy, the Rio Grande Valley was creating jobs at an above-average rate, a trend that dated back to at least 1969. McAllen posted the strongest gains of all the Texas–Mexico border metropolitan areas from 1997 to 2003, with employment growing an average 4.6 percent. Brownsville’s 3.1 percent job growth was nearly twice as fast as Texas’ 1.6 percent. National job creation over this period was 1.2 percent.

The years of strong job growth have whittled away at the Valley’s once-high unemployment rate. McAllen’s jobless rate fell from 25.1 percent in April 1990 to 7.7 percent today. Brownsville’s dropped from 16.1 percent in April 1991 to 7.0 percent.

Retail trade is almost 10 percent of the Valley economy, just about matching the state average. Mexican nationals cross the border to shop year-round. Tourist traffic includes Winter Texans, mostly retirees from the Midwest and Canada who spend several months a year in the Valley, attracted by warm weather and low living costs.

Spending by Mexicans and other visitors makes Valley retailing an important export sector. The percentage of sales to nonresidents averaged about 35 percent in McAllen and 26 percent in Brownsville.

Given the interdependence of the Texas border and Valley economies on the relationship with Mexico, you would anticipate that the U.S. government would have conducted prior to the construction of the border wall. As leaders in the Valley and the State of Texas, we would agree. Sadly, that would not be case.

Texas Border Coalition Member and Mayor of Laredo, Texas Raul G. Salinas

Mr. Chairman, committee members, thank you for this opportunity to testify today.

The border wall has been built on a false premise that one-size fits all. The reality is that Texas is the only state on our countries' southern border with a natural international boundary in the Rio Grande.

The Texas Border Coalition supports smart and effective measures that will achieve true border security, such as the Vega Project in Laredo, the Eagle Pass Park project, the Brownsville Weir and Reservoir project, and the clearing of the banks of the Rio Grande – north and south – of vegetation such as carrizo cane and salt cedar that provide hiding places for illegal border-crossers. We support physical barriers in areas where they make sense and are agreed to by elected county and municipal officials. We support smarter, more effective solutions where fences won't work including radar, cameras, sensors and more effective deployment of Border Patrol agents.

The border wall will cost American taxpayers over \$16 million per mile for some sections, more than \$50 billion in total. That is equal to the entire U.N. budget for combating poverty in Africa, the United Kingdom's annual defense budget and the cost of building the Channel Tunnel connecting Britain and France.

Department of Homeland Security Secretary Michael Chertoff admits that the Border Fence won't work – that illegal crossers will go around, over, through and under it. The fence is more gap than barrier: the fence covers less than 370 of the 1,969 miles of U.S.-Mexican border, less than 1 mile in 5. Arizona landowner Bill Odle has begun collecting ladders used by crossers near his home. His neighbor Glenn Spencer says people on the Mexican side can get on the roof of a pickup truck, climb a few feet over the fence, drop down onto the posts on the U.S. side and then jump down to the ground. Border crossers in New Mexico abandon plasma torches after they cut through the fence. Border Patrol has discovered more than 30 tunnels under the fence. Around, over, through and under: it doesn't work.

At a time when our national government is projected to spend over \$1 trillion more than it has in revenue in the current fiscal year, there is no possible excuse for wasting \$50 billion on a program that we know -- and even its strongest advocates admit -- won't work.

TBC supports smart and effective border security measures. We oppose wasteful, ineffective measures that appear to have no logical basis except politics.

Texas Border Coalition Member and El Paso County Attorney Jose Rodriguez

I appreciate this opportunity to present my views today.

One of the great, untold stories of border security is the success that our nation’s Border Patrol has won without vast technological advancements, but instead with long, hard hours of work. A TBC analysis of the most recent DHS data shows that the number of immigrants illegally crossing the Rio Grande in Texas has declined by more than half over the past four years.

This drastic 56 percent decline in Border Patrol apprehensions has occurred even though very little of the Texas border has a fence; most of the border fencing in the Lone Star State is in El Paso and has been in place for years. In the Border Patrol sector with the greatest amount of fencing, the San Diego sector, apprehensions have actually increased 28 percent over the same period of time, according to the TBC analysis. The Border Patrol generally associates apprehensions with the number immigrants attempting to cross the border illegally.

In San Diego, where the Border Patrol has erected double fences and walls, the number of illegal crossings has consistently gone up. In Texas, where there is hardly any fence, the number of illegal crossings has gone down significantly. In Del Rio, the number of illegal crossings has declined 70 percent. In Texas, we are securing the border with more Border Patrol and smarter enforcement.

Border Patrol Sector apprehensions are detailed in our written testimony.

