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# IMPROVING SECURITY AND FACILITATING COMMERCE AT THE SOUTHERN BORDER

## HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

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# IMPROVING SECURITY AND FACILITATING COMMERCE AT THE SOUTHERN BORDER

**FRIDAY, FEBRUARY 22, 2002**

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES,
COMMITTEE ON GOVERNMENT REFORM,
*Sierra Vista, AZ.*

The subcommittee met, pursuant to notice, at 9 a.m., in the Performing Arts Center, Buena High School, 525 Buena School Boulevard, Sierra Vista, AZ, Hon. Mark E. Souder, (chairman of the committee) presiding.

Present: Representative Souder.

Also present: Representatives Shadegg and Kolbe.

Staff present: Chris Donesa, staff director; Nicholas Coleman and Kevin Long, professional staff members; and Conn Carroll, clerk.

Mr. SOUDER. Good morning. If everybody could take their seats and we can start. The subcommittee hearing will now come to order. Good morning and thank you all for coming.

Today our subcommittee will explore the status of the border crossings in the Southeast Arizona region. Since last summer, this subcommittee has been considering ways to improve the both the security of our Nation's borders, and the efficient flow of international commerce, travel, and tourism.

Continuing problems with illegal immigration and smuggling of drugs, and other contraband, over the Southern and Northern borders have also prompted calls to hire more Federal law enforcement officers, and to expand the physical and technological infrastructure needed to allow those officers to work effectively.

The attacks of September 11th and their aftermath have emphasized the urgency of dealing with the terrorist threat, as well as the problems of narcotics interdiction and illegal immigration.

At the same time continued delays at some border crossings, and a reduction in commercial and commuter traffic from the pre-security measurements put in place after September 11th have raised concerns about the effect of these policies on trade, tourism, and travel.

Congress has provided strong short term support, and is considering numerous proposals to deal with these problems over the long term. In its recent budget, President Bush put forth a plan to significantly increase the personnel and resources at the borders and ports of entry.

Our subcommittee is supportive of these efforts and we are open to exploring all of the various proposals. However, finding and im-

plementing solutions is much more difficult than simply identifying the problems.

It is important that Congress have a thorough understanding of how quickly border security agencies can meet the new requirements, and what the impact on the new emphasis on anti-terrorism will be on personnel and resource decisions at each of these agencies.

And in a rush to protect our Nation's borders from terrorists, we must not hamper our ability to protect citizens from other dangers. This hearing is the sixth in a series of field hearings, which we have held at border crossings and ports of entry throughout the United States.

We have already held three hearings on the Northern border, a hearing in San Diego, and one at the Ports of Los Angeles and Long Beach, CA. At each location, this subcommittee is assessing the problems facing Federal agencies, local lawmakers, and community and business leaders with respect to border policy.

We will focus on what new resources are needed for the Federal Government to most effectively administer the border crossing, as well as what new policies could be pursued to ease the burden placed on commerce, travel, and tourism.

We will also explore how the new emphasis on preventing terrorism may affect the ability of these agencies to carry out their other vital missions. These issues are all very important and extremely urgent, and I look forward to hearing from our witnesses today about ways to address them.

We have invited representatives of agencies primarily responsible for protecting our borders of this region, namely the U.S. Customs Services, and U.S. Border Patrol, Immigration and Naturalization Service, to testify here today.

The subcommittee is vitally interested in ensuring the effective functioning of these agencies, and we will continue to work with them and their staff to ensure the continued security and effective administration of our Nation's borders.

We welcome Ms. Donna De La Torre, the Director of Field Operations at the Arizona Customs Management Center; and Mr. David Aguilar, Chief Patrol Agent of the U.S. Border Patrol's Tucson Sector.

When examining border policies, we must of course also seek the input of representatives of the local community whose livelihood is directly affected by changes at the border.

We therefore welcome the Honorable Ray Borane, mayor of the city of Douglas, AZ; the Honorable Chris M. Roll, Cochise County; the Honorable Larry Dever, sheriff of Cochise County.

And Mr. Harlan Capin, president of Nogales Alliance and Port of the Future; and Mr. James J. Dickson, administrator/CEO of Copper Queen Community Hospital. We thank everyone for taking time this afternoon to join us for this important discussion. I would now like to recognize Mr. Kolbe for any opening statement that he would like to make.

[The prepared statement of Hon. Mark E. Souder follows:]

Opening Statement
Chairman Mark Souder

"Improving Security and Facilitating Commerce at the Southern Border: Field Hearing at Sierra Vista, Arizona"

Subcommittee on Criminal Justice, Drug Policy, and Human Resources
Committee on Government Reform

February 22, 2002

Good morning and thank you all for coming. Today our Subcommittee will explore the status of the border crossings in the southeastern Arizona region. Since last summer, this Subcommittee has been considering ways to improve both the security of our nation's borders and the efficient flow of international commerce, travel and tourism. Continuing problems with illegal immigration and the smuggling of drugs and other contraband over the Southern and Northern borders have also prompted calls to hire more federal law enforcement officers and to expand the physical and technological infrastructure needed to allow those officers to work effectively.

The attacks of September 11 and their aftermath have emphasized the urgency of dealing with the terrorist threat as well as the problems of narcotics interdiction and illegal immigration. At the same time, continued delays at some border crossings and a reduction in commercial and commuter traffic from the increased security measures put in place after September 11 have raised concerns about the effect of these policies on trade, tourism and travel. Congress has provided strong short-term support and is considering numerous proposals to deal with these problems over the long-term. In his recent budget, President Bush put forth a plan to significantly increase the personnel and resources at the borders and ports of entry. Our Subcommittee is supportive of these efforts, and we are open to exploring all of the various proposals. However, finding and implementing solutions is much more difficult than simply identifying problems. It is important that Congress have a thorough understanding of

how quickly border security agencies can meet new requirements, and what the impact of the new emphasis on anti-terrorism will be on personnel and resource decisions at each of these agencies. In the rush to protect our nation's borders from terrorists, we must not hamper our ability to protect citizens from other dangers.

This hearing is the sixth in a series of field hearings which we have held at border crossings and ports of entry throughout the United States. We have already held three hearings on the Northern Border, a hearing at San Diego, and one at the ports of Los Angeles and Long Beach, California. At each location, this Subcommittee is assessing the problems facing federal agencies, local lawmakers, and community and business leaders with respect to border policy. We will focus on what new resources are needed for the federal government most effectively to administer the border crossing, as well as what new policies could be pursued to ease the burdens being placed on commerce, travel and tourism. We will also explore how the new emphasis on preventing terrorism may affect the ability of these agencies to carry out their other vital missions.

These issues are all very important and extremely urgent, and I look forward to hearing from our witnesses today about ways to address them. We have invited representatives of the agencies primarily responsible for protecting our borders in this region, namely the U.S. Customs Service and the U.S. Border Patrol -- Immigration and Naturalization Service, to testify here today. The Subcommittee is vitally interested in ensuring the effective functioning of these agencies, and we will continue to work with them and their staff to ensure the continued security and effective administration of our nation's borders. We welcome Ms. Donna De La Torre, Director of Field Operations at the Arizona Customs Management Center; and Mr. David Aguilar, Chief Patrol Agent of the U.S. Border Patrol's Tucson Sector.

When examining border policies, we must of course also seek the input of representatives of the local community whose livelihood is directly affected by changes at the border. We therefore welcome the Honorable Ray Borane, Mayor of the City of Douglas, Arizona; the Honorable Chris M. Roll, Cochise County Attorney; the Honorable Larry Dever, Sheriff of Cochise County; Mr. Harlan Capin, President of Nogales Alliance and Port of the Future; and Mr. James J. Dickson, Administrator/CEO of Copper

Queen Community Hospital. We thank everyone for taking the time this afternoon to join us for this important discussion.

Mr. KOLBE. Thank you very much, Chairman Souder, and I really appreciate your willingness to come this distance and hold this hearing. I know that you had to make some significant changes to your schedule, and I am very grateful to you. This is a very important hearing for us.

We want to welcome you to the desert of Southeastern Arizona. You probably don't see quite as many scorpions and saguaro cactus back in Indiana as you do out here, but we are delighted to have you here, and wish you could stay for some of the open and some of the great weather that we have got here.

I also want to welcome those that are going to be participating here this morning, and on the second panel we are going to have Mayor Borane, Sheriff Dever, County Attorney Chris Roll.

You will be hearing from Jim Dickson, from the Copper Queen Hospital, and Harlan Capin, President of the Nogales Alliance, Port of the Future. And of course here on this first panel, we have the representatives from the U.S. Customs Service, and the Border Patrol.

And to all of them I say welcome. Our border must be managed to stop the flow of illegal and dangerous activity into the United States. The Border Patrol and the Customs Service are two important Homeland Security Agencies, but the military is also appropriately involved in this.

We all know that the military continues to help out on the border, effectively providing radar systems and aerial reconnaissance, air and ground transportation, communications, intelligence, photography, video, and technology support.

In fact, I support efforts to enhance the military's presence on the border, especially using our national guard to help secure our border and to relieve the agents of other duties.

However, this does not mean that we should put up a wall, or turn our border into a demilitarized region, like the Korean Demilitarized Zone. We are not at war with Mexico. Mexico is a friend, and it is a neighbor.

We have to find ways to allow people and commerce to cross the border, while at the same time blocking illegal immigration, drug smuggling, people smuggling, and the smuggling of other contraband, such as weapons.

We have to manage, and we have to control our border, and not shut it down, and certainly not leave it unattended. One issue that is very important in this region, Mr. Chairman, is the illegal immigration problem.

In Arizona, we have been a victim of an INS decision that was made some time ago to selectively harden the border in parts of Texas and California, which has had the result of funneling the illegal immigration into the more rural parts of Arizona.

And we are feeling the heavy burden of this policy. On August 2, 2001, the General Accounting Office released a report called the "INS Southwest Border Strategy: Resource and Impact Issues Remain after Seven Years." That is the title of the report.

And it confirms this in part, quoting just one paragraph from that GAO report, which says,

> The primary discernable effect of the INS strategy, based on INS apprehension statistics, appears to be the shifting of the illegal alien traffic.

Between 1998 and 2000, apprehensions declined in three border patrol sectors: San Diego, CA; El Paso, and McAllen, TX. But increased in five of the other six Southwest border sectors.

The extent to which INS border control efforts may have affected overall illegal entry along the Southwest border remains unclear, however.

Lack of resources for the INS is not the problem. As a member of the Appropriations Subcommittee which funds the INS, I had watched as Congress since 1993 has more than tripled the INS budget from $1½ billion to $5 billion in 2001.

During the same number of years the number of funded INS personnel has grown from 18,133 to 33,537. That is an increase of 85 percent. This year Congress provided another $1 billion to bring it to over $6 billion for the INS, and I support this increase, because the INS plays an ever-important role in patrolling and protecting our borders.

Nevertheless, it is clear to me that the INS has not been able to manage the resources that we are provided. Let me say, and let me emphasize, when I say that the agency has not been able to manage this money and the increased mission.

I want to emphasize this point because I am a strong supporter of Federal law enforcement and have nothing but admiration for the dedicated people who work in this area. The INS employees are hard working, very committed people, who have devoted their lives to protecting American citizens, and they should be commended for their work.

And however there may be poor management, and sometimes a few bad apples, and that unfortunately has an effect of significantly ruining an agency's reputation, and destroying the public's confidence, and its integrity.

Everybody has heard about poor judgments that were made years ago by some internal revenue service employees, but that didn't mean that every IRS employee was a scoundrel.

Congress did force a reform of the IRS, and now I think its reputation has been approved, and I think that the lives of its employees are better as a result of that. In my mind, I think the same reform has to happen with the INS.

The agency structure and management isn't working, and I think we have to restore the integrity of the agency. I have been a supporter for many years of the recommendation made by the U.S. Commission on Immigration Reform that would split the INS into two parts.

In its final report to Congress, the Commission recommended that the processing of legal immigration and naturalization claims be transferred to the Department of State.

With the exception of work site enforcement and detention, the INS enforcement programs then would appropriately remain at the Department of Justice as an elevated enforcement bureau.

INS responsibility for work site enforcement would be transferred to the Department of Labor. The commission suggested turning over most of INS's detention operations to the U.S. Marshals Service and the Bureau of Prisons.

This would be a complicated reorganization since it takes pieces and puts it in several different places. And the first step in this process may happen this year. Legislative proposals are pending in Congress to split the INS into two separate agencies for enforce-

ment and immigration services. I hope that the Congress will act on these reforms.

U.S. Customs has gone through some challenging times itself, and there was a need to change the old ways. There was much work that was done on Customs, including Customs integrity.

In fact, for the previous 4 years that I was chairman of the Treasury, and General Government Appropriations Subcommittee, one of the things that I did was help to direct the Treasury Under Secretary of Enforcement to task the Office of Professional Responsibility to conduct a comprehensive review in 1998.

And today I think that Customs is a better agency for the public and for its employees because of this internal review which was done. In fact, I think the Customs Service can be a model for the rest of the bureau around the world.

The stark difference between Custom's success in Arizona and the Border Patrol's failures I think is striking. Mr. Chairman, let me just provide a few statistics on illegal immigration so that everyone is clear about the people who live and work in this area have to deal with daily.

Members of the subcommittee, I am sorry that we don't have these on large charts here, but we have them available on charts, and they are available down there.

Members of the subcommittee, and I think people testifying here, have these charts which show the difference of this first one here, which is actually chart two, that shows the decline in Border Patrol apprehensions in San Diego and El Paso, while the numbers skyrocketed here in the Tucson sector has really just gone through the roof, declined over the last year.

And for which we are not quite sure yet that in 1 year we can have the real answers for what is the reason for that, because it is declining all along the border this past year. But Del Rio, McAllen, El Centro, all were up very significantly, and only El Paso and San Diego have been down over the last several years.

I think the decline this year that we have experienced, or in 2001 I should say, is probably more to do with the recession. We don't have enough data yet to be sure, and of course the terrorist attacks on September 11th, which really kept people away from the border because of the increase in the homeland security, and the fear of people getting caught, and they might find themselves in more deeper trouble than they had before.

The next chart, chart three, shows the Tucson border apprehensions here within the different stations, and you will notice again the incredible increase in the numbers of the Nogales, the Douglas, and Naco sectors.

We don't see that kind of an increase in the inland sectors, Wilcox, Casa Grande, Sonoita, Ajo. Well, Ajo is on the border. We don't see it in the western area as much either, but over in Nogales and going east toward the New Mexico border, and Douglas, and in Douglas this is a staggering increase in the numbers there.

And then finally chart four shows that although the number of patrol hours have exploded since 1997, the number of apprehensions has really been fairly level. And I think this is why I came to the conclusion about the management, and that I think there is some problem.

Chart five shows how it might happen, and how the numbers in San Diego as their patrol hours went up dramatically, the numbers of apprehensions took a constant and steady decrease there.

In other words, it was having its effect of deterring people from coming across the border, and that's why I believe very strongly that we need to deploy our resources to the border so that we are not continually playing cat and mouse with illegal immigrants in our back yards, which also has the added impact of problems for the citizens who live in those back yards.

Citizens of Arizona should not have to withstand the onslaught of hundreds of thousands of illegal immigrants traveling through the area and destroying property, and straining our health care facilities, littering our lands with garbage and human waste, redirecting law enforcement efforts away from local crime, saturating our court systems with cases.

So I am hopeful that this hearing will highlight some of the deficiencies, and some of the strengths in our border strategy, as well as hopefully pointing the way toward some new and innovative ways in which we can manage the border with Mexico.

Again, Chairman Souder, I want to thank you very much for holding this hearing. The impact of our policies don't stop here at this border. They are found in places as far away as Fort Wayne, Indiana, because even though the illegal immigrants come across through our border, they generally don't stay here.

We love tourists to come, and we have a lot of them stop along the way to different destinations, but for illegal immigrants, by and large, Cochise County is simply a transient zone to other parts of the country.

So I look forward to hearing from the witnesses, and appreciate the opportunity to participate in the hearing. Thank you very much.

[The prepared statement of Hon. Jim Kolbe follows:]

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**Opening Statement**

**Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources**

**Arizona Border Hearing**

*February 22, 2002*

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would like to commend Chairman Souder for holding this field hearing today.

Our border must be managed to stop the flow of illegal and dangerous activity into the US. The Border Patrol and Customs are two important homeland security agencies, but the military is also appropriately involved. We all know that the military continues to help out on the border, effectively providing radar systems and aerial reconnaissance, air and ground transportation, communications, intelligence, photography, video, and technology support. In fact, I support efforts to enhance the military's presence on the border, especially using the National Guard to help secure our border. However, this does not mean we should put a wall up or turn our border into a militarized region like the Korean DMZ. We are not at war with Mexico. Mexico is a friend and a neighbor. We must find a way to allow people and commerce to cross the border while blocking illegal immigration, drug smuggling, people smuggling, and the smuggling of other contraband such as weapons.

We must manage and control our border – not shut it down or leave it unattended.

One issue that is very important in this region is the illegal immigration problem. In Arizona, we have been the victim of INS' decision to selectively "harden" the border in parts of Texas and California, thereby funneling illegal immigration into the more rural areas in Arizona. We are feeling the heavy burden of this mismanaged policy. On August 2, 2001, the General Accounting Office released a report -- INS' Southwest Border Strategy: Resource and Impact Issues Remain After Seven Years -- confirming this. The GAO report states:

> *The primary discernable effect of the [INS] strategy, based on INS' apprehension statistics, appears to be a shifting of the illegal alien traffic. Between 1998 and 2000, apprehensions declined in three Border Patrol sectors, San Diego, CA, and El Paso and McAllen, TX, but increased in five of the other six Southwest border sectors. The extent to*

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*which INS' border control efforts may have affected overall illegal entry along the Southwest border remains unclear, however.*

Lack of resources for the INS is not the problem. As a member of the Appropriations Subcommittee which funds the INS, I have worked to see that the INS has the budget it needs to carry out its mission. Since 1993, Congress has more than tripled the INS budget, from $1.5 billion to $5 billion in 2001. During the same years, the number of funded INS personnel has grown from 18,133 to 33,537, an increase of 85 percent.

This year, Congress provided another $1 billion for a total of over $6 billion for the INS, and I supported this increases because the INS plays an ever more important role -- protecting and patrolling our borders.

Nevertheless, it is clear to me that the INS simply has not been able to manage the resources we are providing. Let me emphasize that I said the agency has not been able to manage this money and the increased mission. I want to emphasize this point because I am a strong supporter of federal law enforcement and the dedicated people working in this area.

The INS employees are hard working and committed people who have devoted their lives to protect American citizens. They should be commended for their work.

However, poor management and a few bad apples can ruin an agency's reputation and destroy the public's confidence in their integrity.

Everyone probably heard about some of the poor judgments made by some IRS employees in the past, but that didn't mean that every IRS employee was a scoundrel. But Congress forced a reform of the IRS and now IRS' reputation is improved and the lives of its employees are better.

In my mind, the same reform must happen with the INS. The agency structure and management is broken, and we must restore the integrity of the agency.

I have been supportive for many years of the recommendations made by the U.S. Commission on Immigration Reform to split up the INS. In its final report to Congress, the commission recommended that the processing of legal immigration and naturalization claims be transferred to the Department of State. With the exception of worksite enforcement and detention, INS enforcement programs would remain at the Department of Justice as an elevated enforcement bureau. INS's responsibility for worksite enforcement would be transferred to the Department of Labor. The commission suggested turning over most of INS's detention operations to the U.S. Marshals Service or the Bureau of Prisons.

This would be a complicated reorganization, and the first step in this process may happen this year. Legislative proposals are pending in Congress to split up the INS into two separate agencies for enforcement and immigration services. I hope that we will at least enact these reforms this year.

US Customs went through some challenging times itself, and there was a need to change the "old ways." There was much work done on Customs, including Customs integrity. In fact, as chairman of the Treasury and General Government Appropriations Subcommittee, I directed the Treasury Undersecretary of Enforcement to task the Office of Professional Responsibility to conduct a comprehensive review in 1998.

Today, I believe Customs is a better agency for the public and for its employees because of this internal review.

In fact, I believe the Arizona Customs Service is a model for the rest of the bureau around the world.

The stark difference between Custom's success in Arizona and the Border Patrol's failures is striking.

Mr. Chairman, let me just provide a few statistics on illegal immigration so that everyone is clear what the people who live and work in this area have to deal with daily.

You have in front of you some charts that illustrate the sharp contrast between the Tucson Sector and other Southwest Border areas. It is arguable that apprehension data are an accurate representation of the number of illegal immigrants that enter the US, but it is one of the few statistics that we have.

Chart 2 shows the decline in Border Patrol Apprehensions in San Diego and El Paso while the number of apprehensions in the Tucson Sector sky rocketed. Although fiscal year 2001 has seen some improvement, I attribute this in large part to the US recession which reduced the number of job opportunities in the US and the terrorist attacks on September 11th which caused an increase in our homeland security and a corresponding reluctance on the part of immigrants to try and penetrate our border.

Chart 3 illustrates the number of apprehensions by station within the Tucson Sector. Notice the high numbers in Douglas, Naco and Nogales.

Finally, Chart 4 shows that although the number of Patrol hours have exploded since 1997, the number of apprehensions has basically been level. I believe that we are not properly managing how we patrol the Tucson Sector. Chart 5 shows how it should happen -- the San Diego Sector increased patrol hours and reduced the flow of illegal immigrants.

We need to forward deploy our resources to the border so that we are not continually playing "cat-and-mouse" with illegal immigrants in our backyards.

The people of Arizona cannot and should not withstand the onslaught of hundreds of thousands of illegal immigrants traveling through the area destroying property, straining our health care facilities, littering our lands with garbage and human waste, redirecting law enforcement efforts away from local crime, and saturating our court system with cases.

I am hopeful that this hearing will highlight some of the deficiencies and some of the strengths in our border strategy, as well as finding new, innovative ways to manage our border with Mexico.

Again, Chairman Souder, thank you for holding this hearing.

The impact of our border policies impact towns throughout the rest of the nation, such as Fort Wayne, Indiana. After all, the illegal crossers don't generally stay here in Sierra Vista. Although southeastern Arizona is a destination for many tourist who want to see the spectacular beauty and friendly people, it is just a transit zone for illegal immigrants.

I look forward to hearing from the witnesses and appreciate the opportunity to participate in your hearing.

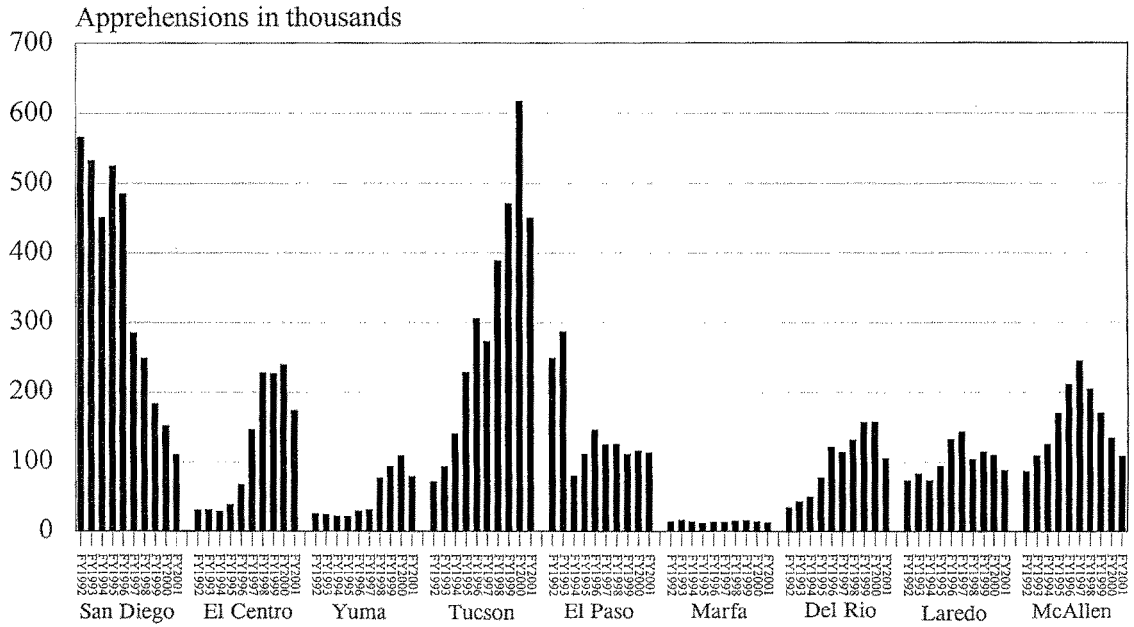
# Border Patrol Apprehensions

Southwest Border and Tucson Sector in Comparison
February 14, 2002



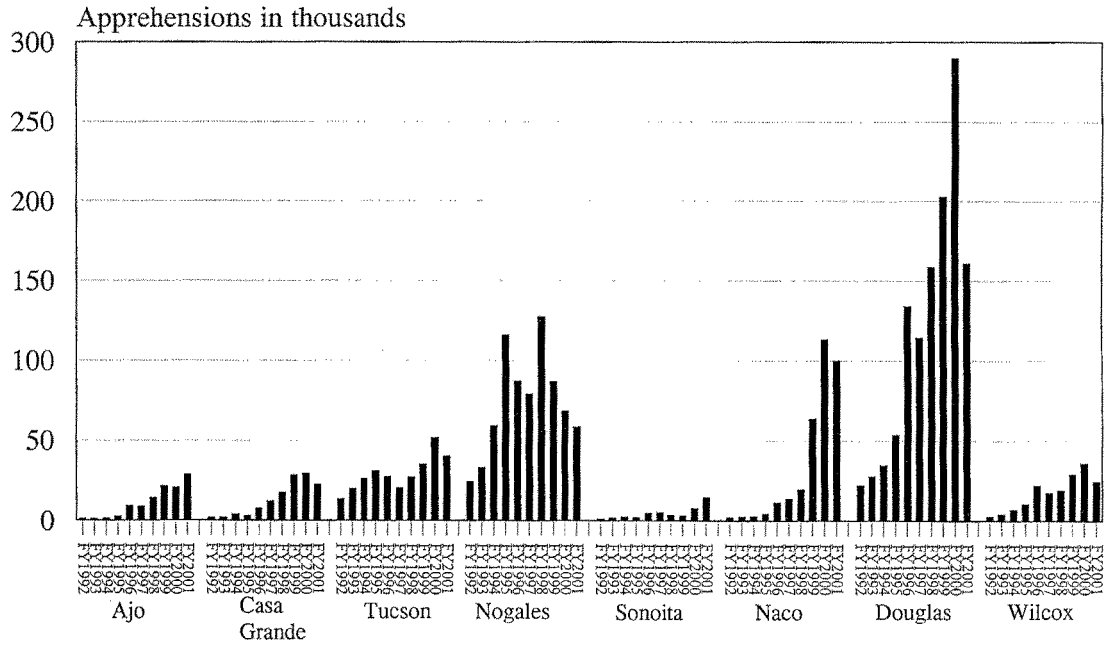
CRS Presentation of INS Performance Analysis Data

# Chart 2. Southwest Border Patrol Sectors
## Deportable Alien Apprehensions, FY1992-FY2001



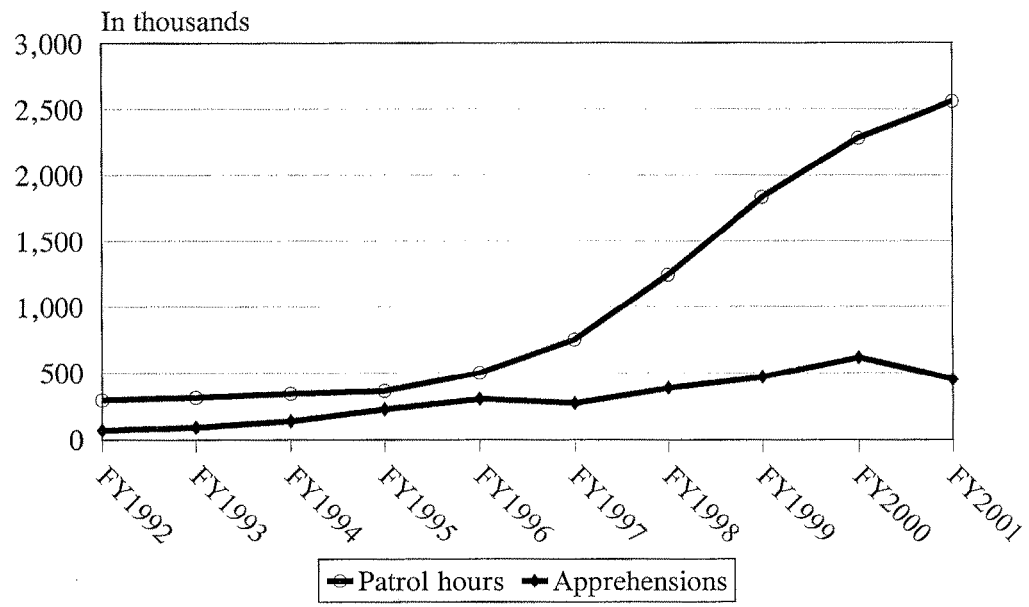

**Source**: CRS analysis of INS Performance Analysis System data.

# Chart 3. Tucson Border Patrol Sector Stations
## Deportable Alien Apprehensions, FY1992-FY2001



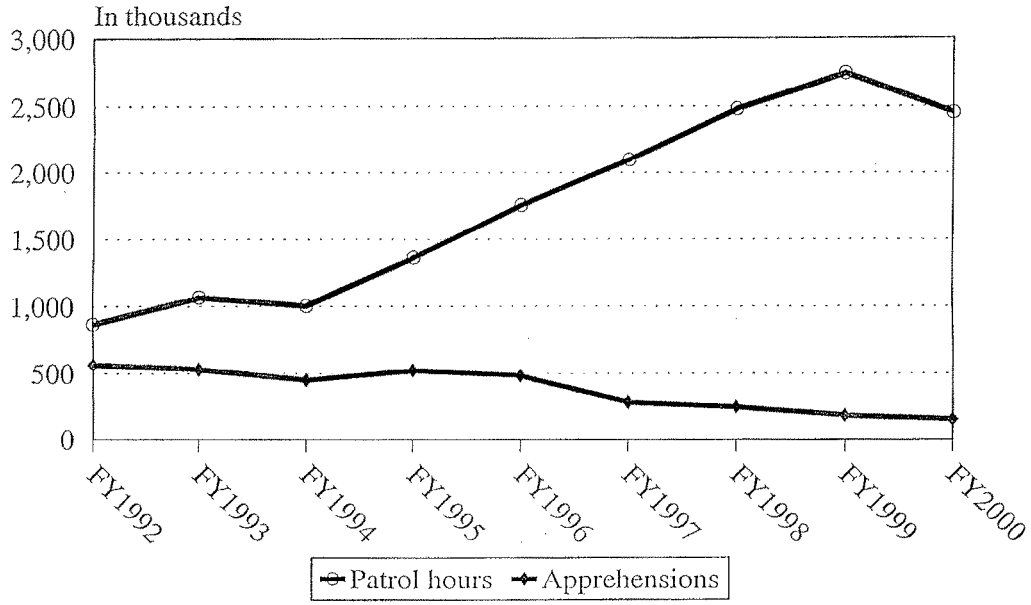

**Source**: CRS analysis of INS Performance Analysis System data.

## Chart 4. Tucson Sector: All Stations
## Patrol Hours v. Deportable Alien Apprehensions




**Source:** CRS analysis of INS Performance Analysis System data.

## Chart 5. San Diego Sector: All Stations
### Patrol Hours v. Deportable Alien Apprehensions




**Source**: CRS analysis of INS Performance Analysis System data as of December 2000.

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is the content of community?" Some of it sounds appealing—particularly the upbeat, we-can-lick-this-thing-if-we-all-work-together conclusion—but it ultimately never really says how to do anything.

**THE COOLIDGE FATE**

"Here's what's unique about Bill Clinton," says Richard Norton Smith, the historian and author who has served as director of the Reagan, Ford, Eisenhower, and Hoover presidential libraries. "He had the luxury during his presidency of being the first president in American history who was assessed not by one poll but by two polls." Smith is referring to the Lewinsky-era polling practice of asking Americans to rate Clinton's job performance separately from their approval or disapproval of him as a human being. "But since [George W. Bush's] inauguration day, that luxury has disappeared. Clinton is no longer doing the job as president, and with the passage of time, memories of the job performance, however high, tend to be subsumed in the rush of successive events."

Smith continues: "He should talk to Calvin Coolidge, who, in his last address, rather complacently took credit for the overwhelming prosperity associated with his name. A few months later, literally overnight, he came to be seen in a radically different light, and fairly or unfairly, 70 years later, he's never quite escaped from the shadow of the Crash." Smith pauses for a moment. "September 11, it can be argued, is Bill Clinton's Black Tuesday."

The terrorist attacks made Clinton's ex-presidency vastly more difficult. When he discusses his administration's actions on terrorism, he appears to be defending the indefensible. And when he discusses the rest of his administration's record, including its actual accomplishments, it all seems small in light of September 11. There's nothing he can do about that; he has no more chances to be president.

But Clinton could improve the public's perception of him by long, hard, focused work in some useful role. Jimmy Carter left office a failed president, and whether one approves of his post–White House career or not, it is indisputable that Carter raised himself in the public's esteem by working very hard at his new role—sometimes under unpleasant conditions and sometimes without the presence of admiring celebrities. So far Clinton has shown no inclination to do that kind of work, although he is said to want the kind of admiration that Carter enjoys. But one is not possible without the other. "You can't have it both ways," says Douglas Brinkley, the Carter biographer and sometime Clinton supporter. "You can't want to be considered a great ex-president like Jimmy Carter and not do the grunt work. You can't want to be wining and dining around Manhattan and do that work."

When asked for a list of his accomplishments as an ex-president, Clinton's office declines comment, saying only that he is a private citizen and his activities are private matters. Still, we know he's keeping busy. In late February, he's headed off to Australia for one of his biggest paydays yet—reportedly $300,000 for a single speech, along with a concert and numerous dinners in his honor. The work of resolving religious and ethnic conflicts, empowering the world's poor, solving global warming, and promoting national service will have to wait, at least for a while. NR

# Border Blues

## They keep coming and coming, and citizens are at wits' end

JOHN J. MILLER

"You want to hear about my worst day on the ranch?" asks Ruth Evelyn Cowan. "I lost 10,000 gallons of water because some Mexican broke a valve off one of my tanks trying to get a drink. Another one left a gate open and four of my cattle wandered ten miles away. They're worth about $2,500 apiece and we had to spend hours finding them. And then someone else drove a truck across my land and knocked over a fence in two places." She pauses, exasperated. "All that happened in just 24 hours. But you know what? We have to deal with problems like these every day, and it's been going on for years."

That's life in Arizona's Cochise County, where Cowan believes that she's spent $50,000 undoing the damage done to her property by illegal aliens since 1999. And that figure doesn't include her biggest expense: the enormous amount of time she and her employees have put into the repairs, from fixing cut fences to picking up all the trash left behind by thousands of people streaming across her ranchland.

Cowan knew the ranching life would be difficult when she quit her job as an airline stewardess to take up the family business. But she had no idea how hard, or that something other than drought or low prices would cause so much of the hardship. She was looking forward to rural life in southeastern Arizona. Instead, she found herself living in what fellow rancher Gary McBride calls "the illegal-alien capital of the world."

Nobody knows how many people sneak across the Mexican border into Cochise County; recent estimates put the number between 500,000 and 1.5 million annually. Little towns like Douglas and Naco are now main thoroughfares for people determined to enter the United States without green cards. Their migration has wreaked havoc on not just Cowan's land, but the whole region. Ranchers fight a daily battle against property destruction. The sheriff's office struggles to plug holes left unfilled by the federal Border Patrol. Local hospitals cut services to keep from going broke. And nobody who doesn't live there seems to know—or care—about what's going on.

There's nothing especially new about illegal immigration in Cochise County, a dry landscape of scrubland and mountains where Geronimo and the Apaches made their last stand against the U.S. Army at the end of the 19th century. Mexicans have crossed over for generations. But the flow was only a trickle until recently, when the federal government made a conscious decision to let the trickle become a flood. Ever since, the people of Cochise County have drowned in a problem not of their own making.

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**THE ILLEGAL-ALIEN CAPITAL OF THE WORLD**

The Census Bureau estimates that 8 million illegal aliens were living permanently in the U.S. in 2000, up from 3.5 million ten years earlier. As the public clamored for the government to do something about this rising tide during the 1990s, the Immigration and Naturalization Service made a fateful decision for the residents of Cochise County. It chose to increase the Border Patrol's presence at El Paso and San Diego, two popular points of entry, and also to experiment with new enforcement techniques. The strategy worked wonders—at least for El Paso and San Diego, where illegal immigration fell noticeably; but a balloon that's squeezed in one place expands in another, and the INS essentially succeeded merely in pushing the crossings away from these areas. Illegal immigration didn't really decline at all. Instead, Cochise County became a favorite corridor to El Norte.

One of the channels was the backyard of Cindy Hayostek, in the border town of Douglas. A year ago, she spent a few mornings counting the illegal aliens who jumped her fence. "I figure that 4,000 people were doing it over the course of 12 months," she says. "And that's probably a low estimate."

Hayostek is lucky—she has only a backyard to worry about, and the local Border Patrol agents have made an effort to keep the aliens from overrunning townies like her. (She says fewer are coming now.) The ranchers who live outside Douglas, however, own thousands of acres of land. It's a vast and empty region—Cochise County is bigger than Connecticut and Rhode Island combined, but only 120,000 people live there—and a tempting one to disappear into. The aliens generally cross the border in small groups of fewer than a dozen, though sometimes their numbers can swell. They're often guided by professional smugglers called "coyotes," who are skilled at evading the Border Patrol. On a February night, I went out with the Border Patrol and saw agents apprehend a group of 116 illegal aliens between Douglas and Bisbee, about a quarter-mile from the border. One of the men was a sheet-metal worker trying to get back to his job in Los Angeles. Others were bound for Atlanta and New York.

Dept. of Forest Service/Corbis

*'A menace to orderly ranch life'*

It's impossible not to feel sympathy for these foreigners. After all, they come to the U.S. primarily for jobs—better ones than they can find at home, and ones that American employers are glad to give them. The federal government isn't especially serious about keeping them out, either. "The aliens face a danger zone that's maybe 20 or 25 miles deep," says Dave Stoddard, a retired Border Patrol agent with extensive experience in Cochise County. "Once they escape it, they're home free. Nobody is going to catch them." By some estimates, the Border Patrol nabs only one of every four or five crossers. Those who are caught go back to their home countries, for the majority this is Mexico, and most of them are just dumped back across the border into Sonora, where they're free to cross again. Anybody who really wants to make it into the U.S. is going to succeed, even if it takes a few tries.

There are plenty of ways into Cochise County, many of them hazardous. In January, police found five dead Mexicans at the bottom of a coal car. The best routes, however, are through the wide-open spaces of the countryside, where there aren't so many Border Patrol agents sitting in parked SUVs under bright lights on moveable towers. Tramping into the wilderness carries plenty of risks. Every year, scores of aliens die from dehydration, especially during the searing summer months. Most carry jugs of water, along with plastic bags of food and other necessities. And they don't abide by the camper's ethic of packing out what they pack in. "The trash is unbelievable," says Stoddard. "You see acres with every square foot polluted by empty water bottles, discarded clothing, and feces."

The migration's impact goes far beyond littering. Ranchers control their property and their herds with fences, and these are now routinely cut or knocked down by passing aliens. "I spend three days a week picking up trash and two days fixing fences," says rancher George Morin. The aliens are a menace to orderly ranch life. They leave gates open, letting out cattle and horses, bust waterlines when they're thirsty, and kill barking dogs that threaten to expose their routes.

County sheriff Larry Dever estimates that 37 percent of his budget goes to dealing with illegal aliens. Just about everybody in the region can describe times when he has been approached by aliens asking favors, such as a drink of water or the use of a phone. "Most of them are good people and don't mean any harm," says Richard Humphries, a retired police officer who homeschools his daughters. "But there are thousands of them coming through, and I've been threatened before. It's bad enough that I worry every time my girls play outside. One of the reasons I moved here was to get away from that."

Most of the men carry guns around their property, but this is no surprise in a place where the 911 response times can reach an hour or two. The difference in Cochise County is the women. They also carry guns—around their property, in the glove compartments of their cars, by their bedsides—and many of them have started doing it in the last five or six years. "I don't feel safe without one anymore," says Hannah Siegel, a rancher's wife who lives 15 miles from the border. "I carry one with me all the time," confesses Virginia Martinez, a Hereford resident. "I do it because of the aliens. They're everywhere."

B. J. Kuykendall, whose ranch is on the edge of Swisshelm Mountain near Elfrida, knows the potential consequences of not having a gun. She and her granddaughter were driving on their property one day when they encountered a group of Mexicans in another vehicle. "One of them pointed at me and made obscene hand gestures," she recalls. "Then he let out this evil laugh, and in Spanish said, 'I want you and I will get you.'" Kuykendall raced her pickup truck down a bouncy dirt road with the men in pursuit and escaped only because she made a sharp turn off the road and hid behind mesquite trees.

Some aren't so fortunate—and even guns don't always help. Last July, Bill Burns of Portal, Ariz., had a .22-caliber revolver in his hand when a pair of illegal aliens burst into his kitchen and attacked him. Burns was knocked unconscious and later treated for a cut to his cheek and a stab wound in his abdomen. One year earlier, he was assaulted with a two-by-four in his horse barn and knocked unconscious. When his wife found him three hours later, he had to be airlifted to a hospital, where he was treated for a collapsed lung and several broken bones. Six years ago, retired military chaplain Edwin York was lucky to survive a scrape in which he, his wife, and his 80-year-old mother-in-law were tied and blindfolded by a gang of illegal aliens who proceeded to rob them. "We're on the front lines of an invasion," says York. "After spending 28 years trying to protect my country, I didn't realize I would still have to do it again in my retirement."

**WHO PAYS?**

Nobody wants to become a victim of crime, of course, but the residents of Cochise County have an added incentive to avoid injury: The quality of health care in their area has declined because of the influx of aliens. Federal law requires hospitals to provide medical service to anybody who needs it regardless of his ability to pay. In Douglas, many illegal aliens get into the country by jumping over the wall along the border right in town. Those who break their ankles or legs doing it—a not uncommon occurrence—are then entitled to free treatment. In the year 2000, in fact, Douglas's single hospital went bankrupt, in part because of all the unpaid bills. (It never closed its doors, though, and today is run by different owners.)

Illegal aliens are excessively prone to injuries because of the risks they take. When drivers hook up with groups of aliens they're supposed to transport, they will stuff as many as possible into their vehicles—and then do things like drive down primitive dirt roads at high speeds with no headlights in the darkness. "Have you ever seen eleven people jammed into a Camaro?" asks James Dickson, CEO of Copper Queen Community Hospital in Bisbee. "It's a real mess when there's a crash."

Dickson, of course, is one of the people who must find a way to pay the bills for these people when there's an accident. His budget problems have grown so severe that he recently shut down his hospital's nursing home. "What really gets me is that others make a profit off us," he says. "I remember one of our patients, an illegal alien working as a housemaid, calling her boss in Chicago to tell her she needed a few extra days to get there because we were treating her for something. She eventually went on her way and never paid her medical bills. It's like we're subsidizing cheap employment for some rich lady in New York City."

The policies of federal agencies aggravate these costs. When the Border Patrol stumbles upon injured aliens, it makes a practice of ensuring that the aliens receive immediate medical attention but not taking them into formal custody—because then it gets out of paying for their treatment. It will even drop off Mexicans at a Cochise County emergency room, all the while maintaining a fiction about how its agents did not have an opportunity to investigate their legal status. In Douglas, this happened 225 times last year. "Most of the time, the aliens just walk right out after we've treated them," says Debra Thornby, a nurse in Douglas. "We don't see the Border Patrol again—at least not until their next drop-off."

■

**What's a rancher going to do: send an invoice to the INS every time he finds that someone has cut through a barbed-wire fence?**

■

There are no trauma centers in Cochise County, so people with major injuries are shipped off to Tucson, often on helicopter rides that can cost as much as $10,000 per trip. "We wrote off $6 million in uncompensated services to illegal aliens last year," says John Duval, chief operating officer of the University Medical Center in Tucson. Last fall, the state legislature went into special session after Tucson's two trauma centers announced that they would close because they could no longer absorb these losses. Now the hospitals have stopgap funding through the end of this year, but it remains unclear how they will survive over the long term, having to eat these expenses.

Border-state politicians have lobbied for federal reimbursements, and Washington does earmark millions of dollars each year to cover the costs of illegal aliens. But it doesn't come anywhere near full coverage—the Bush administration's current budget even calls for some cuts—and there's no way it ever could. What's a rancher going to do: send an invoice to the INS every time he finds that someone has cut through a barbed-wire fence?

**BUILD UP THE BARRIERS**

What the government can do is become more serious about policing the border. Cochise County, in fact, has seen a massive increase in Border Patrol. There used to be only 40 agents assigned to Douglas; today, there are 80 agents on each shift, with three shifts a day. The service also has a big supply of high-tech gadgetry. Human traffic into Arizona seems to have dropped in recent months; the Border Patrol's apprehensions are down from where they were a year ago, which might indicate that fewer people are crossing over. If

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true, that's partly because of the Border Patrol's increased efforts and mostly because of the recession's tightened labor market. But Cochise County will still see hundreds of thousands of new illegal aliens this year. The busy season is just getting underway—springtime is best for crossing, because the weather is neither too hot nor too cold—and the improving economy may speed migration even more. A few people don't even think the entries are down. "They're still coming," says Ron Sanders, who ran the Border Patrol's Tucson sector until he retired three years ago. "You have to understand what the Border Patrol does. When it makes a lot of arrests, it claims success for making a lot of arrests. When it doesn't make a lot of arrests, it also claims success because it says there are fewer crossings. No matter what happens, it declares victory."

What's dispiriting to many Cochise County residents is how the rest of the country winks at illegal immigration. Lawmakers in California recently made it possible for illegal aliens to pay in-state tuition at public universities. Tyson Foods smuggled illegal aliens into the country so they could work at 15 processing plants in nine states; Tyson executives were indicted for this last December. The Bush administration last year flirted with an amnesty for illegal aliens; nobody in the White House has talked about it much since September 11, but Tom Daschle and Dick Gephardt continue to promote the idea. (In November, Gephardt even called them "very good citizens," when they are not even legal residents.) How many of those taking advantage of California's generosity, working for Tyson, or eligible for a future amnesty also have dropped trash, cut fences, or visited the emergency room in Cochise County?

The fact that so many locals say they'd like to see the border militarized is a testament to their deep frustration. "I once told our congressman, Jim Kolbe, that we should do this," says Linda Morin, the wife of rancher George Morin. "He asked me if I wanted to have tanks in my front yard, thinking that would shut me up. I said, 'Hell, yeah. Put one there and I'll feed the whole crew dinner every night.'" There are obvious drawbacks to this: The Marines, of course, aren't trained in law enforcement, nor should they be. Other options are equally unappealing: Some members of Congress have proposed setting up a national-ID system and requiring employers to check with the government before hiring anybody. This might deny jobs to illegal aliens, at least until they figured out how to game it. More likely, it would just become a tremendous inconvenience for everybody except the people it's meant to inconvenience.

One alternative worth considering is a new guest-worker program that would make it possible for illegal aliens to legalize their status on a temporary basis and work in the U.S., but have part of their pay withheld until they've returned home. The government historically has run programs along these lines and a few small ones remain in place. Improving the situation in Cochise County, however, would require a large expansion of the programs. They would have to include not just the farm jobs traditionally associated with migrant work, but also the service industry that currently employs so many illegal aliens. "There's nothing as permanent as a temporary worker," warns Mark Krikorian of the Center for Immigration Studies, pointing out that the experience of guest-worker programs shows that many of them never leave. Then again, the aliens who come through Cochise County aren't leaving either. Perhaps the immigration-control crowd could strike a deal: They'll stomach a new guest-worker program in exchange for a shift in legal-immigration policy, such as phasing out the brother-sister legal admissions category that makes possible so much of the family-based chain migration they oppose.

In the meantime, a growing number of locals are finding life in Cochise County intolerable. "I've got metal bars on my windows, I carry a gun on walks with my wife, and I take a two-way radio when I go looking at the scars from my own backyard," says York, the former military chaplain. "This is supposed to be the land of the free and the home of the brave. Let me tell you something: It sure doesn't feel like the land of the free in Cochise County, but it may take an act of bravery to live here." NR

House Ad

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6TH DISTRICT, ARIZONA

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# Congress of the United States
## House of Representatives
## Washington, DC 20515–0305

**Background on Issues**
**for**
**Committee on Government Reform**
**Subcommittee on Criminal Justice, Drug Policy and Human Resources**
**Arizona Border Hearing**

**February 22, 2002**
**9:00 a.m.**

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### BORDER HOSPITALS

- ✓ Illegal aliens found critically dehydrated in the desert while attempting to cross the border and injured in car crashes while fleeing the Border Patrol are sent to border hospitals. These hospitals are not reimbursed by the illegal aliens or any state or federal agency for providing emergency care to illegal aliens injured in the process of crossing the border.

- ✓ INS documents that deal with the INS policy on injured aliens encountered by service officers state:

  *Where the injury is such that the alien is not likely to escape, the officer shall not take him into custody or take any action or use language from which an atmosphere of restraint could be conveyed to him or anyone else present.*

  *Must the Immigration and Naturalization Service (INS) take into custody those aliens injured while fleeing from the Border Patrol Agents, and thereby incur responsibility for payment of their medical bills? No . . . aliens who are fleeing from Border Patrol Agents generally have not yet come into custody. . . there is no obligation to pay medical injuries resulting from injuries they may have suffer, even if those injuries result from seeking to avoid the pursuit of INS personnel.*

- ✓ In June 2001, Congressman Kolbe introduced H.R. 2256, the Border Hospital Survival and Illegal Immigrant Care Act. This legislation would provide critical financial assistance to Arizona hospitals by closing the loophole in INS policy that allows the Border Patrol to manipulate the system so that they do not have to pay for illegal alien emergency medical care costs. The bill would require Border Patrol to reimburse hospitals and ambulance services for emergency care of illegal aliens even if they are not in custody. This legislation would not create any new agency or program, but would rely on an existing, proven government program. The reimbursement funds would go directly to the medical care providers and would bypass the State government.

- ✓ We should not provide federal dollars to pay for the health care costs for illegal aliens, but we cannot continue to let local hospitals absorb the costs of emergency care. Under the Emergency Medical Treatment and Active Labor Act (EMTALA), hospitals and ambulance services are compelled to provide care for anyone who is in need of emergency treatment, regardless of citizenship, legal status or ability to pay. This amounts to a massive unfunded mandate on Arizona hospitals. The Federal government is in essence saying "you must provide emergency care but we are not going to help you pay for that care".

### BORDER HELICOPTERS

- ✓ The Tucson Sector Border Patrol has been reluctant to move helicopters near the border to reduce response time, strengthen deterrence, and save fuel.

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- ✓ The fiscal years 2002 Commerce, Justice, State and Judiciary Appropriations Act directs "the Tucson Sector to implement the negotiations that were directed to be completed last year to relocate Tucson Sector helicopter operations to Sierra Vista, Arizona."

- ✓ Congressman Kolbe wrote the INS asking for a progress report on moving the helicopters closer to the border. The INS response defends their position by giving flight times from Tucson to Ajo compared with Sierra Vista to Ajo to justify their need to have helicopters in Tucson. Ajo is not on the border. The INS believes "that basing our aircraft mostly in Tucson is more cost effective and will enable us to reach migrants crossing through the desert areas west of Tucson more quickly than if the aircraft is traveling from Sierra Vista." Our contention is that they should emphasize being on the border whether it is Douglas, Nogales, or Yuma.

## PERMANENT V. ROVING CHECKPOINTS

- ✓ Permanent checkpoints are not the best use of resources to stop the flow of illegal immigration. If it's permanent, then everyone knows where the checkpoint is and just go around it. A roving, temporary checkpoint is much more effective.

- ✓ The Justice appropriations bill continues to prohibit a permanent Border Patrol checkpoint in the Tucson Sector. Similar language has been included in the last three annual appropriations bills. However, this year Congressman Kolbe's language has been strengthened to ensure that the Border Patrol does not try to circumvent the intent of the law.

- ✓ On November 28, 2001, President Bush signed into law the Commerce, Justice, State and Judiciary Appropriations Act for fiscal year 2002 with the following language reminding the INS of the intent:

  *Further, the Committee is concerned with INS compliance with bill language that has been included for the last three fiscal years prohibiting the Tucson Sector from using funding to establish a permanent checkpoint. Bill language states that no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector. The INS is reminded that it must not operate a checkpoint at the same location for seven consecutive days during a 14 day period in the Tucson Sector.*

- ✓ Compliance with the intent of this language has not occurred. Specifically, checkpoints on route 90 just north of Huachuca City and on Interstate 19 north of Tubac have been at the same location for significant periods of time. According to a citizen's group, the checkpoint north of Tubac has been operating for more than 270 days straight and after November 28, which was when this year's appropriations act was enacted, it did not move until 52 days later (January 18) and was only closed for the Sunday before Christmas (December 23) during this period. Further, when the Border Patrol moved the checkpoint, they moved it only 10 miles from the previous location and on the same road.

## BORDER FENCES

- ✓ Border security is of paramount concern to our nation as we fight the war on terrorism. One critical component of border security is fencing along the US-Mexico border to prevent people and livestock (that may be diseased) from illegally crossing into the United States. The federal government has responsibility for our international border and the Border Patrol has responsibility to secure the areas along the border between the ports-of-entry. However, the Tucson Sector Border Patrol is not maintaining the fences in the rural areas.

- ✓ Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act Of 1996 (P.L. 104-208) provides Attorney General/INS with the authority to erect barriers/fences. It states:

  *The Attorney General, in consultation with the Commissioner of Immigration and Naturalization, shall take such actions as may be necessary to install additional physical barriers and roads (including the removal of obstacles to detection of illegal entrants) in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States.*

Mr. SOUDER. Thank you very much, Congressman Kolbe.

Congressman Shadegg.

Mr. SHADEGG. Mr. Chairman, I, too, want to thank you for holding this hearing, and with unanimous consent, I will insert my entire written statement into the record, and in the interest of time, briefly summarize it here this morning.

Arizona and Cochise County, I believe, face a crisis of illegal immigration. We spent last night on the border with the border patrol looking at various sectors until after midnight.

And while I was very impressed with what I saw and the efforts that are being made, those efforts are simply not adequate. We are not doing enough at this point in time to stop illegal immigration, nor are we doing enough to stop the inflow of drugs.

Arizona ranchers, and farmers, and residents of Cochise County are on the front line, and they face a crisis. Their water tank valves are being left open, and their fences are being destroyed, litter is strewn on their property, and human feces piles up.

The local law enforcement officers, Sheriff Larry Dever, and others, face a crisis which is not of their making, and of which they do not have the resources to meet that challenge. I do not believe that the INS or the Border Patrol have adequate resources.

As my colleague, Mr. Kolbe, has pointed out, INS policy almost intentionally decided to focus border crossing in this area by strengthening the border in Texas, and by strengthening the border in San Diego.

And it is now time, and I know that others in our delegation have fought hard, including Mr. Kolbe, for those resources, but we must do more to strengthen our border here in this sector of the company.

If we do not, I think we will face indeed an open revolt. We have been at crisis points in the past, and at the moment I think we are doing a slightly better job, but not enough. It is clear to me that some of the hi-tech equipment that I saw last night is useful, and is doing an improved job.