**Southwest Border Patrol Sector Apprehensions (Source DHS/CBP)
(2008 adjusted to annualize 11 months to 12)**

Fiscal Year	2005	2006	2007	2008	% +/- 2005-2008
San Diego	126,879	142,104	152,460	161,870	+28%
El Paso	122,624	122,256	75,464	31,109	-75%
Marfa	10,532	7,520	5,536	5,539	-47%
Del Rio	68,547	42,636	22,920	21,246	-70%
Laredo	75,268	74,840	56,714	44,590	-41%
Rio Grande Valley	134,136	110,528	73,430	76,544	-43%
Total Texas	411,107	357,780	234,064	179,028	-56%

The evidence is clear that the fence is a waste of taxpayer money and unneeded. Illegal border crossers go around, over, under and through it. Ladders and plasma torches left behind by illegal crossers in Arizona and New Mexico are piling up on the property of residents on the border there. More than 30 tunnels have been discovered in California, Arizona and New Mexico under freshly constructed fencing.

The fencing in these areas has become a political statement meant to give a false sense of border security. As you have heard, TBC recommends a variety of alternative border security initiatives that will deliver real security, are more effective and not a waste like the border fence. We support smart and effective measures that will achieve true border security, such as the Vega Project in Webb County, the Eagle Pass Park project, the Brownsville Weir and Reservoir project, and the clearing of the banks of the Rio Grande – north and south – of vegetation such as carrizo cane and salt cedar that provide hiding places for illegal border-crossers. We support physical barriers in areas where they make sense and are agreed to by elected county and municipal officials. We support smarter, more effective solutions where fences won't work that include radar, cameras, sensors and more effective deployment of Border Patrol personnel.

**Texas Border Coalition Member and President & CEO the Texas Produce Association
John McClung**

Mr. Chairman, members of the committee, my name is John McClung. I am President of the Texas Produce Association, headquartered in Mission, in the Rio Grande Valley. The association represents the interests of growers, shippers, importers, processors and marketers of fresh produce from Texas.

I want to thank you for giving me an opportunity to testify today on a matter that is of real and immediate concern to the fruit and vegetable industry of Texas.

It may be most useful to begin where there appears to be agreement among all parties that have taken an interest in the construction of a wall along the southern levee in the three southmost counties of the Rio Grande Valley. Nobody I have talked to opposes reestablishment of the rule of law at our southern—and northern—borders. Thoughtful observers all recognize the need to secure the borders, prevent the entry of undocumented aliens, and ensure that those who enter mean us no harm and are here for legitimate purposes, including labor in our farm fields.

However, the great majority of the individuals I have met with want this goal achieved in an intelligent and cost effective a fashion. And with few exceptions, they oppose the wall as an inefficient tool for curtailing or even significantly slowing illegal immigration.

The farmers, packers, processors, importers and marketers of fruits and vegetables take particular exception with their virtual exclusion from the Department of Homeland Security's planning process, and vigorously deny claims by that agency that they, as impacted landowners, have been consulted in any meaningful way. I want to emphasize that some of them have talked with Border Patrol agents about the construction of a fence or wall, but in most of those instances, the field level agents they conversed with knew little more, if as much, as they did.

Farmers in the Valley have several practical concerns about the wall, even in areas where no construction is contemplated.

--First, we must have access without artificial impediments to our fields. Every day, farmers and their employees work the land, including the thousands of acres on the highly productive delta south of the levee. In places, the levee is a few yards north of the River, but in others it is a mile or two. Under the federal government's plan that land could be accessed only through gates or other points of entry spaced miles apart along the wall. Such a scheme is wholly inadequate.

--Second, we must have access to the river for irrigation water. In the three lower counties of the Valley, we irrigate virtually exclusively from the River, using pumps along the edge of the river. Those pumps are subject to frequent breakdown, and to clogging from river vegetation. We must be able to approach and repair them day or night.

--Third, should DHS's ill-conceived wall plan fully come to pass, farmland south of the levee would become what many refer to as a "no man's land." Obviously, this land would not be

officially ceded to Mexico, but land values below the wall would certainly plummet, even in those long stretches where there would be no physical barrier along the levee. Farm families that have owned and worked that land for generations would see its worth implode. This is a point that seemingly has escaped many analysts, and I want to make certain I cover it thoroughly here. Many farmers in Cameron, Hidalgo and Starr Counties have never been approached by DHS at any time, while others have been told DHS has no interest in meeting with them because there are no plans by the agency to survey for or build a wall on their property. But if the levee becomes the second southern border, their land will likely not retain its value, and the hard work and pride of generations will be squandered.