But we simply do not have enough of it. When you can look at the Douglas line and see that there are a few miles of fence, maybe 6 miles of fence, or you can look at the Nogales line and see there are even fewer miles of fence, and when you see the intensity of deployment in those areas, you have to understand that there is an ability to get around that deployment of services.

It is clear that people are getting in, and not only is this a serious crisis for illegal immigration, which is doing damage to our economy and putting a burden on our entire social service structure, and a burden that the American taxpayer should not have to bear, it is also the cause and enabler of a tremendous flow of illegal drugs.

And I know, Mr. Chairman, of your life long dedication to fighting the drug problem, and of your solid knowledge of the fact that the drugs that cross this border make it to every community, and destroy the lives of young children all across this country, including in your district in Indiana, which you know I have visited with you.

And I applaud you for your efforts to fight that, and to do everything that you can. It seems to me that there is much that we can

do. My colleague, Mr. Kolbe, has pointed out that INS reform is called for.

I strongly believe that we can no longer tolerate the bifurcation of duties that the INS has, and to have together in the INS the duty to bring people in, and to approve their legal immigration; and at the same time the duty of holding out the illegals simply is a conflict of interest that this Congress should not tolerate.

It does not work and I join my colleague, Mr. Kolbe, in saying that I hope that reform legislation passes this year. Its divided duties are not helping it perform its job. I do understand that this is a vital corridor for commerce, and that business people in southern Arizona and indeed across our State depend upon a functional border.

And as you know, Chairman Souder, you and I visited that border in Nogales I guess 4 or 5 years ago, and spent some time there, and saw the new crossing station which was done, and the new facilities that had been constructed to bring commercial trucks across the border.

When we make our efforts to ensure that illegal immigration is stopped, we cannot do so in a fashion which stops the commerce, which is essential. But it seems to me that we have a duty, and it seems to me that the Federal Government is failing the people of Arizona.

I have dedicated a great deal of my career to the health care issue in America, and there is no question but that health care in southern Arizona is being destroyed by the burden of illegal immigration.

Not too many months ago the trauma centers in Tucson threatened to close every single level one trauma center in Tucson because they couldn't afford to keep them open. As a result of a law called Emtola, which I am working to reform, anyone who shows up at an American emergency room, be they a citizen or not, is entitled to free health care.

Indeed, the hospital cannot even ask if they have the ability to pay. In addition to that, as a result of court impartation of that law, if a doctor sees an individual in the hospital in the emergency room who can't afford to pay, and that individual requires further treatment, they must see that individual in their office for free.

You can imagine the burden that puts on doctors, and that is magnified manyfold here right at the border. And it is causing a crisis for the people of this community who are legal residents and citizens of the United States who need that health care when their resources are being dedicated in other places.

Again, Mr. Chairman, I commend you for holding this hearing, and I do want to conclude with one notion. There is an emerging sentiment in Washington, DC, that the terrorist threat, the threat of Middle Eastern or people of Iran-Iraqi origin, who are associated with Al-Qaeda, are crossing the Canadian border, and are a greater threat at the Canadian border than at the Mexican border.

I simply do not agree with that sentiment. I do not believe the statistics support that, and I would site as one point of that a newspaper column which appeared on Monday, February 18th, just this last Monday, documenting a number of six illegal immigrants

caught crossing the border at Valpurias—I am not sure that is how you pronounce it.

Two were from Afghanistan, and one was from Pakistan, and I believe we have a severe problem at the Southern border as the Northern border, and I commend you for spending your time to come here, Mr. Chairman.

Mr. SOUDER. Thank you. Let me first thank Congressman Kolbe for hosting me in your district. This is obviously a much warmer place than Indiana right now. In fact, I think you are double or more on the temperature.

Unfortunately, I am headed back to Fort Wayne this afternoon and so I won't be able to enjoy it very much, and I appreciate the two Members from Arizona's interest in this subject, which isn't now. It has been there since I have been in Congress, and even back to when I was a staffer.

Congressman Kolbe is the chairman of the committee that funds a lot of our overseas narcotics efforts, and if we don't get control of it in Columbia and other places, it merely comes up and hits this border.

He also is on the subcommittee that oversees and has chaired the subcommittee that oversees a lot of the funding. We have very difficult funding questions, and his leadership, and his interest in both the border, the narcotics, and the trade, have been critical in Congress.

Congressman Shadegg and I were elected in the same class. We have worked together, and he is persistently hounding me all the time about Arizona problems, and I think they are both strong advocates for the State of Arizona.

We have attempted to balance clearly in these hearings the different problems, and what we see is each crossing is different, and as John often says, history may not repeat itself, but often it rhymes. And that is what we see with the crossings.

They aren't exactly the same, but often they have similarities. But there are unique differences, and we have concentrated on the south border, and there has been a lot of diversion in the north border.

It is not that there aren't terrorist problems on the south border, in addition to huge and larger immigration problems, and narcotics problems, although we are increasingly having narcotics problems on the north border.

In Detroit, there are 225,000 Arab Americans, and the largest Al-Qaeda cells arguably in the world are in Montreal and Toronto. And we are having a very difficult time trying to control the north border, looking for the occasional terrorist, which is a different problem than we have on the south border, where you have masses of people, and where people are often hiding in them, and coming in illegally.

And the quantity of cocaine, and heroin, and even marijuana that is coming from the south is huge, but increasing the marijuana, potent marijuana, is coming in from the north border.

And the ecstacy is coming in from the north border, and the meth is coming in from the north border, and so we are trying to figure out how simultaneously we can continue the success that we

have begun to have, at least in parts of the south border, like San Diego.

And at the same time, stiffen our defenses in the north border without wrecking our economy when people are hurting for jobs. And that is our dilemma, and that is why we are here today to hear the unique problems of what is happening in Arizona as we take actions in other areas.

Now, before proceeding with the witnesses, I need to take care of a couple of procedural matters. First, I ask for unanimous consent that all Members have 5 legislative days to submit written statements and questions for the hearing record.

And that any answers to the written questions provided by the witnesses also be included in the record, because we may have some followup questions or information that the witnesses want to submit. So without objection, it is so ordered.

Second, I ask for unanimous consent that all exhibits, documents, and other materials referred to by the Members and the witnesses may be included in the hearing record, and that all Members be permitted to revise and extend their remarks, and without objection, it is so ordered.

This is an oversight committee. For those of you who follow the adventures in which are frequent and complex of the last administration, this committee, and that we are a subcommittee and part of, is the Government Reform Committee, that did everything from the Travel Office, to Waco, to the China investigations, to the FBI files.

And when you do oversight of the executive branch and issues, every witness is sworn in and it is part of a record of making sure that the laws that Congress pass are implemented in the way that we intended, and followed through.

We do not have open mics. I know that some people have expressed that. If you have written statements or comments that you want to make, if you submit those to Congressman Kolbe or Congressman Shadegg, as you heard me just read, our standard procedure is that Members can put information in the record.

But we do not—it is not like the town meetings that each of us hold. This is an official investigation by the Congress over the executive branch activities. And I know that often frustrates many people who came out.

But sometimes we do it where there is 5 people watching us, and sometimes there is 300, but we need to go through our same procedures as we do all oversight hearings. Finally, I ask for unanimous consent that all Members present be permitted to participate in the hearing.

One last thing on what we are doing. Each of the hearings then becomes a book of about that border, and with the additional charts, and that we put in with the information, and with the followup questions, and with any statements that people put in.

And then we will also be doing an interim, and then a final, border report, because certainly we are doing the most systematic examination of each of the States on the south and north border, and we will have that first interim report in probably 1½ to 2 months, and then a final one as we move into the final legislative and appropriations process in the summer.

With that, I would like to move to the first panel. It is a longstanding congressional protocol that government witnesses representing the administration testify first. So our first panel consists of those witnesses. Would the witnesses on the first panel please rise, and raise your right hands, and I will administer the oath.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that both of the witnesses answered in the affirmative. We will first recognize Ms. De La Torre. You are recognized for your opening statement for the Customs Service.

**STATEMENTS OF DONNA DE LA TORRE, DIRECTOR, FIELD OPERATIONS, ARIZONA CUSTOMS MANAGEMENT CENTER, U.S. CUSTOMS SERVICE; AND DAVID AGUILAR, CHIEF PATROL AGENT, TUCSON SECTOR, U.S. BORDER PATROL, IMMIGRATION AND NATURALIZATION SERVICE**

Ms. DE LA TORRE. Chairman Souder, Mr. Kolbe, and Mr. Shadegg, thank you very much for your invitation to address this committee and for the opportunity to appear before you today.

I would like to discuss the efforts of the U.S. Customs Service to address the terrorism threat, and the challenges that exist along the U.S./Mexican border in the Arizona Customs management center.

In the Arizona management center, clearly the majority of our resources are focused on processing traffic through the six ports of entry along the Arizona/Mexico border in Yuma, Pima, Santa Cruz, and Cochise Counties.

Just last year in Arizona, we processed, and processed traffic of 10 million private vehicles, carrying 23 million people into our country. We also processed 9 million pedestrians, for a combination of 32 million people arriving in the United States legally from Mexico or other parts of the world in to Arizona.

To put this volume in perspective, the combined 32 million arriving persons is greater than the combined international arrivals through this country's three major gateway airports of JFK, Miami, and Los Angeles International Airports.

Wait times certainly did increase for a time after September 11th, and we do see those traffic volumes reaching right back to pre-September 11th levels. Additionally, we processed 335,000 commercial trucks coming into this country, and laden on those trucks were goods, with a value in excess of $10 billion.

We collected from those commercial entries duties for the U.S. Government of $41 million, and so that $41 million was redeposited into the U.S. General Fund.

Clearly our challenge though is to segregate and to sort out suspicious persons and goods from legitimate travel and trade. In so doing last year, U.S. Customs Inspectors, canine officers at the ports of entry, and U.S. Customs Special Agents who were working between the ports of entry, seized more than 223,000 pounds of narcotics.

To do this, we have to employ a multi-layered strategy that combines risk management, targeting, and technology, to sort out this traffic from the legitimate travel and trade. We employ a rigorous

use of automated and manual pre-screening systems, dedicated individual efforts of customs officers, and National Guard members.

We utilize a wide array of state-of-the-art detection technology, and sophisticated computer-assisted risk assessment; not to mention the contributions of our fine 70 or more 4-legged customs officers out here, our Canine Corps, for the U.S. Customs Services.

Another major component of our strategy within the Customs Service involves partnerships with other governmental and private interests on both sides of the border. These include certainly the U.S. Immigration and Naturalization Services, whose inspectors work side-by-side with us at the Ports of Entry.

But it includes industry partnership programs, commercial importers, and ongoing coordination with trade groups, community chambers of commerce, and very importantly, agencies of the State of Arizona.

Immediately following the terrorist attacks of September 11th, Customs went to what we call a level one alert here and across the country. Level one requires a sustained, intensive, anti-terrorist initiative, and it includes the increased inspections of travelers and goods at every port of entry.

We remain at level one alert today. Another consequence of level one is that Customs officers are guarding all ports of entry during the hours when they are normally closed.

These activities under level one do not constitute new or unfamiliar work for Customs, but rather they are an intensification of what we already do, but with an emphasis on anti-terrorism rather than anti-smuggling.

We believe the same knowledge of smuggling techniques and behavioral analysis that our officers have used so effectively against narco terrorists can be equally effective against this new threat.

A good example of this is the interception of the terrorist, Ahmad Rassam, on our Northern border with Canada at the end of year 2000 by U.S. Customs inspectors working at Port Angelos.

Certainly this change in focus is going to require a different degree of emphasis, and it is supported mainly on the Southwest border by a greater utilization of our existing resources.

Currently in the Arizona Customs management center, our officers are working 41 percent more overtime on top of what was already a pretty substantial overtime requirement prior to the events of September 11th.

Since September 11th, we have added 14 additional Customs officer positions, a 3.9 percent increase in resources, and the recent passage of emergency supplemental appropriations for counter-terrorism has provided additional resources, which project out to 20 additional positions for this CMC.

We are very hopeful that this will allow us to reach a point where the current level of operations can be sustained indefinitely without negatively impacting officer effectiveness.

In the trade processing arena, we are trying to do more to push our sphere of activities outward from U.S. point of entry to points of origin abroad. Our recently implemented Customs trade partnership against terrorism will do just that.

In this program, we plan to work with importers in developing information, such as where their goods originated, the physical se-

curity and integrity of their foreign plants and suppliers, the background of their personnel, the means by which they transport goods, and those who they have chosen to transport their goods into the country.

On a local level, we are certainly attempting to work out smarter or as smart as we can, and I would like to bring up one particular project that specifically deals with the trade arena.

To better counter the narcotics threat and now the terrorist threat in the commercial environment, Arizona has implemented at our port in Nogales, which is our busiest commercial crossing, a project that we refer to as the Mariposa Cargo Redesign Project.

This redesign, which involves the partnering with the State of Arizona to acquire additional land necessary for us to share with them and develop a commercial processing system, has greatly reduced traditional Southwest border processing times, but it has also increased Customs ability to screen for enforcement purposes.

Essentially what we have done is to create an enforcement screening area of what used to be a static queuing line, and we decided that since the trucks were just waiting in line anyway that we could do something there while they were waiting.

So using this system, every single truck, without exception, that enters the United States through the Nogales Mariposa Cargo Crossing is intensely screened. What this means is that this allowed us to move to level one inspections in the cargo arena in Nogales, our busiest trade port here, in a transparent manner to the trade.

We were already conducting those intensified level one inspections prior to September 11th. In the passenger arena, we have implemented an enforcement command center concept, along with an operation that involves 203 cameras strategically placed throughout the border, throughout our border in Arizona.

And we have developed, tested, and successfully implemented the Customs Automated Operations System, which allows us to systematically program various operations into the passenger processing environment, or alternately, it randomly selects various enforcement operations.

This has proven to be very effective for us in providing a measure of uniformity. It has also been a force multiplier. It keeps our officers focused on the goal of the operation, while at the same time making us much less predictable to the smuggler or to the potential terrorist. We are very hopeful about future successes within this customs automated operation system implementation.

In conclusion, Mr. Chairman, Mr. Kolbe, and Mr. Shadegg, I want to thank you for this opportunity to testify. The U.S. Customs Service will continue to make every effort possible, working with our fellow inspection agencies, with the administration, with congressional leaders, our Mexican counterparts, and the business community, to address your concerns and those of the American people.

I would be very happy to answer any questions that you might have.

[The prepared statement of Ms. De La Torre follows:]

**STATEMENT OF DONNA DE LA TORRE, DIRECTOR, FIELD OPERATIONS ARIZONA CMC, UNITED STATES CUSTOMS SERVICE BEFORE THE COMMITTEE ON GOVERNMENT REFORM SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES FEBRUARY 22, 2002**

Chairman Souder, Chairman Kolbe, thank you for your invitation to address this committee and for the opportunity to appear before you today. I would like to discuss the efforts of the U.S. Customs Service to address the terrorism threat and the challenges that exist along the U.S. – Mexican border in the Arizona Customs Management Center (CMC).

**Challenges on the Southern Border**

In the Arizona CMC the majority of our resources are focused on processing traffic through the six ports of entry along the Arizona-Mexico border in Yuma, Pima, Santa Cruz and Cochise counties. In calendar year 2001 (January 1 through December 31), this traffic included over 10 million private vehicles with over 23 million persons, 9 million pedestrians and 336,000 commercial trucks. To put this volume in perspective, the combined 32 million arriving persons is greater than the combined international arrivals through this country's three major gateway airports of JFK, Miami and LAX.

Customs efforts in Arizona to dismantle smuggling organizations have yielded in the interception of more than 223,000 pounds of narcotics seized by Customs Agents, Inspectors, and Canine Officers during the fiscal year 2001. Also, $41 million in Customs duties was collected in the processing of 263,415 commercial importations with a total value exceeding $10 billion.

This performance resulted from the skillful operation of a multi-layered strategy combining risk management, targeting and technology to sort out suspicious persons and goods from legitimate travel and trade. The layers of this strategy include rigorous use of automated and manual pre-screening systems, dedicated individual efforts of Customs Officers, National Guardsmen (and Canines) and the utilization of a wide array of state of the art detection technology, and sophisticated computer assisted risk assessment.

Another major component of this strategy has been partnerships with other involved governmental and private interests on both sides of the border. These include the Border Cooperation Initiative (BCI) with the U.S. Immigration & Naturalization Service, Industry Partnership Programs with commercial importers, and on-going coordination with trade groups, community Chambers of Commerce and Arizona State agencies.

**The New Challenge of Terrorism**

Immediately following the terrorist attacks of September 11th Customs went to a Level 1 alert here and across the country. Level 1 requires sustained, intensive anti-terrorist initiatives, and includes increased inspections of travelers and goods at every port of entry. We remain at the Level 1 alert today.

The activities under Level 1 do not constitute new or unfamiliar work for Customs, but rather an intensification of what we already do with the emphasis on anti-terrorism rather than anti-smuggling. However, we find the same knowledge of smuggling techniques and behavioral analysis our officers have used so effectively against narco-terrorists to be equally effective against this new threat. However, this change in focus requires a different degree of emphasis and is supported on the Southwest Border by greater utilization of existing resources. We are definitely working longer and harder but I would also add smarter. Let me expand on these themes.

First, to state the obvious, failing to catch a terrorist crossing the border can have catastrophic consequences. We have to be tighter. We have to do better. The Level 1 alert brings us closer to accomplishing those objectives, but we have more to do.

Secondly, in the Arizona CMC our officers are working 41% more overtime or top of what was already a heavy overtime burden prior to the events of 9/11.

Finally, we have existing strategies in place that are being adapted and re-directed to the higher risks of the terrorist threat. I will discuss two of these in a minute.

**Facing the Challenge**

Since September 11th the Arizona CMC has added 14 additional Customs Officer positions, a 3.9% increase. Those additional positions are just now beginning to mitigate some of the overtime pressure on our workforce. Recent passage of emergency supplemental appropriations for counter-terrorism has provided additional resources, which project out to 20 additional positions for this CMC. We are hopeful that this will allow us to reach a point where the current level of operations can be sustained indefinitely without negatively impacting officer effectiveness.

Several Arizona Ports have reached capacity and have no room for further expansion within their current confines. The most severely impacted port is San Luis and the joint U.S./Mexican Presidential Approval necessary for a new commercial crossing at that port is complete. Relocating commercial activity will

go far towards alleviating the current congestion at that port. Similarly, the port of Douglas has operational limitations that need to be addressed. Operationally, we currently employ a wide variety of means to sift out threats from the vast flows of legitimate travel and trade. But in the wake of September 11th it is obvious that we must do more.

In trade processing we must do more to push our sphere of activities outward, from U.S. points of entry to points of origin abroad. The recently implemented Customs-Trade Partnership Against Terrorism (C-TPAT) does just that. In this program we are working with importers in developing information such as where their goods originated; the physical security and integrity of their foreign plants and suppliers; the background of their personnel; the means by which they transport goods; and those who they have chosen to transport their goods into our country.

At the same time, Customs will provide incentives to companies who partner with us to improve our national security against the terrorist threat. Those companies that adopt or have a program that meets security standards will be given the "fast lane" through border crossings.

On the Southwest Border the weakest link in this type of commercial pre-screening has been, and remains, the carrier. Anti-drug carrier initiatives have been very effective enhancing security for air, sea and rail carriers. For truckers

crossing the border, however, the large and constantly changing population of small companies (many of them just one truck) has made progress more difficult.

To better counter the threat in the commercial environment, the Arizona CMC has implemented at the port of Nogales, our busiest commercial port, what we refer to as the Mariposa Cargo Redesign Project. This redesign involved us partnering with the State of Arizona to acquire the additional land necessary to develop a commercial processing system that greatly reduces traditional Southwest Border processing times but also increases Customs ability to screen, for enforcement purposes, every truck entering the United States. Using this system every truck, without exception, that enters the United States through the Nogales Mariposa crossing is intensely screened. We believe that the Mariposa Redesign Project should become the model for all commercial lots on the Southwest Border in the immediate future.

The C-TPAT strategy is part of a varied and growing inventory of approaches Customs has adopted to be tighter – to do a better job. All of these efforts are driven by the reality that knowledge is a force multiplier – that the more we know about the people and companies who travel and import the better we will be able to identify and interdict threats to our national security.

In the mean time, to counter this threat, the Arizona CMC developed and tested the Customs Automated Operations System (CAOS). This system allows us to systematically program various operations into the passenger-processing environment or, alternatively, randomly selects various enforcement operations. CAOS has proven effective in providing a measure of uniformity; all officers are focused towards the goal of the operation, while at the same time making us less predictable to the smuggler or potential terrorist.

**Conclusion**

Mr. Chairman, Mr. Kolbe, I want to thank you for this opportunity to testify. The U.S. Customs Service will continue to make every effort possible, working with our fellow inspection agencies, with the Administration, with Congressional leaders, our Mexican counterparts, and the business community to address your concerns and those of the American people. I would be happy to answer any questions you might have.

Mr. SOUDER. Thank you very much.

Mr. Aguilar.

Mr. AGUILAR. Good morning. Chairman Sounder, Congressman Kolbe, and Congressman Shadegg, I am pleased to have the opportunity to appear before the subcommittee here today to speak to you about the Tucson Border Patrol sector's operations, and our law enforcement initiatives that are effectively addressing and impacting alien and drug smuggling, and counter-terrorism measures in Arizona.

I would like to begin this morning by thanking you and your fellow Members of Congress for your diligent support of INS and the U.S. Border Patrol. The Tucson sector of the U.S. Border Patrol has an area of responsibility that covers 261 linear miles of Arizona's border with Mexico.

This sector has eight border patrol stations located in four counties within the southern area of the State. The U.S. Border Patrol developed a border patrol strategy in 1994 as part of the overall INS effort to deter illegal immigration into our country.

The principal goal of the border strategy is to effectively bring the border areas with the highest level of illegal crossings under manageable control. The foundation of the border control strategy is two-fold; to focus border patrol resources in targeted areas of operation in order to increase levels of border control in the areas of greatest need; and to increase the quality of life for people living and working along the border by reducing the level of crime in border communities.

Arizona has three main areas that are used as illegal entry points or corridors into the United States. The three main corridors are identified as the Nogales corridor, the Douglas/Naco corridor, and the West Desert corridor.

The Nogales corridor originates in the United States at Nogales, AZ. Sonora, Mexico, is the Mexican city directly across the border from Nogales, AZ. Highway 19 is the main arterial highway leading into the United States from Nogales, AZ.

There are several other peripheral roadways that lead away from Nogales. The Nogales and Sonora stations are responsible for this area of operations. The Douglas/Naco corridor originates at the cities of Douglas and Naco, AZ.

Both of these cities and the surrounding areas are used by smugglers to facilitate the entry of illegal aliens into the United States. The main arterial highways leading away from the Douglas/Naco area of operations are Highway 191, Highway 80, 82, and 90.

The Douglas, Naco and Wilcox stations are responsible for this area of operations. The West Desert corridor encompasses the western-most portion of the Tucson sector, and this is a very desolate and harsh corridor that is the least used by smugglers and aliens.

Aliens have to track long distances on foot in order to reach highways leading away from the border area. The Tucson, Casa Grande, and Ajo Stations, are responsible for these areas of operation.

The strategic application of border patrol resources is essential. This is necessary in order for our operations to be effective by making it unfeasible for smugglers and aliens to utilize an area such

as the Douglas-Naco corridor as a gateway to the interior of the United States.

The forward deployment of our resources is essential to our operation, and is founded on an immediate border area deterrence-based approach. This includes the deployment of border patrol agents in high visibility positions, sensors, low light television cameras, barriers, lighting and other technology, all of which creates force multipliers.

The Tucson sector operates a network of temporary traffic checkpoints, and when the smugglers and alien flow are driven out of the populated areas, they utilize the outlying areas as a means of reaching the main highways leading away from the border.

The checkpoints provide a border patrol presence on those outlying roadways that deters the use of the roadways by smugglers. The checkpoints also enhance the Border Patrol's ability to police the entire expanse of the roadways. The Tucson sector ranch patrol operates in the Douglas/Naco area and concentrates on responding to ranchers and rural citizens that are experiencing incursions on their private property by aliens and alien smugglers.

The Tucson sector also has instituted a disrupt unit that patrols the highways leading away from the areas experiencing increased smuggling and other criminal activity. The disrupt units' mission is to deny smugglers the use of open air staging areas that parallel the immediate border area.

The function and supportive role to units on the immediate border and the ranch patrols have proven very successful. The key asset in all border patrol operations is the border patrol agent, and I am extremely proud of the men and women of the Tucson sector for their hard work, their diligence, and their fortitude.

Operational strategy is founded on the agents' presence and operational response capabilities, and is directly linked to supporting enforcement infrastructure, which includes remote video surveillance camera systems, integrated surveillance intelligence systems, LORIS scopes, night vision goggles, sensors, all terrain vehicles, horse patrols, barriers, and other resources that complement and enhance agent's capabilities.

Smugglers' continued efforts to bypass our border control strategy have resulted in smugglers adjusting their tactics, and guiding unsuspecting groups of aliens through desolate and sometimes treachious areas of Arizona.

The Mexican Consulate has joined forces with us to produce public safety announcements to be aired in Mexico, and we have undertaken a very aggressive program of developing and publishing warning pamphlets distributed in Mexico.

Signs have been posted on both sides of the border warning of the dangers of crossing in specific areas. When illegal crossings in dangerous areas do occur, the Tucson sector border patrol search trauma and rescue unit performs search and rescue operations, primarily in the West Desert corridor, 7 days a week, 24 hours a day, during the hot summer months. They performed 121 rescues last fiscal year alone.

The achievements that we have reached. The Nogales corridor. Prior to implementing the border patrol strategy, the quality of life in downtown Nogales was deteriorating and crime was rampant.

Our deterrence-based strategy was implemented n December 1998, and the results have been dramatic.

The Nogales station apprehended 127,206 illegal aliens in fiscal year 1998. The station has experienced a steady decline in the number of apprehensions since 1998. In fiscal year 1999, the Nogales station apprehended 86,529 illegal aliens. In fiscal year 2000, 68,251. In fiscal year 2001, 58,262.

As evidenced by these statistics, apprehensions in the downtown area have now dropped 54 percent, compared to 1998.

The Douglas/Naco corridor. In fiscal year 1998, a total of 178,134 illegal aliens were apprehended in the Douglas/Naco corridor. In fiscal year 1999, 266,285. At the onset of Operation Safeguard, the Tucson sector successfully employed the strategy of deterrence in the city of Douglas.

Our incremental expansion since late 1999 in this area has brought management control to a large part of this area. This success was achieved with the aggressive and sustained forward deployment of personnel, along with cameras, sensors, and other equipment and technology on the immediate border area.

As resources are directed to the Douglas/Naco corridor apprehensions have declined from 402,694 in fiscal year 2000, to 260,939 in fiscal year 2001. In conclusion, Mr. Chairman, the U.S. Border Patrol has had successes in San Diego, El Paso, and McAllen sectors.

And I am now elated to include the Nogales corridor and the majority of the Douglas/Naco corridor in this listing as border control achievements. Arrests of illegal aliens throughout the Tucson sector are currently down by 52 percent as compared to last year.

And the sector is at a 7 year low in arrests. I am confident that with our current strategy and with continued support that we will meet our objective of controlling the border.

I thank the subcommittee for the opportunity to present this testimony, and I would be pleased to respond to any questions that the subcommittee may have. Thank you.

[The prepared statement of Mr. Aguilar follows:]

**U.S. Department of Justice**
Immigration and Naturalization Service

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**STATEMENT OF**

**DAVID AGUILAR**

**CHIEF PATROL AGENT, TUCSON SECTOR**

**U.S. BORDER PATROL**

**IMMIGRATION AND NATURALIZATION SERVICE**

***BEFORE THE***

**COMMITTEE ON GOVERNMENT REFORM**

**SUBCOMMITTEE ON CRIMINAL JUSTICE,**

**DRUG POLICY, AND HUMAN RESOURCES**

**U.S. HOUSE OF REPRESENTATIVES**

**REGARDING**

**ARIZONA BORDER ISSUES**

**FEBRUARY 22, 2002**

**9:00 A.M. SIERRA VISTA, ARIZONA**

MR. CHAIRMAN, CONGRESSMAN KOLBE, CONGRESSMAN SHADEGG, I am pleased to have the opportunity to appear before the Subcommittee today to speak to you about the Tucson Border Patrol Sector's operations and our law enforcement initiatives that are effectively addressing and impacting alien and drug smuggling and counter-terrorism measures in Arizona. I am David Aguilar, the Chief Patrol Agent for the Tucson Border Patrol Sector.

I would like to begin by thanking you and your fellow Members of Congress for your diligent support of the INS.

**TUCSON BORDER PATROL SECTOR**

The Tucson Sector of the United States Border Patrol has an area of responsibility that covers 261 miles of Arizona's border with Mexico. The Sector has eight (8) Border Patrol stations located in four counties within the southern area of the state.

**NATIONAL BORDER CONTROL STRATEGY**

The United States Border Patrol developed a border control strategy in 1994 as a part of the overall INS effort to deter illegal immigration into the country. The principal goal of the border strategy is to effectively bring the border areas with the highest level of illegal crossings under manageable control.

The foundation of the Border Control Strategy is two-fold: to focus Border Patrol resources in targeted areas of operation in order to increase levels of border control in the areas of greatest need, and to increase the quality of life for people living and working along the border by reducing the level of crime in border communities.

**TUCSON STRATEGY – OPERATION SAFEGUARD**

Arizona has three main areas that are used as entry points or corridors into the United States. The three main corridors are identified as the Nogales Corridor, the Douglas/Naco Corridor, and the West Desert Corridor.

The Nogales corridor originates in the United States at Nogales, Arizona. Nogales, Sonora, Mexico is the Mexican city directly across the border from Nogales, Arizona. Highway 19 is the main arterial highway leading into the United States from Nogales, Arizona. There are several other peripheral roadways that lead away from Nogales, Arizona. The Nogales and Sonoita Station are responsible for this area of operations.

The Douglas/Naco corridor originates at the cities of Douglas and Naco, Arizona. Both of these cities and the surrounding areas are used by smugglers to facilitate the entry of illegal aliens into the United States. The main arterial highways leading away from the Douglas/Naco area are highways 191, 80, 82, and 90. The Douglas, Naco, and Willcox Stations are responsible for this area of operations.

The West Desert Corridor encompasses the western most portion of the Tucson Sector. This is a very desolate and harsh corridor that is the least used by smugglers and aliens. Aliens have to trek long distances on foot in order to reach highways leading away from the border area. The Tucson, Casa Grande, and Ajo Stations are responsible for these areas of operation.

The strategic application of Border Patrol resources is essential. This is necessary in order for our operations to be effective by making it unfeasible for smugglers and

aliens to utilize an area such as the Douglas/Naco Corridor as a gateway to the interior of the United States.

The forward deployment of our resources is essential to our operations and is founded on an immediate border area deterrence-based approach. This includes the deployment of Border Patrol Agents in high visibility positions, sensors, low light television cameras, barriers, lighting, and other technology, all of which creates force multipliers.

Tucson Sector operates a network of temporary traffic checkpoints. When the smugglers and alien flow are driven out of the populated areas they utilize the outlying areas as a means of reaching the main highways leading away from the border. The checkpoints provide a Border Patrol presence on these outlying roadways that deters the use of the roadways by smugglers. The checkpoints also enhance the Border Patrol's ability to police the entire expanse of the roadways."

Tucson Sector Ranch Patrol operates in the Douglas/Naco area and concentrates on responding to ranchers and rural citizens that are experiencing incursions on their private property by aliens and alien smugglers.

Tucson Sector has also instituted a Disrupt Unit that patrols the highways leading away from the areas experiencing increased smuggling and other criminal activity. The Disrupt Unit's mission is to deny smugglers the use of staging areas that parallel the immediate border areas. They function in a supportive role to units on the immediate Border and Ranch Patrols, and have proven very successful.

**RESOURCES AND THEIR APPLICATION**

The key asset in all Border Patrol operations is the Border Patrol Agent, and I am extremely proud of the men and women of the Tucson Sector for their hard work, diligence, and fortitude. Operational strategy is founded on the agents' presence and operational response capabilities and is directly linked to supporting enforcement infrastructure, which includes Remote Video Surveillance Camera Systems (RVS), Integrated Surveillance Intelligence Systems (ISIS), LORIS scopes, night vision goggles, sensors, all terrain vehicles (ATV's), horse patrols, barriers and other resources that complement and enhance agent capabilities.

The Tucson Sector Public Information Program is an essential part of our Border Control Strategy to project an image of a strong enforcement and deterrence presence. It provides the media with necessary information such as Sector accomplishments, the high cost of smuggling, the poor treatment of illegal aliens by smugglers, and the dangers of crossing the border into the United States. Moreover, the Tuscon Sector has initiated and is involved in several community-outreach programs and employs a full-time Community Relations Officer. Outreach programs are directed toward building public understanding of the United States Border Patrol mission and policies.

**BORDER SAFETY INITIATIVE**

Smugglers' continued efforts to bypass our border control strategy have resulted in smugglers adjusting their tactics and guiding unsuspecting groups of aliens through desolate and sometimes treacherous areas of Arizona. The Mexican Consulate has joined forces with us to produce public safety announcements to be aired in Mexico and we

have undertaken a very aggressive program of developing and publishing warning pamphlets distributed in Mexico. Signs have been posted on both sides of the border warning of the dangers of crossings in specific areas.

When illegal crossings in dangerous areas do occur, the Tucson Sector Border Patrol Search Trauma and Rescue Unit (BORSTAR) performs search and rescue operations, primarily in the West Desert Corridor area, seven days a week, 24 hours a day during the hot summer months. They performed 121 rescues last fiscal year alone.

**STRATEGY SUCCESSES**

❖ **The Nogales Corridor**

Prior to implementing the Border Control Strategy, the quality of life in downtown Nogales was deteriorating and crime was rampant. Our deterrence-based strategy was implemented in December of 1998, and the results have been dramatic. The Nogales station apprehended 127,206 illegal aliens in FY 98. The station has experienced a steady decline in the number of apprehensions since 1998. In FY 99, the Nogales station apprehended 86,529 illegal aliens, in FY 00, 68,251, in FY01, 58,262. As evidenced by these statistics, apprehensions in the downtown area have dropped 54% from FY 98 to FY 01.

❖ **The Douglas/Naco Corridor**

In FY 98, a total of 178,134 illegal aliens were apprehended in the Douglas/Naco Corridor and 266,285 in FY 99. At the onset of Operation Safeguard, the Tucson Sector successfully employed the strategy of deterrence in the City of Douglas. Our incremental

expansion since late 1999 in this area has brought manageable control to a large part of the area. This success was achieved with the aggressive and sustained forward deployment of personnel along with cameras, sensors and other equipment and technology. As resources are directed to the Douglas/Naco Corridor, apprehensions have declined from 402,694 in FY 00 to 260,939 in FY 01.

**CONCLUSION**

The United States Border Patrol has had successes in San Diego, El Paso and McAllen and I am now elated to include the Nogales Corridor and the majority of the Douglas/Naco Corridor in this listing of border control successes. Arrests of illegal aliens throughout the Tucson Sector are currently down by 52% as compared to last year and the Sector is at a 7 year low in arrests. I am confident that with our current strategy and with continued support we will meet our objective of controlling the border.

I thank the Subcommittee for the opportunity to present this testimony and I would be pleased to respond to any questions that the Subcommittee may have.

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Mr. SOUDER. I thank each one of you for your testimony and if you can thank each of your agents in this region for the job that they do. It is often one that receives more criticism than thanks, but they are the front line of defense for the United States of America, and we appreciate what they do.

And if you can communicate that to each one of them. I wanted to make sure that I get a couple of questions into the record. Clearly, while we have focused on the Northern border, there is an increasing signs that there is at least some activity of people of Middle Eastern descent coming across the Southern border.

In the story regarding the ones the other day, there was the story that no one was able to communicate in their language. One of the things that we have been trying to look at in our border patrol, because we focus on speaking Spanish, how if a border patrol agent, or a customs agent, finds somebody who does not speak English or Spanish, what do you do?

Do you feel that this is a frequent enough need that you can still deal with it in contracting out, or do we need to focus more on language? What we have heard from agents in the field, for example, on the Quebec border, that the State Department standards on speaking French mean that people who spoke French all their life could not pass the test.

That we need some kind of a standard that is more functional, rather than you are going to be working in an embassy and dealing in a more formal basis, what could we do if you first feel there is a need, and how do you deal with it, and what could we do to make sure that we have some agents in each sector with more flexibility, not only for Middle Eastern, but Asian.

Mr. AGUILAR. Let me begin, sir. Within the Border Patrol, any time we apprehend a person that does not speak either English or Spanish, one of the first things that we look at is we basically maintain skills inventories within our sectors, our areas of operation, so that we can identify any officers that might speak a language that we are looking for.

In addition to that—and that is the first step that we take, of course, is to take a look at internally what we have got. In addition to that, we have access 24 hours a day, 7 days a week, to what we refer to as an interpreter pool.

By means of telephone communications that is contracted out, we reach out by means of telephone to start the interpretation process. We also reach out to other law enforcement agencies, such as the FBI, the DEA, for assistance in those cases that it is needed.

At this point in time, we have an effective system in place where we can communicate, and one of the most useful tools, of course, is the internal communications skills within our diverse population of agents if you will.

Mr. SOUDER. Do you have anybody who can speak Farsi or Arabic in your 500 personnel?

Mr. AGUILAR. I can't speak to those specifically, sir. I know that in other areas that I have worked we have had those capabilities.

Mr. SOUDER. Have you contracted out, and have you utilized a contracted out since you have been in this zone?

Mr. AGUILAR. Yes. The agents in the field have, yes, sir.

Mr. SOUDER. Ms. De La Torre.

Ms. DE LA TORRE. Principally the language that we encounter is Spanish, and it is rare that we would encounter a language requirement that we are not able to meet, and that is because we are dealing with ports of entry, and mostly legal crossings.

But Customs does have a 24 hour command center based in Washington specifically for the terrorist threat, and to receive intelligence, to analyze, to translate. So what we would do in that eventuality should we encounter someone from a country whose language we could not speak—Middle Eastern—we would immediately notify our 24-hour command center for that kind of translation.

But in that we normally deal with the legitimate traveling trade in public, we have not seen that need or seen a need to contract any kind of special services yet.

Mr. SOUDER. Thank you. Could you also tell me how many of the six crossings are not open 24 hours?

Ms. DE LA TORRE. Our crossing at—of those 6 crossings, 3 of them—well, let's say 2½, are not open 24 hours. The Port of Lukeville is open from 6 a.m. to midnight.

We are now guarding it from 12 to 6 in the morning. The Port of Sasabe is open from 8 a.m. to 8 p.m., and we are now posting customs inspectors from 8 p.m. to 8 a.m.

And then within the Nogales Port of Entry, there are actually several crossings in that Port of Entry, and the Mariposa passenger crossing closes at 10 o'clock at night, and opens at 6 in the morning.

These are based on traffic requirements as we see them, but now once again we are guarding that port of entry during the closed hours.

Mr. SOUDER. Are you looking at doing—is Yuma the next largest port of entry for commercial traffic?

Ms. DE LA TORRE. Yes, it is.

Mr. SOUDER. Are you looking at a system similar to what you did? Is that the next focus?

Ms. DE LA TORRE. We certainly are. We have a tremendous infrastructure, and facility problems in our San Luis crossing right now. It has really outgrown that old facility.

There has been a Presidential permit approved to create a new commercial crossing east of San Luis, and we are very optimistic about how that will change things for us, but we have really outgrown that facility.

Mr. SOUDER. How many rail crossings are there?

Ms. DE LA TORRE. We have one rail crossing at the Port of Nogales.

Mr. SOUDER. And you said that you are basically right now able to see all the trucks. What about the trains?

Ms. DE LA TORRE. Well, I am very pleased to say also that just in the past month we have been able to install a rail VAC, a gamma ray system, which will examine and give us images of the contents of all rail cars both going into the country and out of the country.

We have had it completed and ready for inbound traffic about 2 months ago, and as of about 2 weeks ago, we are now able to also get images of the rail cars going southbound as well.

Mr. SOUDER. Mr. Kolbe.

Mr. KOLBE. Thank you very much, Mr. Chairman. Mr. Aguilar, let me begin with a subject that has been a contentious point for some time between the Border Patrol and myself, and some others, about checkpoints. And I would just like to get this out of the way.

We just have I think a philosophical difference. My view is that roving checkpoints, and checkpoints that move from—that are temporarily moved from one location to the other have got to be more effective than stationing someone permanently in one location.

And we don't say to the Sierra Vista Police that we will put a person at the corner of the bypass and Frye Boulevard, and we will just stop all criminals there, and we won't have anybody anywhere else. We have moved people around, and we have law enforcement that is flexible and that moves.

And I just want to begin by asking you whether you are aware about the language that is in the Appropriation Acts for 1999, 2000, and 2001, and 2002, which prohibits the INS from having permanent checkpoints?

Mr. AGUILAR. Yes, sir, I am familiar with that.

Mr. KOLBE. OK. Are you aware that the current fiscal law this time defines what permanent means? That is, not operating in the same location for 7 consecutive days during a 14 day period?

Are you aware of that, and if so, when did you become aware of that?

Mr. AGUILAR. Yes, sir, we became aware of that shortly after the budget was passed. As an organization, we are very sensitive to the appropriations language, and I understand that the Commissioner is going to be meeting with key Members of Congress next week in order to discuss those very issues.

It is my understanding that the current checkpoint operations do not violate the congressional law. As a Federal law enforcement officer, I am keenly aware of the responsibilities to protect the American people, especially in light of the recent terrorist acts and the requirements of the Border Patrol to operate at National Threat level one conditions.

The INS, the Tucson Sector, and the Border Patrol, is in full compliance with the congressional language which prohibits the use of appropriated funds to construct or operate any permanent traffic checkpoints within the Tucson sector.

There have been no funds expended by INS to the Tucson sector to establish permanent checkpoints within the Tucson Border Patrol Sector. Now, in light of the September 11th situation that we faced, the Border Patrol feels that it is in the best interests of U.S. national security and the American people to be vigilant and to operate the temporary checkpoints in a manner that provides the highest level of Border Patrol enforcement defense against illegal entry of persons coming into the United States.

Mr. KOLBE. Well, it is my understanding that the checkpoint at North Tubac was in the same location from September 10th of last year until January 18th of this year, with 1 day, December 23rd, the day before Christmas, that it wasn't open.

The law was enacted on November 28th, and signed into law at that time. Is it your view that you were complying with the law with that?

Mr. AGUILAR. Yes, sir. The headquarters office of INS is in communication and dialog with the congressional units in order to ensure that we are in fact in line with the appropriations language.

When the September 11th events occurred, the checkpoints had been down for in fact a number of months. The most active checkpoint at that point in time had been the Highway 19 checkpoint going on and off.

On any given day when the checkpoint at Highway 19, and I am speaking of Highway 19 specifically now, it goes down during the day, and for several parts of the day, because of the traffic flow.

That is one of the means that we keep that temporary checkpoint going. We also move it from location to location and not on a monthly basis, but basically we respond to the community.

For example, when Tubac has their arts festival, we respond to the community by moving that also. September 11th, nationwide, all the checkpoints across the Southwest border went into a threat one level, and have been maintained since.

One of the sensitivities that we had at that time was in fact the appropriations language. We immediately went out for guidance on that, and we were told that the dialog was ongoing, and that we were in compliance.

Mr. KOLBE. Perhaps I will have to have that discussion at the Washington level, but I can't see—I mean, there may be a reason for changing, and if they can convince it is changing, fine.

But I don't see how you can say keeping it open continuously is in compliance. And now you have just moved as I understand it 10 miles down the road, this checkpoint?

Mr. AGUILAR. Yes, sir.

Mr. KOLBE. What capabilities do you have at these checkpoints? Do you have access to the Customs, and the State of Arizona for stolen cars and vehicles, registration, etc?

Mr. AGUILAR. No, sir, we do not have any ADP capability because of lack of infrastructure. We have not been able to construct that kind of capability, again because some of the budget limitations that we have.

We cannot run, for example, NCIC checks, Arizona Criminal Index Checks. We cannot process——

Mr. KOLBE. None of that can be done wireless?

Mr. AGUILAR. I'm sorry?

Mr. KOLBE. None of that can be done by wireless communications?

Mr. AGUILAR. No, sir, we do not have that capability right now.

Mr. KOLBE. You do not have that capability?

Mr. AGUILAR. Within the INS, we do not have that capability.

Mr. KOLBE. You don't have wireless capability now?

Mr. AGUILAR. No.

Mr. KOLBE. And is that all available at, for example, the checkpoint north of San Diego? Every vehicle is checked for stolen registration?

Mr. AGUILAR. They have the capability to conduct those kinds of checks because they are hardwired to that kind of capability.

Mr. KOLBE. So every vehicle is checked?

Mr. AGUILAR. At that specific checkpoint? I believe so, yes.

Mr. KOLBE. That is pretty astonishing that you don't have wireless capability. I mean, you have got people moving around throughout the whole district, and not to have wireless capability is really astonishing.

Mr. Chairman, I will come back if I might with some other questions on the hospitals, and also I have some for Ms. De La Torre, if I might on the second round.

Mr. SOUDER. And in our discussions yesterday when we visited one of the checkpoints and we also went through another one, or by another one, that it is clear that if they don't become permanent checkpoints, it is clear that if we don't have checkpoints, we have to look rapidly at how to get the wireless capacity and the information capacity.

It is impossible to do adequate functioning without being able to do proper background checks. One way or another that has to be an appropriations priority, because they either have to get hardwired, or they have to have the other, because intelligence is clearly the most important thing on the terrorism part.

It is probably among the most important things in narcotics, and also in illegal immigration. Mr. Shadegg.

Mr. SHADEGG. Thank you, Mr. Chairman. Le me begin with a clarifying question, because we did visit one of your checkpoints yesterday, and did understand from you then that you do not have wireless data capability.

You do have wireless voice capability, and you could run a license plate check by voice from one of those could you not?

Mr. AGUILAR. Yes, sir, and in fact that is the way that we operate right now. If in fact there is a need for our officers to run a license plate, we then radio in to our base stations, our stations.

And then they in fact start running it through the capabilities that we have there, or we make contact with the appropriate law enforcement agency to run those checks.

Mr. SHADEGG. What you don't have is wireless data capability. You can't type into a computer certain information and have it come right back to that computer?

Mr. AGUILAR. Right. Yes, sir.

Mr. SOUDER. Is the phone secure?

Mr. AGUILAR. No. The phone is not secure, and we communicate by means of cell phone, because we do not have the capability to hardwire in there because of spending constraints.

Mr. SHADEGG. You have no hardwire phone. You have cell phone and radio; is that right?

Mr. AGUILAR. At the checkpoint that you went to yesterday, that is correct.

Mr. SHADEGG. At the checkpoint on I–19 do you have a hardwire phone?

Mr. AGUILAR. No.

Mr. SHADEGG. So there again you communicate by cell phone?

Mr. AGUILAR. By cell phone, yes.

Mr. SHADEGG. Or Border Patrol radio?

Mr. AGUILAR. Or Border Patrol radio, yes, sir.

Mr. SHADEGG. I want to walk through your testimony just through a couple of points. On page 4, you say or your focus on the importance of your agents. I want to know how many agents you

have now, and whether that is an increase or a decrease, and how much of a increase or decrease, and how much of an increase or decrease you expect over the next 2 years?

Mr. AGUILAR. Right now, sir, the authorized levels at the Tucson sector, and this is the entire sector within the eight stations, my table of organization, authorized level, is 1,611 officers.

At this current point in time as we speak, I actually have 1,638 officers on board. So we are actually a little over.

Mr. SHADEGG. And how far is that up or down from where you were a year or 2 years ago?

Mr. AGUILAR. Well, in fact, I can give you the exact enhancements, sir. During fiscal year 2001, we got 70 enhancements; and during fiscal year 2002, we got 60. I'm sorry, 90 are coming this year, but we have not gotten them yet. Those are the enhancements that have just been announced into the sector.

Mr. SHADEGG. OK. How many do you expect in the—I mean, you expect 90 next year, or 90 this year?

Mr. AGUILAR. Yes, 90 this year, fiscal year 2002.

Mr. SHADEGG. And you have no idea beyond that?

Mr. AGUILAR. No. No, sir.

Mr. SHADEGG. And on page five of your testimony, you talk about he warnings to illegal immigrants as they cross. Yet, I understand there are many areas of the border that are not fenced at all, and many areas where there are no signs; is that correct?

Mr. AGUILAR. There are many areas that are not fenced or have minimal fencing, basically some of which you saw last night, the barbed wire fencing, which of course is not going to be a real barrier to anybody who is intent on crossing.

There are some areas that we are extending and expanding our signage efforts out there to warn of the dangers associated with that also, yes.

Mr. SHADEGG. So those signs would only be in a few areas, and they would only be in areas where you have reason to believe that people have crossed in the past?

Mr. AGUILAR. We have reason to believe that people crossed in the past, and we also have a very effective liaison mechanism with our counterparts on the Mexican side, whereby we are also able to preempt some of these signages requirements, because we are being told that people are going at a certain direction.

Our intelligence systems come into play and things of this nature, yes, sir.

Mr. SHADEGG. Your testimony stresses the fact that there is a downturn in arrests, and Mr. Kolbe in his opening statement raised the question of why is that, and I think that is an open question that nobody quite knows the answer.

Some people are encouraged by that fact, and some people are discouraged. I want to first focus on statistics for other than Mexicans. Going at the issue of this terrorism question. Do you keep statistics on arrests of other than Mexican, and are those going up or down?

Mr. AGUILAR. Yes, sir, we do keep statistics on OTMs, Other than Mexicans, and at the present time this sector, as of February 18th, and this is in the data that I brought with me, in the area of OTM specifically, we are down by 4 percent as a sector.

Mr. SHADEGG. From when to when?

Mr. AGUILAR. As compared to last year? Raw numbers, sir, if you are interested in those, are basically at the same time period last year, through February 18th, we had 1,111 apprehensions of other than Mexicans.

Through the 18th of this year, we had 1,070. Now, within that group, I have some further, if you are interested, specifics, from Middle Eastern countries. And since the beginning of the fiscal year, we have had 45 apprehensions of nationals from Middle Eastern countries.

After September 11th, we had a total of 12 from those Middle Eastern countries within the sector.

Mr. SHADEGG. If the overall reduction in other than Mexicans is 4 percent, how does that compare to the overall reduction in total? I believe the reduction was much more dramatic than that.

Mr. AGUILAR. Yes, sir. The make-up of the OTM population into this sector has always been low. The make-up—and this is an estimate because I don't have that figure with me—has always been between 3 and 8 percent historically.

Now as we speak today, through the 18th of February, the sector in its entirety is down by 52 percent in the total number of arrests. The heaviest traffic area that we have had over the last couple of years has been the Douglas and the Naco area of operations.

Within those two specific areas, Douglas is down by 65 percent, and Naco is down by 59 percent through the 18th of February.

Mr. SHADEGG. My time has expired for the first round now. I have some more questions and I will get to them in the second round.

Mr. SOUDER. Ms. De La Torre, how many additional customs inspectors or agents do you feel you need to increase the pressure and success rate in all parts of the Arizona sector?

Ms. DE LA TORRE. Well, certainly resource needs are not unique to Arizona, and I believe that the Customs Service is quite concerned about the threat on the Northern border right now.

Customs, nationwide, has received 840 new inspector positions based on this emergency appropriation from Congress. We know that right now we are going to begin—we will receive at least 20, and I think that the majority will likely go to the Northern border.

But we do understand that we will be receiving in incremental levels additional inspector positions throughout the year. I can just tell you that we are grateful to get two, and we are grateful to get 20, and we are grateful to get 200. And whatever we do receive thought we certainly try to get the most bang for the buck out of.

Mr. SOUDER. Have your drug arrests gone up since September 11th or down?

Ms. DE LA TORRE. Actually, they have gone up. Now, after September 11th, we had a decrease in traffic, and we had a decrease in narcotics smuggling as well. Coincidentally, after the 10 days of mourning, and when the flags went back up, smugglers began to come back across the border.

And what we have seen happening is that we have even deeper concealment in our narcotics loads that are coming in now, because the inspections are so intensified. We have always seen narcotics

being smuggled in gas tanks and spare tires, and typical vehicle smuggling.

But now we see them in intake manifolds, and brake drums, four-wheel drive differentials, drive shafts. We are seeing very, very deep concealment of heroin and cocaine, which is very time consuming to extract.

We have had to remove windshields to get into the air bag compartments and dash boards to be able to extricate narcotics. And you have to do this very carefully, especially if you are trying to preserve evidence for prosecutions.

So that is how we have seen the nature of the narcotics smuggling change, that deep concealment, which is very time consuming certainly for the officers.

Mr. SOUDER. The people who you are arresting for smuggling illegal narcotics, are they a different group then the immigrant group? Are they American citizens, or are they non-citizens? What kind of patterns do you see?

Ms. DE LA TORRE. Sir, I will tell you that we see all types of people from every country, every age, every economic status, smuggling. We have seen American citizens, Mexican citizens, Mexican citizens who are legally in this country, and all types, still smuggling narcotics.

Mr. SOUDER. Has there been any differences in the large loads as opposed to a smaller load?

Ms. DE LA TORRE. Well, the larger loads certainly are coming in through major organizations, and the larger cocaine loads are coming in through the cargo environment. That is why our enforcement screening area of that cargo lot is so critical. That's where we have our gauntlet of dogs, of metal detectors, of inspectors standing on ladders, and people tapping things to see if it sounds the same. That's why that is so critical.

Mr. SOUDER. Are any of those coming through pre-cleared vehicles or frequent vehicles?

Ms. DE LA TORRE. Well, through frequent crossers? Oh, certainly. Certainly.

Mr. SOUDER. Because we are trying to address how we can accelerate the commerce, but yet what we are hearing is that some of the loads are coming through those, and so one way to address that might be to double the penalties if you abuse your frequency, because they were trying to make it easier for Commerce, and people who abuse that should pay a higher penalty because they are in effect bringing the whole system down.

Ms. DE LA TORRE. And I'm sorry for not being clear. I was speaking about frequent crossers in the passenger vehicle arena. These are frequent crossers every day.

Mr. SOUDER. I was referring to the commercial path side.

Ms. DE LA TORRE. Well, in the commercial environment, what we have had to do is differentiate between the importer and the carrier, because an importer can actually legally put a legitimate load of merchandise on and then the carrier, the truck, though, has a false compartment with legitimate merchandise on it, we have to then determine who was at fault.

We don't want to seize the truck and the merchandise if the importer and the shipper had no idea. So that is our challenge then; who was at fault, and who know, and who put it in.

That's why these security agreements in the trade partnership will be so important.

Mr. SOUDER. One of the things that we clearly need to put pressure on, however, are the shippers and others to help us with the accountability beforehand.

Ms. DE LA TORRE. Yes.

Mr. SOUDER. Mr. Aguilar, let me ask this as a compound question so you can address it in one breath. How many agents approximately have you lost to sky marshals and other programs since September 11th; and has the retention problem become greater; and approximately how many applications do you have to receive in order to complete a hire?

Mr. AGUILAR. Currently, sir, the sector for the entire last year had an attrition of 12.8 percent. That is relative to the 1,611 that I quoted earlier. As we speak now, through the month of February, since September, we have had 25 actual officers leave for the Air Marshals Program.

There are others that we are aware of that are in the application process if you will. I don't know at what point they will be picked up or if they will be picked up. But at the present time we have lost 25.

The attrition rate again is 12.8. The second part of your question, I am going to speak to the national recruiting numbers, because I don't have them specifically for the Tucson sector, because as you know, the hiring occurs at the headquarters level through headquarters INS and OPM.

But for us to get the needed people to net the people that we need this next year, we are figuring—and this is the Border Patrol as a whole—that there will be a need to put at a minimum approximately 2,000 officers through our Border Patrol academies in order to net the attrition that is attrited, and the enhancements that we are getting.

Mr. SOUDER. And how many applicants do you need to get to the 2,000 at the academy?

Mr. AGUILAR. That varies significantly based on several things that happen with our economy and things of this nature. The competition that we have with other agencies, and the Sky Marshals is a new dynamic that has been added this time around.

I can give you numbers that I am familiar with, and these are not exact numbers. But a year ago we were approximating as an organization that we needed to actually go out and recruit and basically touch 18,000 applicants in order to net new the people that we actually got as an end product out of our academies in order to get us at the attrition, plus the enhancements.

Mr. KOLBE. Could you yield for just one question?

Mr. SOUDER. Yes, I'm yielding.

Mr. KOLBE. Just on that point, that 12.8 percent is total attrition, and that's not just for the Sky Marshal Program, but for your total attrition?

Mr. AGUILAR. Yes, that's right, that's the total.

Mr. KOLBE. And that is of your uniformed officers?

Mr. AGUILAR. That is specific to our officer corps, yes.

Mr. SOUDER. And that generally speaking, what we have seen is a higher attrition rate post-September 11th. Mr. Ziegler came to us in Congress, particularly in the first 3 months, and said that he was losing agents on a national basis faster than adding them, even though we had just boosted up the funding.

Now, hopefully in a negative—hopefully is the wrong word to use here. The economy softening may be helping this process, but it is a problem that we have when we suddenly wrap up, and we often rob Peter to pay Paul.

Mr. SOUDER. And if I could ask one followup. Where do your Border Patrol agents generally come from, in the sense of what were they previously doing and were they doing previous law enforcement? Where do you recruit from?

Mr. AGUILAR. It is a very diverse population, because we recruit throughout the United States. We concentrate our recruiting efforts throughout the United States, but we also go to colleges, for example; recent graduates, and military people, and people who are exiting the military, and things of this nature.

We have a system that basically credits people with life experiences one way and for them to bring experience to the job. We have a lot of ex-military, and ex-law enforcement people, police officers, fire fighters, and things of this nature.

We also recruit straight out of the colleges with a 2 or 4 year degree that come into the service. So it is a varied background.

Mr. SOUDER. Thank you. Mr. Kolbe.

Mr. KOLBE. Thank you again, Mr. Chairman. Ms. De La Torre, let me begin by asking you on this technology issue, and this kind of follows up on what we were talking about with Mr. Aguilar.

But even before September 11th, I think the Customs Service, particular here in Arizona, has been leading the way with some of the most modern and advanced surveillance systems to improve security on our borders.

You have been working with New Technology Management, Incorporated, which is a local company, on a lot of new and interesting technology projects.

You mentioned BACAS 2, and that also has the wireless tech system, and CAOS, and I am not sure if I remember what that stands for. But it is a reference for Customs inspectors, I guess.

And then weapons of mass destruction, and a land border vehicle targeting system, a JPS kind of system. First of all, do you have the capability to do the kind of wireless data that we were talking about a moment ago?

Ms. DE LA TORRE. Yes, we do have a national wireless project in place in Customs, and the wireless part was not so difficult, but the secure wireless part was the difficult part.

Mr. KOLBE. And that was my next question. Is it secure?

Ms. DE LA TORRE. Yes, and we have been able to overcome that hurdle to achieve secure wireless transmissions. What we like to do is have our officers mobile and walking around with the Port of Entry to be able to input data, and query things without having to go back to a fixed terminal. So we are very pleased with that.

Mr. KOLBE. How does Customs just in a general way, and this is a philosophical question, but how do you balance your resources

between enhanced technology, the newest kinds of technology, versus personnel?

I mean, what would you say your philosophy is in this region here? If you have another dollar where would you like to see it go? To new technology or do you think it is better for personnel; one or the other?

Ms. DE LA TORRE. Oh, gee. If I could put 50 cents to both, that would certainly be wonderful. But I can tell you that sometimes technology is much easier to come by than personnel, and the answer to every problem isn't always putting more people at it.

Sometimes we just have to work a little smarter, at least in that port of entry environment. So what we found is that these technologies that we put in place, our elaborate surveillance camera system, which is really off the shelf technology, but it is state-of-the-art.

And the camera system, and the automated operations system, our ability to score and target land border vehicles, all of that put us in such a good position after September 11th, because although we had not planned for a terrorist attack, when September 11th happen, we were in an excellent position to have complete surveillance, live video, from all of our ports of entry right away.

We were able to determine and direct anti-terrorist operations in a split second through our CAOS. We call it the CAOS system, through our automated operations system. So it has been so valuable that I just don't know what we would do if it was ever taken away from us.

It has just really been incredible and a real force multiplier.

Mr. KOLBE. Well, technology obviously can allow you to expand your resources, and to stretch the personnel out a lot further. I mean, if you suspect a vehicle has contraband, and you take it apart piece by piece; whereas, if you have got the technology to look at it, and you know exactly where you are looking, you can stretch your resources a lot further.

Ms. DE LA TORRE. Absolutely, and imagine that benefit in the cargo environment, and when an inspector might be suspicious, and then to dismantle and take out pallet of tomatoes would take so much time.

But to turn it through a truck x-ray, or gamma ray system, an officer immediately knows if really the truck is OK, and they can go right down the road. So that takes minutes, as opposed to hours, and maybe all day.

Mr. KOLBE. Mr. Aguilar, I want to ask one last question, and I don't want to dwell any longer on the checkpoints, but I want to give you an opportunity. Commissioner Ziegler has said that he is going to ask Congress for permanent checkpoints.

I don't know whether that is your philosophy also as well personally, but from your own standpoint can you tell me if in your view it is, why do you think a permanent checkpoint is a better law enforcement tool than a roving or moveable checkpoint.

Mr. AGUILAR. Yes, sir. When we speak about checkpoints, Congressman—and in fact the group that was with us last night, we gave a full briefing and presentation on this.

But when it comes to checkpoints, there are several parameters that we have to deal with. One of the most important ones, or two

of the most important ones are the safety to the traveling public, and the legal parameters that the Supreme Court and Appellate Courts have placed upon us in order to conduct those checkpoints.

In addition to that, we have the States that we deal with that require us to basically manage the checkpoints adequately. Now, the reason that I say this is the following, because permanent checkpoint as defined by the law not only give us the capability to check and inspect the vehicles, but they also give us the added parameters that facilitate the traffic flow, and that make it easier for the traffic to flow through.

And that also facilitates the economy of the areas that are impacted if you will, such as Nogales, Agua Prieta, Douglas, and those areas. And it gives us the added inspection capabilities.

Having all the technology present that is required to conduct an effective and efficient inspection of the vehicle actually translates the facilitation of that traffic, but impacting upon the criminal aliens, or criminal subjects ability to conduct their criminal activities.

At the present time the Supreme Court mandates that if we move a checkpoint from one location to another that is considered a roving patrol type checkpoint. Under the court cases—and I will quote some of these court cases, Vascas Guerrero, for example. This is a Supreme Court case.

It specifically states, "that when a checkpoint is in operation, it is always located at the same site." The permanence requirement refers not to the duration of the checkpoint, but to its location.

When the courts translate a checkpoint to a roving patrol checkpoint, the intrusiveness of our operations is elevated due to the officer's need to be able to articulate and pinpoint they are in fact stopping this vehicle and not this other one.

Whereas, at a present checkpoint, as defined by the Supreme Court and Appellate Court cases, we have the abilities to inspect every vehicle that goes through there, and of course inspecting every vehicle requires what Customs and we have at our permanent checkpoint locations, all the technology, all the equipment, all the record checks capabilities, all the processing, detention capabilities.

For example, our temporary locations right now, we do not have segregation capabilities for criminal aliens, for criminals, for juveniles, for females, and males.

So they are ineffective and inefficient because we need to employ Border Patrol Agents to immediately respond, and take those people from there, and transport them back to the border in order to do what we should have been able to do at the checkpoint.

Mr. KOLBE. Thank you. I think I am correct in saying that never before have I heard the issue of the Supreme Court cases raised as the argument for it, and so this is a new line that I think we are hearing today, but we will take this up in more detail with Mr. Ziegler.

Mr. Chairman, my time has expired again. Will I have an opportunity to ask one more set of questions on health care?

Mr. SOUDER. OK. I will yield to John.

Mr. SHADEGG. I have some questions about the checkpoints, but I will not focus on them right now. Hopefully I can get those an-

swers later. Ms. De La Torre, how much of your effort is expended—and this rises out of an answer that you gave to a question from the chairman—trying to discern whether the trucker or the shipper is responsible, or—well, what did you say, the transporter or the shipper.

That is, the agent that put the load on the truck, or the person or company moving the truck. How much of your time has been dedicated to trying to figure out how much is responsible as you just said?

Ms. DE LA TORRE. Well, quite a bit. It is very important, and it doesn't often take or always take a great deal of time. Sometimes it depends upon where the narcotics are concealed. For example, if it is a load of merchandise and it is in the boxes of merchandise, and we have seen that, then we strongly suspect the importer.

But what we frequently see is modifications made to 18-wheelers. Now if the company——

Mr. SHADEGG. I have a limited amount of time, and you have answered my question. I just want to tell you that I am stunned by your testimony and stunned by what you just said right now.

And I want to get to the bottom of this, Mr. Chairman. American law—our RICO law, for example—makes it very clear that if an innocent citizen is driving a car that had drugs in it, we can take that car and punish both the citizen who was driving it and claimed he or she didn't know that there were drugs in the car.

And indeed if I borrow a car from someone else, and I use that car to smuggle drugs unbeknownst to the individual, our RICO laws say we can take that car, even though I borrowed your car and you knew nothing about it.

Mr. SOUDER. That is a question they ask you at airports.

Mr. SHADEGG. Yes. It is insane to me that we would not be saying very vigorously and very aggressively that we don't care if it was the shipper or the agent that put the load on the truck.

It if it the guy who owns the truck, or if it is the company that put the load of cargo on the truck, we ought to be punishing them both, and forfeiting them from both, and so that we create an incentive for that shipper to say to the trucker, or the agent, the import agent to say to the trucker, you had better have a clean truck, or I am going to lose my load.

And for the trucker to say to the individual shipping the load, you better be giving me a clean load, or I am going to lose my truck. And we ought to be creating a situation where they buy insurance policies on each of them so that if one gets nailed to the other, let them sort it out.

If an importer is using a company that is also allowing their trucks to be used for illegal drugs, that importer ought to suffer the loss, and vice versa, and I am just stunned, because we have innocent civilians not in the commercial activity that we are punishing that way.

And for us not to punish a commercial importer who used a trucker that had stuff hidden in the brake drums. So I do want to get to the bottom of that. That is incredible.

Mr. Aguilar, I want to try to focus on this issue. You say with some pride that in your tenure here that the number of arrests are

going down, and you believe that is deterring or is reflective of the fact that we are succeeding.

And I think your philosophy as you explained it yesterday was gain control, and either maintain or retain control, and then expand control.

Mr. AGUILAR. Yes, sir.

Mr. SHADEGG. And the numbers show, the final summary numbers that you have given us, showed 402,694 in fiscal year 2000; down to 260,939 in fiscal year 2001. But the fundamental question is for the people that have contacted my office, and many, many do all the time, saying they are still overrunning my property.

And they are still leaving trash on my property, and they are still leaving feces on my property. They are still cutting my fences, and they are still destroying my land. The value of my property is still gone.

How can you substantiate whether this is fewer crossings or simply fewer caught, No. 1. And, No. 2, do you think a more than a quarter of a million people per year is sustainable, because 260,939 is more than a quarter of a million people still crossing in a year.

And then, third, have we regained control, and are we just retaining, or have we not yet gained control, and what do you mean if we haven't gained control yet, what do you need in terms of resources to gain control?

Because I have to tell you that I don't think we have gained control.

Mr. AGUILAR. The terms that I used last night, Congressman Shadegg, were gain, maintain, and expand. In the areas that we are fully deployed within the Arizona border, 261 linear miles of it, we are gauging our successes.

First, I will go into the tangible gauging, and that is the actual arrests that we make out there, but the way that I put it, the arrests are but one variable, one factor, within the entire equation that we have looked at in the gauging effort.

The arrests we take into account, and we take into account what the community is telling us out there. We have forms, G–123 Forms, where we are maintaining records of every phone call that comes into our station that tells us we have got people on our property, and we respond out there. And those have shown a tremendous decline, and that is another one.

Mr. SHADEGG. The number of calls coming in saying people are on our property?

Mr. AGUILAR. Yes, sir. We keep those records very closely, because that again helps us gauge. We talk to the hospital communities, the medical communities, and what is happening, and what are you seeing out there. We are seeing some of that.

Some of these intangibles are a part of those equations that we buildup in order to get the final product that tells us that in fact things are declining. Now, one of the issues that you talk about are those areas where you getting the calls.

What we see in the criminal activity is that they do shift to the efforts of law enforcement, as with any police officer. We apply law enforcement resources. The criminal alien is not going to stop, or the criminal is not going to stop. They are going to force shift and try and get around those enforcement efforts.

When that happens, unfortunately what happens is that the crime shifts also, and this is not to say that we don't try to take preemptive actions or that we address those actions when they are occurring.

For example, I quoted the ranch patrols out here. We have members in the audience I know that are the beneficiaries of the ranch patrol specifically in the remote areas, and the rural areas, where we deploy our officers specifically to patrol those areas, and be immediately responsive to the concerns out there.

The term that I use when I speak to gain is management control. I stated last night that I am just like any chief of police. Any chief of police is working toward zero murders, zero shoplifters, zero burglaries, zero stolen cars.

Is he going to get there? The answer is probably not, but that is what we have to continue to work toward. It is that end product that we are shooting for on a constant basis. That is the expansion process that I referred to.

Resources. We are continuing to be resourced, and this year I am getting an additional 90 personnel. One of the things that I have not spoken about in-depth is the need for technology.

Technology is one of the biggest force multipliers that we can apply in support of that border patrol agent. By adding some of the technology that you saw personally last night, there is tremendous force multipliers.

We have taken in this sector a step that has not been taken in other sectors. That is, we have taken what I refer to as a rest technology, and turned it into a deterrence technology, to where we stop the person from actually committing the crime so that we don't have to make the arrest.

And we don't have to actually have to transport, process, detain, feed, safeguard, and all of these things that take away from that operational impact that we are looking to make.

Mr. SHADEGG. It was a multifaceted question. So forgive me if I just missed it. Again, I want you to answer two questions that I did propound. One, do you think we have gained manageable control of the sector.

Mr. AGUILAR. The management control aspect of the sector right now in the Nogales corridor of operation, which is the Santa Cruz County area, in the Douglas/Naco corridor, as I stated, we are at basically at a 7 year low right now.

Is that acceptable? No. We are going to continue. It is a work in progress. We need to continue working on that. How we do that is by the expansion process, by the enhancements of technology, things of this nature.

Mr. SHADEGG. OK. The second question that I didn't hear the answer to. Do you think—well, maybe I did hear the answer to. Do you think the 260,939 is an acceptable or sustainable number over time?

Mr. AGUILAR. No, it is not acceptable, and that's why we continue to work on that, and to continue reducing those numbers out there.

Mr. SHADEGG. My time has expired. Thank you, Mr. Chairman.

Mr. SOUDER. Mr. Kolbe.

Mr. KOLBE. Thank you very much. I am going to go into the health care, but I just wanted to get on the record here about the air assets As you know the Appropriations Act of Fiscal Year 2002 directs the sector to implement the negotiations that were directed to relocate some of the helicopter operations to Sierra Vista.

First of all, what is the number of air assets you have in this sector?

Mr. AGUILAR. In total, sir, right now we have nine pilots, including my supervisory pilot.

Mr. KOLBE. And what aircraft?

Mr. AGUILAR. I have seven O86 helicopters, which are low duty helicopters, and I have one Huey, which is a large carrying capacity, and two fixed-wings.

Mr. KOLBE. So eight helicopters?

Mr. AGUILAR. In total, I have eight, yes.

Mr. KOLBE. And two fixed-wings?

Mr. AGUILAR. And two fixed-wings, yes, sir.

Mr. KOLBE. And where are they currently located? I don't mean at this moment are they flying in the air, but when they bed down, where do they bed down?

Mr. AGUILAR. They are assigned right now in Tucson, out of Tucson Air Operations. I have one supervisory pilot, and I have one journeyman pilot, and one trainee pilot. I have three aircraft mechanics, four of the O86 helicopters, and the Huey is based out of there.

At Sierra Vista, I have five pilots assigned there, and I have one trainee pilot, for a total of six. I have three 086 helicopters stationed at Sierra Vista, and I have one fixed-wing. So over 50 percent of my air assets are in Sierra Vista.

Mr. KOLBE. Well, that is not quite 50 percent of your total, but anyhow we just checked this morning, and we were told just two have been there, and there has never been a third there.

Mr. AGUILAR. One of the reasons, sir, and I didn't go into this, I don't have mechanics at Sierra Vista.

Mr. KOLBE. So they are not there?

Mr. AGUILAR. No, I don't have mechanics. In order for us to service these helicopters, I have to transport them from Sierra Vista to Tucson to get them worked on. That is why we don't see them on a constant basis.

At the present time, we are in the process of converting positions. We have one mechanic that has been hired and is going through background checks that will be reporting to Sierra Vista as soon as OPM clears him and the background is done.

So we are getting that unit fully operational out there, and as we speak, we have those pilots and those air assets based out of there.

Mr. KOLBE. On paper or based there?

Mr. AGUILAR. Both. And again in order to support them—for example, on the inspections that are required, and on the mechanical duties that need to be performed on these, and because I don't have that infrastructure support there, they need to be conducted in Tucson.

So obviously we bring them to Tucson to get that work done and then take them back.

Mr. KOLBE. I know that we need to keep this hearing moving along. I want to take just a moment to talk, because on our next panel, we are going to have a CEO of one of the hospitals, and I want to talk for a moment about the issue of something that really bugs me a lot frankly, and I think it really upsets a lot of people here, and is a tremendous burden on the folks that live along the border here.

And that is the amount of money that they have to bear in their taxpayer costs for the care, emergency care of illegal immigrants because the Border Patrol does not take care of those.

Let me just if I might an excerpt from an INS policy on injured aliens encountered by service officers. "Where the injury is such that the alien is not likely to escape, the officer shall not take him into custody, or take any action to use language from which an atmosphere of restraint could be conveyed to him or to anyone else present."

Must the Immigration and Naturalization Service take into custody those aliens injured while fleeing from Border Patrol Agents, and thereby incur responsibility for payment of medical bills? No.

"Aliens who are fleeing from Border Patrol Agents generally have not come into custody, and there is no obligation to pay medical injuries resulting from injuries that they may suffer, even if those injuries are a result from seeking to avoid the pursuant of INS personnel."

And so does that accurately characterize the current policy?

Mr. AGUILAR. I don't have that memo in front of me, sir, but what you just covered is what we refer to as prosecutorial discretion, and that is what that memo describes, yes, sir.

Mr. KOLBE. Do you agree that when you stop at a checkpoint or in the desert, or at any other place, and take somebody and put them into the van, is that individual while you are transporting them back to the border in your custody?

Mr. AGUILAR. A person arrested, yes, sir, is in our custody.

Mr. KOLBE. So you have a high speed chase on the interstate, and there is a rollover, and those that are not injured are in your custody, but those that are injured are not in your custody. Would that be a correct characterization?

Mr. AGUILAR. Those that are injured, our primary responsibility and response would be to call in the——

Mr. KOLBE. They are primarily your responsibility?

Mr. AGUILAR. Our primary responsibility is for the well-being, to call in the emergency team.

Mr. KOLBE. That wasn't my question. The ones that you put into the van that are not injured to take back to the border, they are in your custody?

Mr. AGUILAR. Yes.

Mr. KOLBE. Those that are injured are not in your custody, even though you are holding them there while the ambulances are arriving, or the air ambulances, or whatever; is that correct?

Mr. AGUILAR. If we are holding them, they are under arrest. If we are holding them in our custody, then we have taken custody of them.

Mr. KOLBE. What is defined as holding them?

Mr. AGUILAR. Actually identifying the person as being under arrest, placing them—restraining their movement, and things of this nature.

Mr. KOLBE. When the ambulance arrives and you remove the handcuffs from them are they not under arrest?

Mr. AGUILAR. We do not do that, sir.

Mr. KOLBE. You do not do that?

Mr. AGUILAR. No.

Mr. KOLBE. I think I would beg to differ with you.

Mr. AGUILAR. There have been some cases where the ambulance drivers have asked us to help them restrain the people that have been hurt, and actually we have rode with ambulance drivers to the medical facilities for the safety of the ambulance drivers.

Mr. KOLBE. But they are still not in your custody?

Mr. AGUILAR. At that point, no. In other words, we are performing the duties of a law enforcement officer at that point.

Mr. KOLBE. And your reason for not taking them into custody is what? Why is that person that is injured, and is an illegal alien, not in your custody, but the person that you are transporting back to the border is in your custody?

Mr. AGUILAR. That is basically what that memo speaks to, is prosecutorial discretion. At the point that we take a person into custody——

Mr. KOLBE. Let's be honest. It is to avoid the medical costs.

Mr. AGUILAR. Yes, sir, part of it is.

Mr. KOLBE. Thank you. That's all I was trying to get at; is to avoid the medical costs, and we know that. The University Medical Center has $10 million this year in uncompensated care.

The Copper Queen, a small 28-bed hospital in Bisbee, has $140,000. It may not seem like a lot, but for a small rural hospital that is a lot of money.

Mr. AGUILAR. I agree. I agree. The only thing I would point out, sir, is that—and I know Mr. John Duvall, the chief financial officer for the University Medical Center, and when we started taking a look at those numbers, those were not all Border Patrol related. Some of those were paroled into the country.

Mr. KOLBE. By the way, thank you for mentioning parole. It makes me think. When the hospital finishes treating, will you go to the hospital to transport that person back to the border?

Mr. AGUILAR. We will do that if we have the operational resources to do that. One of the things that I explained last night is that when a supervisor receives a call on the line, and we are all forwarded deployed, it is up to that supervisor to make a determination as to whether to respond to the medical facility on a situation where there might be an illegal alien there, or pull an officer from that line to make that call.

Mr. KOLBE. I wonder why the hospitals tell me that they never come, that they will never come? Because if you came, you would be taking them into custody wouldn't you?

Mr. AGUILAR. If they were in fact illegal aliens, yes, sir.

Mr. KOLBE. And they could then bill you for the cost of it?

Mr. AGUILAR. At that point, no, they would not bill us for the cost if we take them into custody afterwards. The only way we can pay, sir, for any medical costs associated with an illegal alien, and

this is by statute, and this is by law, 42 U.S.C. 249, is the only statute that allows that, is when these people are in our custody.

Mr. KOLBE. I understand that. If they are in your INS detention facility up in Florence, and they get ill, you pay for those.

Mr. AGUILAR. Yes.

Mr. KOLBE. That's right, but you have them in custody when you transport them back to the border, but for medical purposes, you make sure that you don't have them in custody. And who in your view should have that responsibility; should it be the taxpayers of Cochise County?

Mr. AGUILAR. I can't answer that, sir.

Mr. KOLBE. You don't have any personal views on that at all about that on who should be responsible? I mean, the person who got across the border and into this country, because we—and I am not specifically personally blaming you, but we as a government failed to stop him from coming across?

Mr. AGUILAR. Yes.

Mr. KOLBE. Shouldn't that be a Federal responsibility?

Mr. AGUILAR. I have to leave that to the taxpayer to determine.

Mr. KOLBE. Thank you, Mr. Chairman.

Mr. SOUDER. I thank each of you for your testimony, and for your work. We may have some additional followup questions. I know that Chairman Kolbe is making a point, and what I am hearing, and I had not heard this argument before, that Mr. Aguilar is here representing his agency, and can't really give a personal opinion.

Mr. KOLBE. I realize that.

Mr. SOUDER. But I thank each of you for your testimony, and you are now dismissed, and if the second panel could please come forward; The Honorable Ray Borane, The Honorable Chris Roll; the Honorable Larry Dever; Mr. Harlan Capin, and Mr. James J. Dickson.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that each of the witnesses responded in the affirmative. The first witness is the Honorable Ray Borane, mayor of the city of Douglas.

**STATEMENTS OF RAY BORANE, MAYOR, CITY OF DOUGLAS, AZ; CHRIS M. ROLL, COCHISE COUNTY ATTORNEY; LARRY DEVER, COCHISE COUNTY SHERIFF; HARLAN CAPIN, PRESIDENT, NOGALES ALLIANCE, PORT OF THE FUTURE; JAMES J. DICKSON, ADMINISTRATOR AND CEO, COPPER QUEEN COMMUNITY HOSPITAL**

Mr. BORANE. Thank you. I would like to thank Chairman Souder, the Honorable members of the subcommittee, and Congressman Kolbe, for your presence here today.

I apologize if the following remarks regarding the border crisis are repetitive, but this is in fact an old story, a stagnant story, where nothing changes, but only shifts from place to place, and where only the variable changes; the most variable being the tragedy of September 11th.

Yet, however old or stagnant, it is an important situation where matters go unresolved and the loss and degradation of life persists.

First, let me preface my remarks by stating that the devastating attacks on September 11th have changed the landscape throughout

our Nation, from New York to Douglas, AZ. I will touch on this briefly as I backtrack and bring you up to date on our situation.

However, I want to be clear that the following statements regarding illegal immigration should not be in any way misconstrued as a lack of concern or support for securing our Nation and our borders, which I consider a priority.

While these two issues overlap, illegal immigration remains a phenomenon that will only be solved when addressed from a realistic perspective, and I will try to highlight some of that we are confronted with.

For several years I have worked closely and cooperatively with Congressman Kolbe and Governor Hull. I hope and believe our collaborative work has achieved, created attention, and directed positive results for the citizens of many border communities like Douglas.

Despite our efforts, Douglas and other border communities have suffered immensely at the hand of incomprehensive, unrealistic, and ineffective policy resulting from the prior lackadaisical leadership in Washington.

Earlier this year, President Fox and President Bush were on the right track, and on the verge of reaching historic reform between our two countries. Both leaders had recognized the importance of the border.

At its apex, the premature and unrealistic talk of amnesty raised false hopes. I guess worker programs rose to the top as a solution to illegal immigration. Yet, all these efforts were stalled and seemingly lost in the rumble as the mournful events of September 11th.

No one knows the rippling effects better than we. The border dividing one cultural, one bicultural, and one bilingual community became real. Suddenly a community inextricably tied socially and economically became American on one side and Mexican on the other.

Although illegal immigration is of the utmost concern, the issue is hardly mentioned in Washington since September 11th. As we look back on the issue, we witnessed the transformation of a sleepy time into the Nation's hot spot and principal corridor for the crossing and trafficking of illegal aliens.

The root and inception of what would become our demise lies in actions that took place years before in San Diego and El Paso. The administration and its failed policy effectively funneled thousands of illegal immigrants into this area by allocating massive resources in these two areas.

While not the U.S. military, the U.S. Border Patrol comprises a veritable military division; 550 strong, uniformed and armed with the latest technology, equipment, and military strategy.

The Federal Government has effectively militarized the border. More and more agents were employed in a military strategy to control the border. And I ask what is meant by controlling the border.

Is the border under control when the apex of 61,000 UDA apprehensions a month are reduced to 5,000 or 1,500? Because 1,500 still is a considerable number, not counting the hundreds who get through.

Or is it stopping them completely, and is that the goal; whether we are talking about Douglas, AZ, or McAllen, TX. We are never

going to stop them from coming until we get some type of a practical and realistic solution.

At best the strategy to control perpetuates unscrupulous networks of scavengers, known as coyotes and polleros, who shift the tides of illegal immigrants to remote locations. This is the failure that can only be compared to that of the drug war.

All the while, industrial and domestic life in America churns like a fine-tuned machine well oiled by immigrant labor. Understand that I applaud the many efforts of the Border Patrol Agents who have been placed in a no-win situation by misguided government policy.

Border Patrol Agents have become an integral part of our community and our economy, and they are appreciated. However, they are not the answer, and they are only part of the solution.

This is not to say that other solutions have not been considered. Even prior to September 11th the government in its half-witted wisdom, mandated the replacement of existing border crossing visas with a technological panaceas for illegal immigration, the laser visa card, required solely of Mexican Nationals.

The government set implementation deadlines that U.S. State Department officials repeatedly stated were unrealistic, given that more than 5 million cards would need to be replaced, not including cards for new visa applicants.

Not only did the government ignore the facts, it embarrassingly enforced the repossession of the old visa cards without funding the technology and equipment needed to read the new ones.

Today, we have some of the most advanced biometric visa cards, with no machines to read them. The result is that the United States has had to turn away thousands of consumers, relatives, and business people, who had their cards suddenly expire or taken away.

Their inability to come across the border is devastating to both them and us. Attempts in the Congress to extend the laser visa deadline have gone unnoticed. Unlike the prominent powerful and influence national figure of Senator John McCain of urban Arizona, our own Congressman Kolbe has been exceptional in his sensitivity, leadership, and commitment to our border problems.

It is unfortunate that the runt Senator has chosen to champion issues of politics, while the meager crossing the border wish for a different kind of reform, one which would solve a poignant human drama plays last to the woes of corporations and their politicians.

His inaction in these issues affecting this rural area have been disheartening and disappointing. While we agree that security is paramount in our survival, especially following the tragic events of September 11th, it also has the indirect power to jeopardize economies.

Further exacerbating our situation, crossings at the U.S. port of entry slowed to a crawl, falling 37 percent immediately after September 11th as a result of justified, intensified inspections.

Mexican consumers make 40 percent of our community retail sales, amounting to $52 million annually. Unfortunately, those who are still allowed to cross were discouraged by having to wait up to 2 hours to enter the United States.

This puts into perspective the exponential efforts of the aforementioned laser visa debacle that has cost us a significant amount of revenue. This has already resulted in unemployment and a diminished quality of life for many.

If you carefully analyze all the dynamics of the border, you will find that the border is still virtually open, porous as a sieve. Once the partial curtain of enforcement at the border is crossed, the road to their ultimate destiny is uninterrupted, as well as their work place.

Throughout our history the United States has looked to immigrants to build the richest nation on the face of the earth. Today, as perhaps the greatest economy in the world, we depend on them evermore. Therein lies the hypocrisy witnessed daily here, at ground zero on the front lines.

When illegal aliens are hired because urbanites in this country have forgotten, or never knew how, to make their own beds, mow their own lawns, and cook their meals, as we do ours daily, it causes open fields to be littered by thousands of plastic jugs and pieces of clothing.

It means ranchers' water lines are cut and their cattle die from ingesting discarded plastic. And incidentally I believe that the Federal Government should subsidize the clean-up these ranchers endure and in and day out.

In the northeast or the Beltway, for that matter, large numbers of illegal aliens work in homes, hotels, restaurants, landscaping businesses, fields, orchards, factories, construction crews, and any other industry that employs and exploits them by taking advantage of every virtue inherent to their poverty and culture.

When business sacrifices prudence for a tighter bottom line by hiring illegal aliens, and congratulate themselves on their supposed great humanitarian compassion as they wink at the law and hire illegal aliens, they should know that in the last month five aliens died near our border from exposure, as many more are destined to do in the near future.

Existing legislation prescribes legal sanctions for employers, and I don't expect employers to become de facto INS officers. We should recognize this Nation's insatiable demand for migrant labor. Why else would the millions of undocumented immigrants currently reside in this country.

The INS should focus more of their efforts on enforcing employer sanctions rather than hypothetically continue with the political charade on the border, which is causing the poor to risk their lives while crossing illegally into this country.

In either case, we need to move forward beyond the myopia that leads to pouring more resources on the border. We need a holistic approach to achieve real solutions that look at economics and socioeconomics in a global economy that does not readily answer to arbitrary lines, or iron walls that we call borders.

At the heart of the challenge and the solution lies a labor problem and not the immigration problem. In conclusion, this is an international crisis that potentially jeopardizes the beneficial relationship between Mexico and the United States.

We need constructive, diplomatic dialog focused on immigration policy. Presently, President Fox is highlighting the importance of

the border, its key role in the prosperity of both our nations and the challenges we face.

He has outlined concerns in the areas of economic development, the environment, health and others, noting what we well know that an outbreak of hepatitis in Agua Pirieta, our sister city, doesn't stop at a whimsical border.

It impacts Douglas just as well. However, he remains a lone voice in the desert, and his efforts fruitless without substantive dialog with the United States. These are serious issues that need to be addressed by serious people with serious solutions.

Our present immigration policy is in desperate need of reform as it continues to jeopardize lives. We are not the problem, nor do we want to be the battleground. And I thank you for the opportunity to address this important committee today.

[The prepared statement of Mr. Borane follows:]

**Remarks for Congressional Subcommittee by**
**Mayor Ray Borane**
**City of Douglas, Arizona**

I would like to thank Chairman Souder, the honorable members of this subcommittee and Congressman Kolbe for your presence and interest here today. I apologize if the following remarks regarding the border crisis are repetitive, but this is, in fact, an old story – a stagnant story where nothing changes but only shifts from place to place and where only the variables change, the most recent variable being the tragedy of 9-11. Yet, however old or stagnant, it's an important situation where matters go unsolved and the loss and degradation of human lives persists.

First, let me preface my remarks by stating that the devastating attacks of 9-11 have changed the landscape throughout our nation, from New York to Douglas, AZ. I will touch on this briefly as I backtrack and bring you up to date on our situation. However, I want to be clear that the following statements regarding illegal immigration should in no way be misconstrued as a lack of concern or support for securing our nation and our borders, which I consider a priority. While these two issues overlap, illegal immigration remains a phenomenon that will only be solved when addressed from a realistic perspective and I will try to highlight some of what we're confronted with.

For several years, I have worked closely and cooperatively with Congressman Kolbe and Governor Hull. I hope and believe our collaborative work has achieved, created attention and directed positive results for the citizens of many border communities like Douglas. Despite our efforts, Douglas and other border communities have suffered immensely at the hand of incomprehensive, unrealistic and ineffective policy resulting from the prior lackadaisical leadership in Washington.

Earlier this year, President Bush and President Fox were on the right track and on the verge of reaching historic reforms between our two countries. Both leaders had recognized the importance of the border. At its apex, the premature and unrealistic talk of amnesty raised false hopes. A guest worker program rose to the top as a solution to illegal immigration. Yet all these efforts were stalled and seemingly lost in the same rubble as the mournful events of September 11th. No one knows the rippling effects better than we. The border dividing one bicultural, bilingual community became real. Suddenly a community inextricably tied, socially and economically, became American on one side and Mexican on the other.

Although illegal immigration is of utmost concern, the issue is hardly mentioned in Washington since Sept. 11. As we look back on the issue, we witnessed the transformation of a sleepy town into the nation's hotspot and principal corridor for the crossing and trafficking of illegal aliens. The root and inception of what would become our demise lies in actions that took place years before in El Paso and San Diego. The Administration and its failed policy effectively funneled thousands of illegal immigrants into this area by allocating massive resources in these two areas.

While not the U.S. Military, the U.S. Border Patrol comprises a veritable military division – 550 strong, uniformed and armed with the latest technology, equipment and military strategy. The federal government has effectively militarized the border. More and more agents are employed in a military strategy to control the border. And what is meant by controlling the border? Is the border under control when the apex of 61,000 UDA apprehensions a month are reduced to 5,000, 1,500 or 0 - because 1,500 is still a considerable number not counting the hundreds who get through? Or is stopping them completely the goal, which whether we're talking about Douglas, AZ or McAllen, TX, we're never going to stop them from coming and we need something more practical. Have we talked to the heavy hitters deep in the interior of the U.S., the corporate engines who drive this unstoppable force? Without the emphasis there, all the money in the world won't hide this farcical sham of enforcement on the border.

At best, this strategy to control perpetuates unscrupulous networks of scavengers, known as *coyotes* and *polleros*, who shifts the tides of illegal immigrants to remote locations. If you want to know where illegal aliens are crossing today, I'll tell you some of them have been driven out miles east of Douglas on isolated, treacherous terrain near the New Mexico border. This is a failure that can only be compared to that of the drug war. All the while, industrial and domestic life in America churns like a fine-tuned machine well oiled by migrant labor.

Understand that I applaud the many efforts of Border Patrol agents, who have been placed in this no win situation by misguided government policy. Border Patrol agents have become an integral part of our community and our economy and are appreciated. However, they are only part of a solution and not the answer.

This is not to say that other solutions have not been considered. Even prior to Sept. 11 the government, in its half-witted wisdom, mandated the replacement of existing border crossing visas with a technological panacea for illegal immigration - the laser visa card - required solely of Mexican nationals. The government set implementation deadlines that U.S. State Department officials repeatedly stated were unrealistic, given that more than 5 million cards would need to be replaced, not including cards for new visa applicants. Not only did the government ignore the facts, it embarrassingly enforced the repossession of the old visa cards without funding the technology and equipment needed to read the new ones.

Today, we have some of the most advanced biometric visa cards with no machines to read them. The result is that the United States has had to turn away thousands of consumers, relatives and business people who had their cards suddenly expire or taken away. Their inability to come across the border is devastating to both them and us.

Attempts in Congress to extend the laser visa deadline have gone unnoticed. Unlike the prominent, powerful and influential national figure of Senator John McCain of urban Arizona, our own Congressman Kolbe has been exceptional in his sensitivity, leadership and commitment to our border problems. It's unfortunate that the renowned Senator has chosen to champion issues of politics while the meager crossing the border wish for a different kind of reform – one which would solve a poignant human drama that plays last to the woes of corporations and their politicians. His inaction on these issues affecting this rural area has been disheartening and disappointing.

While we agree security is paramount to our survival especially following the tragic events of September 11th, it also has the indirect power to jeopardize economies. Further exacerbating our situation, crossings at the U.S. Port of Entry slowed to a crawl, falling 37 percent immediately after Sept. 11, as a result of justified, intensified inspections.

Mexican consumers make 40 percent of our community's retail sales, amounting to $52 million annually. Unfortunately, those who are still allowed to cross were discouraged by having to wait for up to two hours to enter the United States. This puts into perspective the exponential effects of the aforementioned laser visa debacle that has cost us a significant amount of revenue. This has already resulted in unemployment and a diminished quality of life for many.

If you carefully analyze all the dynamics of the border, you will find that the border is still virtually open — porous as a sieve. Once the farcical curtain of enforcement at the border is crossed, the road to their ultimate destiny is uninterrupted as well as their work place. Throughout our history, the United States has looked to immigrants to build the richest nation on the face of this earth. Today, as perhaps the greatest economy in the world, we depend on them evermore. Therein lies the hypocrisy witnessed daily here, at ground zero on the front lines.

When illegal aliens are hired because urbanites in this country have forgotten, or never knew-how, to make their own beds, mow their own lawns and cook their own meals as we do ours daily, it causes our open fields to be littered with thousands of plastic jugs, and pieces of clothing, it means ranchers' water lines are cut and their cattle die from ingesting discarded plastic. Incidentally, I believe the government should subsidize the clean-up these ranchers endure day in and day out. In the Northeast or the Beltway, for that matter, large numbers of illegal aliens work in homes, hotels, restaurants, landscaping businesses, fields, orchards, factories, construction crews and any other industry that employs and exploits them by taking advantage of every virtue inherent to their poverty and culture. When businesses sacrifice prudence for a tighter bottom-line by hiring illegal aliens and congratulate themselves on their supposed great humanitarian compassion as they wink at the law and hire illegal aliens, they should know that in the last month five aliens died near our border areas from exposure, as many more are destined to, because of them.

Existing legislation prescribes legal sanctions for employers. I do not expect employers to become *de facto* INS officers. We should recognize this nation's insatiable demand for migrant labor; why else would the millions of undocumented immigrants currently reside in this country. INS should focus more of their efforts on enforcing employer sanctions rather than hypocritically continue with the political charade on the border, which is causing the poor to risk their very lives while crossing illegally into this country.

In either case, we need to move beyond the myopia that leads to pouring more resources on the border. We need a holistic approach to achieve real solutions that look at economics and socioeconomics in a global economy that does not readily answer to arbitrary lines or iron walls we call borders. At the heart of the challenge and the solution lies a labor problem — not an immigration problem.

This is an international crisis that potentially jeopardizes the beneficial relationship between Mexico and the United States. We need constructive diplomatic dialogue focused on immigration policy. Presently, President Fox is highlighting the importance of the border, its key role in the prosperity of both our nations and the challenges we face. He's outlined concerns in areas of economic development, the environment, health and others noting what we well know that an outbreak of hepatitis in Agua Prieta doesn't stop at a whimsical border. It impacts Douglas just as well. However, he remains a lone voice in the desert and his efforts fruitless without substantive dialogue with the United States. These are serious issues that need to be addressed by serious people with serious solutions.

Our present immigration policy is in desperate need of reform as it continues to jeopardize lives. We're not the problem, nor do we want to be the battleground. We thank you for your time and appreciate any efforts towards addressing these dire issues.

Mr. SOUDER. Thank you.

Mr. Roll.

Mr. ROLL. Mr. Chairman, members of the subcommittee, Representative Kolbe, I want to thank you for the opportunity to present testimony at this investigative hearing.

I am the elected Cochise County Attorney, and as I am sure that you are aware, Cochise County has over 80 miles of border that is contiguous with the Republic of Mexico. This stretch of border is heavily used by smugglers of illegal drugs, as well as undocumented immigrants.

As a consequence, there is a large contingent of Federal Agents stationed and operating in Cochise County. This includes agents of the U.S. Border Patrol, U.S. Customs Service, U.S. Immigration and Naturalization Service, Federal Bureau of Investigation, and the Drug Enforcement Agency.

These agents make a large number of apprehensions within our county that are related to drug smuggling. May of these cases are declined for prosecution by the U.S. Attorney's Office.

Once declined, these cases are routinely submitted to my office for local prosecution. During the calendar year 2001, approximately 140 defendants apprehended by Federal Agencies were indicted and prosecuted by my office.

Now, I was recently informed that the Federal Budget proposed by President Bush does away with all Federal funding that would come to local prosecution and law enforcement agencies in the form of Edward Byrne Memorial State and Local Law Enforcement Block Grants, the Byrne Grants.

In Arizona, these funds are distributed to local agencies by the Arizona Criminal Justice Commission. In Federal fiscal year 2001, my office received approximately $176,160 in the form of a Byrne Prosecution Grant.

I have also attached to my written testimony as attachment a copy of the Byrne Funding Summary that was prepared by the Arizona Criminal Justice Commission. And that includes a summary of the productivity of the local task force, the Cochise County Border Reliance Group.

I want to point out to the subcommittee how important Byrne Grant Funding is to my office. Our Byrne Prosecution Grant provides us with two experienced prosecutors and an experienced legal secretary, and without this funding our office will not be able to prosecute drug smuggling within this county at the present level.

Loss of this funding would not only impact our office, but would also impact the local law enforcement agencies, the U.S. Attorney's Office, and all of the Federal law enforcement agencies that are operating within this county.

I would request that the members of this subcommittee seek to maintain at least the current level of Byrne Grant funding either in its current form or in some new form that will enable my office to continue its efforts to combat the smuggling of drugs through Cochise County.

Should funding and prosecution decline, drug trafficking would certainly increase and bring with you all its associated crime and danger to the citizens of this county. It should also be noted that the vast majority of drugs seized in Cochise County and resulting

in Cochise County prosecutions are intended to be distributed in counties other than Cochise, and in States other than in Arizona.

Consequently, our law enforcement officers and prosecutors, as well as those collaterally involved in the process, work hard for the benefit of others. This is a consequence of living in a border county, but it also illustrates the need and the justification for Cochise County to continue to receive Federal funding for drug prosecution.

If drug prosecution is reduced in Cochise County, it will surely have negative repercussions in counties other than Cochise, and in States other than in Arizona. Thank you.

[The prepared statement of Mr. Roll follows:]

OFFICE OF THE
**COCHISE COUNTY ATTORNEY**
P.O. Drawer CA
Bisbee, Arizona 85603

**CHRIS M. ROLL**
COCHISE COUNTY ATTORNEY
Telephone No.: (520) 432-9377
Fax No.: (520) 432-2487

February 19, 2002

The Honorable Mark E. Souder, Chairman
Subcommittee on Criminal Justice
Drug Policy and Human Resources
Congress of the United States
House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Mr. Chairman:

Thank you for the invitation to present testimony at this investigative hearing. I am the elected County Attorney for Cochise County, Arizona. As I am sure you are aware, Cochise County has over eighty (80) miles of border that is contiguous with the Republic of Mexico. This stretch of border is heavily used by smugglers of illegal drugs as well as undocumented immigrants. As a consequence, there is a large contingent of federal agents stationed and operating in Cochise County. This includes agents of the U.S. Border Patrol, U.S. Customs Services, U.S. Immigration and Naturalization Service, Federal Bureau of Investigation and the Drug Enforcement Agency. These agents make a large number of apprehensions within our county that are related to drug smuggling. Many of these cases are declined for prosecution by the U.S. Attorney's Office. Once declined, these cases are routinely submitted to my office for local prosecution. During the calendar year 2001 approximately 140 defendants apprehended by federal agencies were indicted and prosecuted by our office.

I was recently informed that the federal budget proposed by President Bush does away with all federal funding that would come to local prosecution and law enforcement agencies in the form of the Edward Byrne Memorial State and Local Law Enforcement Block Grants (Byrne Grants). In Arizona, these funds are distributed to local agencies by the Arizona Criminal Justice Commission. In federal fiscal year 2001, my office received approximately $176,160.00 in the form of a Byrne prosecution grant. I am attaching as Attachment A, a copy of a summary of Byrne funding to my office and for the Cochise County Sheriff's Department, which was prepared by the Arizona Criminal Justice Commission. You will also note that it includes a summary of the productivity of the local task force, the Cochise County Border Alliance Group.

I want to point out to the subcommittee how important Byrne Grant funding is to my office. Our Byrne prosecution grant provides us with two experienced prosecutors and an experienced legal secretary. Without this funding, our office will not be able to prosecute drug smuggling within this county at the present level. Loss of this funding would not only impact our office, but would also impact the U.S. Attorney's Office, and all of the federal law enforcement agencies operating within this county. I would request that the members of this subcommittee seek to maintain at least the current level of Bryne Grant funding, either in its current form, or in some new form that will enable my office to continue its efforts to combat the smuggling of drugs through Cochise County. Should funding and prosecution decline, drug trafficking would certainly increase and bring with it all of its associated crime and danger to the citizens of this county.

It should also be noted that the vast majority of drugs seized in Cochise County, resulting in Cochise County prosecutions, are intended to be distributed in counties other than Cochise and states other than Arizona. Consequently, our law enforcement officers and prosecutors, as well as all those collaterally involved in the process, work hard for the benefit of others. This is, of course, a consequence of living in a border county. It does illustrate, however, the need and the justification for Cochise County to continue to receive federal funding for drug prosecution. If drug prosecution is curtailed in Cochise County, it will surely have negative repercussions in counties other than Cochise and states other than Arizona.

Sincerely,

_____
CHRIS M. ROLL
COCHISE COUNTY ATTORNEY

CMR:ggg

Attach.

# COCHISE COUNTY

| County/ Municipality | Recipient Agency | Program | Federal Funds | State Funds | FY 2002 Total Funds |
|---|---|---|---|---|---|
| Cochise | County Attorney | Aid to County Atty. | | $ 13,874 | $ 13,874 |
| County | County Attorney | Byrne Prosecution | $ 176,160 | | $ 176,160 |
| | County Attorney | Gang Prosecution | | $ 5,000 | $ 5,000 |
| | County Attorney | Victim Assistance | | $ 20,400 | $ 20,400 |
| | County Attorney | Victim Compensation | | $ 80,741 | $ 80,741 |
| | County Attorney | VOCA*** | $ 9,238 | | $ 9,238 |
| | County Sheriff | Byrne Apprehension | $ 233,161 | | $ 233,161 |
| | County Sheriff | CJRIP** | $ 17,500 | | $ 17,500 |
| | Superior Court | Aid to Indigent Defense | | $ 13,180 | $ 13,180 |
| *Benson* | Police Department | CJRIP** | $ 54,740 | | $ 54,740 |
| *Benson* | City Council | LLEBG**** | $ 3,451 | | $ 3,451 |
| *Bisbee* | City Council | LLEBG**** | $ 6,954 | | $ 6,954 |
| Douglas | City Council | LLEBG**** | $ 18,168 | | $ 18,168 |
| *Huachuca City* | City Council | LLEBG**** | $ 776 | | $ 776 |
| *Tombstone* | City Council | LLEBG**** | $ 664 | | $ 664 |
| Willcox | City Council | LLEBG**** | $ 8,900 | | $ 8,900 |
| **Total** | | | **$ $529,712** | **$ 133,195** | **$ 662,907** |
| | **Total County Attorney's Office** | | **$ 185,398** | **$ 120,015** | **$ 305,413** |
| | **Total County Sheriffs Office** | | **$250,661** | **$ -** | **$ 250,661** |

Legend: ** CJRIP - Criminal Justice Records Improvement Program; *** VOCA - Victim of Crime Act; **** LLEBG - Local Law Enforcement Block Grants.

***Program Highlights***

*Byrne Apprehension Program administered by the Cochise County Sheriff's Office*
The Cochise County Border Alliance (BAG) task force, operates along the 83 miles of remote, sparsely populated United States border with the Republic of Mexico, and has continued its high levels of productivity in drug seizures, including over 12,103 ounces of cocaine; 54,494 pounds of marijuana; 20 cannabis plants under cultivation; over 2,246 grams of methamphetamine; and moderate amounts of other dangerous drugs. The task force made 284 arrests; 52.8 percent were for sales/trafficking offenses in FY 2001. This level of task force activity continues to support the value derived from inter-agency cooperation in the anti-drug campaign, with substantial impact on reducing the availability of illicit drugs.

Mr. SOUDER. Thank you.

Sheriff Dever.

Sheriff DEVER. Mr. Chairman, members of the committee, and Congressman Kolbe, and Congressman Shadegg, thank you for being here. I am not going to read my written testimony to you, because it is much too long, and I learned to follow the rules a long time ago, because when that red light comes on, it means stop.

I wish we could put one of those at the border and maybe we could put an end to all of this. A couple of points that I would like to make. You have already heard of the collateral damage and all the mess that you have apparently seen in your tour, and some of the things that are going on down there.

People out here in this audience actually are the true victims. There are many of them here today whose lives have been totally turned on their head, and they have been disrupted, and their fences cut, and their homes invaded, tons and tons of garbage and trash left in their back yards.

I had a young lady in my office who was with a group called Border Links—it is humanitarian group—a few months ago prior to September 11th, and we talked about the need to defend, protect and defend our borders.

She asked a question. She said protect and defend them against what. Well, I hope that following September 11th that she has a better idea what we are talking about, because absolutely nobody, nobody knows who is really crossing that border.

It is out of control, and it is a sieve, in spite of all of the improvements, the technology, and the Federal forces that have been sent down here, it continues to be a porous sieve, and where people just come through basically at will.

If they want to get through, they can, and they will, and do that. We did not ask for any of this, and it all came our way as a surprise. And in the early discussions, and in the things that were said by the INS, these were called—what was the language—unintended consequences of strategy applied in El Paso and San Diego.

We have come to learn and find out that these were not unintended consequences at all. In fact, it was all part of the plan. The strategy was to funnel and force these people in a more harsh environment of the desert, the southern Arizona desert, in order to discourage them from coming here.

And in the words of the former Commissioner, Doris Meisner, she said, well we thought they would take one look at the place and turn around and go home. The point being that obviously they have no harm to turn around and go to, or they would be there and wouldn't be coming here to begin with.

There is a tragedy, a real travesty, and something that really wasn't fair, and a pretty poor design, and I would say again that everything that the Federal Government does has a local effect.

And any time that there is any kind of strategic plan, operational plan, that is going to be put into place, be it the border or anywhere else, that you must—we must involve local authorities, and local citizens in that dialog, and in that decisionmaking process so we can be forewarned as to what is going to occur.

Now, I think there was a checkpoint, and it is called the border. And David Aguilar and I had a long running argument over that.

I say put your resources on the border, and take down the checkpoints, and that is what is creating most of the trouble for me and for my constituents, is that we have moved the border in effect another 25 miles north.

And people cross once, and they have to cross again, and in the process of doing that, they are wandering around and through my back yard, your back yard, and creating nothing but death and destruction, and fear.

People who used to go out walking in the mornings can no longer go walking down their little country road, and little country lane, because out of fear, they can't leave their homes for fear that they will be invaded.

It means that somebody always has to be there; a husband and wife, and family can't go out together for fear that when they come back, they won't have anything left.

And those are realities, and it is more than just fear. So I would ask and implore that we not repeat these mistakes of the past and that anything that we plan to do on a national level, a Federal level, a unilateral level, an international level, that we consider and understand that it is local people who suffer the consequence, and local people who benefit when there are good choices made and good decisions made.

But no social program, and no economic program, and none of those kinds of programs are going to have any value unless we control our borders.

There has to be enforcement and there has to be controls in order for those to ultimately be effective, and until we get that under control, I say there is no need to even talk about anything else.

Yes, the numbers are down in some places. But there are some people sitting in this office tonight who will tell you that they haven't seen any effect, and it has been a cumulative effect. Red lights aren't going to stop them. I would be glad to answer your questions a little bit later. Thank you.

[The prepared statement of Sheriff Dever follows:]

**COCHISE COUNTY SHERIFF**

**LARRY A. DEVER**

**TO: CONGRESS OF THE UNITED STATES**

**House of Representatives**

**Committee on Government Reform**

**Subcommittee on Criminal Justice, Drug Policy, and Human Resources**

**Mark E. Souder, Chairman**

**DATE: February 22, 2002**

**Dear Mr. Chairman and Members of the Committee;**

**Cochise County is located in the very southeast corner of the State of Arizona. It is nearly 6,300 square miles in size, with a total population of approximately 120,000 people. Of the total land mass, 40% is privately owned property, the remainder being split amongst State Trust Land and federally controlled lands that include, Forest Service, National Parks, Bureau of Land Management, National Wildlife Preserves and Ft. Huachuca, a U.S. Army Installation. We share 83.5 miles of international border with Mexico. Of those statutory miles, 30.5 are private property. For years, our area of the country has been a major conduit for illegal drugs entering the United States. In the mid 1980's it was dubbed "Cocaine Alley." The past five years this area has been the most active crossing point in the nation for illegal immigrants entering our country. The fundamental issues of privacy and property rights are at the root of the deep feelings and conflicts that have characterized our response to these insidious and destructive activities. We are besieged and require relief beyond what has yet been offered. We look to you for understanding and ultimately for help.**

**WHERE WE ARE TODAY**

**In 1994, the Immigration and Naturalization Service, in an attempt to curtail drug smuggling and illegal immigration into this country, adopted its current "Southwest Border Initiative." The service recorded early and relatively rapid success in El Paso, Texas, and San Diego California. The result, however, was that much of the traffic was funneled into Arizona, and most specifically into Santa Cruz and Cochise Counties. At first, around 1996-97,we began to see a marked increase in violence associated with narcotics trafficking, especially on our side of the border. Smugglers became increasingly combative with law enforcement officers engaged in interdiction activities. Shortly thereafter, beginning in 1997 the floodgates of illegal immigration burst and we were soon overwhelmed, overrun by literally hundreds of thousands illegal immigrants from all over the world. By 1999/2000 the number of apprehensions in the Tucson Sector had ballooned to over 600,000 per year. If you accept the Border Patrol's estimates that they apprehend one in three illegal border crossers, that means there were about 1.2 million successful crossings that year, alone. That's 1.2 million people traipsing illegally across private lands, cutting fences, destroying and stealing property, invading homes, wrecking cars and leaving garbage and literally tons of human waste in their wake.**

**The resulting damage has been devastating. The situation has wreaked havoc on our quality of life, socially, economically, and environmentally. At first, the Immigration and Naturalization service deemed these things to be "unintended consequences" of their applied strategy elsewhere on the border. We have learned and now know that this has all been the result of purpose and design. While the extent of the damage may not have been planned, it clearly could have and should have been predicted. By final admission, the decision-makers that adopted this strategy of forcing these poor unfortunate migrants into this region "blew it." In the words of former INS Commissioner**

Doris Meisner, "I thought, [when we forced these people away from the safer havens of the larger metropolitan areas and into the harsher environments of the southern deserts] that they would take one look around and go home."