--Finally, farmers are practical people of necessity, depending on a good deal of seat-of-the-pants engineering to do their jobs successfully. They look at the tentative wall plans--all tentative wall plans--and conclude the obvious: It won't work. In terms of stopping illegal immigration, it isn't even a good joke. What it will do--all it will do--is allow a small number of misguided ideologues in the U.S. Congress to tell their extremists supporters that they "did something." And that is an absurd reason to spend -- give-or-take -- \$7 to \$16 million a mile in South Texas.

Of late, there has been a good deal of discussion about a "two-for-one" deal in which a wall would be constructed in Hidalgo and possibly Cameron Counties with the paired objectives of preventing illegal immigration and rehabilitating our ailing levees. I want to make the point here that the levee problem is very real, and must be addressed. Further, the levee is owned and operated by the federal government, and should be maintained with federal dollars. But to try to pay for levee rehabilitation with border security dollars is, in my opinion, a deeply troubling way to try to solve unrelated problems. Ironically, this hybrid approach might meet the levee repair requirement in some places, albeit at a ghastly price, but it would no more solve the security problem than any other wall or fence scheme. I asked one of the key engineers working on the design for the combined levee/wall plan how access to land and water would be afforded to farmers, and his response was that they were most likely to build in gates where there are dirt roads crossing the levee. These would have to be extremely large and heavy gates—and therefore very expensive—to accommodate large farm equipment. The farmers would be issued electronic remote controls to open and close the gates.

What a hopeless mess that would be. In the first place, each farmer would require multiple "clickers" to enable his crews to get through the gates. How long does anyone think it would be before a few of them disappeared? Or before the coyotes figured out the frequencies? While it is not my intention to discuss implications for wildlife, I want to add that this same engineer told me the likely plan would include "ports" to allow small animals to pass through. Swell idea. Doggie doors in the security gates. Interesting to see how many skinny illegal immigrants we would catch in the first year.

In my opinion, these are the kinds of unworkable solutions tortured engineers dream up when they have their backs against the wall, literally in this case, and there are no good solutions.

The real fix, we have said many times, is comprehensive immigration reform. It is beyond shameful that the U.S. Congress, when presented with legislation that would have intelligently

and effectively dealt with the key needs of genuine reform, was incapable of acting and fell back on the most foolish, least efficacious arrow in the quiver—a border fence. It is beyond shameful that the Department of Homeland Security and its boss, Secretary Michael Chertoff, have waived the environmental and related laws of the land and pushed ahead with a wall when the Hutchison-Rodriguez amendment to the omnibus funding bill for FY 08 gave them every opportunity to act constructively by setting aside the prescriptive language of the Secure Fence Act of 2006.

At this point, the best we can hope for is that no substantive construction takes place in Texas until the new Administration and the new Congress take office, hopefully with new courage to confront the immigration issue. The farmers and other agricultural interests I represent are a conservative, profoundly patriotic lot. They want what is best for this country. Most of them believe a border wall isn't it.

Thank you very much for permitting me to testify here today.

Texas Border Coalition Member and Mayor of Brownsville Pat Ahumada

Thank you, Chairman Lucio, for hosting this hearing.

Illegal border crossings won't be controlled until the U.S. has a well-run immigration system that expands avenues for legal workers and cracks down on illegal hiring. When immigration is reformed, we won't need a Border Fence, although we will continue to require beefed up Border Patrol and Customs forces to halt illegal drug smuggling. The Border Fence will be torn down.

Stronger enforcement won't finish the job. Economics will provide incentives for illegal activity unless incentives are adjusted. Deportation threats will send more undocumented into hiding. The side effects of enforcement only erodes support over time: lost business, declining populations, workers thrown in jail, families divided and citizens feeling the sense of siege.

We need legal immigration reform to: effectively seal the border; to know who is here; to make sure aliens pay taxes; to keep 8 million American jobs and the economy growing; and to provide aliens incentives to return to their home country.

We are winning control of the border between the ports of entry, and that puts our ports under greater stress. According to the Government Accountability Office, we need 4,000 new officers to secure the ports of entry. We need \$4 billion in infrastructure and technology. TBC has been working with Congress to achieve these goals, but given current budget restraints, the effort will require several years.

Several lawsuits are still pending against land acquisition and consultation violations. So far, the record on lawsuits against the wall has not inspired great confidence that the courts will grant us relief.

We are working hard to try to get the DHS to walk the line where the fence will go in order to solve technical problems. For example, on a recent line walk in Eagle Pass, the DHS discovered significant flaws in their plan because they had not considered impacts on the local water works. We are trying to identify similar problems, but the DHS has objected to including landowners in the effort. While the DHS sometimes dumbfounds us, we continue to try to work them to solve these problems.

All of the members of the TBC would welcome your questions.

Thank you again on behalf of the Texas Border Coalition.