Well, as a result of that serious miscalculation, for five, almost six years now, our lives in Cochise County have been turned on their heads.

People, young and old alike, who used to go for quiet walks down country roads or through their neighborhoods had to stop doing so out of fear for their safety. People who reside along or near major trafficking corridors are afraid to leave their homes unattended out of fear of invasion. Some have moved. Ranchers, farmers and others spend countless hours repairing fences, fixing water lines, replacing gates and locks, and picking up trash. In one two day period, a group of volunteers collected 10 tons of trash attributed to illegal aliens from just one small area of the county. That's enough to cover a football field two feet deep. Emergency medical providers responding to accidents, injuries and illness are going bankrupt, as well as are the hospitals that provide treatment with no remuneration.

The rapidly expanding criminogenic conditions have led to a proliferation of criminal enterprises operating in and around Cochise County, as well as in our neighboring communities south of the border. Drug traffickers are becoming increasingly ruthless. The criminal justice system here has to divert as much as 40% of its budget to criminal alien related activities.

To compound the problem, the migrants themselves become victims of unspeakable abuses along the way. It is estimated by one study that 65 percent are robbed, raped, beaten, extorted or even killed by the time they cross the border, where, all too often, the abuses continue.

Recent law enforcement efforts along the border have made drug smuggling and illegal immigration more difficult. In turn, costs and profits have increased dramatically. The Gloria Canales organization, based in Costa Rica, and dismantled in 1995, is believed to have moved some 10,000

aliens through Central America and Mexico. The group's income was estimated at $60 to $80 million over eight years. Today, gangs charge 4 to 5 times more than they did just a few years ago. Predictably, problems of corruption have worsened along these zones and have even penetrated some agencies in the U.S.

Of course, as an answer to all this, the federal government has responded with an enormous increase of interdiction resources. These, at times, in and of themselves lead to a certain degradation of our quality of life. Residents, tourists and visitors must suffer the inconvenience and sometimes-intrusive delays at Border Patrol checkpoints located on major roadways 25 miles north of the border. Many are stopped traveling to and from work or pleasure because they "look suspicious." Claims of human rights abuses of migrants by authorities and U.S. citizens have increased. And, along a different vein, local law enforcement and prosecutorial agencies are rapidly losing in our bid to recruit and retain qualified employees, as they are purloined away to higher paying federal jobs. This, coupled with the disproportionate amount of time and money being diverted to deterring drug and migrant trafficking, severely challenges a local jurisdiction's ability to deliver quality law enforcement services.

On a larger international scale, we see and hear of discussions regarding the development of bilateral, formal legal, administrative and political agreements to promote anti-drug cooperation and to facilitate legal immigration. I would offer a caution. For our entire careers and lives, in a spirit of cross-border cooperation, local and state officials and citizens alike in border communities have made accommodations and generated informal working agreements that enhance safety and security. Any of the aforementioned international federal actions must not complicate or obstruct these highly effective and useful local relationships. I maintain that there are two elements that endanger and compromise these arrangements—the one is already mentioned. The other is official corruption.

LESSONS FROM THE PAST

**If we have learned anything from all this mess, I believe it is this: If you decide to punt the ball, you better consider where it is going to land and know that if you are not prepared, someone is going to run it right down the middle of the field! It has seemed unconscionable from the first that any federal strategic planning would not include those who are most affected. Any such planning and initiative must consider and involve the closest government frame of reference. In this case that would be those municipalities, counties and states in both countries that share the border. While on an international strategic basis the United States and Mexico have different priorities, those of us who live along the border share common interests and are more likely to reach workable solutions to local problems.**

**Remember—every federal action has a local consequence. As someone once said, "All politics is local." So it is with the cost of bad decisions and the benefit of good choices.**

**WHERE TO GO FROM HERE**

**We have some major concerns relative to current funding issues that appear to be on the presidential and congressional chopping block. These are:**

- **SCAAP [ State Criminal Alien Assistance Program]**

  **This has been a $585 million fund that reimburses detention facilities for costs associated with housing criminal aliens, that is aliens who commit violations of state law. Over the past three years, this has amounted to approximately $750,000, or about 22% of our actual expenses. Obviously, part of the thinking behind this is that if the federal government bears some responsibility for keeping these people out of our country to begin with and should, therefore, share in the expense of seeing they are brought to justice. Absent this assistance, local jurisdictions would have to**

consider alternatives to incarceration, upto and including release of individuals who should be in jail. A significant number of these are "mules" that backpack large quantities of marijuana and cocaine over long distances. Some of these are migrants trying to make enough money to pay a "coyote" for safe passage through the defense network.

- Byrne Formula Grants and High Intensity Drug Trafficking Area (HIDTA) funding.

These monies provide for the basic infrastructure of state and local participation in the drug smuggling interdiction effort in Cochise County. The Border Alliance Group (BAG), formed in 1987 serves as the intelligence and strategic operations center for drug enforcement along the Cochise County corridor. Loss of this funding will signal the death of this highly productive and effective first line enforcement effort. Over course of its operative existence, this unit has been responsible for the seizure of hundreds of tons of contraband, millions of dollars, and the arrest and conviction of hundreds of drug traffickers.

Our major concern right now is, not that these monies will be eliminated from the budget, but there seems to be a movement to redirect funding formulas from initiative and activity based criteria to a population driven funding formula. Should this occur, the sparsely populated rural border counties will lose millions of dollars in funding. Yet, everyone agrees that interdiction at the point of the spear is the best hope of curtailing drug trafficking within the law enforcement perspective. The population formula approach disregards this. It also disregards the large populations just across the line from our border cities and towns that travel and commerce daily in our smaller communities.

- **LLEBG [Local Law Enforcement Block Grants]**

  **The same situation exists here as with Byrne and HIDTA. These funds are being targeted for the same population based formulas. A reduction will severely hinder if not cripple ongoing efforts to provide necessary equipment for border drug interdiction.**

**Before I summarize and conclude this testimony, there is one more very serious and potentially catastrophic obstacle to our success. Here along the border, we have long understood that interoperability among federal, state and local agencies is critical to success. And secure radio communications, or the ability to talk to one another over the airwaves without the bad guys hearing what we are saying, largely determines our success or failure. Today, we cannot do this, at least reliably and effectively. To complicate matters, radio transmissions from sources in Mexico are beginning to interfere with our own to the point that very often we are unable to communicate at all. This must be fixed. The fix is not cheap, and may not require just money, but international treaties that regulate and prohibit this kind of interference. This is not just a local problem, but also one that faces all agencies, federal, state and local, that work in the border environment.**

**Let me conclude. About one year ago, a group of students from a certain university in the Chicago area came to visit me in my office. They were very much interested in border issues, especially the humanitarian aspects of the immigration phenomenon. As we talked, I spoke to them of such things as national sovereignty, privacy and property rights, quality of life, and defending our border. With that, one young lady broke in and asked, "Defend our borders against what, or whom?" I spent some time trying to explain what I meant. I hope, after September 11, 2001, she better understands. I think I do.**

**That there has been some significant decline in the number of apprehensions of migrants trying to enter the country in this area is a good thing. The enforcement effort should receive its share of recognition for this, but I think we should be careful not to credit ourselves too much for the success.**

**There are many dynamics at play that affect the ebb and flow of migration. And, while alien traffic is down, drug trafficking is increasing, in spite of all the law enforcement efforts to curtail it.**

**The national, as well as the international debate, about the causes and conditions that drive the drug trade and illegal immigration are complex and diverse. They are discussed, argued and dissected in coffee shops, universities, private homes and political institutions all over the world. Yet there is no place they are more evident and more real than on the border. Everything I have attempted to describe as challenges and problems in the text of this document that afflict citizens of this country, are visited ten-fold on those who reside and are trying to eek out a living along our southern border.**

**But, I tell you this. While the debate rages, and government leaders grapple with solutions, it is my firm belief that no social program, no economic relief package, no want, wish or desire will ever work unless we control our borders. The best available tool for accomplishing this is an adequately staffed and equipped cooperative state, local and federal border law enforcement effort. Our nation must share in this effort, or continue to suffer the consequences.**

Mr. SOUNDER. Thank you.

Applause is inappropriate at a congressional hearing, and we do this in Washington as well as here. I know that you have strong opinions, and are pleased, but it is not appropriate in an oversight hearing.

Mr. Capin.

Mr. CAPIN. Good morning, Mr. Chairman, and Congressman Kolbe, and Congressman Shadegg. I was going to welcome the distinguished committee to Arizona, but I will just welcome you, Mr. Chairman, since we have two Arizonans.

My name is Harlan Capin, and I am the President of the Nogales Alliance Port of the Future. Most importantly, I am a native of Nogales, AZ, and have been involved in cross-border issues since 1955.

I want to thank you for inviting me to participate in this hearing. I am going to talk about the Ports of Nogales. This is a complex topic, and vital to the future of our region, and we are an important component of the corridor.

For Nogales to be a viable conduit to facilitate trade, we need your help, in technical assistance and the funding to implement change. Nogales, AZ, is the main point of entry on the Arizona-Sonora border.

The local industry segments depend on the fish and border crossing procedures include retail, produce, customs brokers, government, and tourism. While the written testimony that I have submitted will address all but government and tourism, because of the time constraints, I will focus on the retail segment only.

There are three separate locations in Nogales, AZ, for cross-border traffic. Nogales ports handle more pedestrian, commercial, and private automobile traffic than any other port on the Arizona-Sonora border.

Over the last year, there has been a noticeable 12 percent decrease in traffic at the two downtown crossings, Morley Avenue, and DeConcini crossings. While a 7 percent decrease in traffic has been identified at the Mariposa Port, which is on the western edge of town, and is the only port that handles commercial traffic.

Nogales, AZ merchants, as well as merchants along the entire U.S.-Mexico border have always depended on Mexican-Nationals who cross the border to shop. It has been reported that many U.S. border businesses get anywhere from 50 to 65 percent of their volume from cross-border shoppers.

U.S. merchants along the border have seen their business decline since 1992 for various reasons, some of which are the direct result of policy or laws imposed by both the United States and the Mexican government.

In 1992, Mexico imposed a limit of $50 per person for the use or for those using land order crossings.

In 1992, the United States installed a metal landing and wall, 10 feet high along the border in Nogales, AZ. In my opinion this told Mexican Nationals to stay in your own country. We don't want you.

In 1994, the peso evaluation was disastrous to many merchants as it was the largest peso devaluation in history. Many people lost

their jobs, and others had their working hours reduced, and in some instances businesses closed.

In 2001 the implementation of the laser visa, which cost Mexican Nationals between $50 to $53 per visa, is the deterrent to free trade. The buildup of border enforcement by the U.S. Government, and the implementation of programs, such as Operation Hold the Line, Gatekeeper, and others, has had a double edged effect on the border.

These operations were helping to control minor crime, which has also had an effect on the sales in the downtown areas in the port of entry communities. The INS background report of February 1996 substantiates this premise.

The profiling of Mexican looking individuals by Border Patrol Agents has also discouraged Mexicans from crossing the border to shop, visit relatives, or seek medical attention. They don't want to be hassled.

In Nogales, the border merchants have found that their business began to come back, and the delays of the visa implementation, and the heinous attack on the United States took their toll on the Nogales border businesses, which have seen their sales plummet approximately 20 to 30 percent since September 2001.

The freight trains that run through the centers of Ambos Nogales is another major issue and a deterrent to business, and is detrimental to the health of the citizens who live there.

The maquila industry, which is a major factor in the economy of Ambos Nogales, has been affected by the recession and the September 11th tragedy. This reflects on Nogales retail sales, as many of these people shop in Nogales, AZ businesses.

Many of these workers had the old border crossing card called the Mica, which was issued at no cost by the U.S. Government. Five plants have closed, and 12,049 workers have lost their jobs in 2001.

In conclusion, the Bush and Fox administrations have shown that they are committed to working jointly to address the many issues that face our people and our Nation. The U.S. Government needs to address current and existing laws which discriminate against Mexico and Mexican nationals.

Why should we have different laws and policies when it comes to dealing with Mexicans and Canadians. There must be parity on both of our borders. The time is right for the United States and Mexico to begin changing existing laws and policies that restrict the flow of people crossing our Southern borders.

The Government of Mexico must address its current laws as they pertain to the limit imposed on its citizens when making purchases in the United States. Also, Mexico should reevaluate its policy regarding numerous highway checkpoints which present a hinderance to commercial trade and traffic coming north.

Let us build on this new relationship and make North America a better and more prosperous place to live, improving the quality of life for all Mexicans, Canadians, and Americans, by treating each other as equals on all fronts. Thank you.

[The prepared statement of Mr. Capin follows:]

# Government Reform Committee's Subcommittee on Criminal Justice, Drug Policy, and Human Resources



Testimony

Harlan Capin
President
Nogales Alliance: Port of the Future

# Introduction

- GOOD MORNING MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THE COMMITTEE.
- MY NAME IS HARLAN CAPIN, PRESIDENT OF THE NOGALES ALLIANCE; PORT OF THE FUTURE. I AM A NATIVE OF NOGALES, ARIZONA AND HAVE BEEN INVOLVED IN CROSS BORDER ISSUES SINCE 1955.
- THANK YOU FOR INVITING ME TO PARTICIPATE IN THIS HEARING.

# Overview

- NOGALES, ARIZONA IS THE MAIN PORT OF ENTRY ON THE ARIZONA-SONORA BORDER.
- THE LOCAL INDUSTRY SEGMENTS THAT DEPEND ON EFFICIENT BORDER CROSSING PROCEDURES INCLUDE:
    - RETAIL,
    - MAQUILADORA PLANTS,
    - PRODUCE,
    - CUSTOMS BROKERS,
    - GOVERNMENT, AND
    - TOURISM.
- THIS TESTIMONY WILL ADDRESS ALL BUT GOVERNMENT AND TOURISM.

# Overview

- THERE ARE THREE SEPARATE LOCATIONS IN NOGALES, ARIZONA FOR CROSS BORDER TRAFFIC. NOGALES PORTS HANDLE MORE PEDESTRIAN, COMMERCIAL AND PRIVATE AUTOMOBILE TRAFFIC THAN ANY OTHER PORT ON THE ARIZONA-SONORA BORDER
  - MORLEY AVE. PORT, LOCATED DOWNTOWN, TWO TURN STILES FOR PEDESTRIAN TRAFFIC ONLY OPEN MONDAY THROUGH SATURDAY 10:00AM TO 6:00PM.
  - DECONCINI PORT, LOCATED DOWNTOWN, FIVE PEDESTRIAN LANES AND SEVEN PRIVATE AUTOMOBILE LANES OPEN 24 HOURS SEVEN DAYS A WEEK.

# Overview (CONT'D)

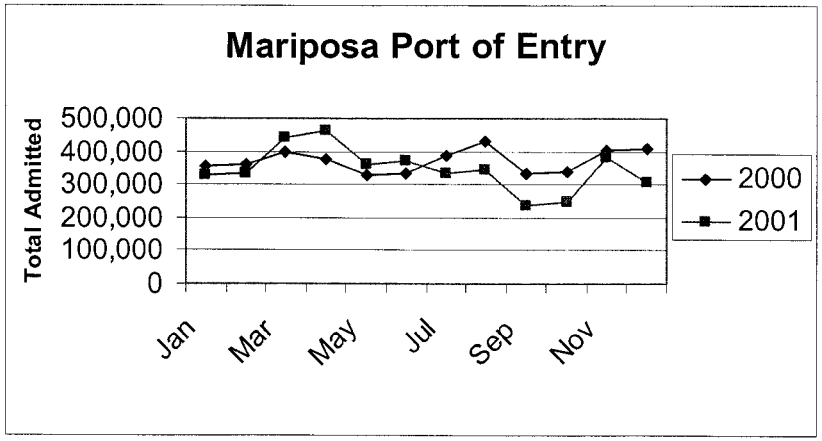
- MARIPOSA PORT, LOCATED WESTERN EDGE OF CITY IS THE COMMERCIAL PORT THAT HANDLES TRUCKS, BUSES AND PRIVATE AUTOMOBILES. THE COMMERCIAL PORT IS OPEN SEVEN DAYS A WEEK FROM 6:00AM TO 10:00PM FOR POVS AND SIX DAYS A WEEK FROM 8:00AM TO 7:00PM (CLOSED SUNDAYS) FOR COMMERCIAL VEHICLES. NOTE: THE PORT CLEARS ALL COMMERCIAL VEHICLES IN QUEUE PRIOR TO CLOSING.

# Mariposa Port of Entry

- THERE ARE THREE LANES FOR COMMERCIAL AND FOUR LANES FOR PRIVATE AUTOMOBILES.
  - ATTACHED TO MY PRESENTATION ARE DEMOGRAPHICS FROM U. S. CUSTOMS AND THE IMMIGRATION AND NATURALIZATION SERVICE SHOWING THE NUMBER OF TRUCKS, PRIVATE AUTOMOBILES AND PEDESTRIANS THAT USE THESE THREE PORTS.

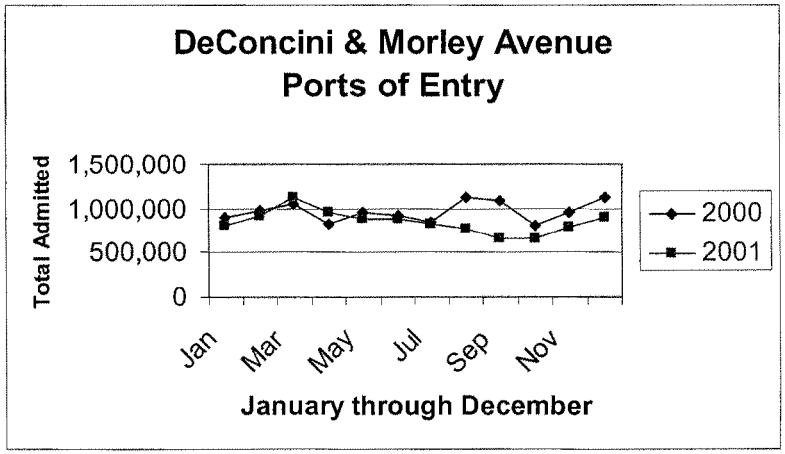
# Mariposa Port of Entry

For example at the Mariposa Port of Entry the number of vehicles and people admitted in 2001 was down 7% over 2000.



# DeConcini & Morley Avenue Ports of Entry

While at the DeConcini & Morley Avenue Ports of Entry the number of vehicles and people admitted in 2001 was down 12% over 2000.



# THE RETAIL INDUSTRY OVERVIEW

- NOGALES, AZ. MERCHANTS AS WELL AS MERCHANTS ALONG THE ENTIRE US-MEXICO BORDER HAVE ALWAYS DEPENDED ON MEXICAN NATIONALS WHO CROSS THE BORDER TO SHOP.
- IT HAS BEEN REPORTED THAT MANY US BORDER BUSINESSES GET ANYWHERE FROM 50% TO 65% OF THEIR VOLUME FROM THESE CROSS BORDER SHOPPERS.

# THE RETAIL INDUSTRY

- U.S. MERCHANTS ALONG THE BORDER HAVE SEEN THEIR BUSINESS DECLINE SINCE 1992 FOR VARIOUS REASONS. SOME OF WHICH ARE THE DIRECT RESULT OF POLICY OR LAWS IMPOSED BY BOTH US AND MEXICAN GOVERNMENTS. FOR EXAMPLE:

# THE RETAIL INDUSTRY (CONT'D)

- #1.1992 -MEXICO IMPOSED A $50.00 PER PERSON LAW. THIS ALLOWED MEXICAN NATIONALS CROSSING LAND BORDERS TO BRING BACK $50.00 WORTH OF MERCHANDISE. THIS LAW AFTER MUCH PRESSURE FROM THE US GOVERNMENT WAS ALTERED TO ALLOW THOSE LIVING WITHIN THE TWENTY ONE KILOMETER FREE ZONE TO PURCHASE $150.00 BUT THOSE WHO LIVE BEYOND STILL ARE ALLOWED ONLY $50.00. THE U.S. GOVERNMENT SHOULD NEGOTIATE A FAIR FREE TRADE AGREEMENT WITH MEXICO AND ASK FOR PARITY.

# THE RETAIL INDUSTRY (CONT'D)

- #2. 1993-THE U.S. INSTALLED A METAL LANDING MAT WALL, 10 FEET HIGH, ALONG THE BORDER IN NOGALES, AZ.
  - THIS ABHORRENT STRUCTURE WAS DETESTED BY MEXICAN NATIONALS AS WELL AS BY MANY US CITIZENS LIVING IN NOGALES, AZ. IN MY OPINION, IT SENT A MESSAGE TO THE MEXICAN POPULATION; " STAY IN YOUR OWN COUNTRY, WE DON'T WANT YOU CROSSING OUR BORDER".
  - LATER WE WERE ABLE TO GET AN AESTHETICALLY PLEASING WALL BUILT IN PART OF THE DOWNTOWN AREA BUT THE METAL LANDING MAT WALL STILL EXISTS AND RUNS FOR MILES ALONG THE BORDER.

# THE RETAIL INDUSTRY
## (CONT'D)

- #3. 1994 THE PESO DEVALUATION WAS DISASTROUS TO MANY MERCHANTS AS IT WAS THE LARGEST PESO DEVALUATION IN HISTORY. MANY PEOPLE LOST THEIR JOBS, OTHERS' HOURS WERE REDUCED AND IN SOME INSTANCES BUSINESSES CLOSED.
  - THE ECONOMIC IMPACT TO THE PORT OF ENTRY COMMUNITIES IS STILL BEING FELT FROM THIS DEVALUATION.

# THE RETAIL INDUSTRY
## (CONT'D)

- #4. 2001- THE IMPLEMENTATION OF THE LASER VISA COSTS MEXICAN NATIONALS BETWEEN $50.00 TO $53.00 PER VISA. THE VISA COST FOR MINORS UNDER THE AGE OF 15 IS $13.00 BUT THE VISA VALID FOR A SIGNIFICANTLY SHORTER TIME. LASER VISAS HAVE, WITHOUT A DOUBT, HURT BUSINESS ALONG THE BORDER.
  - I HAVE SPOKEN TO SEVERAL COMMUNITY LEADERS IN ARIZONA PORT OF ENTRY COMMUNITIES AND THEY ALL SAY THIS IS NOW ONE OF THE BIGGEST DETERRENTS FOR MEXICAN NATIONALS.

# THE RETAIL INDUSTRY
## (CONT'D)

- THE BUILD UP OF BORDER ENFORCEMENT BY THE U.S. GOVERNMENT AND THE IMPLEMENTATION OF PROGRAMS SUCH AS OPERATION HOLD THE LINE AND GATEKEEPER HAS HAD A DOUBLE EDGE AFFECT ON THE BORDER.

# THE RETAIL INDUSTRY
## (CONT'D)

- IN TRYING TO CONTROL THE INFLUX OF ILLEGAL ALIENS, WHICH IN MY OPINION, HAS NOT HAD MUCH SUCCESS, IN TURN HAS HURT THE BUSINESSES ALONG THE BORDER.
- I QUOTE FROM THE US DEPARTMENT OF JUSTICE IMMIGRATION AND NATURALIZATION SERVICE BACKGROUNDER REPORT OF FEBRUARY 1996.

# THE RETAIL INDUSTRY
## (CONT'D)

- QUOTE; " WITH OPERATION HOLD THE LINE, THE BORDER PATROL DEVELOPED A HIGH VISIBILITY STRATEGY TO DETER ILLEGAL ALIEN TRAFFIC INTO EL PASO. THE STRATEGY WAS BASED ON SPECIFIC CROSSING PATTERNS, THE CHARACTERISTICS OF ILLEGAL CROSSERS IN EL PASO, AND THE FLAT TERRAIN OF THE REGION. THE MAJORITY OF ALIENS APPREHENDED BY THE BORDER PATROL IN EL PASO HAVE HISTORICALLY BEEN COMMUTERS-TRAVELING FROM JUAREZ, MEXICO TO EL PASO ON A REGULAR BASIS TO WORK, SHOP OR VISIT FRIENDS AND RELATIVES. MOST TRIED TO ENTER THE UNITED STATES DIRECTLY THROUGH DOWNTOWN EL PASO." UNQUOTE.

# THE RETAIL INDUSTRY
## (CONT'D)

- THESE OPERATIONS WHILE HELPING CONTROL MINOR CRIME HAVE ALSO HAD AN AFFECT ON THE SALES IN THE DOWNTOWN AREAS OF PORT OF ENTRY COMMUNITIES.

# THE RETAIL INDUSTRY
## (CONT'D)

- THE PROFILING OF MEXICAN LOOKING INDIVIDUALS BY BORDER PATROL AGENTS HAS ALSO DISCOURAGED MEXICANS FROM CROSSING THE BORDER TO SHOP, VISIT RELATIVES OR SEEK MEDICAL ATTENTION.
- THEY DON'T WANT TO BE HASSLED.

# THE RETAIL INDUSTRY
## (CONT'D)

- IN NOGALES THE BORDER MERCHANTS HAVE FOUND THAT THEIR BUSINESS BEGAN TO COME BACK TO SOME EXTENT SEVERAL YEARS AFTER THE PESO DEVALUATION OF 1994.

# THE RETAIL INDUSTRY
## (CONT'D)

- THE HEINOUS ATTACK ON THE UNITED STATES ON SEPTEMBER 11 AND THE LASER VISA IMPLEMENTATION HAS HAD AN AFFECT ON CROSS BORDER TRAFFIC.
- TIGHTENED SECURITY, WHICH WE ALL KNOW IS NECESSARY AND THE DELAYS OF CROSSING THE BORDER HAS DISCOURAGED MANY PEOPLE FROM TRYING TO CROSS BOTH FROM MEXICO INTO THE U.S. AND VISA VERSA.

# THE RETAIL INDUSTRY (CONT'D)

- THE NEWS MEDIA PLAYED A BIG PART IN THIS AS THEY HEADLINED ON THEIR FRONT PAGES AND IN THEIR TV BROADCASTS THE MANY HOURS IT TAKES TO CROSS THE BORDER.
- ONCE FEDERAL GOVERNMENT AGENCIES SUCH AS CUSTOMS AND INS WERE ABLE TO ADJUST TO THE ALERT ONE SECURITY PRIORITIES AND WORK TO REDUCE THE DELAYS, THINGS IN NOGALES HAVE IMPROVED CONSIDERABLY.

# THE RETAIL INDUSTRY
## (CONT'D)

- THE DELAYS ARE ALMOST BACK TO NORMAL AS THE AVERAGE WAITING TIME FOR VEHICULAR TRAFFIC IS THIRTY TO FORTY FIVE MINUTES AND PEDESTRIAN FIVE TO TEN MINUTES.
- NOGALES BORDER BUSINESSES HAVE HAD A DOWN TURN IN THEIR VOLUME AND REPORT SALES STARTING IN SEPTEMBER THROUGH DECEMBER DOWN APPROXIMATELY 20% T0 30%.

# TRAIN ISSUE OVERVIEW

- ANOTHER MAJOR ISSUE IN AMBOS NOGALES IS THE FREIGHT TRAINS THAT RUN THROUGH CENTRAL DOWNTOWN OF BOTH COMMUNITIES.
  - IN FISCAL YEAR 2000, U.S. CUSTOMS INSPECTED 45,577 RAIL CARS. IN FY 2001, THEY INSPECTED 57,778 RAIL CARS, AN INCREASE OF 27%. SO FAR THIS FY, CUSTOMS HAS INSPECTED 17,691. SEE CUSTOMS WORKLOAD ANALYSIS IN THE ATTACHMENT TO THE PRESENTATION.

# TRAIN ISSUE OVERVIEW (CONT'D)

- THERE ARE AT LEAST FOUR TRAINS PER DAY-TWO GOING NORTH AND TWO SOUTH WITH AN AVERAGE OF EIGHTY FREIGHT CARS ON EACH TRAIN.
- THESE TRAINS AT TIMES CARRY CARS WITH TOXIC CHEMICALS AND THERE HAVE BEEN SEVERAL DERAILMENTS AND SPILLS IN THE DOWNTOWN AREA OF NOGALES, ARIZONA. THE AREA HAD TO BE EVACUATED AND BUSINESSES CLOSED FOR HOURS.
- THERE ARE TIMES WHEN ALL THREE MAJOR STREET/RAIL INTERSECTIONS IN THE DOWNTOWN AREA ARE CLOSED BECAUSE OF THE TRAIN PASSING THROUGH. EMERGENCY SERVICES, FIRE AND MEDICAL ARE LOCATED ON THE WEST SIDE OF THE TRACKS AND CAN NOT EASILY GET TO THE EAST SIDE IN AN EMERGENCY.

# TRAIN ISSUE OVERVIEW
## (CONT'D)

- AS YOU CAN SEE THIS IS A GRAVE SAFETY PROBLEM FOR THE CITIZENS OF OUR COMMUNITY.
- IT ALSO HAS A GREAT ECONOMIC IMPACT ON THE DOWNTOWN BUSINESSES.
- THE JOINT CITY/COUNTY TRANSPORTATION PLAN 2000 HAS THE RAIL ROAD BEING MOVED TO THE WEST SIDE OF THE CITY FOLLOWING ALONG SIDE OF THE HIGHWAY FROM THE MARIPOSA PORT OF ENTRY.

# THE MAQUILA INDUSTRY

- THE MAQUILA INDUSTRY, WHICH IS A MAJOR FACTOR IN THE ECONOMY OF NOGALES, SONORA, HAS BEEN AFFECTED BY THE RECESSION. THIS REFLECTS ON THE RETAIL SALES IN NOGALES, AZ.
- MANY OF THE EMPLOYEES IN THESE PLANTS SHOP IN NOGALES, AZ. RETAIL STORES.
- THEY CROSS THE BORDER FOR SEVERAL REASONS:
  - THE PRICES ARE LESS EXPENSIVE OR
  - THE ITEMS THEY ARE LOOKING FOR ARE NOT AVAILABLE IN SONORA.

# THE MAQUILA INDUSTRY
## (CONT'D)

- THESE WORKERS HAD THE OLD BORDER CROSSING CARD (MICA) WHICH WAS ISSUED AT NO COST BY THE U.S.
- THERE WERE 78 PLANTS IN NOGALES, SONORA EMPLOYING 38,165 PEOPLE PRIOR TO THE RECESSION.
- THE DOLLAR ECONOMIC IMPACT IN NOGALES, SONORA WAS 275 MILLION.

# THE MAQUILA INDUSTRY (CONT'D)

- FIVE PLANTS HAVE CLOSED AND, AS OF DECEMBER 2001, 12,049 PEOPLE HAVE LOST THEIR JOBS.
- THE AVERAGE SALARY OF A MAQUILA WORKER IS $4.38 U.S.DOLLARS PER HOUR. MOST WORK 8 HOURS A DAY, SIX DAYS A WEEK.
- IN ADDITION, MORE THAN 500 U.S. RESIDENTS CROSS THE BORDER DAILY TO WORK IN THE MAQUILADORAS.

# Produce Industry Overview

- THE PRODUCE INDUSTRY IS A MAJOR USER OF THE COMMERCIAL PORT OF ENTRY.
  - ACCORDING TO THE U.S. CUSTOMS SERVICE, THE VALUE OF IMPORTED PRODUCE FOR THE 1999-2000 SEASON WAS $1.2 BILLION AT THE PORT OF ENTRY. AN ADDITIONAL 12% TO 15% CAN BE ADDED FOR THE VALUE OF SALES COMMISSIONS AND TRANSPORTATION CHARGES, $1.4 BILLION.
  - OVER THE LAST DECADE, THE VOLUME OF PRODUCE CROSSING THE BORDER HAS DOUBLED FROM 1.6 BILLION POUNDS TO OVER 3.5 BILLION POUNDS DURING THE 1999-2000 SEASON.
  - THE MOST POPULAR COMMODITIES ARE TOMATOES, CUCUMBERS, SQUASH, WATERMELON, GREEN PEPPERS, CANTALOUPES, TABLE GRAPES, AND MANGOES.

SOURCE: Fresh Produce Association of the Americas

# Produce Industry Overview

- THE PRODUCE INDUSTRY IS ALSO A MAJOR EMPLOYER WITH OVER 3,200 JOBS DIRECTLY INVOLVED IN THE IMPORTATION AND MARKETING OF MEXICAN-GROWN FRESH PRODUCE.
  - AN ADDITIONAL 2,500 JOBS ARE GENERATED THROUGH THE MULTIPLIER EFFECT.
  - ABOUT 230 PRODUCE COMPANIES CALL NOGALES AND RIO RICO HOME. OF THOSE, ABOUT 40% ARE DISTRIBUTORS AND 60% ARE BROKERS.

SOURCE: Fresh Produce Association of the Americas

# Produce Industry

- DURING THE HEAVY PRODUCE SEASON, NOVEMBER THROUGH APRIL, THE MARIPOSA PORT OF ENTRY HANDLES ANYWHERE FROM 1000 TO 1300 TRUCKS PER DAY FILLED WITH FRESH PRODUCE GROWN IN MEXICO AND OTHER COMMERCIAL ITEMS BEING EXPORTED OUT OF MEXICO TO THE U.S. AND CANADA.
  - THERE ARE TWO LANES LEADING OUT OF MEXICO WHERE THESE TRUCKS QUEUE UP AS THEY APPROACH THE U.S. SIDE.

SOURCE: Fresh Produce Association of the Americas

# Produce Industry (CONT'D)

- HERE THEY GO INTO THE DRUG INSPECTION SHED WHERE THE CONTRABAND ENFORCEMENT TEAM, EXPERIENCED OFFICERS SOME WITH K-9'S, BEGIN THE WORK OF CONTRABAND ENFORCEMENT.
- THESE OFFICERS DO DRIVER INTERVIEWS, CHECK DOCUMENTS, AND CARRY CONTRABAND DETECTORS THAT MEASURE THE DENSITY OF THE TRACTOR/TRAILER. THE BACK OF THE TRAILER MAY BE OPENED
- AT THIS POINT EXPERIENCE AND PAST HISTORY HAS SHOWN THAT MOST DRUGS BEING SMUGGLED INTO THE U.S. IN TRUCKS ARE HIDDEN IN THE STRUCTURE OF THE CAB OR TRAILER.
- FROM HERE THERE ARE THREE LANES THAT HAVE THE SUPER BOOTHS WHICH DO THE INSPECTIONS THAT ARE NECESSARY UNDER THE LAW.

SOURCE: Fresh Produce Association of the Americas

# Produce Industry (CONT'D)

- 65% OF THESE TRUCKS CONTINUE TO THEIR DESTINATION AFTER THEY PASS THE SUPER BOOTHS.
- THE BALANCE GO INTO THE COMPOUND FOR FURTHER INSPECTION WHERE THERE ARE TWO X-RAY MACHINES THAT CAN SCAN 60 TRUCKS EACH PER DAY.

SOURCE: Fresh Produce Association of the Americas

# Customs Brokers Overview

- CUSTOMS BROKERS FACILITATE THE MOVEMENT OF GOODS ACROSS THE BORDER AND, IN AMBOS NOGALES, CONTRIBUTE SIGNIFICANTLY TO THE ECONOMIC WELL BEING OF THE COMMUNITY.
  - ON THE U.S. SIDE THERE ARE APPROXIMATELY 14 CUSTOMS BROKERS AND THREE TIMES THAT MANY IN SONORA.
  - EACH BROKER EMPLOYS ABOUT 20 INDIVIDUALS AT MUCH HIGHER THAN AVERAGE WAGES BECAUSE OF THE SKILLS REQUIRED AND THE NEED FOR RETENTION.

SOURCE: Customs Brokers Association

# Customs Brokers (CONT'D)

- CUSTOMS BROKERS EXPERIENCE IMPEDIMENTS TO SMOOTH MOVEMENT OF CARGO BECAUSE:
  - THE CUSTOMS FACILITY IS TOO SMALL TO HANDLE THE WORKLOAD AND
  - FREQUENT PERSONNEL CHANGES ON THE GOVERNMENT SIDE ARE COUPLED WITH A LACK OF KNOWLEDGE ABOUT REGULATIONS, PROCEDURES AND PEOPLE MANAGEMENT.

SOURCE: Customs Brokers Association

# Customs Brokers (CONT'D)

- RECOMMENDATIONS FOR IMPROVEMENT INCLUDE:
  - A LARGER CUSTOMS FACILITY AT THE PORT OF ENTRY BY EXPANDING THE CURRENT ONE-FOR EXAMPLE, SPLIT PRIVATE AND COMMERCIAL VEHICLES;
  - PROVIDE FUNDING FOR THE AUTOMATED BROKER INTERFACE TIE-IN OF USDA-INCLUDING PPQ, AND APHIS.
  - CONTINUED SUPPORT AND FUNDING OF INTERNATIONAL TRADE DATA SYSTEMS, THE AUTOMATED COMMERCIAL ENVIRONMENT, AND THE INTELLIGENT TRANSPORTATION SYSTEM AND IMPROVED COMMUNICATION BETWEEN THE FEDERAL GOVERNMENT AND THE PRIVATE SECTOR DURING THE ACE DESIGN PHASE;

SOURCE: Customs Brokers Association

PPQ=PHYTOSANITARY PLANT QUARANTINE

APHIS=ANIMAL PLANT HEALTH INSPECTION SERVICE

# Customs Brokers (CONT'D)

- RECOMMENDATIONS FOR IMPROVEMENT INCLUDE:
  - MORE PARKING;
  - CONTINUED OPEN CHANNELS BETWEEN THE U.S. GOVERNMENT AND PRIVATE SECTOR WITH MEXICO'S GOVERNMENT AND PRIVATE SECTOR;
  - BETTER TRAINING FOR ALL AGENCY STAFFS-U.S. CUSTOMS, USDA, DOT, AND MVD-PARTICULARLY IN THE AREA OF PROCEDURE, REGULATION, AND PEOPLE MANAGEMENT.

SOURCE: Customs Brokers Association

# WORK IN PROGRESS

- BECAUSE OF THE TERRAIN NOGALES PORTS CAN NOT EASILY BE ENLARGED TO FACILITATE THE INCREASE IN TRAFFIC THAT IS EXPECTED IN YEARS TO COME ESPECIALLY WHEN THE CANAMEX CORRIDOR BECOMES REALITY.
- THE CITY AND THE COUNTY JOINED FORCES AND THE JOINT CITY/COUNTY TRANSPORTATION PLAN 2000 WAS DEVELOPED WITHIN THE SCOPE OF CANAMEX AND ADOT'S FUTURE PLANS.
  - THIS PLAN CALLS FOR ANOTHER PORT OF ENTRY JUST WEST OF THE PRESENT MARIPOSA PORT, WHICH WOULD ENABLE THE SEPARATION OF COMMERCIAL AND PRIVATE AUTOMOBILE TRAFFIC. THIS WOULD FACILITATE THE FLOW OF CROSS BORDER TRAFFIC, AND ADDRESS SAFETY AND SECURITY ISSUES.

# EFFECTS OF 9/11

- JUST AFTER THE HEINOUS ATTACK ON 9/11 THE WAIT TIMES FOR COMMERCIAL AND PRIVATE AUTOMOBILE TRAFFIC AT BOTH DECONCINI AND MARIPOSA RAN ANYWHERE FROM ONE TO THREE HOURS DUE TO HEIGHTENED SECURITY, ALERT ONE.
- PEDESTRIAN TRAFFIC AT DECONCINI WAS ANYWHERE FROM TEN TO FORTY FIVE MINUTES.
  - PRESENTLY THE WAIT TIMES HAVE DECREASED TO ALMOST NORMAL, TWENTY TO FORTY MINUTES FOR VEHICULAR TRAFFIC AND FIVE TO TEN MINUTES FOR FOOT TRAFFIC, DURING NORMAL HOURS.

# EFFECTS OF 9/11(CONT'D)

- AT RUSH HOURS THERE IS A LONGER WAIT AT BOTH DECONCINI AND MARIPOSA. VEHICULAR COULD BE FORTY FIVE MINUTES TO AN HOUR AND A HALF.
- PEDESTRIAN TRAFFIC AT DECONCINI EXPERIENCE DELAYS OF APPROXIMATELY FIFTEEN MINUTES.
- ACCORDING TO CUSTOMS THE NATIONAL GUARD IS HELPING IN THAT THEY CAN ASSIST IN INSPECTING VEHICLES UNDER THE SUPERVISION OF A CUSTOMS AGENT.
  - ONE AGENT CAN SUPERVISE THREE NATIONAL GUARDSMAN.
  - NATIONAL GUARD TROOPS AS PER THEIR MISSION ARE UNARMED AND THEREFORE CAN NOT HELP IN PATROLLING AREAS FOR SECURITY PURPOSES.

# RECOMMENDATIONS

- ADD COMMUTER LANES.
- WORK WITH MEXICO TO REDUCE RESTRICTIVE CHECKPOINTS. ACCORDING TO FPAOTA, THERE ARE APPROXIMATELY SIX CHECKPOINTS ON THE HIGHWAY COMING FROM SINOLOA. THE CHECKPOINTS ARE OPERATED BY BOTH FEDERAL AND STATE OFFICIALS AT DIFFERENT POINTS AND ADD OVER TWO HOURS. FPAOTA=FRESH PRODUCE ASSOCIATION OF THE AMERICAS

# RECOMMENDATIONS

- IMPROVE TRAINING PROGRAMS FOR CUSTOMS, INS, AND FDA OFFICIALS IN THE AREAS OF REGULATION AND PEOPLE MANAGEMENT.

# CONCLUSION

- THE LETTER INVITING ME TO TESTIFY WAS SPECIFIC IN THE THREE ISSUES; IMPROVE SECURITY, FACILITATE COMMERCE AND EASE TRAVEL BETWEEN THE UNITED STATES AND MEXICO.

# CONCLUSION

- WITH YOUR PERMISSION I WILL CLOSE MY PRESENTATION BY ADDRESSING TWO OF THESE ISSUES:
  - FACILITATING COMMERCE AND
  - EASING TRAVEL BETWEEN OUR TWO COUNTRIES.

# CONCLUSION

- THE UNITED STATES GOVERNMENT NEEDS TO ADDRESS THE LAWS THAT ARE IN PLACE WHICH DISCRIMINATE AGAINST MEXICO AND MEXICAN NATIONALS.
- WHY DO WE HAVE DIFFERENT LAWS AND POLICIES WHEN IT COMES TO DEALING WITH CANADIANS AND MEXICANS?
- AS FAR AS WE KNOW THE TERRORISTS WHO HAVE BEEN APPREHENDED IN MOST INSTANCES CAME TO THE U.S. THROUGH THE POROUS CANADIAN BORDER.

# CONCLUSION

- THE BUSH AND FOX ADMINISTRATIONS HAVE SHOWN THAT THEY ARE INTERESTED IN WORKING TOGETHER TO ADDRESS THE MANY ISSUES THAT FACE OUR PEOPLE AND OUR NATION.
- THE TIME IS RIGHT FOR THE UNITED STATES TO BEGIN CHANGING THE LAWS AND POLICIES THAT RESTRICT THE FLOW OF PEOPLE CROSSING OUR SOUTHERN BORDER.

# CONCLUSION

- WE NEED TO RECOGNIZE OUR MEXICAN NEIGHBORS AS EQUALS JUST AS WE DO OUR CANADIAN NEIGHBORS.
  - TREAT BOTH COUNTRIES AND THEIR RESPECTIVE PEOPLES THE SAME.
  - LET'S BUILD ON THIS NEW RELATIONSHIP AND MAKE NORTH AMERICA A BETTER AND MORE PROSPEROUS PLACE TO LIVE , IMPROVING THE QUALITY OF LIFE FOR ALL CANADIANS, MEXICANS AND AMERICANS.

# CONCLUSION

- THANK YOU FOR ALLOWING ME TO MAKE THIS PRESENTATION TO YOUR COMMITTEE.

Mr. SOUDER. Thank you.

Mr. Dickson.

Mr. DICKSON. I want to thank you for having me to speak. Southern Arizona has enjoyed long ties with our neighbors to the south, in Mexico, and a good portion of our population is of Mexican heritage.

It is as a direct result Federal and State policies that the balance between our neighbors to the south and Arizona has shifted to the tragic and contentious situation we find ourselves in today.

Cochise County is a sparsely populated County in Southern Arizona. It is approximately the size of Connecticut and Rhode Island combined. The areas's health care system is experiencing all the problems that are usually associated with other small rural areas.

The majority of the county is federally designated as medically undeserved, and it is also a health care professional shortage area. We cannot now in Cochise County meet the minimum Federal standards for health care for the citizens of our county.

We have approximately 120,000 residents in the County of Cochise, and the shift in the government policy has created a situation. We have heard numbers from the INS that they have apprehended 225,000 or 445,000 people. According to the INS's own internal statistics, that means that they are missing three to one and four to one.

So we have over the equivalent of one million people crossing the border in Cochise per year. This is the State of Alaska coming across our border since the change has been done.

We also have had an unintended impact. We have seen the effect of border towns becoming boom towns in Sonora, Mexico, and Agua Prieta, Mexico. The population of Agua Prieta has grown from 40,000 to 80,000, and some estimates go as high as 140,000 people.

The small restful town of Naco, Mexico, has grown from 10,000 to 25,000 and in some estimates has grown to 40,000 people. These populations increase whether migrating or residing in boon towns.

And if you put that together that is 10 to 15 times the population of Cochise is now residing across the border or crossing the border in an annual area. This has put a demand on the health care services of southern Arizona that were never designed.

And as the Congressman mentioned further, most of our trauma centers in Tucson are now in effect threatening to close because they are sustaining multi-million dollars of uncompensated losses because of this population across our border.

The irony of it is that the more border officers you place on the border, the more apprehension mishaps that you have, and the most call there is for the trauma system. I would like to go through one mishap that occurred to us. This is what actually happens.

There was a multiple trauma injury due to a hot pursuit by the INS. Now, these people are jammed into vans and it is a slave trade. You cannot believe how many people they put into a car, and then the INS takes them into hot pursuit, and they go into a ditch.

And we get a call, and then they sit there and call the local ambulance service and EMS service, and sit there and do nothing until the ambulance comes and apprehends them, because they don't put them in handcuffs.

Chief Aguilar promised us that they would help us with this situation over 2 years ago, and we have seen no action on this issue. They will never come at night and help us out.

The hospital that I work for went on full disaster alert. We were expecting 20 patients to be coming into a 28 bed hospital. The problem is that when these people are trying to be apprehended, they flee into the Sonora Desert and into the night.

So we don't know how many were actually going to be apprehended. Five were brought in, and two transported to trauma centers in Tucson and to the Sierra Vista Regional Medical Center, and three were treated.

Now we come to the big dilemma. We know that these people are illegal immigrants. We are sitting in the emergency room with our nurses and our doctors, and where do we release these people to?

We no longer call the INS because they will not come. If it is during the day, it is the Mexican Consulate. They will come over and take them, but if they are from El Salvador or if they are from other countries, they will not pick them up, and we release them back into the night so that the INS can apprehend them again.

It is a tragic and sad situation. There is no compensation for this. The other end consequence is what we call compassionate entry. Now that the populations have tripled, and quadrupled, gone up across the border, the way you can gain entry into the United States for advanced health care due to trauma, etc., is a simple waiver of the foreign entry.

We had four children who were burned in Naco, Mexico, and they were brought across the border, and we stabilized them, and we transported them to the only acceptable trauma center for burns of this nature, up to Maricopa Health Center, and three died, one survived, at a total health care cost of $300,000.

This is what we encounter every day. Just last week, and as you will see in my testimony, there was a Federal Officer from Mexico who was shot, and brought across the border, and he was DOA.

I want to take about two or three recommendations that I have, and I see that my time has run out. The Federal Government designed $25 million in their legislation to help health care in the border areas.

This money has been taken by the State and put into systems that we have not seen a penny of this money. It is under a Federal Program for where you must have a residence, and you must establish a 30 day residency. These people are not residents, and they will not establish a 30 day residency, and therefore that money is used by the States to offset their general revenue funds.

And in my recommendations, I am asking that if you do any further funding to recognize this problem for health care, and that it be direct block grants to the State, and that money then be designated to the hospitals to help with this care.

Because right now at the three border hospitals that are in this area receive none of the money originally dedicated by the Federal Government for that issue. I also ask that you ask the INS to pick these people up in the night. These are illegal immigrants.

And Congressman Kolbe placed it just as it is. We have to release them there. We have people who are dehydrated and sick,

and we treat them, and we then have the situation where we are fattening up for a second catch. What is this?

These are illegal immigrants that were apprehended and then we have to let them go after we have made them stable enough to continue their journey northward.

And last I would think that we should do something like the Busara Program, and recognize that we should have a guest worker program, and we cold stop some of these problems.

The border does not seal, and our costs are up 400 percent, and they are going up every year, over this year, and over last year. Thank you very much.

[The prepared statement of Mr. Dickson follows:]

**Opening Statement by: James J. Dickson, CEO**
**Copper Queen Community Hospital**
**Government Reform Committee's Subcommittee on Criminal Justice, Drug Policy and Human Resources**
**Arizona Border Field Hearing**
**February 22, 2002**
**9:00 a.m. – 12:00 p.m.**

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I want to thank the Government Reform Committee's Subcommittee on Criminal Justice, Drug Policy and Human Resources for the opportunity to present testimony concerning the situation in Cochise County.

Southern Arizona has had long ties with our neighbors to the south in Mexico. A good portion of our population is of Mexican heritage. It is as a direct result Federal and State policies that the balance between our neighbors to the south and Arizona has shifted to the tragic and contentious situation we find ourselves in today.

The Federal Government approximately three to four years ago made a conscious decision to control the Border in California and Texas. A disproportionate amount of federal resources were dedicated to controlling the border in these two areas compared with the Arizona border. The closing down of these sections of the border on either side of the Arizona resulted in a greatly increased flow of illegal immigrants and drugs through Arizona, acting like a funnel. This especially affected Cochise County in Southern Arizona and the urban areas directly across the Border in Sonora Mexico.

Cochise County is a sparsely populated County approximately the size of Connecticut and Rhode Island combined (see attachment A1 and A2). This area's healthcare system is experiencing all the problems usually associated with other small rural areas of the state and across the country; a higher than average unemployment and an underinsured population. The majority of the county meets the federal criteria for designation as a Medically Underserved Area (MUA) and a Healthcare Professional Shortage Area (HPSA). The healthcare system in Cochise County could not meet the minimum Federally designated standards for healthcare services prior to the policy shift by the Federal Government. The resulting drain on services has placed our inadequate healthcare system in jeopardy.

The shift in Federal policy has also caused unanticipated and permanent changes in Sonora Mexico. As immigration traffic increased across the Arizona section of the U.S. border, Sonora Mexico has experienced phenomenal population growth. This is especially true in the towns of Agua Prieta and Naco, Mexico. The population of Agua Prieta has grown from 40,000 to +80,000 in a ten-year period. Some population estimates for Agua Prieta approach 140,000. The population of Naco has grown from 10,000 to +25,000. It is difficult to get an exact figure because of the their transient nature of this population. It has turned these small peaceful towns into centers for trade in illegal immigration and drugs. This growth has had a virtual "boomtown" effect on these communities.

It is difficult to arrive at an exact number of immigrants that pass through the border of Cochise County because the number of actual immigrants far exceeds the apprehended immigrants. Based on Immigration and Naturalization statistics 1,500,000 immigrants per year is a reasonable estimated figure. (see attachment B). This is based on INS estimate that they apprehend fewer than 25% of the people immigrating to their destinations up North.

These population increases, whether migrating or residing in "boomtowns" south of the Border place a huge and un-anticipated on demand on healthcare services in Southern Arizona. It has especially affected the Emergency Medical System. Both of the Trauma Centers in Tucson have announced that they were going to close because of their inability to sustain their huge losses (see attachment C). These losses are due mainly to mishaps that occur during Border Patrol Apprehensions and Compassionate Entry Trauma. The irony of this situation is that the more Border Patrol Officers placed on the Border the more accidents occur during apprehensions. Hospitals along the Border are incurring ever increasing uncompensated costs. These costs have risen over 400% over the last four years (see attachment D).

I would like to give two examples of Compassionate Entry and Apprehension Mishaps.

Case One: Compassionate Entry

Approximately one year ago four children were burned in a propane gas explosion incident in the town of Naco, Mexico. These children ranged in age from 3-16 years of age. They were burned over 60% of their bodies. They were transported across through Compassionate Entry to Copper Queen Community Hospital. The Hospital activated its Disaster Program calling in Physicians and the entire staff. We treated and stabilized the children. The newest available Burn Center that could accept them was Maricopa Medical Center in Phoenix Arizona, four helicopters to transported them Phoenix. Three of the children died from the burns. The fourth and oldest child survived after amputation and a long hospitalization. This situation removed transportation from our EMS system and created extensive costs due to Physicians and additional staff being called, all of which was uncompensated and un-billable.

The cost of this Compassionate Entry was as follows:

| **Provider** | **Cost** |
|---|---|
| **Copper Queen Community Hospital** | **$15,576.00*** |
| **Emergency Helicopter Transport** | **$54,616.00** |
| **Maricopa Medical Center** | **$207,100.00** |
| **Total Cost** | **$277,292.00** |

- Charges must remain the same, by law, regardless of the amount of resources that are utilized.

This is an ongoing problem that will not abate no matter how much the Border is closed. Friday 2-15-02 a Mexican Federal Officer was transported across the Border to a Hospital in Cochise County. He entered the US by Compassionate Entry (see attachment E).

Apprehension Mishaps Case 2

The Federal Government has increased the surveillance and the number of Border Patrol Officers on the Border in Cochise. This has had an adverse affect on the healthcare system. The immigrating people are forced to avoid main roads and attempt to walk through the hostile desert. They are victims of the hostile environment, robberies and heartless coyotes (the term used for individuals and gangs involved in the illegal immigration transportation trade). These conditions have resulted in an increased number of deaths and accidents that increase the drain on the healthcare system.

On March 22, 2001 the Hospital received a call from the Base Station of the Emergency Medical system that a Van transporting illegal immigrants had rolled over during a "hot pursuit" by the Border Patrol. We were apprised to expect a potential 20 patients. The local Ambulance and County Sheriffs would be at the scene and deal with this matter. It is hard determine the number of victims and their injuries. If they can walk or crawl away from the scene of the accident, they will do so to avoid apprehension. The Hospital again went on full Disaster Alert calling in Physicians and additional staff. We eventually received five patients who had injuries ranging from facial lacerations and to extensive fractures. They were treated: one was transferred to Tucson Medical Center, one was transported to Sierra Vista Regional Medical Center, three were treated and released to continue their illegal journey into the US.

This incident demonstrates one of the major problems faced by healthcare providers. The Border Patrol, once it has been determined that the immigrants cannot escape, will not take them into custody in order to avoid assuming responsibility for these immigrants healthcare costs. They will proceed to call local Ambulance Services and appropriate law enforcement to handle the situation. This is a policy of cost avoidance and lack of staffing to handle these situations (see attachment F).

The major problem we incur, especially Hospitals, is in the discharge of the "suspected" illegal immigrants. These people are transients with no known local address and they are reluctant to release their destination address. The INS/Border Patrol has a policy that they will not come on to grounds of Schools, Hospitals and Churches to apprehend undocumented immigrants. In some cases, when the patient is amenable, we can call the Mexican Consulate in Agua Prieta. The Consulate will repatriate these victims back across the Border. They will not repatriate patients who are from other countries such as El Salvador or Nicaragua. We are left with no other alternative but to release these people back into the community to continue their journey. This is particularly hard because they need follow-up care and in some cases creates an unsafe discharge. This phenomenon is a

tragedy and severely affects the staff of the Hospital. It also makes the staff feel that we are breaking the law.

Uncompensated Care

The Hospitals, Physicians, Ambulances/Helicopters are not compensated in any manner for this care. The Federal Government in the Balanced Budget Act of 1997 recognized the immigration problems. Approximately $25,000,000.00 was allocated to assist hospital's in dealing with the immigration problem. The Federal Government used pre-existing immigration statistics to allocate the money to each of the States. The allocation to Arizona was $625,000.00. In the meantime, the Federal Government increased resources to close the borders in California and Texas. Which subsequently exponentially increased the flow of illegal immigrants in Arizona.

The $625,000.00 ended up going into the State of Arizona's general fund to deal with the illegal immigrant healthcare problem. The State of Arizona is faced with two types of illegal immigrant problems: resident undocumented and transitory undocumented illegal aliens. The Governor chose to place this money into the State Emergency Services Program of the States Arizona Health Care Cost Containment System (the Medicaid Program in Arizona). This decision reduced the state's fiscal responsibility for the eligible immigrant population. (see Congressman Kolbe's letter to Governor Hull-Attachment G and her response attachment H). The AHCCCS SES Program has a federally mandated thirty- day residency requirement to become eligible for coverage. Because most of the illegal immigrants in Southern Arizona are en route to other destinations, they are primarily ineligible for coverage through the AHCCCS State Emergency Services Program. In addition, residency status also impacted the state's overall share of the $25 million federal appropriation to address immigrant healthcare because the allotments to state were distributed via a formula based on the number of *resident* aliens in the state; the illegal immigrant population seeking healthcare at Arizona hospitals is disproportionately non-resident, compared with other states further north. Virtually 100% of the "Compassionate Entry" and transient immigrant patients do not meet the residency requirement, and a higher proportion of these individuals end up being treated at hospitals primarily located in southern Arizona.

The INS Border Patrol has an internal policy not to apprehend these immigrants if they are in need of medical care (see attachment E). The budget for health care for INS detainees is approximately $1,500,000.00(according the INS). This cost avoidance by the Federal Agencies and the State Government leaves the strained healthcare system in Cochise County to absorb these costs.

Recommended Actions to Congress:

1. Change the INS/Border Patrol Policy of not coming on to Hospital grounds to help with the discharge of immigrants involved in mishaps that occur during apprehensions.

2. Change the avoidance policy of the Border Patrol of not taking apprehended illegal immigrants into custody.
3. Increase the healthcare budget for the INS/Border Patrol to reflect the current reality.
4. Re-authorize the program and revise the methodology of funding the States used in the 1997 Budget Reconciliation Act to direct block grants to Counties along the US-Mexican Border. These grants should be specifically designated to Hospitals in proportion to the costs incurred for this care.
5. Work with the Mexican Government to financially recognize the reality that the US is the provider for Emergency Care for its citizens. In the long-term assist in developing the Mexican Healthcare System to meet its needs.
6. Improve and expand the Guest Worker Program used during World War II. Granting Visas to these immigrants and holding their employer's who profit from their labors responsible for their healthcare in transit and where they work.

Mr. SOUDER. We are going to do two rounds here. I have to get back to Tucson to catch a plane that will get me home at 11 tonight, and so I can be at a 7:30 meeting in the morning. So I apologize that I am going to have to exit fast.

But I am going to ask a few questions. It has been very informative to me because these are new variables to me that I have not heard in other places and I do know that when you squeeze one place, the drugs move.

That is true in Indiana, and it is true in the overall midwest, and it is true on the borders, and it is true in Colombia. It is true around the world, and we have to get ahead of the curve when we are seeing this type of thing, and you each have nuances that are very informative, both for our report and for our questions.

So I do have some questions, but I thought in this panel that if Chairman Kolbe would like to go first.

Mr. KOLBE. I will just ask a couple of very quick ones, and then hopefully some very quick answers. Jim, just to finish since you testified last here. Mr. Dickson, you say you don't call the INS anymore. Did you used to routinely call them when you finished treating them?

Mr. DICKSON. When I first started working, we used to call them and——

Mr. KOLBE. Did they come?

Mr. DICKSON. No.

Mr. KOLBE. Do you ever recall them coming?

Mr. DICKSON. No. And I called the other hospitals, and they don't come to them either.

Mr. KOLBE. So they do not come and pick them up?

Mr. DICKSON. That's right.

Mr. KOLBE. You must have some very puzzled immigrants when you show them the front door and say have a good day?

Mr. DICKSON. It is tragic. It is a human tragedy. These people are going to jobs, and the first thing they want to do is to call their job up north and let them know that they are on their way.

And when we have to release people with broken ankles in the night, where they have to hobble through the desert for the rest of the journey, this is very debilitating, and demoralizing to the health care team.

Mr. KOLBE. Mayor Borane, what changes have you seen since September 11th in your community? Has there been any costs to your law enforcement or are you seeing changes in your patterns of traffic across the border, and shopping, retail?

Have you seen changes as a result of September 11th?

Mayor BORANE. Well, we had a very good working relationship with the U.S. Customs. They were very sensitive to the issue as far as our economy was concerned. Things are almost back to normal.

People are coming back and the long lines aren't there any more. The effect of September 11th on the crime in our community wasn't really that drastic.

The only thing that we experienced was the loss in revenues, and of course with the laser visa situation, which hurt us economically.

Mr. KOLBE. How important do you think a guest worker program would be? I mean, I know you have been very outspoken on this,

but how you think it should be structured to be most effective. If you can answer as quickly as possible.

Mayor BORANE. I think what it would do is that it would be a deterrent. I think people would get the message in Mexico that you don't come across any more because it is under control. It is organized, and it is systematic, and it is scientific, and you won't get hired unless you are in this program.

And I think above all that it would stop the suffering of the people at risk and the dangers that they encounter.

Mr. KOLBE. One other question. Sheriff Dever, both you and I attended that first response conference in Tucson earlier a few days ago. Is communications a real problem between our law enforcement agencies or lack thereof?

Sheriff DEVER. Yes. A lack thereof is critical. I am glad that you asked that question, because there is a looming large problem, and it is not on the horizon, but it is actually here right now.

And that is there is a series of degradations where radio communications capacity has interference on calls out of Mexico.

Mr. KOLBE. You mean it is getting worse?

Sheriff DEVER. Yes.

Mr. KOLBE. Is this commercial interference or other law enforcement, or is it with the cell phone or what? What about it is denigrated?

Sheriff DEVER. It is both. Some of it is official and some of it is illegal radio traffic, but the Mexican equivalent of the FCC has taken a page out of the U.S. book and is selling off certain band widths as the FCC did, and enabling private organizations and other people to get into that, which is interfering with what we are doing.

There was some discussion earlier about the need to have secure wireless communications, and it is huge here on the border, in terms of our ability to beat the enemy to the punch if you will.

We sit out there day in and day out to watch them watch us watch them, and listen to them talk about us back and forth, and they are hearing everything we can do. And in terms of interoperability, the capacity amongst all law enforcement agencies—Federal, State, and local—to communicate in a secure mode here along the border without interference and degradation from the Mexican side.

Mr. KOLBE. Thank you. Mr. Chairman, I think this highlights a significant problem, and I would just like to place in the record some statements and I would like to place those in the record, including one or two actually from the chairman of the Board of Supervisors here for Cochise County. Mr. Thompson has written a very excellent statement, and I hope this can be made a part of the record.

Mr. SOUDER. Yes, it is so ordered.

[The information referred to follows:]

# Board of Supervisors

**Leslie E. Thompson**
Chairman,
District 3

**Paul Newman**
District 2

**Patrick Call**
District 1

**Jody N. Klein**
County Administrator

**Nadine Parkhurst**
Clerk

## The Back Door

Cochise County is the back door to America. That door is wide open.

This large county has a small population living in a vast, rugged area that is heavily taxed for basic services. It is now being overwhelmed with a flood tide of illegal entrants - some percentage of which are certainly criminal and potentially lethal on a scale far beyond that of Cochise County. The County's law enforcement resources are small, its ability to communicate by radio is severely limited, and the tide of people entering the country illegally and illicitly continues despite the additional Federal commitment of manpower to the area. It is neither an exaggeration nor a provocation to note that terrorists have or will enter America through this unsecured back door.

In the last year (FY 2001) the Border Patrol reported over 285,000 apprehensions within the County. The nationalities of those apprehended ranged from Egyptian, Polish, and Pakistani to a wide variety of persons from Mexico and the rest of Latin America. Border Patrol officers privately estimate that they are apprehending between one in three and one in five illegal immigrants. This suggests that more than three-quarters of a million people passed through Cochise County in the last year on their way to every region of the United States.

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The entire country of Israel could fit comfortably within the 6,200 square miles that make up Cochise County. Spread across this vast, rugged area is a population of only 117,000 people. The County shares an eighty-two mile border with the nation of Mexico. Even though this represents only about 4.5% of the total shared border between the United States and Mexico, nearly 25% of all Border Patrol apprehensions in the United States last year took place within the county.

In addition to this well publicized problem with illegal immigrants, Cochise County is also a major smuggling corridor and has been for over a hundred years. With the heightened concern for security since September 2001, it is clear that an immense potential exists for the entry of dangerous persons through this area.

The Cochise County Sheriff's Office has about 75 sworn officers to cover this huge and often desolate area 24 hours a day – every day. They are assisted in this effort by the small municipal police departments in the county's seven incorporated towns. All total, there are fewer than 200 sworn officers in the entirety of the County.

Federal law enforcement agencies have a large presence in Cochise County. The Border Patrol has more than 1,000 agents stationed in this sector. The Customs Service also has a number of agents in the county. In addition, the Drug Enforcement Agency also has a significant but un-publicized presence. Effective security cannot be achieved without a coordinated effort between local and federal law enforcement agencies.

The picture is simply this: a vast, lightly populated region patrolled and protected by a thin line of officers who are being overwhelmed by a tide of literally millions of people. While this is challenge enough, the picture is further complicated by the fact that

radio communication within the Sheriff's Office and between the multiplicity of agencies is poor at best and oft times breaks down completely.

Beyond the direct law enforcement issues, the same inadequate radio communications system for Cochise County also has to serve as the interagency/mutual aid channel. In the case of a real disaster (terrorist or otherwise), the system is likely to fail from overload and lack of inter-operability.

**The Inability to Communicate**

Problems with Cochise County radio communications are historic, geographic, technical, and fiscal. The radio system is built on an infrastructure that was created in the late '70s. Due to the fiscal realities of the time, the system was not properly engineered. Over the last 25 years, it has been modified, expanded, and rebuilt without the benefit of a comprehensive plan or design.

Currently there are - on any given day - places and situations in which the officers have no ability to communicate with their dispatch or the other agencies with whom they interact. This leaves officers alone and at risk. The combination of antiquated equipment, lack of design, and regular and repeated interference from Mexico makes radio communication problematic at best and often impossible.

The geography of Cochise County is also a key factor limiting communication. The county is trisected north to south by two major mountain ranges. Peaks in these ranges rise up to 11,000 feet. In addition to the major ranges numerous other ridges, peaks and hills break up light-of-sight within the valleys. The terrain in general is rough, folded, and cut by a number of canyons and draws. Even the best of radio communication

systems have difficulty in this area. The one possessed by Cochise County is far from the best.

Several technical issues also affect the radio system. First is simply the age of the system and equipment. Second are the geographic barriers previously mentioned. Third is the fact that most of the agencies operating in the county (Local, State, and Federal) are working with a variety of systems many of which cannot inter-operate with one another. Oft times, agencies have to resort to cell phones (where they work) to communicate with one another. As the county's system is antiquated, it provides no privacy much less encryption for vital messages. Criminal elements can and do monitor Sheriff Office broadcasts and take action accordingly. Finally, proximity to Mexico ensures that the radio systems are often interfered with by transmissions from across the border.

Fiscal constraints make up the final barrier to an effective radio system. The citizens of Cochise County, because of its small population and large size, are already among the highest taxed in Arizona. This is severely exacerbated by the immense impact of illegal immigration and the large number of criminal activities by illegal aliens that must be dealt with by local law enforcement agencies. A study completed by the University of Arizona in 2001 demonstrated that for FY 1999 illegal activity on the part of undocumented aliens costs each citizen of the county $41.81. The total cost was estimated to be $4.6 million, which is a staggering 11.5% of the general fund. Most of his cost is associated with the law enforcement and legal systems. The ability to the county to pay for upgraded/improved radio communications is limited.

**Solutions**

While there are obviously a number of activities that need to take place in order to enhance the security of Cochise County and hence the United States, this paper focuses solely on the pressing need to improve law enforcement's ability to communicate. At this time the County is seeking to design, engineer, and install a modern communication system that will address the historic, geographic, and technical challenges presented earlier.

Preliminary estimates run up to $2M to design, engineer, and install a modern radio system that will be able to interoperate with other law enforcement agencies. Typically, such initial figures run well below the actual cost of a finished system.

At this point, the fiscal challenge is beyond Cochise County's ability to address. While the County's direct tax revenues have held up marginally well in the last six months the State of Arizona has reduced, rescinded, and otherwise cut its budget (and the important pass through monies to the counties) at a figure now approaching 10%. These cuts are likely to increase unless there is an immediate economic turn around. The County's current fiscal challenge is simply to try to fund the minimal and mandated services necessary to keep the County functioning. Yet, it is obvious that even though border security is a Federal issue, and should be fully-funded with Federal resources, Cochise County must be an integral part of the solution. Effective communications are absolutely essential to such an operation. However, a project of this scope can only be contemplated if significant assistance can be given from outside sources.

Les Thompson, Chairman
Cochise County Board of Supervisors

# Board of Supervisors

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County Administrator

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## Undocumented Aliens in Cochise County
## Issues with Border Patrol Policies

Cochise County is the corridor of choice for illegal crossings of undocumented aliens into the United States, with nearly 25% of all Border Patrol apprehensions in the United States last year taking place within Cochise County. The federal response to this crisis has been to dramatically increase the number of Border Patrol agents in the Tucson sector (over 1,500), and establishing stations in Douglas, Willcox and Tucson. As a result of added staffing and resources, apprehensions have dropped by almost a third this past year.

In spite of this, we still have a monumental problem in Cochise County. With almost 300,000 apprehensions and at least three times that many people getting through, every part of Cochise County suffers. Residents throughout Cochise County face the prospect of vandalism and property damage, loss of cattle and pets, destruction of fences and vegetation, and cleaning up garbage and other debris resulting from the passage of illegal aliens through their lands. In addition, drug smuggling and other crimes are also rampant. This places a severe financial and manpower burden on law enforcement personnel from Cochise County, who must respond to citizen complaints about crime occurring within the County. We have been fortunate to date that encounters between local property owners and illegal aliens has not resulted in violence.

Unfortunately, the Border Patrol is a substantial part of the problem, particularly in northern Cochise County. Checkpoints have been set up along major highways (State Route 90, 80, and U.S. 191) approximately 20 miles north of the Mexican border. This means that many undocumented aliens are able to successfully enter the country and travel north before scattering out from the checkpoints. This spreads the problem throughout the entire County. Regrettably, the Border Patrol will not then respond in remote areas, citing manpower problems. Thus, if there is a complaint in a remote area such as Bowie or San Simon, the Border Patrol will not respond and our own law enforcement is left to try to assist the residents in what is clearly a federal problem.

The Cochise County Board of Supervisors believes that the Border Patrol must be more responsive to complaints from County residents, needs to work in a more forthright and open manner with local law enforcement, and that the Federal government must re-

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examine the effectiveness of its border strategy. Resources must be spent wisely and effectively.

This is a federal issue and should not be a Cochise County problem. The security of our nation and our County depend upon providing effective methods of securing our borders for our citizens. We urge you to do whatever you can to provide adequate resources and sound policies to deal with this most complex issue.

Les Thompson, Chairman
Cochise County Board of Supervisors
(520) 432-9200

**CITY OF WILLCOX**
**Office of the Mayor**
*Marlin "Mick" S. Easthouse*
*101 S. Railroad Avenue Suite B*
*Willcox, AZ 85643*
*(520) 384-4271 or fax (520) 384-2590*

*February 21, 2002*

*Congressman Mark E. Souder, Chairman*
*Committee on Government Reform*
*2157 Rayburn House Office*
*Washington, D.C. 20515-6143*

*Re: Border Patrol Check Points*

*Honorable Congressman Souder:*

*I prepare this letter to provide comment and support for the Border Patrol check point operations in Cochise County, Arizona.*

*For many years the borders between the United States and Mexico have been compromised due to the number of undocumented aliens traveling illegally into our Country. Many of these individuals commit state and local crimes while in our State and Cities. The matter of drug trafficking in itself has resulted in the City of Willcox allocating one (1) full-time police officer to the interdiction of narcotics on the border through a County wide task force. These activities have created a tremendous burden on our local resources.*

*Through the recent allocation of additional resources to the Immigration Naturalization Services (INS), the U.S. Border Patrol has dramatically curbed the number of aliens crossing the borders into Arizona and Cochise County. The use of check point stations has allowed systematic and routine enforcement.*

*The City of Willcox, Arizona, would encourage and recommend your consideration and support for the Border Patrol check point stations in Cochise County, Arizona. It is our opinion, these stations would allow enforcement that would best serve the United States, Cochise County and Willcox, Arizona.*

*Respectfully,*

*Marlin S. Easthouse*
*Mayor*

# FAX COVER LETTER

**From: Tom and/or Margaret Stephens**
**7702 E. Dakota Road**
**Hereford, AZ 85615**

**Phone/Fax 520-378-2195**
**email=mmstephens@theriver.com**

**DATE: February 21, 2002**
**TO: Jim Kolbe**
**FAX NO: 459-5419**
**NO. OF PAGES (Including this one.): 1**

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**MESSAGE OR COMMENTS:**

Congressional Subcommittee Hearing 9 a.m. Feb. 22, 2002
Buena Performing Arts Center

We live a good 20 miles from the Border (Ramsey Road and Moson Road) but we still have illegals tearing down our fences, knocking down and leaving open our gate, and leaving trash on our 8 acres.

Vehicles are dropped off beside the road for their use. The local Sheriff Dept. can't pick up illegals even when they are on the side of the road in groups of 3 , 20 or more. Unless they break some local law, they are home free.

We are held to more laws than they are.

Margaret Stephens
Thomas W Stephens

Jeraldine Ligon
5027 Sioux Av
Sierra Vista, Arizona 85650
phone: 520-378-6880

Dear Congressman Souder,

My story has not been told before, but perhaps it is time that it is.

I am a 64 year old woman who owned a beautiful four year old brick home that I purchased for the purpose of renting . I had inherited some money and wanted to preserve some of it in this manner.

My first renters were four young men who supposedly moved here for construction work. Finding no reason to deny them, after investigation, my real estate agent advised that we must rent to them.

As it turned out, they were people smugglers, so-called "coyotes". They were acquiring full sized vans, removing all the seats except the driver's seat, and filling them with illegals for transportation away from the border. After six months, they abandoned the house; leaving me with the disposal of about 25 van seats, all their clothes, letters, pictures, tools, numerous car keys, furniture, DRUG PARAPHERNALIA, damaged walls, damaged carpet, dishes, pots and pans, etc,etc..... It took me several months to prepare the house to rent again.

Of course, I turned all the "evidence" over to the proper authorities. I spent many sleepless nights over the fear that the young men would take retribution on me for the fact that they had been scared away from the house. Acting upon suspicions of the activities at the house, Border Patrol agents had been cruising the street and that is what "spooked" the coyotes.

I feel torn between feeling very fortunate that the criminals abandoned the home before the

authorities had a chance to break in and take them into custody, and feeling badly that they got away.

Doing a bit of math, if the four of them readied one van each every week....a conservative estimate... and each van transported 30 illegals, the total would be almost 3000 people smuggled into the United States by only four coyotes in a six month period. I cannot imagine what an accurate number of smugglers might be to multiply these figures.

Respectfully submitted,

Jeraldine Ligon

Mr. SOUDER. Mr. Shadegg.

Mr. SHADEGG. Thank you, Mr. Chairman. Mr. Dickson, let me start with you. Are you able to provide to the committee some documentation of the level of increase in treatment which you had to provide to illegal aliens either those who get here illegally, or those who were brought in under compassionate admission?

Mr. DICKSON. I can speak specifically to the Copper Queen. In 1998, we had $30,000 in expenses, and we are now close to $200,000 for this year.

Mr. SHADEGG. Specifically dedicated to?

Mr. DICKSON. Care of immigration, undocumented. I don't like to say illegal aliens. These people cross our border and come here for care. They are our neighbors. There is a report in there from the Arizona Hospital Association which puts this level at about 46 million, and it is increasing every week.

We have seen no debate, and that is the most frustrating thing to hear, is for the INS to say that we have closed border and there is less apprehensions. And yet each hospital along the border has seen a 30 to 40 percent increase in the amount of care that we must provide for these people.

Mr. SHADEGG. Do you segregate between compassionate entry and illegal entry?

Mr. DICKSON. No, we do not. To us it is the same. There is no compensation for either. We just keep records on the care we provide for immigrants that do not have documented status, and this is basically the figures that I am giving you.

But the thing about it is if you close the border down, the compassionate entry will go on day, after day, after day. The Mexican Health Care System is not at the same level we are.

They do not have hospitals in these boom towns, and so they are coming across the border. And we created these boom towns by making it so renumerative to coyotes using people and drugs. So it is a very poor system.

And we want to help these people. We really do, but the fact is that it is just so costly.

Mr. SHADEGG. Mayor Borane, I want to thank you for your impassioned plea. I guess I would like you to boil down for me what specific things you think this committee should go back and do.

It is clear to me that you don't think a fence or an effort to keep people out is workable? And it is clear to me that you believe or example, in sanctions, that may be a critical part of this problem.

And that is that there is a hypocrisy here. One the one hand we say we don't want them in and we tell the INS and the Border Patrol to keep them out. At the same time there is clearly a demand for them to come in.

Mayor BORANE. When I talked about the hypocrisy, I am very serious about it, because we are putting billions of dollars on the border with law enforcement. They continue to come through.

The U.S. Government knows where these people are, and it is very, very evident and very, very clear. If they are very serious about stopping this, or the magnet, and just pulling them over, and then they go to the work place. I don't advocate it at all, because that would be in contravention of my philosophy regarding the whole issue.

But the government and its ability to do what they can do with the work place would stop it if they wanted to and forget about all the billions of dollars on the border, and get it organized, and the message would be very, very clear. They are not going to hire you because now it is systematic, and it is organized, and it is controlled.

Mr. KOLBE. And, Mr. Chairman, in deference to your schedule, I would be happy to conclude.

Mr. SOUDER. I have a couple of questions here. Mr. Roll, you first made a reference to the Byrne grant. This is a fairly popular program among Members of Congress, and it has been zeroed out before in budget requests.

I am not saying it won't come back in, or it is definitely coming back in, and we will need to look at it. It is important in my district and others, and law enforcement personnel. What I don't know about the budget at this point and have not analyzed it are whether or not there is things in the border dollars that might just actually give a disproportionate impact that we come in for on law enforcement prosecution.

And then in other things at the local level in which you might get more of a proportion of Byrne Grants, for example. So the school is still out on that question, but it was important for us to the inner-relationship with the board, ad I appreciate that.

You also made the statement that in the narcotics enforcement that most of those narcotics were headed to places other than this areas, and you were in your office prosecuting them?

Mr. ROLL. That's' correct.

Mr. SOUDER. Do you hand those cases over to the DEA? What we have found is that generally the Federal laws are better for prosecution than the local areas; and that if you have a cooperative U.S. Attorney, we move up the chain, particularly if you are part of a bigger question, as opposed to a use or local distribution.

Mr. ROLL. Well, that tends not to happen, at least from our experience. Now, the U.S. Attorney's Office does handle certain cases, but a large number of the routine cases either generated by any of the Federal Agencies are referred to the local task force, and as a result come to our office for prosecution.

So that may be true in a very complex case or something with a high profile situation, such as a drug tunnel or something like that. But the routine run of the mill 200 pounds in the back seat of a car, or 50 pounds in a gas tank and that type of thing is generally coming to our office for prosecution.

Mr. SOUDER. Meaning that large a load, they are usually busting the individual and not going to a network.

Mr. ROLL. I would say that is generally true.

Mr. SOUDER. Sheriff, do you see that also in the cases that you handle, as opposed to the cases that the Federal handles?

Sheriff DEVER. Yes, all the Federal Agencies have threshold, automatic thresholds that they simply refuse prosecution, and we do house the multi-agency task force. So those fall to my operations to investigate and prosecute. But typically the port of entry cases. We get virtually all of those for prosecution.

Except as Mr. Roll indicated, the very large and very high profile kinds of seizures; a tractor trailer rig and something like that. But mostly domestic vehicle would come to us.

Mr. SOUDER. Mr. Dickson, the cases you come by on compassionate care, is there any reason to believe that they are going to go back?

Mr. DICKSON. If you can get the INS to transport them, because usually when they come to us, it is for a higher level of care, and they are brought over—we call it the Cruz-Rojas, and that is the Mexican ant that is red, and it depends on the level of their need.

We have had women for babies, and then they will go back across the border. They will transport themselves because they are local. They are residents of the side of Mexico.

If we transport gunshot wound victims or other victims, then the hospitals in Tucson have to find some way to get them back across the border to Mexico. The Mexican Consulate is very cooperative in these issues.

It is El Salvordorians and other patients that we have that we can't get transport for them back, and the INS refuses to help us with those situations.

Mr. SOUDER. If the compassionate cares are standard, why doesn't catastrophic care increasingly move toward the border?

Mr. DICKSON. I don't understand.

Mr. SOUDER. In other words, if an individual has a serious disease, or you have a child with a major disease, why won't in Central America and Mexico, if we take those cases, why won't they move those cases to the border?

Mr. DICKSON. That is not the case for when we talk about passionate entry. Compassionate entry is usually trauma care; people who are shot, burn victims, etc.

Mr. KOLBE. Serious problems.

Mr. DICKSON. And those cases will come across the border. They will be treated at a clinicia in Mexico, and then they will say, oh, this is beyond our care, and they will come across. It usually is not a disease treatment. It is usually more trauma that we take care of.

Mr. SOUDER. Last might when we were in Douglas, we had a late fast dinner at the beautiful and historic Landmark Hotel, and as we went through the town, it looked like some areas had actually been revitalized fairly well—a number of restaurants and different things.

Do you believe that right at the border there is less drug traffic and conflict than there used to be?

Mayor BORANE. I really don't think the restaurants themselves are affected that much by September 11th. What actually happened was that a couple of the laser visas, the smaller businesses, that the people that solicited those and patronized those places, they were the ones that were not allowed to come back over to, and the long lines were discouraging, and consequently we had a couple of the small businesses just to just completely demise.

Mr. SOUDER. My question is more of do you believe that there is less crime and more control in Douglas now than there was a year-and-a-half ago?

Mayor BORANE. No.

Mr. SOUDER. Thank you. We can do one more round.

Mr. KOLBE. OK. On the laser visas, Mayor Borane—and while I am actually thinking about it, Mr. Capin, your organization has actually been opposed to the permanent checkpoints because you said you think they fail defense policies. Can you elaborate on that and what you mean by that?

Mr. CAPIN. Well, I personally believe that we have a designated border, and we have had that since the United States and Mexico have been different and separate countries. And I believe that if we are going to attempt to stop a certain amount of cross-border traffic by people who are not documented to come into the United States, it should be done at the border and not away from the border.

Mr. KOLBE. Do you think the checkpoints do have an effect on tourism coming from the Tucson area down to the border?

Mr. CAPIN. I personally think that it has an effect. I think people think twice about coming down, because they get checked as they across the border in Nogales, and then they have to stop again on their way to Tucson, and get checked there also. And I think the commercial trucks.

Mr. KOLBE. And the same thing about Mexicans who might be going to Tucson to go shopping?

Mr. CAPIN. Exactly. They get stopped twice and they get questioned twice.

Mr. KOLBE. And laser visas, you spoke quite passionately about that, and my thinking is that while it has been difficult, we are getting them in place, and they are much better visa than the old ones.

Don't you think the system is beginning to work and we are getting or beginning to catch up to the numbers of the backlog and it is working pretty well now?

Mayor BORANE. I think things are moving along much better, especially since you were very influential in getting that station in Agua Prieta to speed those things up, but my concern is that the laser visa, notwithstanding the deadline that was enforced, is the fact that the people that shop in Douglas, AZ, are not the same people that shop in Tucson, or Phoenix, or on the border. They cannot afford the $45 for that visa.

Mr. KOLBE. Mr. Capin, is that your experience as well?

Mr. CAPIN. I happen to be of the same opinion as Mayor Borane. I believe that the average Mexican worker cannot afford to pay—and I don't want to disagree with Mayor Borane, but it is really $50 to $53.

It is $45 for the visa, but then they have to pay a certain amount of money for delivery, and for long distance telephone calls. So the total cold be $50 or $53. It is a deterrent to the free trade, and it is also hurting the merchants along the border, because those people are not crossing anymore.

Mr. KOLBE. I don't know if you have experienced, or if it has been a case in Nogales, but in Douglas you have experienced this, and that is the problem of student visas for Cochise College.

They are supposed to have a student visa to come across. These are people who come across paying full tuition and wanting to take a couple of classes a Cochise College to better themselves from

Agua Prieta, but they are not supposed to use a laser visa. They are supposed to have a student visa.

But if they have a student visa, they are supposed to be full-time. So it is a real Catch–22. They are not eligible in any way to come across under that, and that is a real detriment to the college and to the community isn't it?

Mayor BORANE. Yes, absolutely, and that is something that I have spoken to your office about, and I think as soon as possible that we should really address that as quickly as possible.

Mr. KOLBE. I agree. Do you know if that has been a problem in Nogales with Pima College?

Mr. CAPIN. I really have no idea.

Mr. KOLBE. Mr. Chairman, I will submit some other questions for the record. I thank you very much.

Mr. SOUDER. Mr. Shadegg.

Mr. SHADEGG. Thank you. Let me start first with you, Chris, and Larry. You heard Customs testify that they spend a fair amount of time trying to sort out who is responsible for putting a drug load ito a semi; whether it was the shipper, or the importer, or whether it was the trucking company.

Do you see any reason why we should spend our time and energy sorting out that kind of an issue?

Mr. ROLL. Well, there is a certain threshold. There is a legal standard for forfeitures, if that is what you are talking about, forfeitures in the State of Arizona. And that legal standard has to be met before a forfeiture can go forward in the State of Arizona. And that does require some knowledge of the use of the vehicle.

Mr. SHADEGG. I would like to explore that further. I don't know of there is such a legal requirement at the Federal level. Mr. Dickson, I hear you saying that one of the serious problems you have is that the INS will not want to pick up these illegal aliens or the immigrants whom you treated and cared for, regardless of the status they are in when they get here.

And I hear you saying that we ought to be providing that care since these are our neighbors, etc. Do you see any limit to that? Do you believe we should provide whatever care is needed at whatever level, and that it ought to be our job to provide that care?

How do we as a nation deal with the issue of 41 uninsured Americans not getting health care, or getting health care only in emergency rooms, and plenty of American citizens falling short of the health care that we won't argue that they deserve; vis a vis illegal immigrants, or maybe compassionate leave or compassionate mission immigrants getting care from you and the financial burden that puts on the taxpayer, whether that is the Cochise County taxpayer or the Federal taxpayer?

Mr. DICKSON. First of all, most of the people that are legal immigrants in the larger cities fall into——

Mr. SHADEGG. No, I am not asking you about legal immigrants——

Mr. DICKSON. Illegal immigrants.

Mr. SHADEGG. Did you say illegal?

Mr. DICKSON. Yes. They will fall under the Federal Medicaid/MediCal, and here we call it AHCCCS program, because they can

establish that they have been residents of this State or in this city for 30 days.

The people we are talking about cannot establish that, and therefore AHCCCS does not pay for this care, although the money that the Federal Government specifically designated for this is being used in the access program.

So I don't know how you solve this one, Congressman, for the simple reason that I would not want to be a port entry person when that ambulance pulls up and tries to do a check and stop them from coming over.

We are required to do a certain level of care on everybody that walks into our emergency room, and I am going to shock people. I think that some of the law is good, and it ensures a level of a standard of care and stops dumping between health care providers.

But the fact is that once you start with a person into the system, we can go no less than what we would do for people with insurance or Arizonans. Ours is different than those up in San Diego, or in Los Angeles.

We have a transient population and a border crossing population, which is a different situation. I know that if you go to attack the problem of UDA care throughout the United States, it is billions of dollars, and I think that your Medicaid, and MediCal, and your AHCCCS programs do address those situations.

But our situation is totally different. It does not qualify for those types of safety valve programs, or safety net programs that you have. I think we also should approach the State of Mexico, the Country of Mexico, and work with them to develop their health care system along the border.

TMC has put in a perinatal unit in Mexico so that the high risk babies would not be sent across the border, and they would take such a great loss. That is I think a very good genesis type of program.

We should work with them, and recognize that Guadalupe Hildalgo put a border here, but we are all part of the same community down here.

Mr. SHADEGG. You said that AHCCCS covers most of these people, but the problem is that as I understand it, at least at the hospitals in Maricopa County, those immigrants who are here without the permission of the law do not use their proper name, and do not acknowledge their——

Mr. DICKSON. Well, they do not want to get caught. They are hiding.

Mr. SHADEGG. And so that winds up being a cost not picked up by AHCCCS, or a cost picked up by the Federal Government, but a cost picked up by the hospital itself.

Mr. DICKSON. Yes, and the other users and payers of the hospital, yes.

Mr. SHADEGG. I just don't see how we can openly pick up the tab for everyone in Mexico who wants to get American health care, and I think that is a serious problem and when we look at the millions of Americans who don't get adequate health care.

Let me conclude by asking a different question. We have heard since we arrived here, or at least Congressman Souder and I last night, some conflicting testimony. We have heard from some that

in the last few months, or perhaps the last year to year-and-a-half, the quality of life and the level of crime in the communities immediately across the border from where the Border Patrol has intensified its efforts has improved.

That is, crime has gone down in Douglas proper, and crime has gone down in Sonora or here, and the quality of life has improved as a result of those efforts. Mayor Borane, you just said you don't see that, and you said, no, it has not. I guess I would like each of the panelists to briefly just state if you believe it has gotten better in the last year-and-a-half or no?

Mayor BORANE. Well, if I answered the question erroneously, the quality of life has improved in Douglas, AZ, and I apologize if I misunderstood the question. The quality of life has drastically improved.

And the reason for that is that the Border Patrol has effectively pushed everybody way out into the country. So we don't see the numbers coming through the community anymore, and we are not annoyed or bothered by the barking dogs, the chasing people up the alley, and all the things that are associated with that activity.

But the quality of life has improved, and the answer to that, and I am sorry if I misunderstood the question, is yes. It may not have gotten any better on the ranches, but it has gotten better at least in some areas of the towns. It has improved immensely.

Mr. SHADEGG. Would all of you agree with that? Is that an accurate characterization?

Mr. ROLL. No, I wouldn't.

Mr. SHADEGG. Chris, go ahead.

Mr. ROLL. You asked a question about what has been our observation as to the crime rate, and in our office over the last 3 years, in cases received by our office for prosecution, and just off the top of my head, but I think we have seen about a 50 percent increase in misdemeanor cases coming to our office for prosecution over the past 3 years, and about a 50 percent increase in felony cases coming to our office for prosecution.

Last year alone our felony indictments rose by about 30 percent. So that reflects an increase in crimes that are filed to our office for prosecution. One of those factors, and it is very difficult perhaps because perhaps it is the economy, or perhaps it is the number of agents and officers that are in the field.

There has been a large increase in the number of at least Federal Agents in the field in Cochise County, and that has had some impact. We also see an impact as a result of the immigration taking place, and that there is this alien smuggling and drug smuggling taking place.

And we have car wrecks that result in deaths, and we have manslaughter prosecutions, and we have rapes. A deputy in my office just finished a trial of a Border Patrol supervisor who was convicted in Federal Court in Tucson for raping an El Salvadorian woman.

Mr. SHADEGG. Mr. Capin.

Mr. CAPIN. I am not sure what you mean by quality of life, but according to the Nogales Police Department and Cochise County Sheriff, the crime rate in Nogales, AZ, has decreased and Nogales, AZ, is a safer place to live.

But because of the different policies that I brought out in my opening remarks, and what is in my testimony, the reduction in people crossing our borders to shop in Arizona has caused many problems with the businesses in Nogales.

People have lost their jobs, and people are working less hours. They are making less money. Nogales has double-digit inflation, and it has always had double-digit inflation since 1992. And therefore the quality of life for the citizens of Nogales has not improved.

Mr. SHADEGG. I appreciate that clarification.

Mr. KOLBE. You mean unemployment.

Mr. CAPIN. What did I say? I'm sorry. Double-digit unemployment. It is the second largest unemployment in the State of Arizona.

Mr. SHADEGG. I appreciate that clarification. Anybody else?

Sheriff DEVER. Keep in mind where we were a year ago and we got to the point where we were spending almost 40 percent of our budget on illegal immigration issues just overnight. So while there have been some recent improvements in some areas, overall—you know, we have 83.5 miles of border.

Of those 83.5 miles of border, 30½ of those are private property, and it probably belongs to these folks sitting out here in this audience. And that is continually being trashed every day, fences cut, and those kinds of things.

And while alien trafficking is down somewhat in some areas, it has increased in others, and drug smuggling is at a peak right now. We have more drugs coming across the border than we have ever had.

Mr. SHADEGG. That is consistent with the information that I am receiving, and I appreciate that very much. Thank you, Mr. Chairman.

Mr. DICKSON. I would have to say that it is not better. We had to close down two very necessary services, long term care, and we had to close that down because of financial, and we just closed our maternity program.

And that means that in an area of 4,000 square miles that there is no maternity care or maternity unit for these women. They now have to travel 100 miles. The degradation of the system that has occurred over the last 2 or 3 years, it would be the worst for me to say to you that it was better.

We have collapsed the system, and the system is in a state of collapse. I can't say that strong enough. Doctors are leaving, and so until we can get back to where we were 2 years ago, and 3 years before this immigration put this burden on us.

Our medical centers in Tucson are closing down their trauma centers. Can you imagine if this was the State of Connecticut, or the State of Indiana, where you had 6,000 square miles with no maternity unit.

There would be a human cry in this country that would not stop, and that is no better. It is worse and it is going to get worse until something is done. Thank you.

Mr. SOUDER. We have marked sections in southern Indiana because some States didn't cap a legal liability on lawsuits and some things like that; and pediatricians and wings of hospitals shut down, and then they moved in.

Quite frankly, there would be a tremendous outrage is citizens here realized that part of the reason that they are losing it is because we are giving free care to people elsewhere that is not paid.

This is a very difficult question for compassionate individuals who want to try and help everybody when there are finite dollars. And when we try to address this, we are facing—I mean, every day, I have a meeting or go to a senior's Home, or go to Wal-Mart to shop back in Indiana, and somebody is coming up to me and telling me their problems with health care.

We have had multiple rural hospitals close in my district as well, and clearly there is a sorting through, and this has put additional pressure on the system, but it is not sustainable to think that the rest of the country is going to pay the health care beyond a small portion.

We have to figure out how not to have illegals come in and the best ways to do that. Clearly some supplemental assistance needs to be done in border communities because you are disproportionately impacted by labor demand than the rest of the country, and demand for narcotics than the rest of the country, and even terrorists who seek the other part of the country.

Law enforcement is an extra burden here. Your health care, your cities, your commerce is dependent upon those across the border. We are trying to figure out how to balance those things, which means you will probably never be completely happy, and the people in my district will think I am sending too many dollars from Indiana down here to help your problems down here, when you are getting the financial benefits of the trade.

And additional people move into your community and become long time residents. You get some benefits from it as well. And that is our tough balance. Clearly it got out of balance in Arizona, and it became kind of a no-man's zone that we are trying to address.

We have to watch New Mexico, and parts of Southern Texas still are not under control, and quite frankly the elements there can be just as bad, whether you are looking at Big Ben National Park and that area east of El Paso as it is here in Arizona.

And we are trying to figure out how to do a national standard not only for illegal immigration, which is burdening lots of our school and health care systems, and try to figure out how to manage the workers in a responsible way, and combined with the narcotics.

And where, for example, in Seattle last year there were 34 homicide and 64 heroin overdoses. In the United States, 18,000 deaths in this country because of drugs, and they are predominantly coming across the border.

And all of the heroin in recent cases in my district, and in cocaine, came across at Douglas and Nogales. So the people who are dying in Fort Wayne, the stuff is coming through here.

Clearly we have a major narcotics problem, and now we see a long-term terrorism problem that is expanding around the globe as other terrorist groups, in addition to Al-Qaeda, decide to do copycat type of things to have an impact on the policies of Western Nations.

It is a tough time for our country, and a tough budget time. All of you are on the front lines. But I appreciate for you taking the

time out to be here today, and I appreciate the opportunity to hear your comments.

And I also want to thank Congressman Kolbe and Congressman Shadegg not only for participating, but for helping us identify who in the local areas can speak, and how to get the testimony in, and how to have a balanced hearing so that we can learn from the official record the problems that are facing our Nation here on the Arizona border. With that——

Mr. SHADEGG. Thank you. Mr. Chairman, before you close the hearing, I do have several statements that I have been provided, which I will submit to your staff for inclusion in the record.

Mr. SOUDER. And we have a week for additional statements, and additional comments, charts, to put into the record as well. And with that, the subcommittee stands adjourned.

[NOTE.—The report entitled, "Border Impact—Illegal Immigrants in Arizona's Border Counties: The Costs of Law Enforcement, Criminal Justice and Emergency Medical Services," may be found in subcommittee files.]

[Whereupon, at 11:55 a.m., the subcommittee was adjourned.]

[The prepared statement of Hon. John Shadegg and additional information submitted for the hearing record follows:]

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REPUBLICAN POLICY COMMITTEE
ASSISTANT WHIP

**Statement for Border Field Hearing**
**before the Subcommittee on Criminal Justice,**
**Drug Policy and Human Resources**
**2/22/02**

Over the last several years, Arizona has found itself in the unenviable position as a crossing point for illegal immigrants. And in Arizona, Cochise County is on the front lines. While I applaud the border security enhancements in both California and Texas as well as the improvements here in Arizona, we must do better.

Our border is in crisis. Arizona ranchers are facing an unfair burden due to the extremely heavy flow of illegal aliens. Water tank valves left open, fences cut and destroyed, and litter strewn on property are just some of the effects on residents. Residents are even fearful for their own safety. The Cochise County Board of Supervisors has stated in the past that "Cochise County is no longer a safe place for its residents. Families are hostages on their own property." I applaud Cochise County Sheriff Larry Dever for facing this challenge and the aggressive manner in which his department strives to meet that challenge.

Although the number of illegal aliens crossing the border has declined for the time being, it is still obvious that the federal government has failed in its obligation to secure our border. We need tighter controls at our borders and the Border Patrol must be staffed at the levels Congress has provided. The Border Patrol's Tucson Sector Chief David Aguilar must be given the added resources and agents he needs.

Problems with illegal immigration extend beyond the border areas, as two examples illustrate. Our state's hospital emergency rooms and medical clinics are overburdened with illegal migrants. While we are compassionate towards those in desperate need, we can't expect our medical facilities to suffer under the financial burden associated with treating illegal immigrants. While many Americans, including many of our seniors, can not afford the necessary health services they

need, hospital waiting rooms are filled with undocumented migrants. We must provide Americans with the access to health care they require without inordinate delay.

In January the Administrator of the Center for Medicare and Medicaid Services (CMS) - Tom Skully was in Phoenix at my invitation to hear first hand from doctors and hospitals the tremendous burden they carry as a result of illegal immigration and the concept that we will not turn anyone away who is in need.

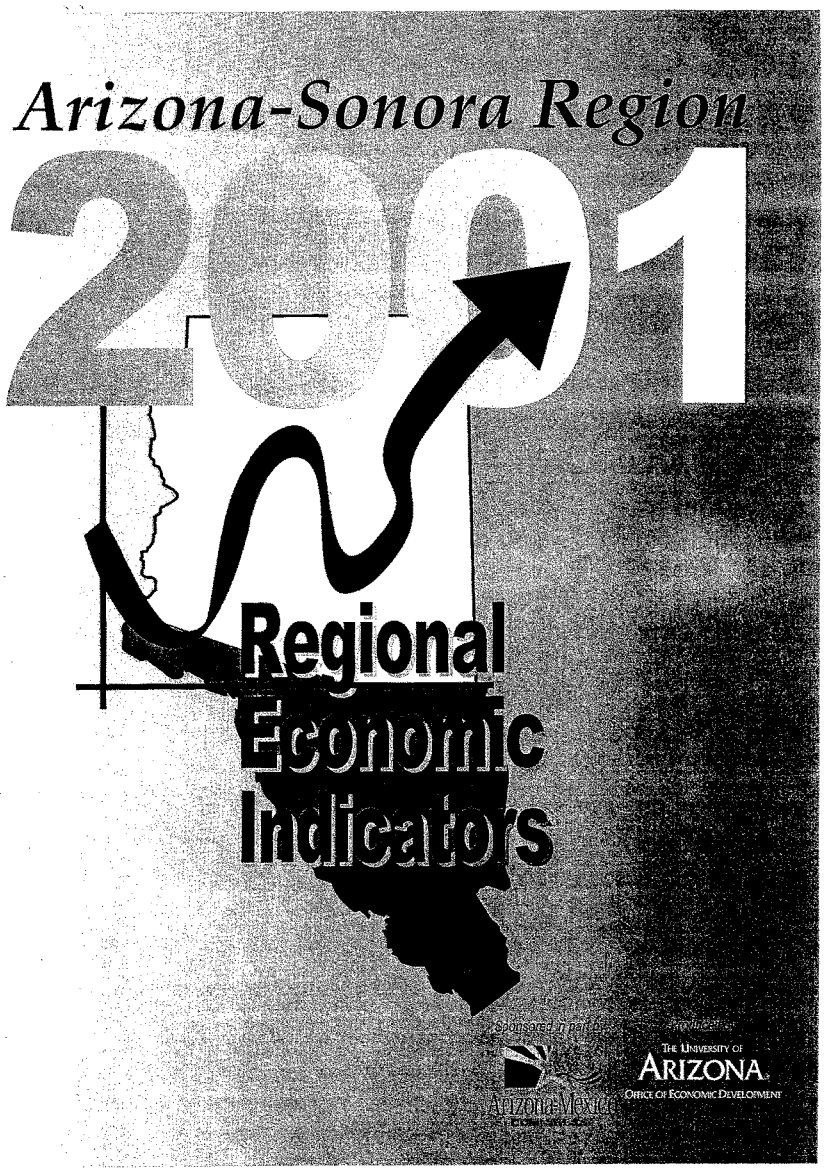
I don't think we should turn away those who are very sick or injured - but we must ensure that we don't treat these people at the demise of United States citizens.

As our nation increases security at all of our ports, northern, and southern borders after September 11th, Washington must realize that Arizona can not be neglected. Incidents of apprehensions on our southern border of illegal immigrants from the Middle-East heighten the need for urgent action. Because of the current crisis, I have voted in favor of allowing an increased role for our armed forces to assist the Border Patrol.

The Immigration and Naturalization Service over the years has been internally conflicted. The INS is now in the process of dividing its enforcement and naturalization duties. I look forward to the efficiency that will result and applaud INS Commissioner James Ziglar for his initiative.

Arizona's border is a gateway to economic freedom and prosperity for many people. The efficient, safe and free flow of goods and people on both sides is vital to our region. While enforcement and our state's and nation's safety are paramount, our border with Mexico must also be viewed as an opportunity for Arizona's economic success in trade and commerce.

No one will deny that an improved Mexican economy will relieve the strain on our border. As long as we have such an economic disparity between our two countries, we will face challenges. The long-term goal is an improved Mexican economy. In the short-term, I support a U.S. Guest Worker program. We need to examine bringing back the "Bracero" program we had in Arizona in the past to allow the legal, orderly entry of migrant workers. Washington must continue to aggressively pursue solutions to our border problems, and we must always put our citizen's safety and quality of life first.


Arizona-Sonora Region
2001
Regional
Economic
Indicators
Sponsored by
Arizona-Mexico
Commission
Prepared by
The University of
Arizona
Office of Economic Development

# Regional Economic Indicators:
## Arizona-Sonora Region
## 2001

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# Regional Economic Indicators

## Regional Economic Indicators Mission

The purpose of the Regional Economic Indicators is to help policy and decision-makers understand and monitor economic changes in the Arizona-Sonora Region and to support policies that promote economic transformation, investment and entrepreneurship in the Region.

## How the indicators project came about

In 1993, the Arizona-Mexico Commission and its sister organization, the Comisión Sonora-Arizona, initiated a binational strategic economic planning process to analyze how the two neighboring states could increase their regional competitiveness in the world economy and enhance the overall quality of life for their residents. One of the recommendations of the Strategic Economic Development Vision was to develop a set of indicators as a tool to monitor progress toward the goals of binational economic development.

# Regional Economic Indicators

## Goals of the Arizona-Sonora Regional Development Plan

**Goal 1**
To develop Arizona and Sonora as a single region with a competitive advantage in the global marketplace.

**Goal 2**
To facilitate movement of goods, services, people and information through the Region[1] and to promote the establishment of a trade corridor with Arizona and Sonora as the hub.

**Goal 3**
To stimulate and encourage cross-border industry cluster development in order to increase value-added economic activity.

**Goal 4**
To develop new external markets and new market opportunities for the Arizona-Sonora Region.

**Goal 5**
To promote linkages and eliminate barriers to development and to promote complementarity in commerce, trade and production.

**Goal 6**
To identify and develop economic foundations, infrastructure and services needed to reach the desired level of competitiveness in the Region.

**Goal 7**
To encourage regional economic development in accordance with principles of sustainable development.

Source: Strategic Economic Development Vision for the Arizona-Sonora Region, 1995.

[1] Region, when capitalized, refers to Arizona and Sonora jointly.

# Regional Economic Indicators

## How to interpret this report

*Regional Economic Indicators* is an attempt to monitor developments in an emerging binational region; i.e., an area of increasing economic integration that transcends an international border.

This report invites you to look at Arizona and Sonora in a new way—as a single economic region. The purpose is not to compare specific measures—for instance, per-capita income in Arizona versus Sonora—although measures for each state will be reported. Such a comparison makes little sense because of differences in levels of economic development and standards of living.

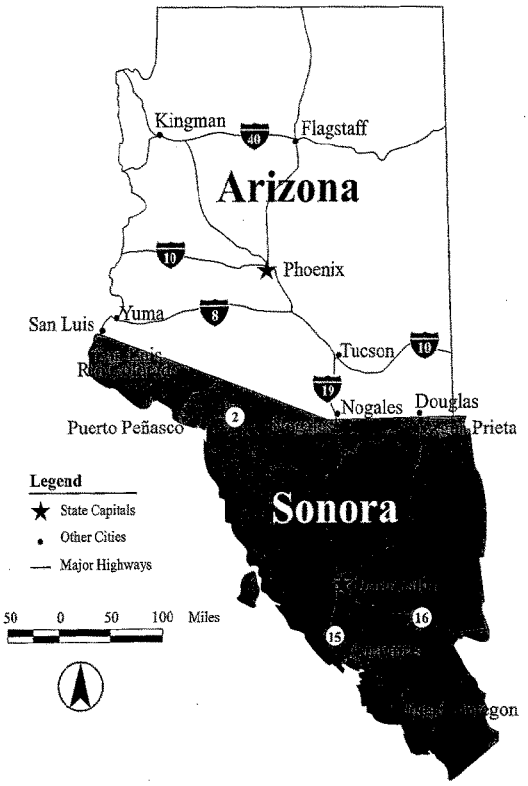
Instead, the report focuses on *change*: i.e., whether the levels of per-capita income in both states are increasing or decreasing over time. In order to assess whether the Region made real progress, the trends are compared with changes in other U.S.-Mexico border states. Thus, the overall assessment of the Region's progress is based on whether its relative position improved within the entire U.S.-Mexico border region.

## What is different in the 2001 report

Several indicators are based on new, revised data as these became available, including Sonora's exports, and shipments of agricultural products from Mexico through border ports of entry. We have substituted "State-of-origin" exports with "Origin of movement" export data, because these seem to better reflect exports from Arizona. We have added new indicators such as shipments of specific commodities to monitor changes in specialization of the region's border ports of entry.

Several indicators, such as shares of agricultural exports, livestock and mining exports that compared the Region with the entire U.S.-Mexico border region were replaced by the Region's share of all U.S.-Mexico exports due to incomplete data series for Mexican border states.

# The Arizona-Sonora Region



# The Arizona-Sonora Region

## What is the Arizona-Sonora Region

Arizona and Sonora share a 361-mile long border between the United States and Mexico. Combined they encompass an area of 183,831 square miles with 7,344,002 residents, or 9.4 percent of the total population living in the U.S.-Mexico border states. Building on a long tradition of cultural and economic ties, the two states engaged in a binational plan with the purpose of increasing benefits from the North American Free Trade Agreement (NAFTA) and improving the quality of life. The Region is positioned at the core of the CANAMEX trade corridor connecting southwest Canada with Mexico's Pacific coast and Mexico City.

**Basic Facts:**

| | Arizona | Sonora | Arizona-Sonora Region |
|---|---|---|---|
| Size (sq. mi.) | 114,006 | 69,825 | 183,831 |
| Population (2000) | 5,130,632 | 2,213,370 | 7,344,002 |
| Persons per sq. mi. | 45 | 32 | 40 |
| % population increase (1995-2000) | 19.1 | 6.1 | 14.9 |
| % population under age 15 | 22.4 | 32.3 | 25.4 |
| % population over age 65 | 13.0 | 5.0 | 10.6 |

Sources: U.S. Census Bureau and INEGI, 2000.

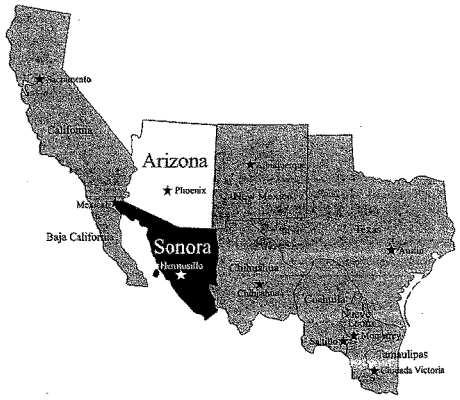
# The Arizona-Sonora Region

## The Arizona-Sonora Region compared to all U.S.-Mexico border states

One way of assessing the relative position of the Arizona-Sonora Region is to compare it with the entire U.S.-Mexico border region. There are four border states on the U.S. side: **Arizona**, California, New Mexico and Texas. The six border states on the Mexican side are **Sonora**, Baja California, Chihuahua, Coahila, Nuevo León and Tamaulipas.

Relative to the entire U.S.-Mexico border region, Arizona-Sonora accounts for:

- 42.3% of cross-border agricultural shipments (2000)
- 10.8% of cross-border electric/electronic equipment shipments (2000)
- 9.4% of total population (2000)
- 9.3% of cross-border commodity flow (2000)
- 8.1% of agricultural production (1998)
- 7.9% of cross-border plastics shipments exports (2000)
- 7.6% of cross-border commercial truck traffic (2000)
- 7.4% of manufacturing production (1998)
- 7.1% of total gross state product (1998)
- 6.2% of transportation services (1998)
- 5.9% of cross-border machinery shipments (2000)
- 2.5% of mining production (1998)



# The Arizona-Sonora Region

## Arizona's rank among the four U.S. border states

*(1 = first place, 4 = last place)*

| | |
|---|---|
| Unemployment rate (low) (2000) | 1 |
| Adults with a college degree, per capita (2000) | 2 |
| Exports to NAFTA markets, per capita (2000) | 2 |
| Livestock exports, per capita (2000) | 2 |
| Mining exports, per capita (2000) | 2 |
| Agricultural exports, per capita (2000) | 3 |
| Agricultural GSP, per capita (1998) | 3 |
| Employment in Foreign-owned establishments, per capita (1998) | 3 |
| Exports to global markets, per capita (2000) | 3 |
| Manufacturing exports, per capita (2000) | 3 |
| Mining GSP, per capita (1998) | 3 |
| Per-capita income (1998) | 3 |
| Transportation GSP, per capita (1998) | 3 |
| Manufacturing GSP, per capita (1998) | 4 |

## Sonora's rank among the six Mexican border states

*(1 = first place, 4 = last place)*

| | |
|---|---|
| Agricultural GSP, per capita (1998) | 1 |
| Mining GSP, per capita (1998) | 2 |
| Unemployment rate (low) (2000) | 3 |
| Adults with a college degree, per capita (2000) | 4 |
| Foreign Direct Investment, per capita (2000) | 5 |
| Manufacturing GSP, per capita (1998) | 5 |
| Maquiladora employment, per capita (2000) | 5 |
| Maquiladora productivity (2000) | 5 |
| Per-capita income (1998) | 5 |
| Transportation GSP, per capita (1998) | 6 |

# NAFTA Indicators

The NAFTA indicators measure changes in the Region's share of commodity and traffic flows and, thus, indirectly the Region's competitiveness within the NAFTA area.

- Share of exports to NAFTA markets
- Share of U.S.-Mexico global exports
- Share of U.S.-Mexico BPOE* commodity flow
- Share of electric/electronic shipments via U.S.-Mexico BPOE*
- Share of machinery shipments via U.S.-Mexico BPOE*
- Share of plastic materials shipments via U.S.-Mexico BPOE*
- Share of agricultural shipments via U.S.-Mexico BPOE*
- Share of truck traffic via U.S.-Mexico BPOE*

# Supplements to NAFTA Indicators

The supplements to the NAFTA indicators give information about how Arizona and Sonora have performed individually in several areas.

- Arizona's and Sonora's shares of exports to NAFTA markets
- Arizona's and Sonora's shares of U.S.-Mexico global exports

*BPOE = Border Ports Of Entry

# NAFTA Indicators

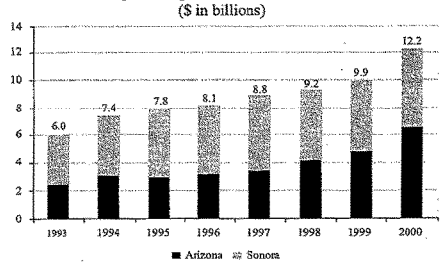
## Region's share of exports to NAFTA markets

**Definition:** This indicator measures the change in Arizona-Sonora's share of combined exports relative to total intra-NAFTA trade—that is, all exports from one North American country to another. An increase in market share suggests an improvement in the Region's competitive position within the NAFTA markets.

### Basic Facts

The Region exported $12.2 billion worth of merchandise to NAFTA markets in 2000, representing a 104.9 percent increase in comparison with 1993. Arizona's exports in 2000 totaled $6.6 billion while Sonora's exports totaled over $5.6 billion.

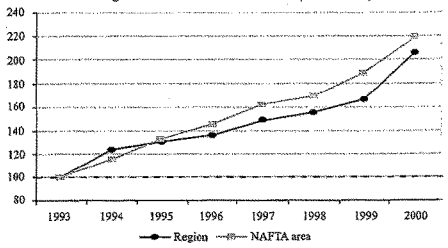
Region's Exports to NAFTA Markets
($ in billions)




### Region's Trend

Total intra-NAFTA trade amounted to more than $573 billion in 2000, an increase of 118.3 percent over the 1993 level. The Region's share of exports to NAFTA markets was 2.1 percent in 2000, which is lower than its 1993 share of 2.3 percent.

Trend in Exports to NAFTA Markets:
Region and Total NAFTA Area (1993=100)




### What the Indicator Suggests (1999-2000)

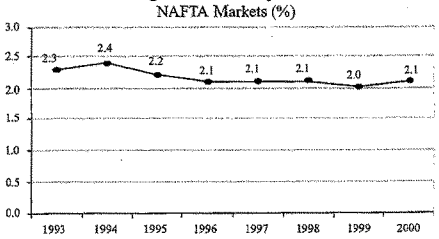
The Region expanded its share of exports to NAFTA markets between 1999 and 2000, increasing from 2.0 to 2.1 percent.

Region's share of exports to NAFTA markets..... 2.1%

Change in Region's share..... ↑ 5.0%

Region's relative position.....**IMPROVED**

Region's Share of Exports to
NAFTA Markets (%)



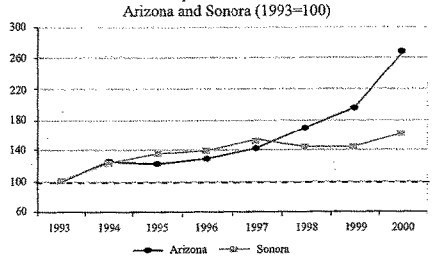

SOURCES: MISER (OM data), CIAD, SECOFI, Banco de México.

# NAFTA Indicators

## Share of exports to NAFTA markets

### How Arizona and Sonora performed individually

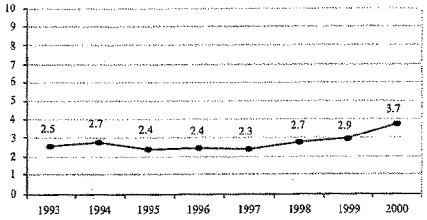
Trend in Exports to NAFTA Markets: Arizona and Sonora (1993=100)




**Arizona's and Sonora's Trends**

Arizona's NAFTA exports have increased 166.8 percent since 1993, compared to the 76.1 percent increase in total U.S. exports to NAFTA markets. Sonora has increased its NAFTA exports 61.2 percent since 1993, while Mexico's exports to NAFTA markets have increased 239.9 percent.

Arizona's Share of U.S. Exports to NAFTA Markets (%)




**Arizona's Share (1999-2000)**

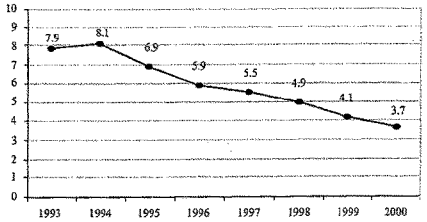
Arizona's exports to NAFTA markets jumped 37.1 percent from 1999 to 2000. Arizona's share of U.S. exports to NAFTA markets has grown from 2.5 percent in 1993 to 3.7 percent in 2000.

Arizona's share of exports to NAFTA markets..... 3.7%

Change in Arizona's share.....↑ 27.6%

Arizona's relative position.....**IMPROVED**

Sonora's Share of U.S. Exports to NAFTA Markets (%)




SOURCES: MISER (OM data), CIAD, SECOFI, Banco de México.

**Sonora's Share (1999-2000)**

In contrast to Arizona, Sonora has continued to experience slower growth in NAFTA exports than Mexico as a whole. Sonora's share was 3.7 percent in 2000, compared to 7.9 percent in 1993.

Sonora's share of exports to NAFTA markets..... 3.7%

Change in Sonora's share..... ↓ -9.8%

Sonora's relative position.....**DECLINED**

NAFTA Indicators

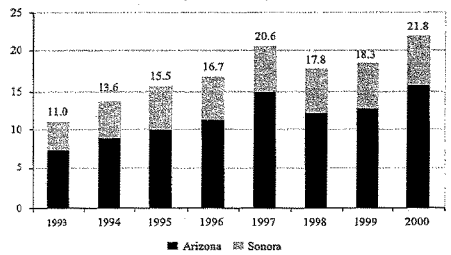
# Region's share of U.S.-Mexico global exports

**Definition:** Share of global exports measures changes in Arizona-Sonora's share of total exports from the U.S. and Mexico. It indirectly measures the Region's competitiveness in the global economy.

**Basic Facts**

Combined global exports from Arizona and Sonora were worth over $21 billion in 2000, an increase of 99 percent over the 1993 level. Arizona accounted for $15.7 billion of the Region's global exports, while Sonora contributed almost $6.1 billion.

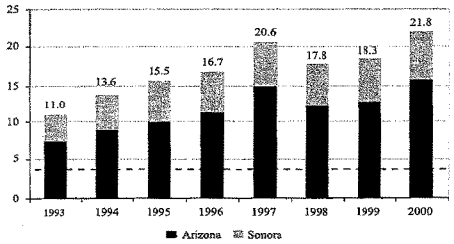
Region's Exports to the World
($ in billions)




**Region's Trend**

Total combined global exports from the U.S. and Mexico totaled $946.8 billion in 2000, an increase of 83.3 percent since 1993. The Region's share of U.S.-Mexico exports to the world was 2.3 percent in 2000, compared to 2.1 percent in 1993.

Region's Exports to the World
($ in billions)




**What the Indicator Suggests (1999-2000)**

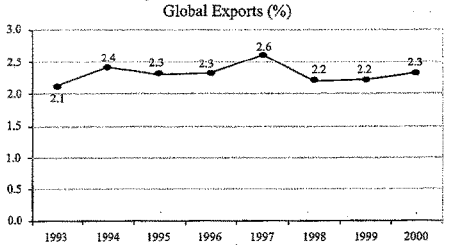
From 1999 to 2000, the Region experienced a greater rate of growth in global exports than the whole of the U.S. and Mexico, increasing its share of U.S.-Mexico global exports.

Region's share of U.S.-Mexico global exports..... 2.3%

Change in Region's share..... ↑ 4.5%

Region's relative position.....**IMPROVED**

Region's Share of U.S.-Mexico Global Exports (%)



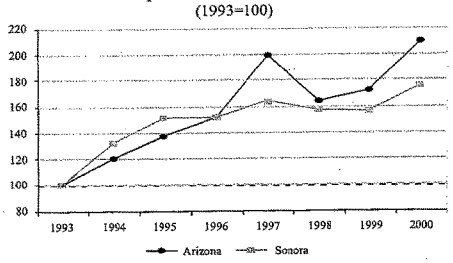

SOURCES: MISER (OM data), CIAD, SECOFI, Banco de México.

# NAFTA Indicators

## Share of U.S.-Mexico global exports

### How Arizona and Sonora performed individually

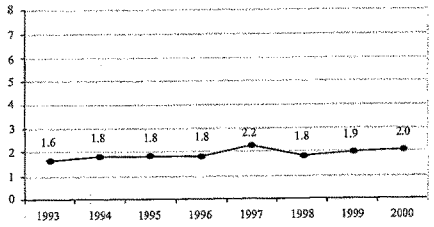
Trends in Exports to the World: Arizona and Sonora (1993=100)




**Arizona's and Sonora's Trends**

Arizona's exports to the world have increased 110.1 percent since 1993, compared to 67.9 percent for the whole U.S. Sonora's global exports have increased 75.2 percent since 1993 while Mexico's have increased 221.1 percent.

Arizona's Share of U.S. Exports to the World (%)




**Arizona's Share (1999-2000)**

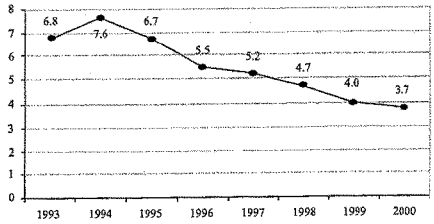
Arizona continued to expand its share of U.S. exports to the world between 1999 and 2000. Arizona's share has grown from 1.6 percent in 1993 to 2.0 percent in 2000.

Arizona's share of U.S. global exports..... 2.0%

Change in Arizona's share..... ↑ 5.3%

Arizona's relative position.....**IMPROVED**

Sonora's Share of Mexico's Exports to the World (%)




SOURCES: MISER (OM data), CIAD, SECOFI, Banco de México.

**Sonora's Share (1999-2000)**

From 1999 to 2000, Sonora's global exports decreased while Mexico's global exports continued to increase. Sonora's share of Mexico's exports to the world has declined from 6.8 percent in 1993 to 3.7 percent in 2000.

Sonora's share of Mexico's global exports..... 3.7%

Change in Sonora's share..... ↓ -7.5%

Sonora's relative position.....**DECLINED**

NAFTA Indicators

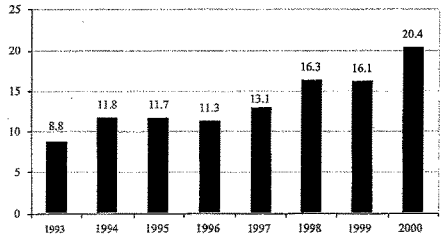
# Region's share of U.S.-Mexico BPOE commodity flow

**Definition:** Share of cross-border commodity flow measures changes in the dollar value of the commodity flow through the Region's six border ports-of-entry in comparison with total commodity flow through all U.S.-Mexico border ports-of-entry. An increase in relative share indicates an increase in the relative importance of the Region as a gateway to and from Mexico.

**Basic Facts**

More than $20 billion of commodities passed through the Region's border ports-of-entry in 2000, an increase of 26.2 percent since 1999, and an increase of 132.2 percent since 1993.

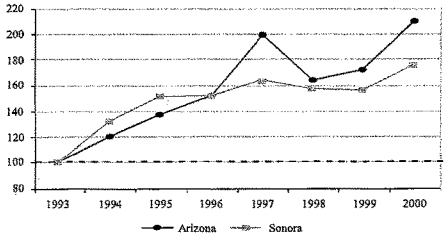
Cross-Border Commodity Flow through Arizona-Sonora Border Ports-of-Entry ($ in billions)




**Region's Trend**

The total value of commodities passing through all U.S.-Mexico border ports-of-entry totaled $218.6 billion in 2000, an increase of 201.1 percent since 1993. For the latest year, from 1999 to 2000, the Region experienced a greater increase in commodity flow than the average for U.S.-Mexico border states.

Trends in Exports to the World: Arizona and Sonora (1993=100)




**What the Indicator Suggests (1999-2000)**

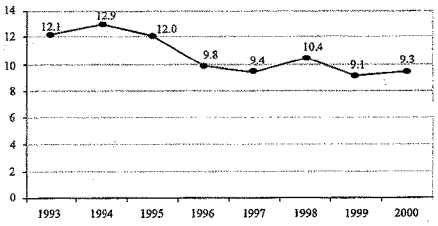
Although the Region's share is still below its 1993 level of 12.1 percent, the Region's share increased from 9.1 to 9.3 percent in the past year.

Region's share of U.S.-Mexico BPOE commodity flow..... 9.3%

Change in Region's share..... ↑ 2.2%

Region's relative position.....**IMPROVED**

Region's Share of U.S.-Mexico Cross-Border Commodity Flow (%)



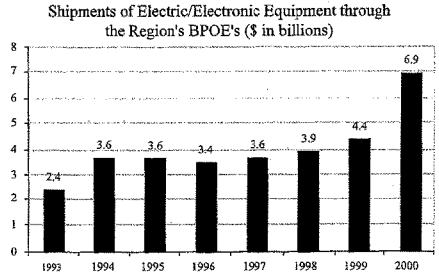

SOURCES: USITC.

# NAFTA Indicators

## Region's share of electric/electronic shipments via U.S.-Mexico BPOE

**Definition:** This indicator measures the total flow of electric/electronic equipment through the Region's border ports-of-entry, and compares the trend in flow through all U.S.-Mexico border ports-of-entry. Change in the Region's share of shipments suggests change in the Region's relative position within the NAFTA trade area.

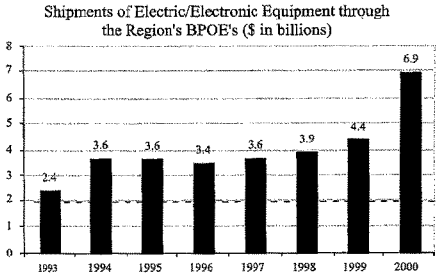
Shipments of Electric/Electronic Equipment through the Region's BPOE's ($ in billions)




**Basic Facts**

Over $6.9 billion in electric and electronic equipment passed through the Region's border ports-of-entry in 2000, an increase of 58 percent from 1999, and an increase of 187.4 percent since 1993.

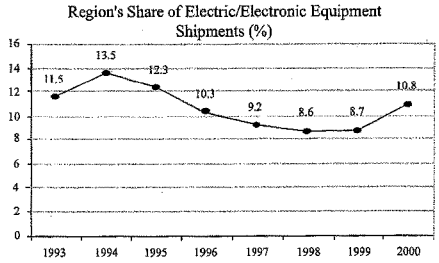
Shipments of Electric/Electronic Equipment through the Region's BPOE's ($ in billions)




**Region's Trend**

The total value of electric/electronic equipment passing through all U.S.-Mexico border ports-of-entry totaled $100.8 billion in 2000, an increase of 198.7 percent since 1993. The Region's share of U.S.-Mexico border states' shipments was 10.8 percent in 2000, which is below its 1993 level of 11.5 percent.

Region's Share of Electric/Electronic Equipment Shipments (%)




SOURCE: USITC.

**What the Indicator Suggests (1999-2000)**

From 1999 to 2000 the Region experienced a greater increase in the flow of electric/electronic equipment than the average for U.S.-Mexico border states.

Region's share of U.S.-Mexico electric/electronic shipments..... 10.8%

Change in Region's share..... ↑ 24.1%

Region's relative position.....**IMPROVED**

# NAFTA Indicators

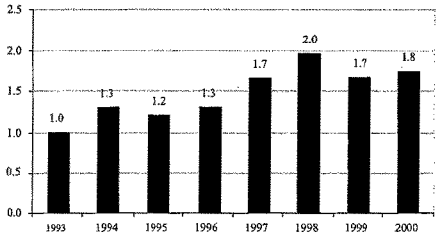
## Region's share of machinery shipments via U.S.-Mexico BPOE

**Definition:** This indicator measures the total flow of machinery through the Region's border ports-of-entry, and compares the trend in this flow to that going through all U.S.-Mexico border ports-of-entry.

**Basic Facts**

Almost $1.8 billion in machinery passed through the Region's border ports-of-entry in 2000, an increase of 4.1 percent from 1999, and an increase of 73.9 percent since 1993.

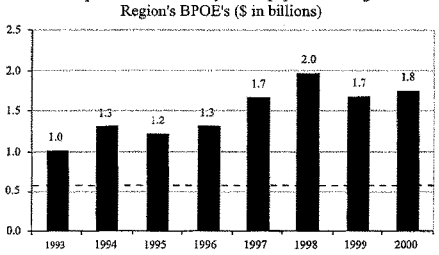
Shipments of Machinery and Equipment through Region's BPOE's ($ in billions)




**Region's Trend**

The total value of machinery shipments passing through all U.S.-Mexico border ports-of-entry totaled $45.9 billion in 2000, an increase of 293.9 percent since 1993. The Region's share of border states' machinery shipments has fallen from 11.9 percent in 1993 to 5.9 percent in 2000.

Shipments of Machinery and Equipment through Region's BPOE's ($ in billions)




**What the Indicator Suggests (1999-2000)**

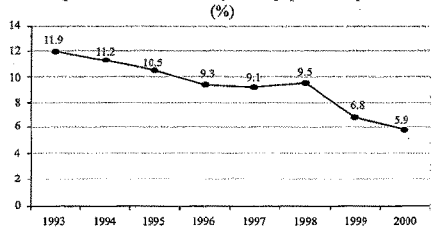
From 1999 to 2000 the Region experienced a smaller increase in the flow of machinery shipments than the average for U.S.-Mexico border states.

Region's share of U.S.-Mexico machinery shipments..... 5.9%

Change in Region's share..... ↓ -13.2%

Region's relative position.....**DECLINED**

Region's Share of Machinery and Equipment Shipments (%)



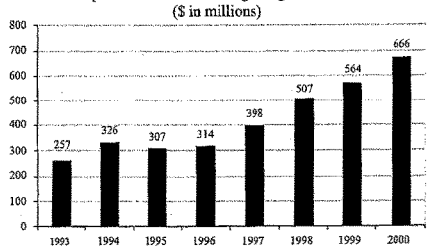

SOURCE: USITC.

# NAFTA Indicators

## Region's share of plastic materials shipments via U.S.-Mexico BPOE

**Definition:** The shipment of plastic materials through the Region's border ports-of-entry provides a measurement of the Region's share of total commodity flow though U.S.-Mexico border ports-of-entry.

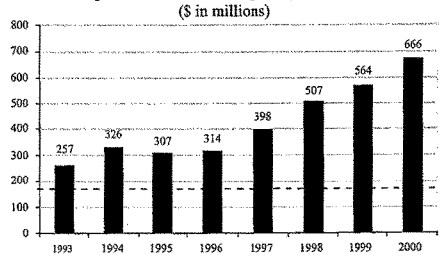
Shipments of Plastics through Region's BPOEs
($ in millions)




**Basic Facts**

Almost $666 million in plastic materials passed through the Region's border ports-of-entry in 2000, an increase of 18.1 percent from 1999, and an increase of 159.1 percent since 1993.

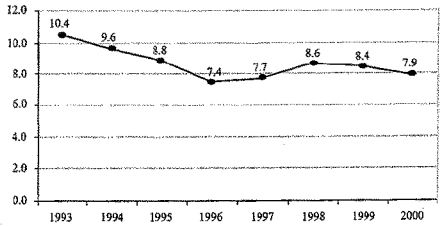
Shipments of Plastics through Region's BPOEs
($ in millions)




**Region's Trend**

The total value of plastics shipments passing through all U.S.-Mexico border ports-of-entry totaled almost $8.4 billion in 2000, an increase of 237.7 percent since 1993. The Region's share of border states' plastics shipments has fallen from 10.4 percent in 1993 to 7.9 percent in 2000.

Region's Share of Plastics Shipments (%)




SOURCE: USITC.

**What the Indicator Suggests (1999-2000)**

From 1999 to 2000 the Region experienced a smaller increase in the flow of plastic shipments than the average for U.S.-Mexico border states.

Region's share of U.S.-Mexico plastic materials shipments..... 7.9%

Change in Region's share..... ↓ -6.0%

Region's relative position.....**DECLINED**

# NAFTA Indicators

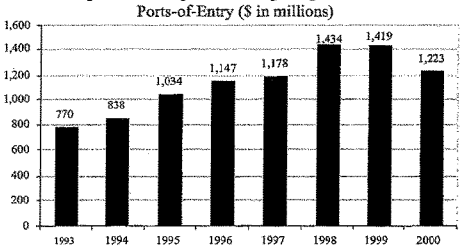
## Region's share of agricultural shipments via U.S.-Mexico BPOE

**Definition:** Share of agricultural shipments measures the share of Mexican agricultural exports that pass through the Region's six border ports-of-entry relative to all U.S.-Mexico border ports-of-entry. An increase in this indicator suggests a strengthening of the Region's relative position in NAFTA agricultural trade.

### Basic Facts

In 2000, the six Arizona-Sonora border ports-of-entry handled $1.2 billion worth of fresh produce, grown mainly in Sinaloa and Sonora. This represents an increase of 58.8 percent since 1993, but a decrease of 13.8 percent since 1999.

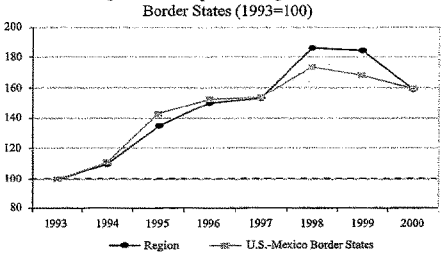
Agricultural Shipments through Region's Border Ports-of-Entry ($ in millions)




### Region's Trend

The total value of Mexican agricultural shipments passing through all U.S.-Mexico border ports-of-entry totaled almost $2.9 billion in 2000, an increase of 59.3 percent since 1993. The Region's share of agricultural shipments in 2000 was 42.3 percent, compared to 42.4 percent in 1993.

Trend in Agricultural Shipments: Region and U.S.-Mexico Border States (1993=100)




### What the Indicator Suggests (1999-2000)

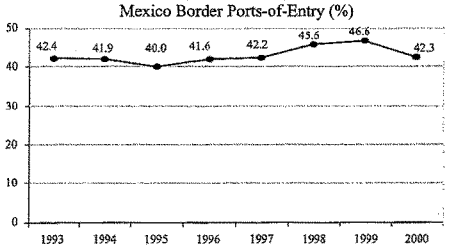
From 1999 to 2000, the U.S.-Mexico border states experienced a 5.2 percent decline in agricultural shipments, while the Region's shipments declined by 13.8 percent.

Region's share of U.S.-Mexico agricultural shipments..... 42.3%

Change in Region's share..... ↓ -9.2%

Region's relative position.....**DECLINED**

Region's Share of Agricultural Shipments through U.S.-Mexico Border Ports-of-Entry (%)



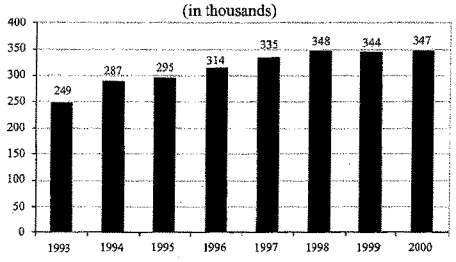

SOURCE: USITC.

# NAFTA Indicators

## Region's share of truck traffic via U.S.-Mexico BPOE

**Definition:** This indicator monitors change in the Region's share of cross-border commercial truck crossings. Trucks carry more than 80 percent of all commodities traded between the U.S. and Mexico. The number of truck crossings is therefore a good indicator of the Region's position as a gateway to and from Mexico relative to all U.S.-Mexico border states.

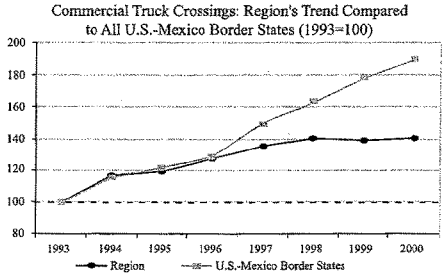
Number of Trucks Crossing from Mexico into Arizona
(in thousands)




**Basic Facts**

In 2000, roughly 347,000 trucks crossed the border from Sonora to Arizona, an increase of 1.1 percent from the previous year and an increase of 39.8 percent since 1993.

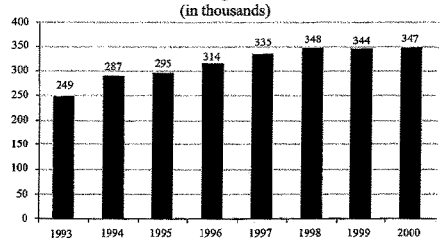
Commercial Truck Crossings: Region's Trend Compared to All U.S.-Mexico Border States (1993=100)




**Region's Trend**

A total of over 4.5 million trucks crossed through all U.S.-Mexico border ports-of-entry in 2000, an increase of 89% since 1993. The Region's share of U.S.-Mexico commercial truck crossings has fallen from 10.3 percent in 1993 to 7.6 in 2000.

Number of Trucks Crossing from Mexico into Arizona
(in thousands)




SOURCE: USDOT.

**What the Indicator Suggests (1999-2000)**

From 1999 to 2000 the Region continued to have a smaller increase in truck traffic than for all U.S.-Mexico border states.

Region's share of U.S.-Mexico truck traffic..... 7.6%

Change in Region's share..... ↓ -6.2%

Region's relative position.....**DECLINED**

# Regional Integration Indicators

The regional economic integration indicators measure Arizona and Sonora's progress in becoming a single economic region.

- Cross-border vehicle traffic
- Persons crossing the border
- Air passenger traffic
- Binational commissions attendance

# Regional Integration Indicators

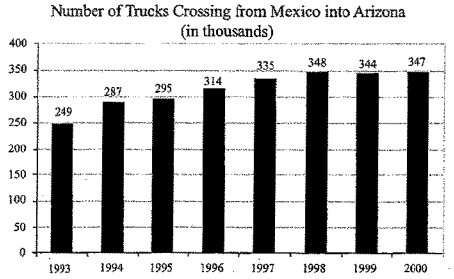
## Cross-border vehicle traffic

**Definition:** Vehicle traffic is one of the most straight-forward measures of the cross-border exchange of people and goods between two states. The measure used in this report includes both commercial (i.e., trucks) and noncommercial (i.e., passenger car) traffic. Although vehicle traffic is used here primarily as a measure of cross-border interaction, it also provides an indicator of infrastructure needs, by showing changes in the number of vehicles using Arizona and Sonora highways.

**Basic Facts**

More than 10.6 million vehicles crossed from Sonora into Arizona in 2000, an increase of 3.1 percent from the previous year, and an increase of 18.8 percent from 1993.

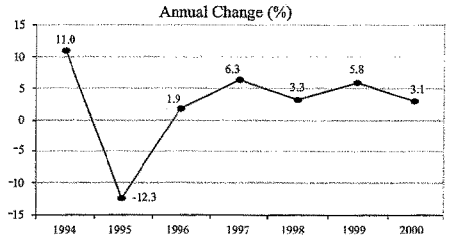
Number of Trucks Crossing from Mexico into Arizona (in thousands)




**What the Indicator Suggests (1999-2000)**

Number of vehicles crossing the border from Sonora to Arizona.....↑ 3.1%

Cross-Border Vehicle Traffic from Sonora to Arizona: Annual Change (%)

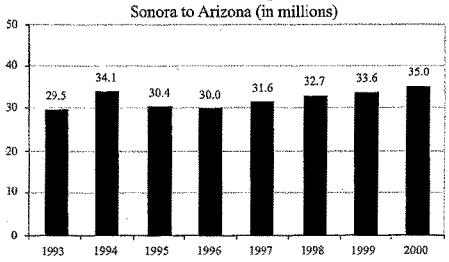



SOURCES: INS and U.S. Customs Service.

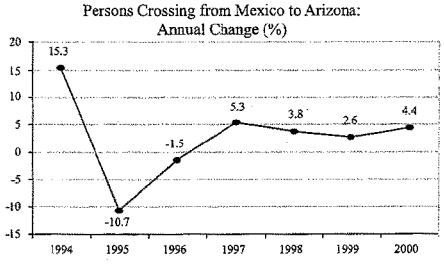
# Persons crossing the border

**Definition:** The number of persons crossing the border either in vehicles or as pedestrians reflects the intensity of economic, cultural and other interaction between Arizona and Sonora. Most of these interactions are local in nature. Residents from both sides cross the border for shopping, work, business, family visits or entertainment.

Number of Persons Crossing the Border from Sonora to Arizona (in millions)




Persons Crossing from Mexico to Arizona: Annual Change (%)




**Basic Facts**

More than 35 million people crossed the border from Sonora to Arizona in 2000. This is an increase of 4.4 percent from 1999 and an increase of 18.6 percent since 1993.

**What the Indicator Suggests (1999-2000)**

Number of persons crossing the border from Sonora to Arizona..... ↑ 4.4%

SOURCES: INS and U.S. Customs Service.

# Regional Integration Indicators

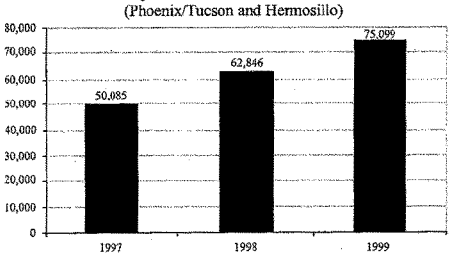
## Air passenger traffic

**Definition:** This indicator is an indirect measure of interaction between the major urban areas of Arizona and Sonora. Air connections facilitate and promote business and recreational activities beyond the daily interactions typical of border communities.

**Basic Facts**

Over 75,000 people traveled by air between Sonora (Hermosillo) and Arizona (Phoenix and Tucson) in 1999. This represents an increase of 19.5 percent over the previous year, and an increase of 49.9 percent since 1997.

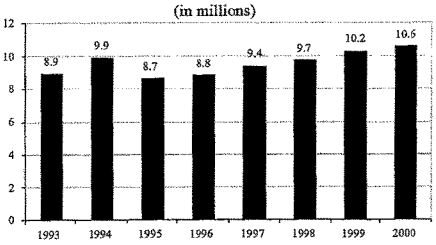
Air Passenger Traffic between Arizona and Sonora
(Phoenix/Tucson and Hermosillo)




**What the Indicator Suggests (1998-1999)**

Number of air passengers between Arizona and Sonora..... ↑ 19.5%

Cross-Border Vehicle Traffic from Sonora to Arizona
(in millions)

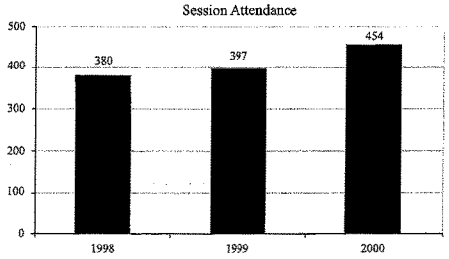



SOURCE: USDOT.

# Binational commissions attendance

**Definition:** This indicator measures changes in the number of participants from Arizona and Sonora at joint plenary sessions of the Arizona-Mexico Commission and the Comisión Sonora-Arizona. The sister organizations were formed in 1959 with the purpose of promoting commercial and cultural ties between Arizona and Sonora. Membership consists of representatives of government agencies, private sector organizations, institutions of higher education and the general citizenry. Since 1993 the commissions have taken on a leading role in the binational strategic economic development planning process. Plenary sessions are organized twice a year, one taking place in Arizona and the other in Sonora. Although a number of factors influence participation, attendance at plenary sesions can be used as a proxy for level of interest in binational cooperation.

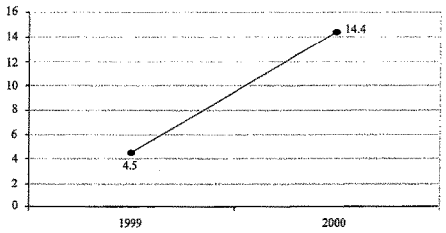
Arizona-Mexico Commission/Comision Sonora-Arizona Plenary Session Attendance




**Basic Facts**

The number of participants at the June 2000 plenary session (held in Tucson) was 454, an increase of 14.4 percent compared to the June 1999 plenary session (Phoenix).

Percentage Change in Attendance at Binational Commissions




**What the Indicator Suggests (1999-2000)**

Number of participants in binational commissions..... ↑ 14.4%

SOURCE: AMC.

# Leading Sectors Indicators

The leading sectors indicators monitor trends in economic activities identified as the driving forces in the Region's economy. The binational regional economic development plan supports strengthening of regional industrial clusters that transcend the border and build on complementary resources and cross-border networks.

OVERALL ECONOMIC PERFORMANCE

- Share of border states' gross state product (GSP)

MANUFACTURING/MAQUILADORA SECTOR

- Share of border states' manufacturing production
- Share of U.S.-Mexico manufacturing exports
- Share of Mexico's maquiladora employment

AGRIBUSINESS SECTOR

- Share of border states' agricultural production
- Share of U.S.-Mexico agricultural exports
- Share of U.S.-Mexico livestock exports

MINING SECTOR

- Share of border states' mining production
- Share of U.S.-Mexico mining exports

TRANSPORTATION SECTOR

- Share of border states' transportation services

# Supplements to Leading Sectors Indicators

The supplements to the Leading Sectors indicators give information about how Arizona and Sonora have performed individually in a number of areas.

OVERALL ECONOMIC PERFORMANCE

- Arizona's and Sonora's shares of border states' gross state product (GSP)
- Arizona's employment in foreign-owned establishments (FOE)
- Sonora's share of foreign direct investment (FDI)

MANUFACTURING/MAQUILADORA SECTOR

- Arizona's and Sonora's shares of border states' manufacturing production
- Arizona's and Sonora's shares of U.S.-Mexico manufacturing exports
- Sonora's ratio of border states' maquiladora productivity

AGRIBUSINESS SECTOR

- Arizona's and Sonora's shares of border states' agricultural production
- Arizona's and Sonora's shares of U.S.-Mexico agricultural exports
- Arizona's and Sonora's shares of U.S.-Mexico livestock exports

# Leading Sectors Indicators

## Supplements to Leading Sectors Indicators (continued)

MINING SECTOR

- Arizona's and Sonora's shares of border states' mining production
- Arizona's and Sonora's shares of U.S.-Mexico mining exports

TRANSPORTATION SECTOR

- Arizona's and Sonora's shares of border states' transportation services

# Leading Sectors Indicators

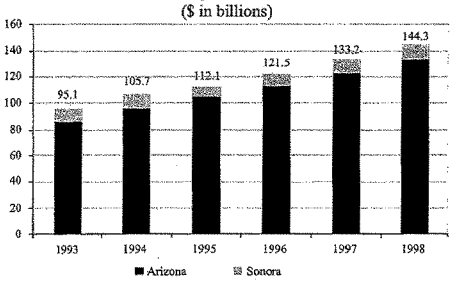
## Region's share of border states' gross state product (GSP)

**Definition:** This indicator evaluates the Region's overall economic performance by comparing Arizona-Sonora's combined GSP to that for the entire U.S.-Mexico border region.

**Basic Facts**

The combined GSP of Arizona and Sonora was $144.3 billion in 1998, an increase of 51.7 percent since 1993. Arizona contributed $133.8 billion to the Region's combined GSP, while Sonora contributed $10.5 billion.

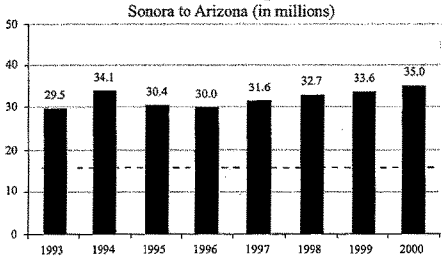
Region's GSP
($ in billions)




**Region's Trend**

The combined GSP for all U.S. and Mexico border states in 1998 was over $2 trillion, a 35.5 percent increase over the 1993 level. The Region's share of the combined U.S.-Mexico GSP has increased from 6.3 percent in 1993 to 7.1 percent in 1998.

Number of Persons Crossing the Border from Sonora to Arizona (in millions)




**What the Indicator Suggests (1997-1998)**

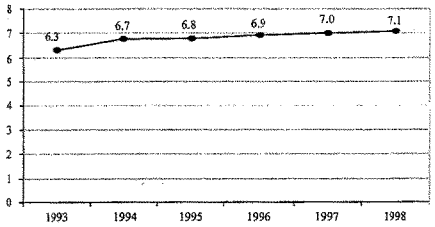
Between 1997 and 1998, the Region's GSP continued to grow at a faster rate than the average for the whole U.S.-Mexico border region.

Region's share of U.S.-Mexico border states' GSP..... 7.1%

Change in Region's share..... ↑ 1.4%

Region's relative position.....**IMPROVED**

Region's Share of US-Mexico Border Region GSP (%)



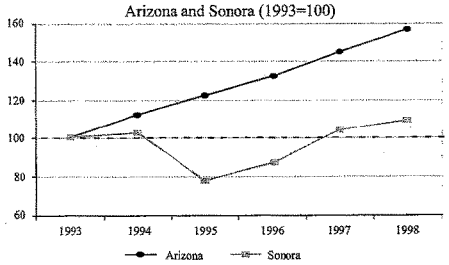

SOURCES: BEA, INEGI.

# Leading Sectors Indicators

## Share of border states' gross state product (GSP)

### How Arizona and Sonora performed individually

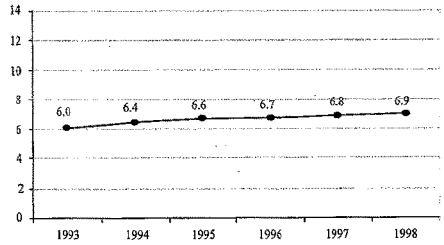
Trends in GSP:
Arizona and Sonora (1993=100)




**Arizona's and Sonora's Trends**

Arizona's GSP has grown 56.6 percent since 1993, while the GSP for the whole U.S. border region has grown 36.8 percent. Sonora's GSP has grown 8.6 percent since 1993, while the GSP of all Mexican border states has increased 12.8 percent.

Arizona's Share of U.S. Border States' GSP (%)




**Arizona's Share (1997-1998)**

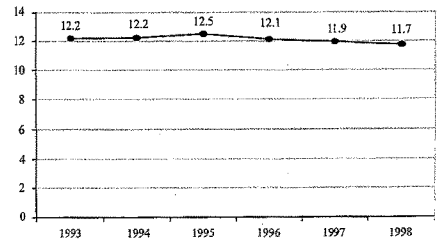
Arizona continued to have greater growth in GSP than the U.S. border region as a whole. Arizona's share of U.S. border states' total GSP has risen from 6.0 percent in 1993 to 6.9 percent in 1998.

Arizona's share of U.S. border states' GSP..... 6.9%

Change in Arizona's share..... ↑ 1.5%

Arizona's relative position.....**IMPROVED**

Sonora's Share of Mexican Border States' GSP (%)




**Sonora's Share (1997-1998)**

Sonora had slightly slower growth in GSP than the whole Mexico border region. Sonora's share has fallen from 12.2 percent in 1993 to 11.7 percent in 1998.

Sonora's share of Mexico border states' GSP..... 11.7%

Change in Sonora's share..... ↓ -1.7%

Region's relative position.....**DECLINED**

SOURCES: BEA, INEGI.

# Leading Sectors Indicators

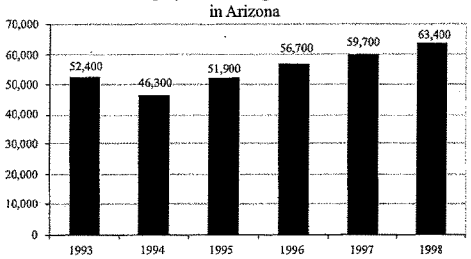
## Arizona's share of U.S. border states' employment in foreign owned establishments (FOE)

**Definition:** Outlays by foreign-owned investors to acquire or establish businesses in Arizona reflect favorable opinions about economic conditions in the state. Arizona's share of U.S. employment in foreign-owned establishments is used as a proxy indicator for the amount of foreign investment.

### Basic Facts

Arizona had 63,400 people employed in foreign owned establishments in 1998, an increase of 21.0 percent since 1993.

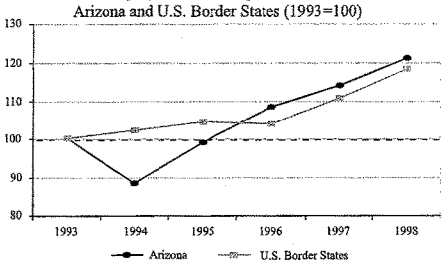
Number of Employees in Foreign Owned Establishments in Arizona




### Arizona's Trend

Over one million people were employed in foreign owned establishments in the four U.S. border states in 1998, an increase of 18.2 percent since 1993. Arizona's share of U.S. border states' employment in FOE was 5.9 percent in 1998, compared to 5.8 percent in 1993.

Trends in Employment in Foreign Owned Establishments: Arizona and U.S. Border States (1993=100)




### Arizona's Share (1997-1998)

Between 1997 and 1998, Arizona had slightly slower growth in employment in foreign owned establishments than the whole U.S. border region.

Arizona's share of U.S. border states' employment in FOE..... 5.9%

Change in Arizona's share..... ↓ -1.7%

Arizona's relative position.....**DECLINED**

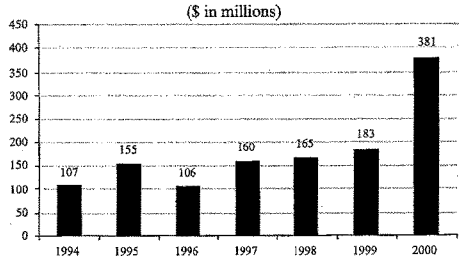
SOURCE: BEA.

# Leading Sectors Indicators

## Sonora's share of Mexican border states' foreign direct investment (FDI)

**Definition:** Foreign direct investment is one of the most common indicators reflecting confidence of foreign investors in a country's economy. It is also an indicator of the globalization process.

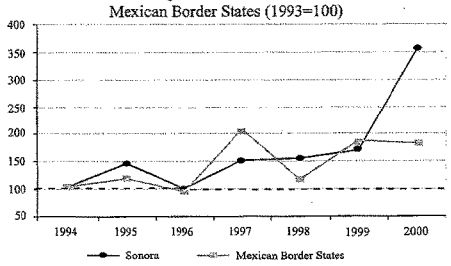
FDI in Sonora
($ in millions)




**Basic Facts**

Sonora had $381 million in foreign direct investment in 2000, an increase of 108.3 percent from 1999 and an increase of 255.5 percent since 1993.

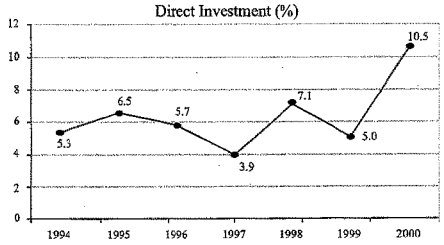
Trends in Foreign Direct Investment: Sonora and Mexican Border States (1993=100)




**Sonora's Trend**

Total foreign direct investment in the whole Mexico border region summed over $3.6 billion in 2000, an increase of 79.9 percent since 1993. From 1999 to 2000, foreign direct investment in the total Mexico border region actually decreased by half a percent as Sonora's FDI grew dramatically.

Sonora's Share of Mexican Border States' Foreign Direct Investment (%)




SOURCE: SNCI.

**Sonora's Share (1999-2000)**

Sonora's share of FDI increased from 5.0 percent in 1999 to 10.5 percent in 2000.

Sonora's share Mexican border states' FDI ..... 10.5%

Change in Sonora's share..... ↑ 110.0%

Region's relative position.....**IMPROVED**

# Leading Sectors Indicators

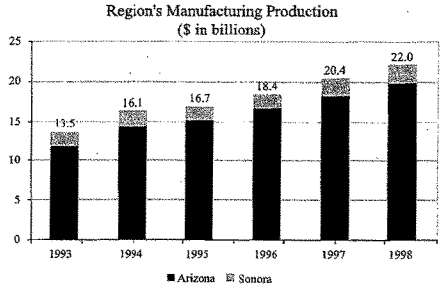
## Region's share of border states' manufacturing production

**Definition:** Manufacturing contribution to GSP is used to measure manufacturing production. This indicator monitors whether the Arizona-Sonora Region is enhancing its relative position in the manufacturing sector within the U.S.-Mexico border region.

### Basic Facts

The combined manufacturing GSP of Arizona and Sonora was over $22 billion in 1998, a 62.8 percent increase since 1993. Arizona's manufacturing GSP totaled $19.9 billion and Sonora's totaled $2.1 billion.

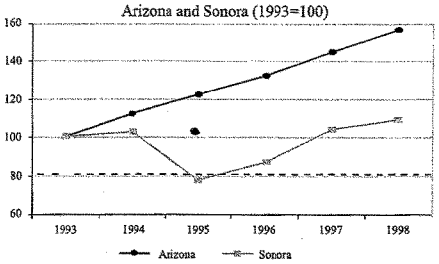
Region's Manufacturing Production
($ in billions)




### Region's Trend

The combined manufacturing GSP for all U.S. and Mexico border states in 1998 was $298 billion, a 37.7 percent increase over the 1993 level. The Region's share of manufacturing GSP has expanded from 6.2 percent in 1993 to 7.4 percent in 1998.

Trends in GSP:
Arizona and Sonora (1993=100)




### What the Indicator Suggests (1997-1998)

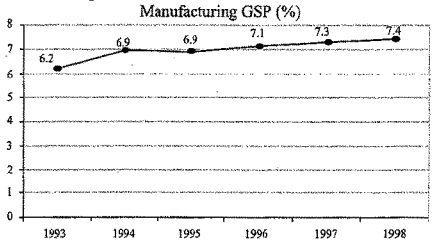
Between 1997 and 1998, the Region's manufacturing GSP continued to grow at a faster rate than the average for the whole U.S.-Mexico border region.

Region's share of U.S.-Mexico border states' manufacturing production..... 7.4%

Change in Region's share..... ↑ 1.4%

Region's relative position.....**IMPROVED**

Region's Share of U.S.-Mexico Border States' Manufacturing GSP (%)



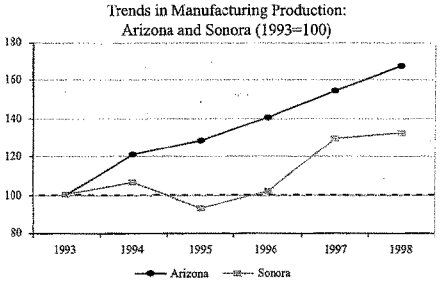

SOURCES: BEA, INEGI.

# Leading Sectors Indicators

## Share of border states' manufacturing production

### How Arizona and Sonora performed individually

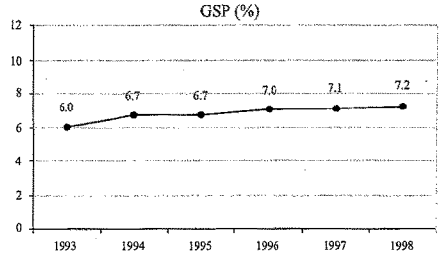
Trends in Manufacturing Production: Arizona and Sonora (1993=100)




**Arizona's and Sonora's Trends**

Arizona's manufacturing GSP has grown 66.9 percent since 1993, while the GSP for the whole U.S. border region has grown 38.4 percent. Sonora's GSP has grown 31.8 percent since 1993, while the GSP of all Mexican border states has increased 29.4 percent.

Arizona's Share of U.S. Border States' Manufacturing GSP (%)




**Arizona's Share (1997-1998)**

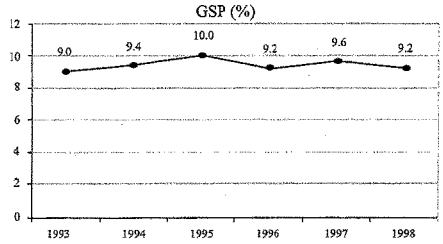
Arizona continued to have greater growth in manufacturing GSP than the U.S. border region as a whole, growing from 6.0 percent in 1993 to 7.2 percent in 1998.

Arizona's share of U.S. border states' manufacturing production..... 7.2%

Change in Arizona's share..... ↑ 1.4%

Arizona's relative position.....**IMPROVED**

Sonora's Share of Mexican Border States' Manufacturing GSP (%)




SOURCES: BEA, INEGI.

**Sonora's Share (1997-1998)**

Between 1997 and 1998, Sonora had slower growth in manufacturing GSP than the whole Mexico border region. However, Sonora's share of 9.2 percent in 1998 is still higher than its 1993 level of 9.0 percent.

Sonora's share of Mexican border states' manufacturing production..... 9.2%

Change in Sonora's share..... ↓ -4.2%

Sonora's relative position..**DECLINED**

# Leading Sectors Indicators

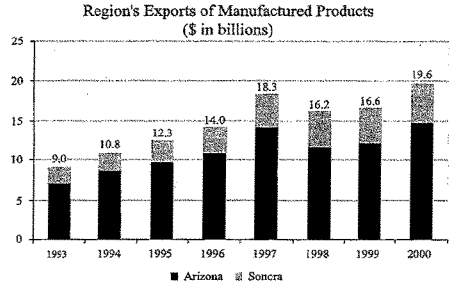
## Region's share of U.S.-Mexico manufacturing exports

**Definition:** Share of manufacturing exports measures whether the Arizona-Sonora Region increased its share of world exports relative to the U.S.-Mexico combined exports, an indirect indicator of changes in the Region's competitiveness.

### Basic Facts

The Region exported $19.6 billion in manufactured products in 2000, an increase of 117.6 percent since 1993. Arizona exported $14.9 billion in manufactured products and Sonora exported $4.7 billion.

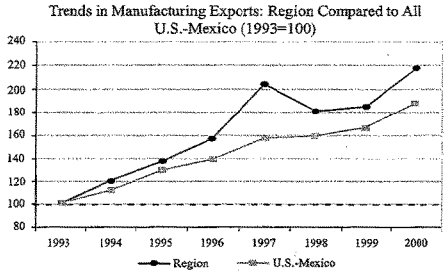
Region's Exports of Manufactured Products
($ in billions)




### Region's Trend

Total manufacturing exports from the U.S. and Mexico totaled $870.9 billion in 2000, an increase of 87 percent since 1993. The Region's share has grown from 1.9 percent in 1993 to 2.3 percent in 2000.

Trends in Manufacturing Exports: Region Compared to All U.S.-Mexico (1993=100)




### What the Indicator Suggests (1999-2000)

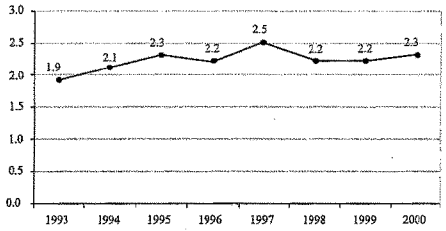
The Region had a greater percentage growth in manufacturing exports than all of U.S.-Mexico from 1999 to 2000.

Region's share of U.S.-Mexico manufacturing exports..... 2.3%

Change in Region's share..... ↑ 4.5%

Region's relative position.....**IMPROVED**

Region's Share of U.S.-Mexico Manufacturing Exports (%)



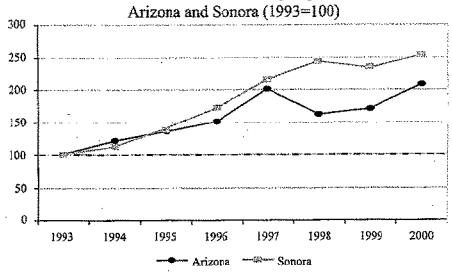

SOURCES: MISER (OM data), CIAD, SECOFI, Banco de México.

# Leading Sectors Indicators

## Share of U.S.-Mexico manufacturing exports

### How Arizona and Sonora performed individually

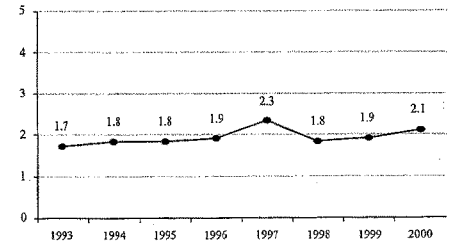
Trends in Manufacturing Exports:
Arizona and Sonora (1993=100)




**Arizona's and Sonora's Trends**

Arizona's manufacturing exports have grown 108.6 percent since 1993 while U.S. exports have grown 71.2 percent. Since 1993, Sonora's manufacturing exports have grown 152.0 percent, while Mexico's have grown 244.6 percent.

Arizona's Share of U.S. Manufacturing Exports (%)




**Arizona's Share (1999-2000)**

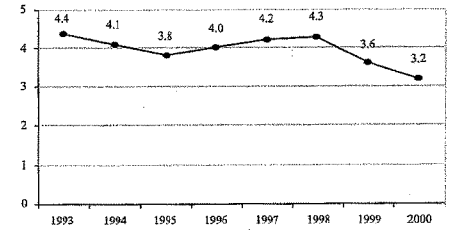
Arizona's manufacturing exports grew 21.9 percent from 1999 to 2000, compared to a 12.8 percent increase for all of the U.S. Arizona's share of U.S. manufacturing exports has grown from 1.7 percent in 1993 to 2.1 percent in 2000.

Arizona's share of U.S. manufacturing exports..... 2.1%

Change in Arizona's share..... ↑ 10.5%

Arizona's relative position.....**IMPROVED**

Sonora's Share of Mexico's Manufacturing Exports (%)




**Sonora's Share (1999-2000)**

From 1999 to 2000, Sonora reversed its decline in manufacturing exports, but continued to grow at a slower rate than the rest of Mexico. Sonora's share has fallen from 4.4 percent in 1993 to 3.2 percent in 2000.

Sonora's share of Mexican manufacturing exports..... 3.2%

Change in Sonora's share..... ↓ -11.1%

Sonora's relative position.....**DECLINED**

SOURCES: MISER (OM data), CIAD, SECOFI, Banco de México.

# Leading Sectors Indicators

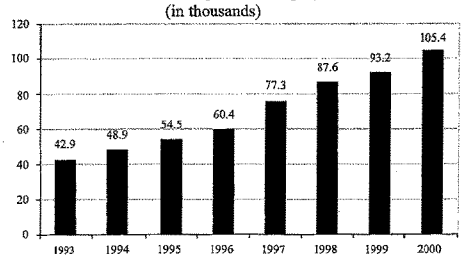
## Sonora's share of maquiladora employment

**Definition:** The maquiladora sector exports the majority of its products to foreign markets and attracts the majority of foreign direct investment in Mexico. Employment expansion in the maquiladora sector, therefore, reflects increased attractiveness of the Region in the global economy.

### Basic Facts

Sonora's maquiladoras employed 105,391 people in 2000, an increase of 13.1 percent since 1999 and an increase of 145.5 percent since 1993. Over one million people were employed in maquiladoras in Mexican border states in 2000, an increase of 117.5 percent since 1993.

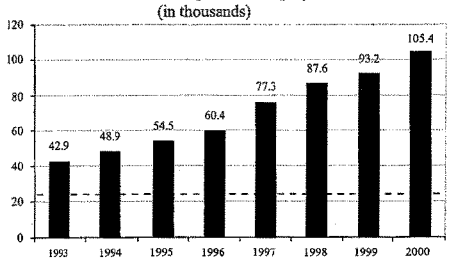
Sonora's Maquiladora Employment
(in thousands)




### Sonora's Trend

Sonora's maquiladora employment has grown 145.4 percent since 1993 while maquiladora employment in the Mexican border states as a whole has grown 117.5 percent in the same time period. Sonora's share has expanded from 8.8 percent in 1993 to 9.9 percent in 2000.

Sonora's Maquiladora Employment
(in thousands)




### Sonora's Share (1999-2000)

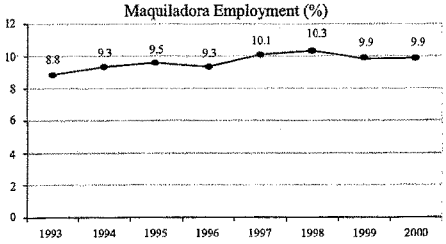
From 1999 to 2000, Sonora's share of Mexican border states' maquiladora employment remained constant.

Sonora's share of Mexico border states' maquiladora employment..... 9.9%

Change in Sonora's share..... ↔ 0.0%

Sonora's relative position.....**UNCHANGED**

Sonora's Share of Mexican Border States' Maquiladora Employment (%)



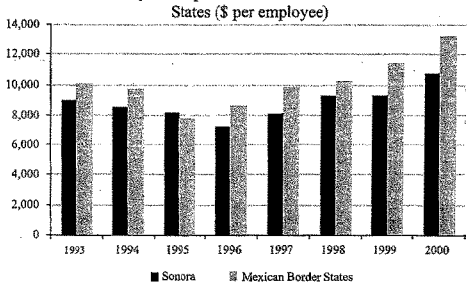

SOURCE: SECOFI.

# Leading Sectors Indicators

## Sonora's ratio of border states' maquiladora productivity

**Definition:** According to INEGI, productivity in the maquiladora industry is measured in terms of value added per employee. Sonora's productivity rates are compared with the average productivity in Mexico's border states. Increase in productivity indicates improvement in regional competitiveness for business investment.

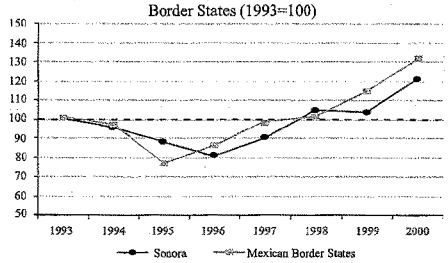
Productivity in Maquiladoras: Sonora and Mexico Border States ($ per employee)




**Basic Facts**

Sonora's maquiladora productivity averaged $10,735 per employee per year in 2000, an increase of 16.5 percent since 1999 and an increase of 20.3 percent since 1993. Average productivity for all Mexican border states was $13, 217 per employee per year, an increase of 15.3 percent since 1999 and an increase of 31.4 percent since 1993.

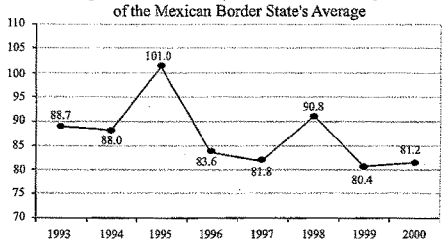
Maquiladora Productivity Trend: Sonora versus Mexican Border States (1993=100)




**Sonora's Trend**

Sonora's productivity lags behind the average productivity for all Mexican border states, increasing 20.3 percent since 1993, compared to an average increase of 31.4 percent for all Mexican border states.

Maquiladora Productivity: Sonora's Productivity as % of the Mexican Border State's Average




SOURCE: INEGI.

**Sonora's Ratio (1999-2000)**

Productivity in Sonora's maquiladoras increased at a greater rate than for the whole Mexican border region between 1999 and 2000.

Sonora's ratio of Mexico border states' productivity..... 81.2%

Change in Sonora's ratio..... ↑ 1.0%

Sonora's relative position.....**IMPROVED**

# Leading Sectors Indicators

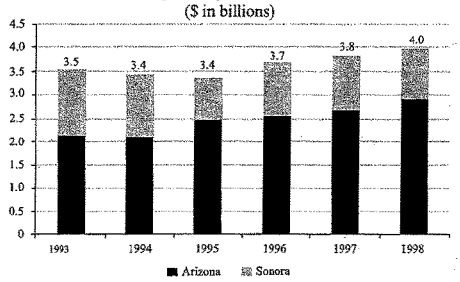
## Region's share of border states' agricultural production

**Definition:** Agricultural contribution to GSP is used as a measure of agricultural production. This indicator measures changes in the Region's agricultural production relative to the whole U.S.-Mexico border region. An increased share suggests that the Region has enhanced its relative position among the U.S.-Mexico border states.

### Basic Facts

The Region's agricultural GSP totaled nearly $4 billion in 1998, an increase of 12.6 percent since 1993. Arizona's agricultural GSP was over $2.9 billion while Sonora's was slightly over $1 billion.

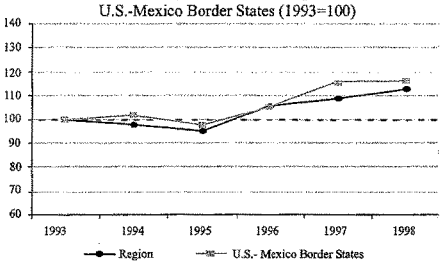
Region's Agricultural GSP
($ in billions)




### Region's Trend

The agricultural GSP of all U.S.-Mexico border states totaled $48.9 billion in 1998, an increase of 15.8 percent since 1993. The Region's share of 8.1 percent in 1998 is below its 1993 share of 8.3 percent.

Trends in Agricultural GSP: Region and U.S.-Mexico Border States (1993=100)




### What the Indicator Suggests (1997-1998)

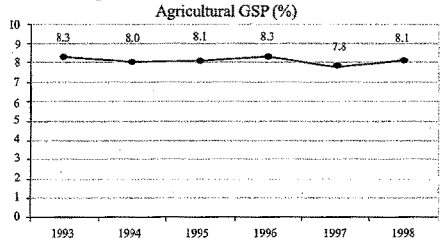
The Region had a greater percentage growth in agricultural GSP between 1997 and 1998 than the whole U.S.-Mexico border region.

Region's share of U.S.-Mexico border states' agricultural production..... 8.1%

Change in Region's share..... ↑ 3.8%

Region's relative position.....**IMPROVED**

Region's Share of U.S.-Mexico Border States' Agricultural GSP (%)

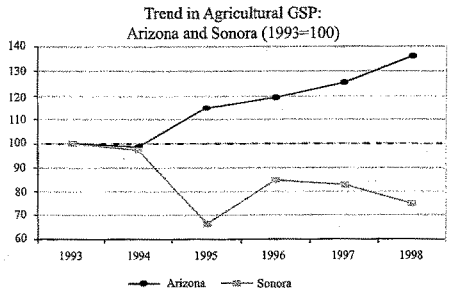



SOURCES: BEA, INEGI.

# Leading Sectors Indicators

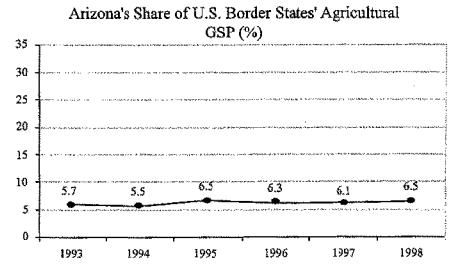
## Share of border states' agricultural production

### How Arizona and Sonora performed individually




**Arizona's and Sonora's Trends**

Arizona's agricultural GSP has increased 36.3 percent since 1993, while the U.S. border region as a whole has seen an increase of 19.6 percent. Sonora's agricultural GSP has shrunk 25.1 percent since 1993, while the Mexico border region's agricultural GSP has shrunk 14.9 percent.



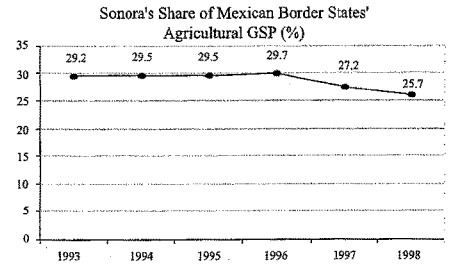

**Arizona's Share (1997-1998)**

Arizona had greater rate of growth in agricultural GSP between 1997 and 1998 than the U.S. border region. Arizona's share has grown from 5.7 percent in 1993 to 6.5 percent in 1998.

Arizona's share of U.S. border states' agricultural production..... 6.5%

Change in Arizona's share..... ↑ 6.6%

Arizona's relative position.....**IMPROVED**




**Sonora's Share (1997-1998)**

Both Sonora and the entire Mexico border region had declines in agricultural GSP between 1997 and 1998, Sonora declined at a greater rate. Sonora's share has fallen from 29.2 percent in 1993 to 25.7 percent in 1998.

Sonora's share of Mexican border states' agricultural production..... 25.7%

Change in Sonora's share..... ↓ -5.5%

Sonora's relative position...**DECLINED**

SOURCES: BEA, INEGI.

# Leading Sectors Indicators

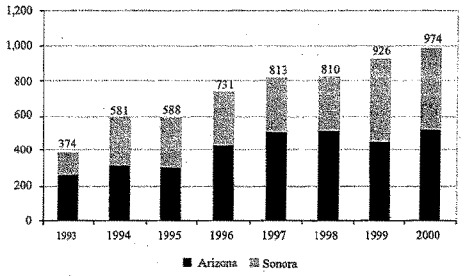
## Region's share of U.S.-Mexico agricultural exports

**Definition:** Trends in exports of agricultural products to world markets indicate the globalization of the Region's agricultural production. An increase in the Arizona-Sonora Region's share of U.S.-Mexico global exports suggests an increase in the competitiveness of the Region's agricultural sector.

**Basic Facts**

The Region exported $974 million in agricultural products in 2000, an increase of 160.3 percent since 1993. Arizona exported $521 million and Sonora exported $453 million.

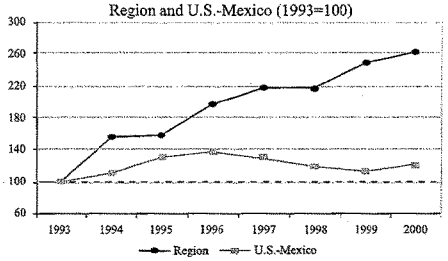
Region's Agricultural Exports ($ in millions)




**Region's Trend**

The combined agricultural exports of the U.S. and Mexico totaled $64.8 billion in 2000, an increase of 19.7 percent since 1993. The Region's share in 2000 was 1.5 percent, which is higher than its 1993 level of 0.7 percent.

Trends in Agricultural Exports: Region and U.S.-Mexico (1993=100)




**What the Indicator Suggests (1999-2000)**

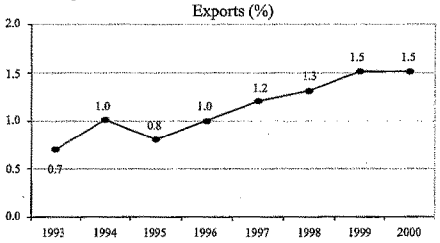
For the latest year, 1999 to 2000, the Region's share of combined U.S.-Mexico agricultural exports was unchanged.

Region's share of U.S.-Mexico agricultural exports..... 1.5%

Change in Region's share..... ↔ 0.0%

Region's relative position.....**UNCHANGED**

Region's Share of Combined U.S.-Mexico Agricultural Exports (%)



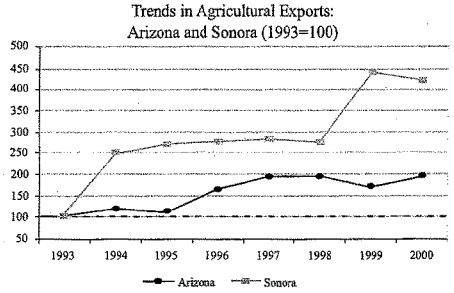

SOURCES: MISER (OM data), CIAD, SECOFI, Banco de México.

# Leading Sectors Indicators

## Share of U.S.-Mexico agricultural exports

### How Arizona and Sonora performed individually

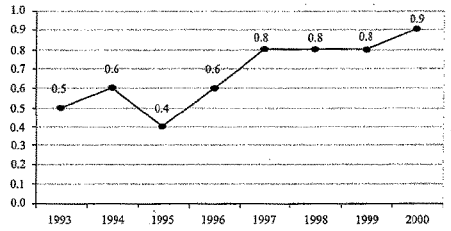
Trends in Agricultural Exports:
Arizona and Sonora (1993=100)




**Arizona's and Sonora's Trends**

Arizona's agricultural exports have grown 95.6 percent since 1993 while U.S. agricultural exports have grown only 17.3 percent. Sonora's agricultural exports have increased 320.2 percent since 1993 while Mexico's have increased 70.2 percent.

Arizona's Share of U.S. Agricultural Exports (%)




**Arizona's Share (1999-2000)**

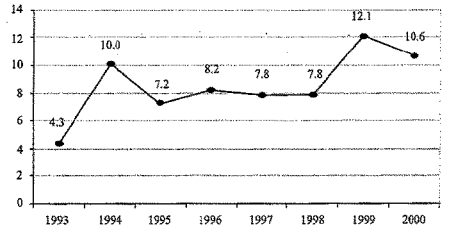
Arizona's share of agricultural exports increased in 2000, from 0.8 percent to 0.9 percent. Arizona's share in 1993 was only 0.5 percent.

Arizona's share of U.S. agricultural exports..... 0.9%

Change in Arizona's share..... ↑ 12.5%

Arizona's relative position.....**IMPROVED**

Sonora's Share of Mexico's Agricultural Exports (%)




**Sonora's Share (1999-2000)**

Sonora's agricultural exports declined by 4.6 percent between 1999 and 2000, compared to an increase of 8.6 percent for all of Mexico. Sonora's 2000 share of 10.6 percent was higher than its 1993 share of 4.3 percent.

Sonora's share of Mexican agricultural exports..... 10.6%

Change in Sonora's share..... ↓ -12.4%

Sonora's relative position..**DECLINED**

SOURCES: MISER (OM data), CIAD, SECOFI, Banco de México.

# Leading Sectors Indicators

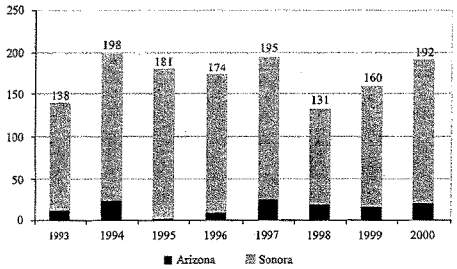
## Region's share of U.S.-Mexico livestock exports

**Definition:** Cattle production is one of the areas with great opportunities for cross-border cooperation between Arizona and Sonora agribusiness.

### Basic Facts

The Region exported $192 million in livestock in 2000, an increase of 39.2 percent since 1993. Sonora accounted for the majority of the Region's exports, with $170 million, while Arizona's exports totaled $22 million.

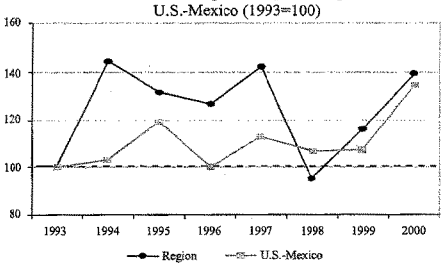
Region's Livestock Exports ($ in millions)




### Region's Trend

Combined U.S.-Mexico livestock exports totaled almost $1.9 billion in 2000, a 34.7 percent increase since 1993. The Region expanded its share from 9.9 percent in 1993 to 10.2 percent in 2000.

Trends in Livestock Exports: Region Compared to All U.S.-Mexico (1993=100)




### What the Indicator Suggests (1999-2000)

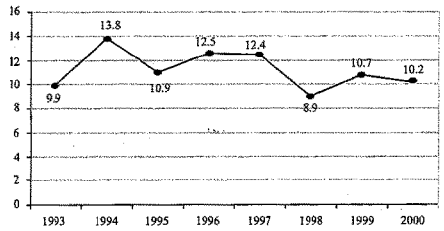
The Region had a slightly slower rate of growth in livestock exports between 1999 and 2000 than all of U.S. and Mexico.

Region's share of U.S.-Mexico livestock exports..... 10.2%

Change in Region's share..... ↓ -4.7%

Region's relative position.....**DECLINED**

Region's Share of U.S.-Mexico Livestock Exports (%)



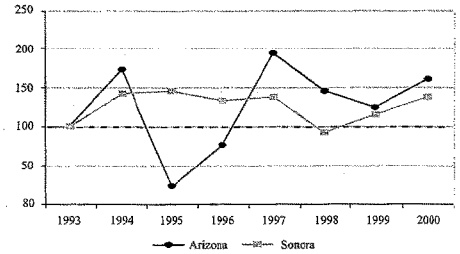

SOURCES: MISER (OM data), CIAD, SECOFI, Banco de México.

# Leading Sectors Indicators

## Share of U.S.-Mexico livestock exports

### How Arizona and Sonora performed individually

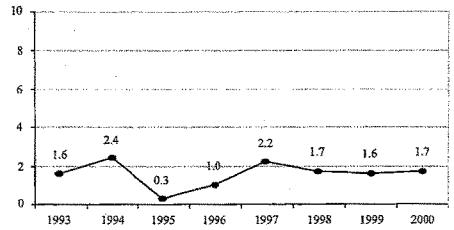
Trends in Livestock Exports:
Arizona and Sonora (1993=100)




**Arizona's and Sonora's Trends**

Arizona's livestock exports are 60.1 percent greater than in 1993, while U.S. livestock exports have grown 49.4 percent. Sonora's livestock exports have increased 36.9 percent since 1993 while Mexico's have increased 11.8 percent.

Arizona's Share of U.S. Livestock Exports (%)




**Arizona's Share (1999-2000)**

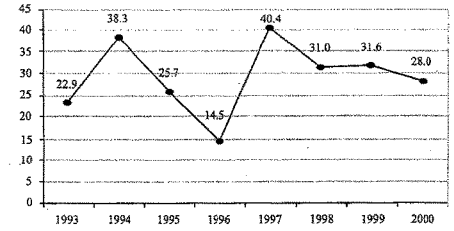
Arizona had a slightly faster rate of growth in livestock exports between 1999 and 2000 than the entire U.S. Arizona's share in 2000 was 1.7 percent, compared to 1.6 percent in 1993.

Arizona's share of U.S. livestock exports..... 1.7%

Change in Arizona's share..... ↑ 6.3%

Arizona's relative position.....**IMPROVED**

Sonora's Share of Mexico's Livestock Exports (%)




SOURCES: MISER (OM data), CIAD, SECOFI, Banco de México.

**Sonora's Share (1999-2000)**

Sonora had slower growth in livestock exports than all of Mexico for 1999 to 2000, but retains a relatively large share of all Mexican livestock exports, at 28.0 percent. Sonora's share in 1993 was 22.9 percent.

Sonora's share of Mexican livestock exports..... 28.0%

Change in Sonora's share..... ↓ -11.4%

Sonora's relative position.....**DECLINED**

# Leading Sectors Indicators

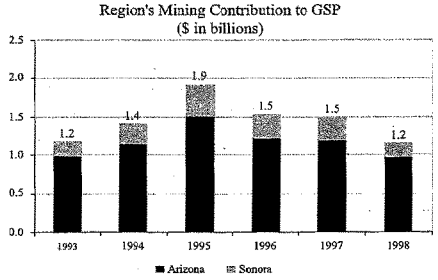
## Region's share of border states' mining production

**Definition:** Mining contribution to GSP is used as a measure of mining production. The Arizona-Sonora Region's share of mining production, relative to all border states, provides a measure of the Region's changing position within the entire U.S.-Mexico border region.

### Basic Facts

The Region's mining GSP totaled almost $1.2 billion in 1998, but this is a decrease from the 1993 amount by half a percent. Arizona contributed $970 million to the Region's mining GSP while Sonora contributed $193 million.

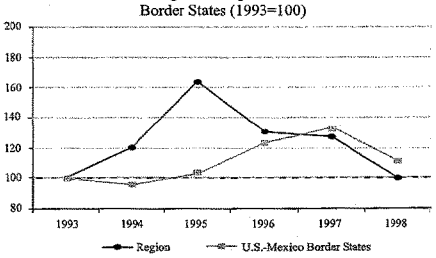
Region's Mining Contribution to GSP
($ in billions)




### Region's Trend

The combined mining GSP for all U.S. and Mexico border states totaled $47.2 billion in 1998, an increase of 10.4 percent since 1993. The Region's share of 2.5 percent in 2000 is lower than its 1993 share of 2.7 percent.

Trends in Mining GSP: Region and U.S.-Mexico Border States (1993=100)




### What the Indicator Suggests (1997-1998)

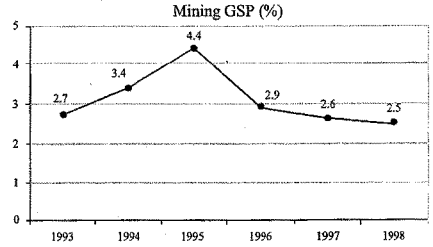
Both the Region and the entire U.S.-Mexico border region had declines in mining GSP between 1997 and 1998, but the Region's decline was greater than for the total border region.

Region's share of U.S.-Mexico border states' mining production..... 2.5%

Change in Region's share..... ↓ -3.8%

Region's relative position..**DECLINED**

Region's Share of U.S.-Mexico Border States' Mining GSP (%)



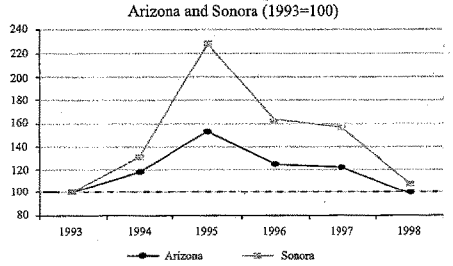

SOURCES: BEA, INEGI.

# Leading Sectors Indicators

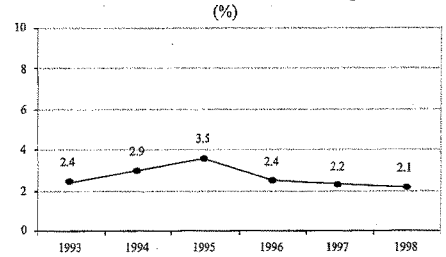
## Share of border states' mining production

### How Arizona and Sonora performed individually

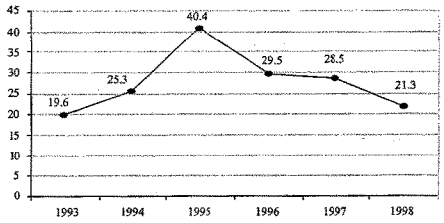
Trends in Mining GSP:
Arizona and Sonora (1993=100)




Arizona's Share of U.S. Border States' Mining GSP
(%)




Sonora's Share of Mexican Border States' Mining GSP
(%)




SOURCES: BEA, INEGI.

**Arizona's and Sonora's Trends**

While the U.S. border region as a whole has increased mining GSP by 10.7 percent since 1993, Arizona's mining GSP has decreased by 1.8 percent. Sonora has increased its mining GSP 6.8 percent over the 1993 level, while the total mining GSP for Mexican border states has declined 1.7 percent.

**Arizona's Share (1997-1998)**

Both Arizona and the whole U.S. border region experienced declines in mining GSP between 1997 and 1998, and Arizona's decline was somewhat greater than for the U.S. border region as a whole. Arizona's 1998 share of 2.1 percent is below its 1993 share of 2.4 percent.

Arizona's share of U.S. border states' mining production..... 2.1%

Change in Arizona's share..... ↓ -4.5%

Arizona's relative position...**DECLINED**

**Sonora's Share (1997-1998)**

Sonora had a 31.7 percent decline in mining GSP between 1997 and 1998, although its 1998 share of 21.3 percent is still above the 1993 level of 19.6 percent.

Sonora's share of Mexican border states' mining production..... 21.3%

Change in Sonora's share..... ↓ -25.3%

Sonora's relative position.....**DECLINED**

# Leading Sectors Indicators

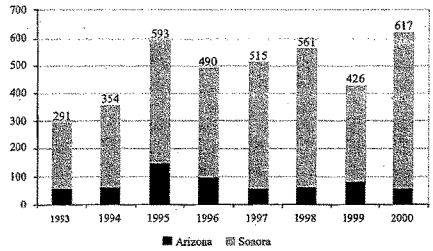
## Region's share of U.S.-Mexico mining exports

**Definition:** The mining exports indicator monitors changes in the Arizona-Sonora Region's relative position among U.S.-Mexico border states. An increase in the Region's share suggests that the Region's competitiveness in this traditional yet increasingly globalized economic activity increased.

### Basic Facts

The Region's mining exports totaled $617 million in 2000, an increase of 112.1 percent since 1993. Sonora accounted for $557 million of the Region's exports, while Arizona accounted for $60 million.

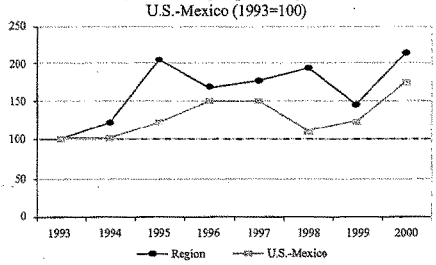
Region's Mining Exports ($ in millions)




### Region's Trend

The combined mining exports of the U.S. and Mexico equaled $21.7 billion in 2000, an increase of 74.9 percent since 1993. The Region's share in 2000 was 2.8 percent, compared to 2.3 percent in 1993.

Trends in Mining Exports: Region and U.S.-Mexico (1993=100)




### What the Indicator Suggests (1999-2000)

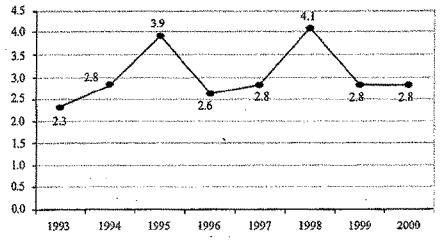
Between 1999 and 2000, the Region's mining exports grew at a similar rate as mining exports for all of the U.S. and Mexico.

Region's share of U.S.-Mexico mining exports..... 2.8%

Change in Region's share..... ↔ 0.0%

Region's relative position.....**UNCHANGED**

Region's Share of Mining Exports (%)



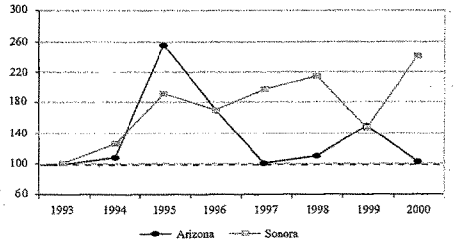

SOURCES: MISER (OM data), CIAD, SECOFI, Banco de México.

# Leading Sectors Indicators

## Share of U.S.-Mexico mining exports

### How Arizona and Sonora performed individually

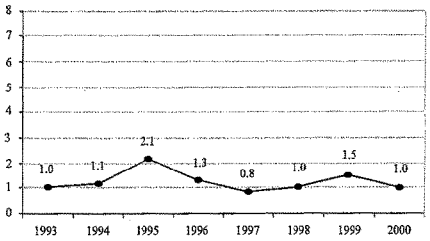
Trends in Mining Exports:
Arizona and Sonora (1993=100)




**Arizona's and Sonora's Trends**

Since 1993, Arizona's mining exports have grown only 1.2 percent, compared to an 11.2 percent increase for all of the U.S. Sonora's mining exports have increased 140.4 percent since 1993 while Mexico's have increased 128.1 percent.

Arizona's Share of U.S. Mining Exports (%)




**Arizona's Share (1999-2000)**

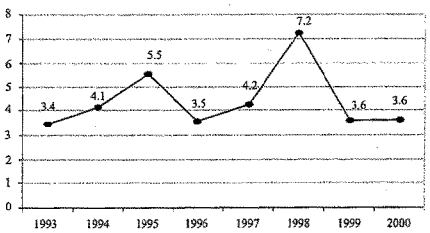
Arizona's mining exports declined by 31.4 percent between 1999 and 2000, in contrast to the 6.3 percent increase in mining exports for the U.S. as a whole. Arizona's share was 1.0 percent in both 1993 and 2000.

Arizona's share of U.S. mining exports..... 1.0%

Change in Arizona's share.... ↓ -33.3%

Arizona's relative position.....**DECLINED**

Sonora's Share of Mexico's Mining Exports (%)




**Sonora's Share (1999-2000)**

Both Sonora and all of Mexico experienced 64 percent increases in mining exports between 1999 and 2000. Sonora's share was 3.4 percent in 1993 and 3.6 percent in 2000.

Sonora's share of Mexican mining exports..... 3.6%

Change in Sonora's share..... ↔ 0.0%

Sonora's relative position.....**UNCHANGED**

SOURCES: MISER (OM data), CIAD, SECOFI, Banco de México.

# Leading Sectors Indicators

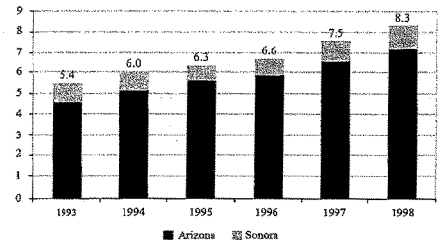
## Region's share of border states' transportation services

**Definition:** Transportation contribution to GSP is used as a measure of transportation services. This indicator is used to monitor the strength of the regional transportation sector relative to the entire U.S.-Mexico border region.

### Basic Facts

The Region's transportation GSP totaled almost $8.3 billion in 1998, an increase of 51.9 percent since 1993. Arizona contributed $7.3 billion to the Region's transportation GSP while Sonora contributed over $1 billion.

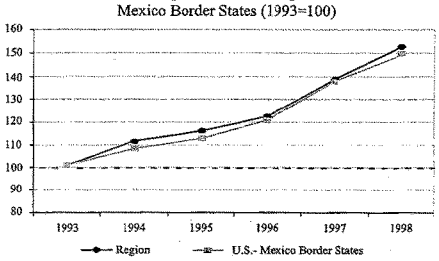
Region's Transportation GSP
($ in billions)




### Region's Trend

The combined transportation GSP of all U.S. and Mexico border states totaled $133.4 billion, an increase of 49.3 percent since 1993. The Region's share was 6.2 percent in 1998, compared to 6.1 percent in 1993.

Trends in Transportation GSP: Region and U.S.-Mexico Border States (1993=100)




### What the Indicator Suggests (1997-1998)

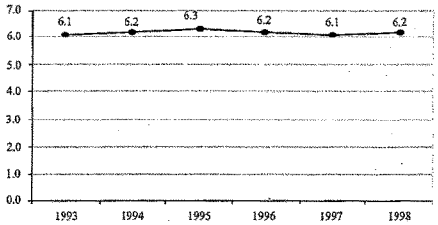
Between 1997 and 1998, the Region had slightly greater growth in transportation GSP than the entire U.S.-Mexico border region.

Region's share of U.S.-Mexico border states' transportation services..... 6.2%

Change in Region's share..... ↑ 1.6%

Region's relative position.....**IMPROVED**

Share of Transportation GSP: Region and U.S.-Mexico Border States (%)



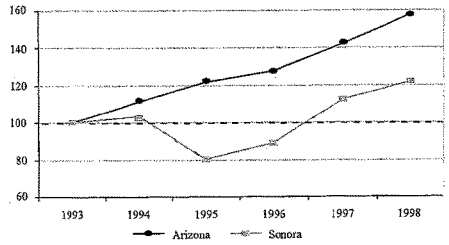

SOURCES: BEA, INEGI.

# Leading Sectors Indicators

## Share of border states' transportation services

### How Arizona and Sonora performed individually

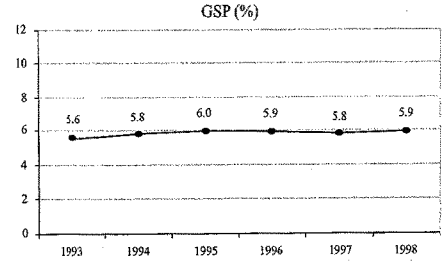
Trends in Transportation GSP:
Arizona and Sonora (1993=100)




**Arizona's and Sonora's Trends**

Arizona's transportation GSP has increased 57.3 percent since 1993, compared to 50.7 percent for the total U.S. border region. Sonora's transportation GSP has increased 21.8 percent since 1993 while the whole Mexico border region has increased its transportation GSP by 33.9 percent.

Arizona's Share of U.S. Border States' Transportation GSP (%)




**Arizona's Share (1997-1998)**

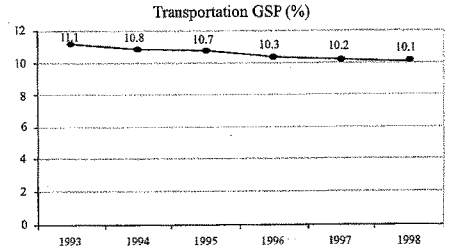
Arizona continued to experience greater growth in transportation GSP than the U.S. border region. Arizona's share was 5.6 percent in 1993, rising to 5.9 percent in 1998.

Arizona's share of U.S. border states' transportation services..... 5.9%

Change in Arizona's share..... ↑ 1.7%

Arizona's relative position.....**IMPROVED**

Sonora's Share of Mexican Border States' Transportation GSP (%)




SOURCES: BEA, INEGI.

**Sonora's Share (1997-1998)**

Sonora continued slower growth in transportation GSP than the total Mexico border region. Sonora's share has fallen from 11.1 percent in 1993 to 10.1 percent in 1998.

Sonora's share of Mexican border states' transportation services..... 10.1%

Change in Sonora's share..... ↓ -1.0%

Sonora's relative position.....**DECLINED**

# Quality of Life Indicators

- Adults with a college degree
- Per capita income
- Unemployment

# Supplements to Quality of Life Indicators

- Arizona's and Sonora's adults with a college degree
- Arizona's and Sonora's per capita income
- Arizona's and Sonora's unemployment

# Quality of Life Indicators

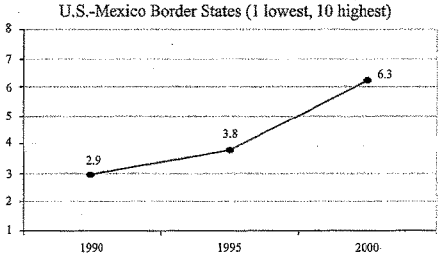
## Adults with a college degree

**Definition:** A college degree or the equivalent education is required for the majority of jobs in the new economy. This indicator monitors change in the relative position of the Arizona-Sonora region within the entire U.S.-Mexico border region in terms of educational attainment. Progress suggests that the Region is building a stronger foundation for the new economy than other U.S.-Mexico border states.

**Basic Facts**

The Region ranked 6.3 out of 10 with respect to percentage of adults with a college degree in 2000. This represents a 65.8 percent increase in rank since 1995.

College Degrees: Region's Rank among U.S.-Mexico Border States (1 lowest, 10 highest)




**What the Indicator Suggests**

Region's rank in adults with a college degree..... 6.3

Change in Region's rank..... ↑ 65.8%

Region's relative position.....**IMPROVED**

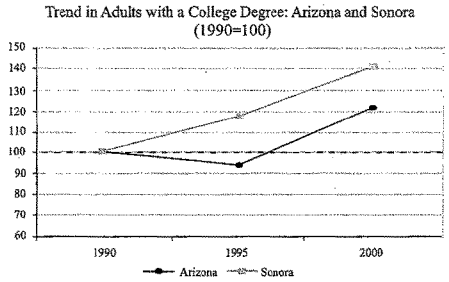
SOURCES: U.S. Census Bureau, INEGI.

# Quality of Life Indicators

## Adults with a college degree

### How Arizona and Sonora performed individually

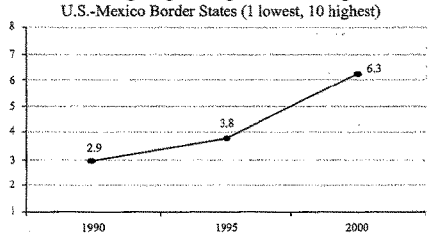
Trend in Adults with a College Degree: Arizona and Sonora (1990=100)




**Arizona's and Sonora's Trends**

With 24.6 percent of the adult population (25 years and older) holding a college degree, Arizona's percentage of adults with a college degree has increased since 1995. From 1990 to 2000, Sonora has increased its percentage of population (15 years and older) holding a college degree from 8.7 percent to 12.2 percent.

College Degrees: Region's Rank among U.S.-Mexico Border States (1 lowest, 10 highest)




**Arizona's Rank**

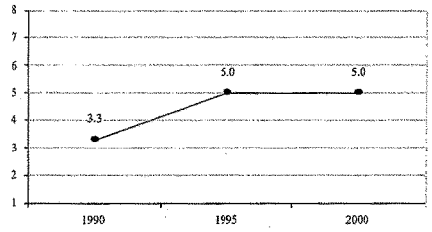
Arizona ranked second best among the four U.S. border states in 2000, an increase in ranking since 1995.

Arizona's rank in adults with a college degree..... 7.5

Change in Arizona's rank..... ↑ 200.0%

Region's relative position.....**IMPROVED**

Adults with a College Degree: Sonora's Rank (1 lowest, 10 highest)




**Sonora's Rank**

Sonora ranked fourth out of six Mexican border states in 2000, the same rank it held in 1995.

Sonora's rank in adults with a college degree..... 5.0

Change in Sonora's rank..... ↔ 0.0%

Region's relative position.....**UNCHANGED**

SOURCES: U.S. Census Bureau, INEGI.

# Quality of Life Indicators

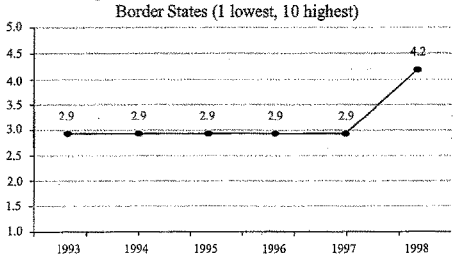
## Per-capita income

**Definition:** Per-capita income is one of the most commonly used indicators of the economic dimension of quality of life.

**Basic Facts**

After maintaining a constant ranking through most of the 1990s, the Region improved its rank with respect to per capita income in 1998, jumping from a rank of 2.0 to a rank of 4.2 out of 10, an increase of 43.1 percent from the year before.

Per-Capita Income: Region's Rank among U.S.-Mexico Border States (1 lowest, 10 highest)




**What the Indicator Suggests**

Region's rank in per-capita income..... 4.2

Change in Region's rank..... ↑ 44.8%

Region's relative position.....**IMPROVED**

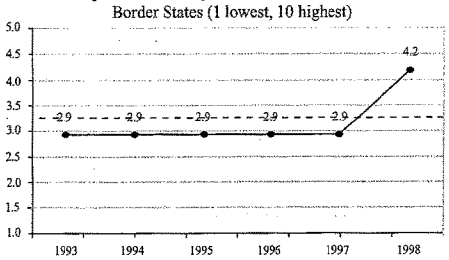
SOURCE: UAOED estimate.

# Quality of Life Indicators

## Per-capita income

### How Arizona and Sonora performed individually

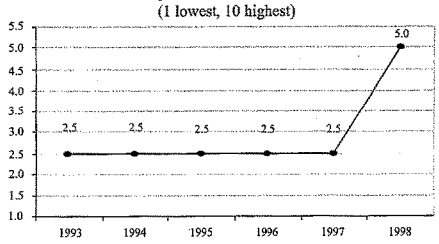
Per-Capita Income: Region's Rank among U.S.-Mexico Border States (1 lowest, 10 highest)




**Arizona's and Sonora's Trends**

In 2000, Arizona's per capita income was $27,869, an increase of 32.1 percent from the 1993 level. Sonora's per capita income was $5,069 in 1998, which is only 3.8 percent higher than the 1993 level, but 39.7 percent higher than the low of 1995.

Per-Capita Income: Arizona's Rank (1 lowest, 10 highest)




**Arizona's Rank**

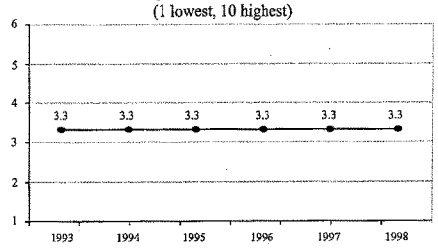
Arizona ranked third among the four U.S. border states in terms of per capita income in 1998, improving its ranking from 1997.

Arizona's rank in per capita income..... 5.0

Change in Arizona's rank.....↑ 100.0%

Arizona's relative position.....**IMPROVED**

Per-Capita Income: Sonora's Rank (1 lowest, 10 highest)




SOURCE: UAOED estimate.

**Sonora's Rank**

Sonora maintained its ranking of fifth among the six Mexican border states.

Sonora's rank in per-capita income.....3.3

Change in Sonora's rank.....↔ 0.0%

Region's relative position.....**UNCHANGED**

# Quality of Life Indicators

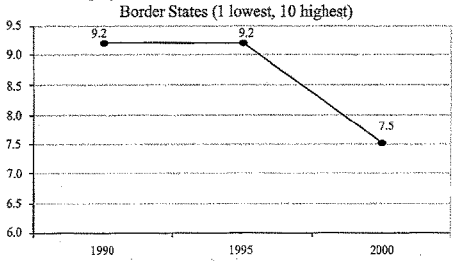
## Unemployment

**Definition:** Unemployment rate monitors the percentage of the civilian labor force defined in respective government statistics as unemployed. Although definitions differ between the U.S. and Mexico, a relative ranking allows comparison of Arizona and Sonora with the average for their respective border regions.

**Basic Facts**

The Region ranked 7.5 out of 10 with respect to unemployment rate in 2000, indicating a relatively high ranking (i.e. a relatively low unemployment rate). However, this ranking represents a decline of 18.5 percent since 1995 (i.e. in 2000 the Region had a higher unemployment rate relative to other U.S.-Mexico border states).

Unemployment Rate: Region's Rank among U.S.-Mexico Border States (1 lowest, 10 highest)




**What the Indicator Suggests**

Region's unemployment rank..... 7.5

Change in Region's rank..... ↓ -18.5%

Region's relative position.....**DECLINED**

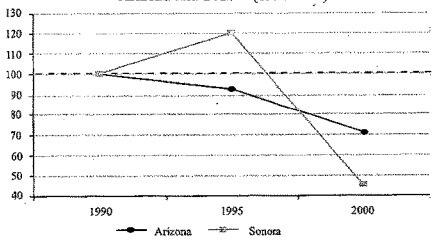
SOURCES: BLS, INEGI.

# Quality of Life Indicators

## Unemployment

### How Arizona and Sonora performed individually

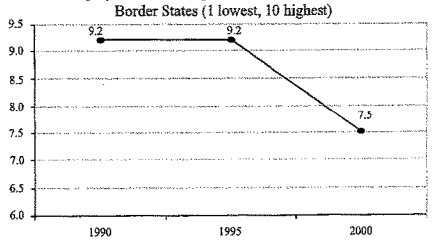
Trend in Unemployment:
Arizona and Sonora (1990=100)




**Arizona's and Sonora's Trends**

Arizona continued to have the lowest unemployment rate among the four U.S. border states, 3.9 percent compared to an average of 4.4 percent for all U.S. border states in 2000. Compared to all Mexican border states, Sonora shared (with Nuevo Leon) the third lowest unemployment rate among the six Mexican border states, 1.2 percent.

Unemployment Rate: Region's Rank among U.S.-Mexico Border States (1 lowest, 10 highest)




**Arizona's Rank**

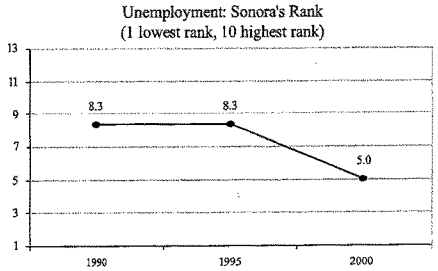
Among all U.S. border states, Arizona retained the lowest unemployment rate in 2000 (and therefore the highest rank).

Arizona's unemployment rank..... 10.0

Change in Arizona's rank..... ↔ 0.0%

Arizona's relative position.....**UNCHANGED**

Unemployment: Sonora's Rank
(1 lowest rank, 10 highest rank)




SOURCES: BLS, INEGI.

**Sonora's Rank**

Sonora shared the rank of third best among the six Mexican border states in 2000, which is a decline in rank from 1995, when Sonora ranked second best.

Sonora's unemployment rank..... 5.0

Change in Sonora's rank..... ↓ -18.5%

Sonora's relative position.....**DECLINED**

# Methodology

## Selection of indicators

The Regional Indicators were developed following a series of binational meetings involving research institutions in Arizona and Sonora as well as members of the Arizona-Mexico Commission and Comisión Sonora-Arizona, representing public and private sectors in both states. Sixty-seven indicators originally were proposed in 1998. A comprehensive list of indicators with detailed definitions, rationales, computational procedures and data sources (existing and proposed) can be found in *Indicators of Progress*, published by the University of Arizona Office of Economic Development (December 1998) and also available on the Internet (http://oed.arizona.edu/).

The first edition of *Indicators of Economic Progress* (2000) presented 32 indicators as a compromise between the proposed indicators and indicators for which measurable data were actually available, *i.e.*, comparable data for both Arizona and Sonora and for each of the remaining U.S. and Mexican border states. The current (2001) edition basically follows the previous format and presents a total of 28 indicators. In cases where state-level data were unavailable for all Mexican border states (such as exports by sector), the Arizona-Sonora Region was compared to the whole U.S.-Mexico area, instead of the U.S.-Mexico border region.

## Measuring a transboundary region

A major challenge posed by the indicators project has been the operationalization and measurement of indicators representing Arizona and Sonora—two very different economies, with different data collection systems—as a single economic region. This was resolved partially by placing emphasis on the Region's relative position in comparison with the whole U.S.-Mexico border region. When data were directly comparable, such as dollar value of exports and gross state product, Arizona's and Sonora's values were summed and compared to the whole U.S.-Mexico border region (the sum of values for all U.S. and Mexican border states). The evaluation of progress was based on whether the Region's relative share of the whole U.S.-Mexico border region increased or decreased.

In cases where direct summation was inappropriate due to different population bases, such as income per capita and educational attainment of the adult population, a regional indicator was obtained through the following procedure: (1) Arizona and Sonora were ranked among their respective number of border states, *i.e.*, Arizona on a scale from 1 to 4 and Sonora on a scale 1 to 6 (with a rank of 1 being best); (2) the individual ranks were converted to a scale of 1 to 10 to make them comparable (with a rank of 10 being best), *i.e.*, for example, Arizona's second place (2 out of 4) would equal 7.5 out of 10 and Sonora's second place (2 out of 6) would equal 8.3 out of 10, and (3) the Region's rank was computed as an average of Arizona and Sonora's weighted ranks (sum of Arizona and Sonora's weighted ranks divided by two). Although the Region's average rank in any one year provides limited information, comparison over time provides a measure of relative improvement within the whole U.S.-Mexico border region.

# Methodology

## Calculation and representation of indicators

Three basic methods are used to present indicators in this report: raw data, simple index numbers and percentage shares.

### Raw-data method

The raw-data method is used to show actual volume for the indicator. For example, indicators such as exports and gross state product are shown in dollars. Other indicators, such as truck or air passenger traffic, are shown in corresponding units of measurement, *i.e.*, number of trucks or number of passengers respectively.

Raw data are presented graphically by bar charts, where the height of a bar is proportional to the actual volume. Because all bars have a common base "0," a visual comparison of their heights provides a general impression of a change over time.

Most data are collected on an annual basis. Whenever available, we have shown data starting with year 1993, the pre-NAFTA year, and ending with the most current year (2000 in most cases). Several indicators in the Quality of Life section are available only at 5-year intervals.

### Simple-index-number method

Index numbers are commonly used to show variation from an arbitrary standard representing the status at some earlier time, denoted as 100. In other words, an index number is a percentage change over the base year, where the base year represents 100 percent.

An index number is obtained arithmetically by dividing a quantity in a given year, $|\text{Quantity}_n|$, by the quantity in the base year, $|\text{Quantity}_0|$ and multiplying the result by 100, *i.e.*:

$$\text{Simple index number} = \frac{\text{Quantity}_n}{\text{Quantity}_0} \times 100 \qquad (1)$$

According to the formula in (1), if the current year value is the same as in the base year, the resulting index number will be 100. For example, if the current year's exports are the same as in the base year, the index value will be 100. An index number greater than 100 indicates that exports have increased compared to the base year, while an index value less than 100 means that exports have declined.

Index numbers can be computed using a specific year as a constant base, or using the preceding year as a changing base year (or any other time unit). In this report, we selected the pre-NAFTA year of 1993 as a constant year whenever data permitted.

# Methodology

## Calculation and representation of indicators (cont'd)

Because index numbers are relative numbers, they are independent of measurement units and thus especially appropriate for comparison of variables that have large differences in quantities. As an illustration, consider export activity. Index numbers allow us to compare changes in export activity of the Arizona-Sonora Region, ranging between $6 billion (1993) and $12.2 billion (2000), with total U.S.-Mexico exports ranging between $263 billion (1993) and $573 billion (2000). Index numbers also are useful in situations where data collection methodologies or definitions in two geographic areas are not exactly the same. For example, unemployment is defined differently in Arizona and Sonora. The two sets of index numbers (one for each state, with the same base year = 100) allow us to compare unemployment trends in Arizona and Sonora irrespective of nuances in definition.

A real advantage of the simple-index-number method is the graphical application. The base year is always represented with a line having the value 100, and the trend is visually evaluated in reference to that line. This is especially beneficial when comparing trends in two different geographical units or for two different variables (indicators). We have used graphical presentation of index numbers to compare trends between the Arizona-Sonora Region and the whole U.S.-Mexico border region, the Arizona-Sonora Region and the whole U.S.-Mexico area as well as Arizona and Sonora.

Simple index numbers easily can be converted into percentages using the expression:

$$\text{Percentage change } (\%)_{n/0} = \text{index number}_{n/0} - 100 \qquad (2)$$

For example, an index number of 118.5 means 18.5 percent change has occurred (compared to the base year), where n is the current year and 0 is the base year. We have utilized this property in the text that accompanies the graphs simply because readers may be more familiar with percentages.

### Percentage-share method

Percentages are numbers that show relative proportions of a whole, *i.e.*:

$$\text{Percentage share } (\%) = \frac{\text{Quantity}_i}{\text{Quantity}_{\text{Ói}}} \times 100 \qquad (3)$$

Where i represents one component, such as Arizona's exports, and Ói represents total exports, *i.e.*, the sum of exported products from the whole U.S. border region.

We have used the percentage-share method to measure relative importance of the Arizona-Sonora Region within the whole U.S.-Mexico border region. When comparable data were not available for other border states, the Region's relative position was expressed in terms of percentage share of the whole U.S.-Mexico area.

# Data Sources

## NAFTA Indicators

**SHARE OF EXPORTS TO NAFTA MARKETS**
U.S. and Arizona data: Massachusetts Institute for Social and Economic Research (MISER), Origin of Movement series, at http://www.misertrade.org accessed 9 May 2001.

Mexico and Sonora data: Centro de Investigación en Alimentación y Desarrollo (CIAD), based on data from Secretaría de Comercio y Fomento Industrial (SECOFI) and Banco de México.

Canadian data: Statistics Canada at http://www.strategis.ic.gc.ca, accessed 22 May 2001.

**SHARE OF U.S.-MEXICO WORLD EXPORTS**
U.S. and Arizona data: Massachusetts Institute for Social and Economic Research (MISER), Origin of Movement series, at http://www.misertrade.org accessed 9 May 2001.

Mexico and Sonora data: Centro de Investigación en Alimentación y Desarrollo (CIAD), based on data from Secretaría de Comercio y Fomento Industrial (SECOFI) and Banco de México.

**SHARE OF U.S.-MEXICO BPOE COMMODITY FLOW**
U.S. International Trade Commission, http://dataweb.usitc.gov, accessed 21 May 2001.

**SHARE OF ELECTRIC/ELECTRONIC SHIPMENTS VIA U.S.-MEXICO BPOE**
U.S. International Trade Commission, http://dataweb.usitc.gov, accessed 21 May 2001.

**SHARE OF MACHINERY SHIPMENTS VIA U.S.-MEXICO BPOE**
U.S. International Trade Commission, http://dataweb.usitc.gov, accessed 21 May 2001.

**SHARE OF PLASTIC MATERIALS SHIPMENTS VIA U.S.-MEXICO BPOE**
U.S. International Trade Commission, http://dataweb.usitc.gov, accessed 21 May 2001.

**SHARE OF AGRICULTURAL SHIPMENTS VIA U.S.-MEXICO BPOE**
U.S. International Trade Commission, http://dataweb.usitc.gov, accessed 21 May 2001.

**SHARE OF TRUCK TRAFFIC VIA U.S.-MEXICO BPOE**
U.S. Department of Transportation, based on U.S. Customs Service data.

## Regional Integration Indicators

**CROSS-BORDER VEHICLE TRAFFIC**
University of Arizona Economic and Business Research Program, Arizona Economic Indicators, Spring 2001, based on INS and U.S. Customs Service data.

**PERSONS CROSSING THE BORDER**
University of Arizona Economic and Business Research Program, Arizona Economic Indicators, Spring 2001, based on INS and U.S. Customs Service data.

**AIR PASSENGER TRAFFIC**
U.S. Department of Transportation International Aviation Developments Series at http://ostpxweb.ost.dot.gov/aviation/international-series/, accessed 17 May 2001.

**BINATIONAL COMMISSIONS ATTENDANCE**
Arizona-Mexico Commission/Comision Sonora-Arizona Attendance Records, binational plenary sessions, December 1998, June 1999 and June 2000.

# Data Sources

## Leading Sectors Indicators

**SHARE OF BORDER STATES' GROSS STATE PRODUCT (GSP)**
U.S. and Arizona data: U.S. Department of Commerce, Bureau of Economic Analysis, at http://www.bea.doc.gov/bea/regional/gsp/, accessed 23 April 2001.

Mexico and Sonora data: Instituto Nacional de Estadística, Geografía e Informática (INEGI), Banco de Información Económica (BIE), at http://dgcnesyp.inegi.gob.mx/pubcoy/estatal/pib/pibcor.html, accessed 23 April 2001.

**ARIZONA EMPLOYMENT IN FOREIGN-OWNED ESTABLISHMENTS**
Bureau of Economic Analysis, Survey of Current Business, June 1998 and August 2000.

**SONORA'S SHARE OF FOREIGN DIRECT INVESTMENT (FDI)**
Subsecretaria de Negociaciones Comerciales Internationales, at http://www.economia-snci.gob.mx/Inversi_n/Estad_sticas__inv/Informe_IED/informe_ied.htm, accessed 2 May 2001.

**SHARE OF BORDER STATES' MANUFACTURING PRODUCTION**
U.S. and Arizona data: U.S. Department of Commerce, Bureau of Economic Analysis, at http://www.bea.doc.gov/bea/regional/gsp/, accessed 23 April 2001.

Mexico and Sonora data: Instituto Nacional de Estadística, Geografía e Informática (INEGI), Banco de Información Económica (BIE), at http://dgcnesyp.inegi.gob.mx/pubcoy/estatal/pib/pibcor.html, accessed 23 April 2001.

**SHARE OF U.S.-MEXICO MANUFACTURING EXPORTS**
U.S. and Arizona data: Massachusetts Institute for Social and Economic Research (MISER), Origin of Movement series, at http://www.misertrade.org accessed 9 May 2001.

Mexico and Sonora data: Centro de Investigación en Alimentación y Desarrollo (CIAD), based on data from Secretaría de Comercio y Fomento Industrial (SECOFI) and Banco de México.

**SHARE OF MEXICO'S MAQUILADORA EMPLOYMENT**
Secretaría de Comercio y Fomento Industrial (SECOFI), Banco de Informacion Sectoral, Industria Maquiladora, http://www.secofi.gob.mx/, accessed 26 April 2001.

**PRODUCTIVITY IN THE MAQUILADORA SECTOR**
Instituto Nacional de Estadística, Geografía e Informática (INEGI), Valor Aggregado, at http://dgcnesyp.inegi.gob.mx/BDINE/J15/J150098.HTM, accessed 8 May 2001. Productivity is calculated by dividing Valor Aggregado by the total number of employees in maquiladoras in each state.

**SHARE OF BORDER STATES' AGRICULTURAL PRODUCTION**
U.S. and Arizona data: U.S. Department of Commerce, Bureau of Economic Analysis, at http://www.bea.doc.gov/bea/regional/gsp/, accessed 23 April 2001.

Mexico and Sonora data: Instituto Nacional de Estadística, Geografía e Informática (INEGI), Banco de Información Económica (BIE), at http://dgcnesyp.inegi.gob.mx/pubcoy/estatal/pib/pibcor.html, accessed 23 April 2001.

**SHARE OF U.S.-MEXICO AGRICULTURAL EXPORTS**
U.S. and Arizona data: Massachusetts Institute for Social and Economic Research (MISER), Origin of Movement series, at http://www.misertrade.org accessed 9 May 2001.

Mexico and Sonora data: Centro de Investigación en Alimentación y Desarrollo (CIAD), based on data from Secretaría de Comercio y Fomento Industrial (SECOFI) and Banco de México.

# Data Sources

## Leading Sectors Indicators (continued)

**SHARE OF U.S.-MEXICO LIVESTOCK EXPORTS**
U.S. and Arizona data: Massachusetts Institute for Social and Economic Research (MISER), Origin of Movement series, at http://www.misertrade.org accessed 9 May 2001.

Mexico and Sonora data: Centro de Investigación en Alimentación y Desarrollo (CIAD), based on data from Secretaría de Comercio y Fomento Industrial (SECOFI) and Banco de México.

**SHARE OF BORDER STATES' MINING PRODUCTION**
U.S. and Arizona data: U.S. Department of Commerce, Bureau of Economic Analysis, at http://www.bea.doc.gov/bea/regional/gsp/, accessed 23 April 2001.

Mexico and Sonora data: Instituto Nacional de Estadística, Geografía e Informática (INEGI), Banco de Información Económica (BIE), at http://dgcnesyp.inegi.gob.mx/pubcoy/estatal/pib/pibcor.html, accessed 23 April 2001.

**SHARE OF U.S.-MEXICO MINING EXPORTS**
U.S. and Arizona data: Massachusetts Institute for Social and Economic Research (MISER), Origin of Movement series, at http://www.misertrade.org accessed 9 May 2001.

Mexico and Sonora data: Centro de Investigación en Alimentación y Desarrollo (CIAD), based on data from Secretaría de Comercio y Fomento Industrial (SECOFI) and Banco de México.

**TRANSPORTATION SHARE OF GSP**
U.S. and Arizona data: U.S. Department of Commerce, Bureau of Economic Analysis, at http://www.bea.doc.gov/bea/regional/gsp/, accessed 23 April 2001.

Mexico and Sonora data: Instituto Nacional de Estadística, Geografía e Informática (INEGI), Banco de Información Económica (BIE), at http://dgcnesyp.inegi.gob.mx/pubcoy/estatal/pib/pibcor.html, accessed 23 April 2001.

## Quality of Life Indicators

**ADULTS WITH A COLLEGE DEGREE**
U.S. and Arizona data: U.S. Census Bureau, Current Population Surveys, Table 13, at http://www.census.gov/population/www/socdemo/educ-attn.html, accessed 26 April 2001.

Mexico and Sonora data: *Perfil sociodemografico* (INEGI, 1995) for each border state, and *XII Censo General de Poblacion y Vivienda 2000* (INEGI, 2000).

**PER CAPITA INCOME**
UAOED estimate computed by dividing total state GSP by total state population (see sources for GSP and population for more information).

**UNEMPLOYMENT**
U.S. and Arizona data: Bureau of Labor Statistics, Economy at A Glance, at http://www.bls.gov/eag/eag.map.htm, accessed 26 April 2001.

Mexico and Sonora data: *Perfil sociodemografico* (INEGI, 1995) for each border state, and *XII Censo General de Poblacion y Vivienda 2000* (INEGI, 2000).

# Data Sources

## Population

U.S. and Arizona data: UAOED estimates based on U.S. Census data, 1990 census figures and 1995 population estimates from http://www.census.gov/population/estimates/state/st-99-3.txt, 2000 census figures from State & County Quickfacts at http://www.census.gov/, accessed 7 May 2001. Population for 1991-1994 interpolated from 1990 census figures and 1995 census bureau estimate, population for 1996-1999 interpolated from 1995 census bureau estimate and 2000 census figures.

Mexico and Sonora data: INEGI, Informacion Por Entidad Federativa, at http://www.inegi.gob.mx/entidades/espanol/fentidades.html, accessed 25 April 2001. Population for 2000 is preliminary result of the 2000 Censo General de Poblacion y Vivienda. Population for 1991-1994 interpolated from 1990 and 1995 census figures, population for 1996-1999 interpolated from 1995 and 2000 census figures.

Question 1: For the record, what additional personnel do you need to manage each of the border crossings and ports of entry in your region effectively and how rapidly should they be added?

Answer: Resource needs is not unique to Arizona. Nationally the U.S. Customs Service needs increased staffing to support its continuing efforts to combat drug smuggling and terrorism. In FY 2002 alone, we are adding approximately 840 new inspectional personnel to border crossings and seaports throughout the United States. We expect to continue this staffing initiative into FY 2003.

Question 2: Please provide us with data concerning the prior occupations of new recruits in your region, including the percentages of new recruits who come from other federal law enforcement agencies, from state and local enforcement agencies, and from the military.

Answer: The occupational information on new hires prior to working for Customs is not available to field offices. We do not electronically maintain any information on employees prior to their employment with Customs.

Question 3: In addition to new personnel, what new infrastructure and equipment will be required in your region?

**NOGALES PORT OF ENTRY**

This Port of Entry has two separate crossing facilities. The crossing known as DeConcini or Grand Avenue is a 24-hour crossing. The crossing known as Mariposa is a 16-hour crossing. The combined traffic at these two crossings make Nogales the busiest land border crossing in Arizona. The DeConcini facility has six primary vehicle northbound processing lanes with a single head house and separate pedestrian processing area. Additionally, a separate pedestrian crossing several hundred yards to the east of DeConcini is opened for limited hours every day. There are only two southbound lanes at this crossing to access Mexico.

The Mariposa crossing accommodates both commercial truck and privately owned vehicle (POV) traffic. The POV facility has four primary vehicle northbound processing lanes. It has a single head house and there is very little pedestrian traffic because this crossing is fairly remote from the businesses and housing areas of Nogales. The truck crossing has two northbound lanes that expand to three superbooths for commercial processing and Arizona Department of Transportation processing once the trucks proceed through a drug screening area.

There is no space available for expansion at the DeConcini crossing. On both sides of the border, urban development surrounds the facility and locks it in. In addition the rail crossing runs immediately adjacent to the eastside of this crossing.

The Mariposa crossing is also very congested with the actual crossing at the Mexican border straddling adjacent ravines. During the Mariposa Cargo Redesign Project mentioned in my testimony, Customs partnered with the State of Arizona to partially fill in the eastside ravine and provide additional access for truck traffic. However, despite this improvement, we find that the mix of commercial trucks and POVs at this crossing is not only unsafe but each operation limits the other in terms of expansion to accommodate the rapid commercial and POV growth.

Fortunately, buildings and other infrastructure on either side of the border do not limit expansion at this crossing. We would like to separate the commercial traffic from the POV traffic by dedicating the entire current crossing to commercial traffic and creating an entirely new POV crossing immediately to the west of the existing facility. This splitting of the current commercial and POV operations will also provide Customs the ability to build and operate a dedicated outbound enforcement facility.

**SAN LUIS PORT OF ENTRY**

The San Luis Port of Entry is 26 miles south of the city of Yuma, Arizona. It is a 24-hour port with six POV lanes and two commercial truck lanes. The truck lanes are immediately to the east of the administrative offices and the POV lanes are immediately to its west. San Luis is the busiest single POV crossing in the Arizona CMC and extended POV wait times are not unusual due to current infrastructure limitations. Unfortunately, the queue for both POV and commercial truck traffic is the same two-lane road paralleling the border on the Mexican side. Commercial trucks exiting the U.S. Customs cargo compound into Mexico must try to navigate through the POV queue and the mix or POV and commercial trucks makes for a very unsafe environment and compounds the traffic congestion.

The Greater Yuma Port Authority has already received the Presidential approval necessary to pursue opening a separate commercial crossing for the Port of San Luis. Although still in the design stage, this crossing will be approximately 5 miles east of the current commercial crossing. Current estimates range between 3

to 5 years for the completion of this new commercial facility. Once completed, this will allow the Federal Inspection Agencies to redesign the POV crossing at the current port of entry and expand from the current 6 lanes to as many as 12.

**DOUGLAS PORT OF ENTRY**

Douglas is a 24-hour port. It has 7 POV lanes with egress on either side of a single head house. Pedestrian traffic is processed through a facility attached to the port administrative offices immediately to the east of the POV facility. There are two commercial gates for processing truck traffic and seven POV lanes. Currently, both truck and POV traffic approaching the port queue along a two-lane road paralleling the border, similar to the traffic queue described at San Luis.

The mix of commercial truck and POV traffic unnecessarily congests the process. There have been discussions among civic leaders to create a separate cargo processing facility to the west of the current port location.

Question 4: During the hearing, we briefly discussed the efforts taken to screen passengers, luggage and cargo on trains crossing the border. For the record, please describe this process, and whether any changes are contemplated. Are any new rail VACIS units going to be added in this region?

Answer: A rail VACIS was installed at the Nogales rail crossing in January 2002. The VACIS scans all northbound and southbound trains that enter or exit through the Nogales Port of Entry. There are currently no passenger trains that enter or exit through Nogales.

Question 5: Please describe how the border crossing in this region are participating in the development of Customs Automated Commercial Environment ("ACE").

Answer: The Customs Modernization Office is working with a consortium of contractors called the e Customs Partnership to plan, design and build the Automated Commercial Environment (ACE). The ACE is a collaborative effort among Customs, participating government agencies, various segments of the trade community, our oversight agencies, and Customs Headquarters and field offices.

- The ACE is a 4 year modernization program with early delivery of increased functionality, to include:

- Account Based Processing for efficiency to all parties, the trade community and government agencies;
- Automated Truck Manifest System to provide enhanced border security and better enforcement;
- e-Release Processing for expeditious release of compliant cargo and conveyances.

Customs has brought together several subject matter experts from the field, i.e., Customs Inspectors, Import Specialists, Entry Specialists and Account Managers, to assist in writing the requirements for these ACE deliverables.

Question 6: How effective has the predecessor to ACE, the Automated Commercial System ("ACS") been here? How widespread is the use of the Automated Manifest System component of ACS? How successful has it been? Could this program be improved and expanded? How many importers use customs brokers that participate in the Automated Broker Interface component of ACS? How successful has it been? Could this program be expanded or improved?

Answer: The Automated Commercial System has been extremely effective in Arizona. In Arizona, 99.7 percent of all entries are submitted to Customs electronically, using the ACS. In addition, 71 percent of all duty payments are made electronically, using the ACS.

There are currently three automated manifest system applications within the ACS, two of which are used in Arizona. (There is no need/no use of the Ocean Manifest System in Arizona.)

Air Manifest System:

Luftansa is using the Air Manifest System in Arizona. There are three other air carriers who regularly discharge cargo in Arizona, however, it is probably not cost-effective for these carriers to automate in Arizona at this time due to low air waybill volume.

Rail Manifest System:

Rail Manifest System is active in Arizona, and Union Pacific is using the system.

At this time, the trade community is taking advantage of the automated manifest systems in place and no expansion is needed. A freeze has been placed on further enhancements to the ACS. Enhancements to or replacements of these systems will be made as part of the development of the Automated Commercial Environment (ACE).

Customs only keeps track of the number of entry filers. We do not capture the number of importers who use brokers versus the number of importers who self-file. However, in the Arizona area, 99.7 percent of all entries are submitted to Customs electronically, using the Automated Broker Interface component of ACS. The Automated Broker Interface has been very successful in Arizona, and as mentioned earlier, Customs has no plans to expand or improve the system.

Question 7: Do you believe that the advance screening system in place at the Nogales commercial freight crossing, which allows Customs agents to screen truck traffic for illegal narcotics and other contraband prior to arrival at Customs inspection booths, could be replicated at other crossings on the Northern and Southern borders? Does the Customs Service plan to implement such an advance screening system at other crossings?

Answer: Yes, the present Nogales commercial cargo contraband screening system commonly called the Drug Screening Area and Rapid Enforcement could be replicated at other border crossings. Essentially, the system moves the sorting and targeting operation into the traffic queue and allows compliant trucks to bypass the Customs facility through Rapid Enforcement lanes.

Question 8: At present, the SENTRI system is not in place at the crossings in your region. Would such a system be valuable here? What percentage of the people going through ports of entry in this region are frequent crossers, who could benefit from SENTRI? How much would it cost to install the SENTRI system here?

Answer: A SENTRI system would be a valuable program at the ports of entry in Arizona where there are high volumes of privately owned vehicle traffic on a consistent basis and at locations where the travelers transiting the border are frequent crossers. Frequent

border crossers benefit from SENTRI programs. Without major lane or port infrastructure modifications a SENTRI lane could be installed for approximately $1,700,000.

Question 9: Are you seeing a significant amount of illegal smuggling of pharmaceuticals from Mexico? What kinds of pharmaceuticals are being brought here? Who is typically bringing them into the U.S., and how are they doing it?

Answer: We are seeing a large increase in over the counter pharmaceuticals being imported from Mexico. Many of these pharmaceuticals require a prescription from a physician in the United States; however, they can readily be bought without a prescription in Mexico.

Travelers are importing a wide variety of pharmaceuticals that can be purchased in the Mexican pharmacies. Some common over the counter 'drugs' that we see on a daily basis are: painkillers, heart medicine, birth control pills, blood pressure medication, steroids, cancer treatment medications etc. These travelers are from both genders and cover a wide range of ages. They are legally importing their pharmaceuticals under the personal use exemption as set forth in the Chabot Bill, which was passed in November 1998. The Chabot Bill allows U.S. residents to import up to a 90-day supply of prescription pharmaceuticals without a valid U.S. prescription and up to a 50-unit supply of a DEA schedule II through V pharmaceutical without a valid U.S. prescription, provided that the pharmaceuticals are for the traveler's own personal use and the pharmaceuticals are in their original container.

We do encounter individuals who do not declare their medications and illegal substances such as steroids. These individuals try to illegally conceal them on their person, in their baggage and in their vehicles.

Question 10: What efforts does the Customs Service in your region take to keep local government, law enforcement, businesses and chambers of commerce informed of changes in policy at the border crossings and ports of entry?

Answer: We address these issues via public announcements, trade notices and meetings. Additionally, the Director of Field Operations attends quarterly Border Coordination Initiative meetings that include representatives from federal agencies, the U.S. Attorney's office, Arizona Department of Public Safety and various local policing authorities. Meetings are also scheduled between the Mexican and American Consul Generals to discuss Bi-National issues and the DFO is a member of the U.S./Mexican Customs Border Working Group. Each Port Director in the Arizona Customs Management Center meets regularly with city authorities and regularly attends chamber of commerce and other community meetings.

Rep. Shadagg
Rep. Sourder
From: Sue Krentz

RE: SUBCOMMITTEE CRIMINAL JUSTICE DRUG POLICY
BORDER PROBLEMS....

My name is Susan Krentz. I live on the Krentz Ranch located in Southeastern Arizona. My husband's family have owned and operated this ranch since 1906. Before Arizona became a State.

WE ARE BEING INVADED ALONG THE MEXICAN BORDER. The invasion is very serious.

In the spring of 1999, our truck was stolen 2 different times by illegals. One time there were 7 in the truck. The next time there were 21.

Yesterday, FEB.27, 20002. We had a baby calf of our killed and butchered in our corrals. On Monday, Feb. 25th we received some bred heifers and some cow and calf pairs. We worked the cattle on Tuesday Feb. 26th. One of the heifers calved and we choose to leave her and the calf in the corral until the calf was a little older and we would move them. These animals were in our corrals on our private property. This pasture is called the Hines Place and is located on the east side of Highway 80.

At approximately 4:40 p.m.
Yesterday my brother in law Phil Krentz went to our lower country, to check waters, put out salt and then feed the cattle we had at the Hines Place. When he reached the gate at the Hines Place he saw two individuals fleeing the building. Upon investigating he looked inside the building and found a calf leg on the table a fire on the floor and meat on a piece of wire cooking.

He immediately went back to his truck and called the Border Patrol he hollered at the illegals and went and stopped them at the gate on the north side of the pasture. He instructed them not to talk to him but to go back to the Hines Place and wait for the Border Patrol.

The Border Patrol agents arrived and continued to investigate the crime scene.

Phil also called our local Brand Inspector Hal Mortensen, who called his boss Jay Mortensen and the instructed Phil to report the crime to the COCHISE COUNTY SHERRIF'S DEPARTMENT.

We have pictures and have filed a statement as to the crime.

We had just purchased the heifer for $750.00 the day before and a selling point was that she was bred ready to calve. This is a loss of income to us as the calf she had is now dead.

The Border Patrol Agents did ask the two illegals one was 18 one was 19. Where they had put the rest of the calf and they said it was buried in the cottonseed, which is to the north west of the corrals. The rest of the body was then recovered. This is just one example of the illegals caught. But do to the unusual high death loss of calves as well as wildlife we assume that there is a lot more of this that goes on that is never proven.

1. Bring back and fund the RANCH PATROL. This part of the border patrol was a tremendous help to the ranchers.
2. We are being invaded only the border. This is a silent invasion but it is packing with it more than just people. We have diseases and the potential threat of NATIONAL SECURITY. Do not discount this recognizes this and does something.
3. We have to send a clear message that the illegals must come in to the country legally and not illegally. Our country cannot afford to be lax on this. We are facing a crisis on the border when it is projected that in 25 years.... 46% of the population of MEXCIO WILL LIVE ALONG THE BORDER. This is so serious we must act now.
4. OUR WATERSHEDS AND RIPARIAN AREAS ARE SO SEVERALY DAMAGED IT WILL BE AN INTERNATIONAL CRISIS IF YOU DO NOT DO SOMETHING. THE SPREAD OF DISEASE IN THESE AREAS ALONE WARRANT IMMEDATE AND SWIFT ACTION.
5. The environmentalists will use the ESA and the Jaguar and other transitory animals to keep our borders open and unprotected it is your responsibility to protect our borders and protect the sovereignty of the United States. Protect the jaguar in Mexico not in the US we have the laws that are already here to do this.
6. Remember this that the illegals are not just MEXICANS. People from other countries are invading us! We must face this fact and deal with it.

We have many other examples of threats, and damage and private property being destroyed. We in the UNITED STATES, as taxpayers, as landowners pay for this and we are requesting that you help protect our property, our borders and our HOMELAND SECURITY.

Thank you
Susan Krentz
Box 3592
Douglas, Az.
520-558-2252

# OFFICE OF THE SANTA CRUZ COUNTY ATTORNEY

MARTHA S. CHASE
County Attorney

Santa Cruz County Complex
2150 N. Congress Drive, Suite 201
Nogales, Arizona 85621
(520) 375-7780
FAX (520) 761-7859

February 20, 2002

Congressman Jim Kolbe
District V
2266 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Kolbe:

The increased presence of the U. S. Border Patrol has had a significant and positive effect on Santa Cruz County. In 1997, of 553 adult felonies filed, 407 were Mexican Nationals, here illegally. In 2001, of 513 adult felonies filed, 50 were Mexican Nationals, here illegally. Prosecuting illegal aliens is often more costly than prosecuting U. S. Citizens. Aliens must be kept incarcerated during the prosecution of their case, since release will result in deportation or Federal prosecution. Most are indigent and require an appointed attorney. In addition, they are unlikely to ever pay restitution to victims, fine, or reimburse the County for attorney's fees.

I believe that the reduction in the number of illegal aliens we encounter in the local criminal justice system is directly due to the presence and action of the Border Patrol. They also provide for public safety, not only in the obvious way, by apprehending undocumented aliens, but in other ways not so easily seen by the public. My office prosecutes many DUI's every year. These drivers are a serious danger to all the rest of the people on our roads and highways. The Border Patrol checkpoints have turned out to be a very effective way of spotting drivers under the influence and alerting local law enforcement. Their help has made this County a much safer place to drive.

I hope the above information is helpful. If you have any questions, or need any additional information, please do not hesitate to contact me.

Sincerely,

Martha S. Chase

Martha S. Chase,
Santa Cruz County Attorney

MSC/epc

SANTA CRUZ COUNTY ATTORNEY

**ADULT FELONY STATISTICS**

| YEAR | ADULT FELONIES CHARGED | MEXICAN NATIONALS |
|---|---|---|
| 1994 | 527 | ? |
| 1995 | 617 | ? |
| 1996 | 553 | 375 |
| 1997 | 559 | 407 |
| 1998 | 540 | 252 |

# Santa Cruz County Attorney

SELECTED WORKLOAD DATA

1998

| | |
|---|---|
| Total Felony Filings | 540 |
| Total Misdemeanor Filings | 342 |
| Total Juvenile Filings | 352 |
| Total Traffic Filings | 279 |

**Total Prosecutions 1513**

| | |
|---|---|
| Total Other (referred to another jurisdiction, extradition, furthered) | 553 |
| Total Declined (lack of evidence) | 550 |

**Submitted, not prosecuted 1103**

## BREAK DOWN OF MEXICAN NATIONALS FOR THE ABOVE TOTALS

| | |
|---|---|
| Mexican National Felony Filings | 252 |
| Mexican National Misdemeanor Filings | 14 |
| Mexican National Juvenile Filings | 70 |
| Mexican National Traffic Filings | 11 |

**Total Mexican Nationals Prosecuted 347**

**The above figures do not include bad check cases, revocations and forfeitures.**

# Santa Cruz County Attorney

SELECTED WORKLOAD DATA

1999

| | |
|---|---|
| Total Felony Filings | 550 |
| Total Misdemeanor Filings | 387 |
| Total Juvenile Filings | 345 |
| Total Traffic Filings | 266 |

**Total Prosecutions 1548**

| | |
|---|---|
| Total Other (referred to another jurisdiction, extradition, furthered) | 571 |
| Total Declined (lack of evidence) | 492 |

**Submitted, not prosecuted 1063**

## BREAK DOWN OF MEXICAN NATIONALS FOR THE ABOVE TOTALS

| | |
|---|---|
| Mexican National Felony Filings | 126 |
| Mexican National Misdemeanor Filings | 2 |
| Mexican National Juvenile Filings | 52 |
| Mexican National Traffic Filings | 3 |

**Total Mexican Nationals Prosecuted 183**

**The above figures do not include bad check cases, revocations and forfeitures.**

# Santa Cruz County Attorney

SELECTED WORKLOAD DATA

2000

| | |
|---|---|
| Total Felony Filings | 676 |
| Total Misdemeanor Filings | 587 |
| Total Juvenile Filings | 482 |
| Total Traffic Filings | 463 |

**Total Prosecutions 2208**

| | |
|---|---|
| Total Other (referred to another jurisdiction, extradition, furthered) | 572 |
| Total Declined (lack of evidence) | 649 |

**Submitted, not prosecuted 1221**

## BREAK DOWN OF MEXICAN NATIONALS FOR THE ABOVE TOTALS

| | |
|---|---|
| Mexican National Felony Filings | 90 |
| Mexican National Misdemeanor Filings | 25 |
| Mexican National Juvenile Filings | 31 |
| Mexican National Traffic Filings | 19 |

**Total Mexican Nationals Prosecuted 165**

**The above figures do not include bad check cases, revocations and forfeitures.**

# Santa Cruz County Attorney

SELECTED WORKLOAD DATA

2001 to October 22, 2001

| | |
|---|---|
| Total Felony Filings | 513 |
| Total Misdemeanor Filings | 389 |
| Total Juvenile Filings | 364 |
| Total Traffic Filings | 479 |

**Total Prosecutions 1745**

| | |
|---|---|
| Total Other (referred to another jurisdiction, extradition, furthered) | |
| Total Declined (lack of evidence) | 440 |

**Submitted, not prosecuted**

## BREAK DOWN OF MEXICAN NATIONALS FOR THE ABOVE TOTALS

| | |
|---|---|
| Mexican National Felony Filings | 50 |
| Mexican National Misdemeanor Filings | 7 |
| Mexican National Juvenile Filings | 7 |
| Mexican National Traffic Filings | 10 |

**Total Mexican Nationals Prosecuted 74**

**The above figures do not include bad check cases, revocations and forfeitures.**

Congressman Mark Souder – Chairman
Subcommittee on Criminal Justice, Drug Policy and Human Resources

Testimony of Gail Griffin

February 22, 2002

Thank you for coming to Cochise County and taking on this very important issue, illegal immigration.

As a former Arizona State Representative, I have been pleading for help on this issue for over five years now, and have seen little improvement to the situation.

I would like to address three (3) separate areas of concern that need immediate attention:

**First** – The illegal drug trafficking is tremendous. I personally own land in Ramsey Canyon (hummingbird capital of the world) a canyon just south of Sierra Vista. Someday, I want to build my home there. My neighbors have reported illegal drug activity, for a few years now. Vehicles are being loaded with bundles of marijuana…20, 30, 50 people (mules) at a time, all with 50 pound bundles of drugs on their backs. When calls are made to the Sheriff's Department, and when the Sheriff's Department radios/dispatches their officers, these illegals also have radios. They hear the Sheriff's office dispatching officers to the area and the smugglers know where to go to evade the authorities. These illegals carry Uzis and other big guns. Law abiding citizens sleep with guns by their side in fear for their family's lives. I used to take my granddaughter for hikes in this area, not anymore. I am afraid to go on my property. When I do, I always have someone with me and I carry protection. The trash left behind is another story… backpacks, clothes, food containers, black plastic and burlap sacks, hundreds of plastic water bottles, toilet paper and feces. You just cannot imagine this unless you have seen it first hand.

This activity occurs all hours of the night and sometime during broad daylight. Usually 10 p.m. to midnight, and 4 a.m. to 6 a.m. Neighborhood dogs bark all night, people live in fear.

Parents have to wait at school bus stops with their children regardless of age, because illegals are hiding in nearby washes, waiting for their pick-ups. Several times they were seen approaching the children until they saw the adults or the school bus approaching and they turned and ran away.

In other areas of Cochise County, homes have been burned/torched (arson) because the homeowners were verbal about this problem. Three murders in one area was a warning to others, they believe.

You see vans parked on the side of roads waiting for their cargo, both human and otherwise. Phoenix taxicabs are parked along roadways waiting for their fares.

Some teenagers have dropped out of school because they can make more money transporting illegals than working at Burger King,( $500.00 to $700.00 per illegal). It only takes a couple trips a week with four or five illegals and pretty soon they are driving new vehicles.

All these things and an announcement from a drug cartel that they are moving into the area have our American, hard working, law abiding, and god-fearing citizens scared to death.

**Second** – We don't know who is coming across the border. We don't know what country they are coming from. They come from all over the world, Russia, China, India, Central and South America, Middle East, and Islamic countries. Just last night I received a call that 69 Guatemalans were apprehended

"America's Most Wanted" came to Douglas a few months ago, and went underground. They aired a seven-minute segment on December 15, 2001. Terrorists are coming into our country, through Cochise County, Arizona. Yes, terrorists also know where the hole in the border is.

**Third** – Illegal immigration is not just about poor people coming to America to better their life style.

The sheer number of illegals coming into this country is astounding. We hear that the numbers are down. But, that's hard to believe with all the calls I get. Just last week out of 412 illegals, twelve were apprehended. That is what got counted, twelve illegals, what about the 400 that got away??

The drain on the healthcare systems, courts, and schools are absolutely skyrocketing. Do you know we are providing dialysis for illegal aliens? That's right, American citizens are without healthcare and prescription drugs and our government is providing dialysis for people illegally in this country. This is an outrage! Our hospitals are in financial stress, some a breath away from bankruptcy, our healthcare providers are pulling out of some areas, the cost of healthcare is out of reach for many of our citizens and we are providing free healthcare for illegal aliens.

We have American school buses stopping at the border, picking up children from Mexico and taking them to our schools. Who is picking up the tab? The American taxpayer. The schools cannot ask citizenship of students, only their address. This has to change!

Our court system is over burdened with illegals. Over one-third of the Cochise County Sheriff's budget is spent on illegal aliens coming into this country.

The answer is not only more federal funds to relieve the current financial problems due to illegal immigration, the answer is to stop the illegals at the border, before they become our burden.

We must insist that people wanting to come into this country, come in legally. We have a duty to protect our borders and the citizens within our borders. We have failed to protect the American citizens living along the border and in this great nation.

The drugs that are coming into this country, along our Arizona borders are ending up in your communities. The stresses on our healthcare systems are affecting healthcare policies in your communities.

This is not just a Cochise County problem, or an Arizona problem. This is a national problem. I am pleading for your assistance in this ever-increasing problem. Our borders are being invaded and it is your responsibility to stop it.

Thank you once again for taking your time to come to Cochise County, and for listening to our plea.

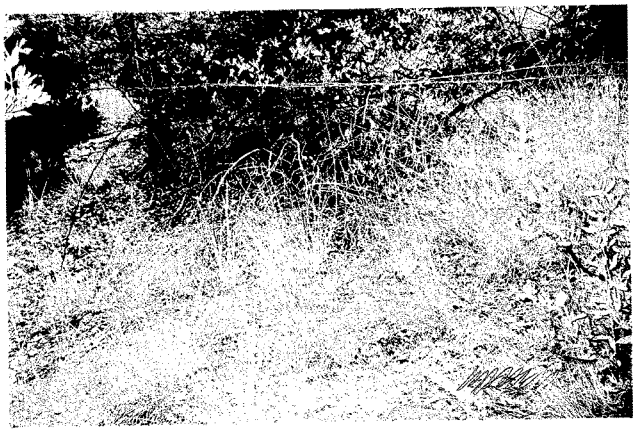
If you have any questions, please do not hesitate to call me.

Respectfully submitted:

Gail Griffin
P.O. Box 10
Sierra Vista, Arizona 85636

(520)458-5561 - Home
(520)458-4388 – Office
(520)458-1515 – Fax
[illegible]river.com

Burlap Bag (Dead) on Mesquite Tree



Cut fences

Trash

GAIL GRIFFIN
1700 WEST WASHINGTON
PHOENIX, ARIZONA 85007-2848
CAPITOL PHONE: (602) 542-5761
TOLL FREE: 1-800-352-8404

DISTRICT 8

COMMITTEES:
NATURAL RESOURCES, CHAIRMAN
FEDERAL MANDATES & STATES' RIGHTS, VICE CHAIRMAN
APPROPRIATIONS

**Arizona House of Representatives**
**Phoenix, Arizona 85007**

Previous Testimony

April 27, 1999

Testimony of State Representative Gail Griffin, District #8 State of Arizona before Senate Judiciary Subcommittee on Immigration
April 27, 1999

Senator Abraham and distinguished members of the subcommittee, thank you for the opportunity to speak to you today on this important issue.

I'm Gail Griffin. I have the honor of representing District 8, which is southeastern Arizona, it includes the southern border from Nogales and extends east to the New Mexico border. A majority of my district includes the Immigration and Naturalization Service's Tucson Sector.

The challenges and difficulties of illegal immigration has never involved such tremendous fear than the situation as it exists today. I share my constituents' frustrations as they continue to be overwhelmed with no end or solution in sight. The only analogy I can draw to describe the feelings is one of utter helplessness. You can only imagine placing a 911 emergency call, only to be told there is no help available.

The safety of the citizens of the United States, the enforcement of our laws, and the protection of our borders is a duty and obligation we can not shirk.

Officials from multiple levels of government are involved in the efforts to deal with this impending crisis. City, county, and state officials have reported tremendous strain on law enforcement, medical services, and our criminal justice system. Our local law enforcement officials are unable to turn the tide of vandalism, theft, and increasing confrontations.

The need for immediate intervention of federal law enforcement is emergent. The result of border incursions has been an increased flow of illegal narcotics, trespassing, destructive vandalism, home invasions, and thievery. Is it any wonder that residents, and particularly those who live in remote areas, are searching for other self-help methods to protect their families and their property?

Many area ranchers are third and fourth generation Arizonans and are respectful stewards of the land. They well know and appreciate the benefits of our close relationship to our Mexican brothers and sisters. My district includes one of the most culturally diverse regions in all of America, and we are proud of our heritage and respectful of our neighbors and responsibilities.

I am also concerned for the safety of the illegal entrants who are attempting to cross the border to seek work and are simply trying to better their lives and are migrating to the United States with good intentions. If steps are not taken to stem this crisis, I am fearful many more will be wrongly encouraged to attempt this very dangerous trip and border crossing.

Area ranchers and residents describe the "siege mentality" they are living with under each and every day. Things that we all take for granted, such as a trip with our spouse to town, must be planned to allow for one person to remain at home to protect personal belongings. Trash is strewn across fields, as if a rock concert had been hosted the night before. Equipment, trucks, and cars are stolen or destroyed and fences are cut. Livestock is stolen or killed. One rancher lost 13 cows in one year. They were shot, butchered, and left to rot. Homes are broken into. Residents are afraid to go out at night. One rancher tells of being beaten almost to death by illegals. Residents are afraid to sleep. They are prisoners in their homes.

Committee members, my constituents are pleading for help. What are they to do?

A recent incident involving the detention of trespassers by a property owner have led to calls for a federal civil rights investigation. I am outraged at efforts to label these families as vigilantes or extreme militants. Nothing could be further from the truth. I can assure you that the residents of District 8 include some of the most peaceful, law abiding citizens in the nation. I know these people. Their plea for immediate and substantial assistance from federal law enforcement authorities should prove they do not want to take the law into their own hands. Only quick and decisive action by the federal government will allay their fears and allow these patriotic tax payers the ability to return to the routines of their rural lifestyles.

I am awed by reports that the Tucson Sector set a record by apprehending 60,537 illegal immigrants in March of this year alone. Those numbers are nothing short of staggering. When a mass of six hundred illegal individuals recently attempted to move all at once across the border near Douglas, my constituents asked how they might be able to protect their families and homes if they were faced with a similar situation. Unfortunately with the limited law enforcement resources that currently exist in the area, there is little they could do.

We don't know who is coming across the border. Are they dangerous? Are they criminals, terrorists? Are they simply trying to better their lifestyles. Are they smuggling drugs or people? Do they need medical attention? Who are they?

Several residents have asked why their nation seems to be willing to protect others in the world before it protects its own citizens. The federal government's actions suggest that citizens on or near our borders are a lower priority than the international stories currently grabbing headlines. I believe their questions deserve answers. What are they to do? What are their rights?

This is not just a local problem, a county problem, or an Arizona problem. This is a national problem. A recent newspaper article reported 1,000 illegal immigrants, within ten days, were caught at the Phoenix airport with airline tickets to Chicago, Atlanta, and other destinations. Something must be done, NOW!

We must stop the illegal influx of individuals crossing our borders !

We must enforce existing laws and employer sanctions !

We must put smugglers of drugs and people behind bars !

We must consider and implement guest working visa programs !

We must increase resources on the border !

Thank you once again for allowing me to testify and for your efforts on our behalf.

Senator Kyl, thank you for successfully communicating our urgent call on this issue.

I am happy to answer any questions. Thank you

B.J. Kuykendall
RANCHER

2-22-02
SIERRA VISTA

**BORDER ISSUE**

**Wake up America…Every citizen in the United States of America is knowingly (or unknowingly) paying in so many ways because our laws are not being enforced. We are paying, not only monetarily, but with our health, our livelihoods, our emotions, and , in some cases, life itself.**

**LEGALITY is the one word that sums up this ludicrous and unnecessary problem dealing with porous borders and illegal immigration.**

**LEGAL immigration is acceptable to all. ILLEGAL immigration; employer sanction laws and limits on visas that are not being enforced; those ordered to be deported back to their home country that have not been mandated to do so; free medical care and illegals attending our schools, obtaining drivers licenses, voting and opening bank accounts; false reporting by the media; politicians who choose to avoid the issue or choose not to "cause waves" with our neighboring countries…..These things are NOT acceptable. The U.S. has the highest fraudulent document rate of any country in the world.**

**We are on the path to becoming a third world country…..A defacto Mexico….**

**The following is a condensed summary of documented facts. This summary focuses on the Arizona – Mexico border (specifically Cochise County). However; as previously stated, this is America's problem.**

**Time span – 5 years**

1. **Increase in OTM's (other than Mexican) crossing our border…The Border Patrol agents can verify that the OTM traffic has increased dramatically over the last year. Before Christmas, there was a 42% increase noted, with 10% coming from the mid-east. In the wake of 9/11, this should be a red flag. The chance of terrorists crossing easily across the border is high. A recent report issued by the Census Bureau estimates that as many as 115,000 people from Middle Eastern countries are living in the U.S.. To expand on this, somewhere between 8 and 15 million (no one knows for sure as the numbers increase everyday) ILLEGAL immigrants now live in our country. They are draining our resources…and we're letting it happen..INS has serious short-comings, but Congress and successive administrations, both Democrat and Republican have let it happen. Clinton was our worst enemy. The political concern over PR with our neighboring countries must end. Is this Mexico or America?**
2. **Health issue…No one takes responsibility for illegal health care. The hospitals, ambulance and air services, and other health care endities, are closing, or in danger of shutting down, because their resources are depleted. One rural ambulance was $18,000 in the red last year secondary to illegal health care and transportation. UMC Air Care in Tucson, Arizona documents $6 MILLION in un-compensated services last year related to illegal aliens. In the year 2000 Douglas Arizona's single hospital went bankrupt because of the unpaid bills. It's doors have stayed open, but the**

**budget problems are so severe, the hospital's nursing home was shut down. There is no OB/Delivery in three of our area's hospitals.**
**There has been a significant rise in drug=resistant TB, Hepatitis, unknown viruses, and other communicable diseases that were virtually eradicated in our country before this Illegal influx began. These people bring 3rd World country disease to our citizens that some of our doctors are not familiar with. Our canyons are painted with black, runny, human feces and toilet paper...Disease seeping into our ground water?..Very likely.**
**There are numerous illegal vehicular accidents; injury (and /or) death being the result.**
**Many of our citizens have their care delayed because our facilities have their hands full treating illegal immigrants free-gratis.**
**A good number of our legal citizens cannot afford health insurance..They die because of it...The illegals don't need it...They can't be refused treatment. Is Mexico , or any other country taking responsibility for their own? Of course not..They don't need to. We hand them all of their needs on a silver platter. By the way, that platter is spread with U.S. taxpayer's dollars.**
**Someday, we may wake up to no response from a 911 call or no place close to home to go for professional help in a life-threatning situation..Ironic...Isn't it?**

3. **Spoils of Disrespect....Our land is trashed. Millions of illegals have trampled our land down to dust and bed-rock. The human trails resemble giant snakes, crawling from the border to interstate access. Once the traffic reaches 25-35 miles north of Mexico...It's HOME FREE..Destination..Every state in our nation.**
   **Our livelihood is threatened..The fences are torn down, gates crushed by Vehicular traffic, water lines cut, animals killed or stolen, homes broken into And robbed.**
   **Tons (yes, tons) of trash; a foot deep and strewn for miles, is the norm. This Includes plastic jugs, blankets, clothing, backpacks, dirty diapers, cosmetic Items, syringes, medication, books, papers, plastic bags, take-out food containers, and of course, the human waste.**
   **The clean-up and repairs, are again, nobody's responsibility. We use our precious time , energy, and money to rectify the damage.**
   **The real estate within 30 miles of the border has lost it's value. No one wants land that is continually trashed by illegal intruders.**

4. **The Network....This whole illegal scenario has many facets; (a.) the illegals, themselves, who pay $800 to $2000 (in some cases, more) apiece for guidance and transportation into the U.S. (b.) The despicable "Coyotes" (people smugglers) who guide and transport these people for a price...Then, in many cases, leave them on an abandoned road or in the desert to die. (c.) The Spotters, who drive up and down the road with cell phones and radios, letting the "coyotes" know when the "coast is clear". These smugglers may be Mexican Nationals, gang members, or even our own good citizens making an**

**"easy buck". (d.) The mechanics, who scour the roads for disabled vehicles; fix them; and send another group on their way.(They repair the vehicles in broad daylight-not caring if the Border Patrol is watching..Because these people have green cards and are not doing aanything illegal…They are never apprehended.) (e.) Some of our own companies, businesses and corporations who send money for transportation and a promised job in the U.S. Tyson is just one who has recently been caught and given a mandate for hiring illegals..There are so many more that have never been given so much as a slap on the hand…Why?..Somebody tell us why..They are breaking the law…(f.) The "do'gooders", who aide and abet illegal activity. American citizens screwing their own country, and breaking the law because they are such "caring people" and so "politically and ethically correct"..This is not worth discussion. (g.) Drugs..Last but not least…Millions of dollars worth of drugs, smuggled into the U.S. every week, are a big part of this influx. The smugglers come in small groups, sometimes dressed in camos and carrying assault rifles OR they camoflauge themselves among the regular groups of illegals. This part of the network is the most dangerous. They "shoot-up" in order to deliver their load quickly. They have one goal in mind…Deliver the goods at any cost..This is big money..They instill fear and a sense of foreboding in all of us. We feel as if we live in a war zone on our own property. If possible, we keep a safe distance and call the Border Patrol..The response depends on availability of manpower..Which is extremely inadequate.**

**Note: All of us (even the children) carry firearms, radios, cell phones, and any means of protection or communication available, every time we walk out of our homes. Outside our doors (that are bolted and double locked) , we are acutely aware of any change in our surroundings…..We pray we will never be forced to take a human life…**

**5. PERSONAL EXPERIENCES…..Every facet of our life is threatened each day by this illegal invasion. (a.) My granddaughter and I were threatened with rape and everything that went along with that threat. We were literally chased down the road on our private property. (b.) Our ranch is in shambles. (c.) The illegals have attempted to steal our truck and our horses. (d.) They have come in the yard and looked in the the windows at night when our grandchildren are sleeping. (e.) A dead illegal was found by one of our dirt tanks. The man (about 30 years old) had been dead for 4-5 days. The body was not touched by any wild animals (In our country, this is very unusual in any instance, and suggests that the individual had more wrong than "exposure".. The cause of death stated by the County Coroner..even though there was never an autopsy performed). Wild animals are smart..They don't eat on a carcass that is "infected". Crows will usually pick on anything…Not so in this case…Speculation…but a point in question.. (f.) Following that incident, our Son-In-Law was diagnosed with an "unknown virus_…We almost lost him..He has recovered after extensive treatment, hospitalization and surgery..Our suspicions will remain with the illegal factor and health threat…But**

**can never be proven. (g.) Our neighbors have been threatened, robbed and their animals have been killed…**

**We all live with constant fear and anger…Not a good combination…**

## FACTS…..

1. **President Bush has made a strong statement against visa "overstays" in this country. Let's hope the INS follows through, and enforces the law. Bush is wonderful in so many ways, but until he "gets out of bed" with Vicente Fox, this fiasco will continue.**
2. **Hillary Clinton states illegal aliens associated with those that were killed at the WTC should receive compensation and should not be deported. They are illegal..ILLEGAL..**
3. **Kolbe has directed the Border Patrol strictly to the border, eliminating any interior response..He has also directed them to repair the border fence, and pay the cost of emergency care for illegals. We elected this man? He is one who has not given us the time of day on this issue and the problems we are faced with.**
4. **In 1986 approximately 3.2 million of the estimated 5 million illegals living in the United States were given amnesty. This group has been replaced by new illegals having more and more babies that are declared American citizens…This goes on and on…When will it stop?**
5. **The Border Patrol will verify that for every illegal apprehended, at LEAST 5 get away..The numbers reported to the public are only the apprehensions. EXAMPLE: On our ranch…From 2/11/02 through 2/18/02 approximately 400 illegals crossed our property…We know of 12 that were apprehended..The B.P. agents in the field lack manpower..They respond when possible..However, when the only available agents are over 50 miles away…It doesn't work….**
6. **Our border is porous…IT IS NOT SECURE…For instance, We are told the border is shut off to any illegal traffic…A 14 mile stretch may be manned and protected…However; the illegal traffic just comes around the perimeters..We are 34 air-miles north of the Mexican border…groups as large as 150-200 come through our property as we listen to the nightly news stating the decreased influx , and the great job the B. P. has done in protecting us from this invasion..A friend, 25 miles east, called in a group of 500 …500 that were not detected crossing the border !!**
7. **Atzlan…The takeover of the Southwest by Mexico.. is not a myth..Some of our stores are selling "Viva Atzlan" T shirts; there are flyers and bumper stickers with the same statement. The Mexican propaganda states that the take-over will occur without a shot from a rifle …"It will occur through politics and population"….Take a look at some of our communities…See for yourself.**
8. **Our Veterans have fought, and many died, protecting our borders from foreign invasion…FOREIGN INVASION…Explain this to them…**

9. **We have the technology, equipment and manpower close at hand..(If it is allowed to be used.) to protect our borders..Use it…Please use it…**

**WE WANT……**

1. **OUR LAWS ENFORCED**
2. **OUR BORDER CLOSED TO ILLEGAL TRAFFIC (MILITARY PERSONEL,TECHNOLOGY AND EQUIPMENT)**
3. **NO AMNESTY**
4. **NO GUEST WORKERS (HISTORY WILL PROVE..GUEST WORKERS BECOME PERMANENT RESIDENTS)**
5. **SEND THE ILLEGAL IMMIGRANTS HOME**

**B.J. Kuykendall**
**Cochise County, Arizona**

**Testimony of Larry Vance**
**Submitted to the U.S. Subcommittee on Justice, Drug Policy and Human Resources.**
**Representative Mark Souder, Chairman.**

22 February, 2002

I was brought to Douglas, Az. in September of 1963 when my Dad was transferred here from Nogales, AZ. He was an Arizona Highway Patrolman at the time & was given the choice of moving to Jacobs Lake in Northern AZ or to Douglas, which is located on the U.S./Mexican border in the southeast corner of the state. Douglas was his choice & as I grew up, I realized that it was the right choice for a number of reasons. The climate here is far better than the high cold elevation of Jacobs Lake because Douglas is 4000' elevation and is situated in a 30 mile wide valley between the Mule Mountains to the west & the Parilla Mountains to the east. A junior college was under construction at the time & the Douglas Public School system was reputed to be very good. Phelps Dodge Copper Corp. was operating a large mine & smelter in Cochise County, so good paying jobs were available in & around Douglas. The vast majority of the folks here were good old fashion working class families with copper being the major source of income & agriculture in the form of cattle ranches & grain crop farms running a close second. Crime, even for a border town was very low & most folks got along or at least tolerated each other.

Except for a small minority, everybody spoke English & was proud to be American. Looking back, it was mighty seldom that language posed a communication barrier unless we went south of the border. Only a small hand full of Hispanic folks could not speak at least some English. Most of the non English speaking Hispanics were Mexican Nationals who were north of the border on a work visas or another legal reason. As a teenager, I worked on the farms north of Douglas. As I recall, the Hispanic workers, whether American or Mexican, seemed to be somewhat embarrassed with the fact that they could not speak English, & I can recall several who made it a mission to learn the language of the land. I admire & respect them for that. My dear old Dad was born a Mexican National who at the age of 18 renounced his Mexican citizenship, naturalized as an American & joined the U.S. Air Force. He was brought to the U.S. at the age of 7 not speaking a word of English & was enrolled in school in Mesa AZ. In just 2 years, he spoke English as well as any of his American born peers & spoke with out so much as a hint of a Spanish accent. I did not grow up in a home where Mexican holidays, culture(except for Mexican food) or language was put before those of America's. My Dad would not speak Spanish in our home, but when we would cross the border, he spoke just like any other Mexican. I asked him one day why we didn't speak Spanish at home & why he did not pay attention to Mexican holidays like some of our Hispanic neighbors. His reply really hits home with me today. "We live in America. We are Americans. You boys(he was referring to my 2 brother & me) are very fortunate to be born in such a good & decent country. If it is to remain such a desirable place, then everybody has to respect it's customs, abide by it's laws & speak the English language."

In 1970, my folks bought 20 acres located 1 mile north of the border & 3 miles west of Douglas. It was seldom that we saw anybody coming north who had illegally crossed the border. We

would hear of an occasional burglary in the rural community back then, but the few illegals that we saw during the first few years were workers headed north. My folks always gave them water if they needed it & on a few occasions gave hungry individuals food. Several times aliens who had crossed our place headed north in the spring would take the same path south in the fall. Dad would usually talk to them for a few minutes when they stopped by for water. One day I asked him why they snuck back into Mexico the same way that they snuck into the U.S. He explained that the Mexican port authorities were some of the most disrespectful thieving SOBs around & that they take part of the money that people take home after working a season over here. I still recall how irritated Dad would get when he had to pay "mordida" to the Mexican officials each time that we went to visit relatives down in Chihuahua.

I got married in May of 1974. My Parents gave my wife Toni & me 5 acres for a wedding gift. Since I had just gone to work at the Phelps Dodge copper smelter located a mile from the place, Toni & I put a mobile home on our land & started putting down some roots. It wasn't long & we had ourselves a comfortable little home. My folks lived just down the road, my job was just a few minutes away & life was great except that illegal aliens were starting to cross the border to burglarize homes in & around Douglas. Several times in late '74 & early '75, we had to chase aliens away from the place. It got real nasty one cold March night in 1975. An illegal with his band of thieves tried to raid my home. It nearly cost one of them his life when he kicked the front door of my home in during the burglary attempt. I responded in a lawful manner which sent him to a local hospital with 2 bullet wounds. Rural burglaries stopped for a while, at least in my area. Problems with illegal border jumpers continued off & on in & around Douglas for the next decade. A local ranching family got into some serious trouble in the late 70's when they, after repeated burglaries, took matters into their own hands. I was finally burglarized in 1980. Two Mexicans got off with some items from my home. Mom, Dad, my wife Toni & I decided that despite the problems with border burglars, life was still bearable out here. We still had a private little area & we could adapt to the border problems with a little ingenuity & grit. I was burglarized again in 1982. I had a yard full of dogs at the time that alerted my dad to the problem at my place. My mother immediately notified me at work. To make a long story short, plans for just such an event paid off. I left work & after a chase apprehended one of the two thieving illegal aliens. This thief was charged with 12 felony counts related to the burglary because he tried to assault my dad with a large knife as he ran from my home. His case was plea bargained down to one count of attempted burglary by a liberal County Attorney who recommended a formal deportation(which doesn't amount to squat & is one of the reasons that foreign nationals don't respect America's laws). According to the superior court judge who presided over the case, it was only because I took the time off from work & presented compelling testimony, that this individual was sentenced to 5 years in prison. My actions created a bit of a howl by so called alien's rights groups, but it stopped most of the problems in this area for my neighbors & me for a number of years. Mexicans bent on causing problems gave my area a wide birth & it was only occasionally that we would see illegal aliens, & they were most often workers headed north. In 1993, things began to get bad, real bad.

Bill Clinton moved into the White House. Almost immediately we began to see an increase in illegal alien traffic. The occasional group of 3 or 4 became groups of a dozen or more. The frequency increased gradually as well. By 1996 we were seeing groups of aliens numbering from

a dozen to 30 or so. I asked a Border Patrol friend why there was such an increase. He told me that Clinton had gone to Mexico & assured Presedente Zedillo that there would be no mass deportation from the U.S. He also told me that there were some major projects under way to control the border around El Paso, Texas & San Diego, California. When I asked him if anything was being done to improve enforcement here he stated, " well, we've got 40 agents now....."

By 1998 the border jumping problem had become much worse. It became common to see more than 100 illegals per day. It was getting hard to sleep at night because of all of the commotion. Aliens would come right through the property, knocking down fences running over our places as if it were their own & several times coming to my house or my parent's house in the middle of the night to ask for a ride or for the use of the telephone to call new York, Phoenix, Chicago or some other place. I was offered large sums of money on several occasions to drive aliens north. They could not understand why I would cuss them for such disrespect & stupidity. Property damaged or theft became a common occurrence. I had a remote water spigot at the back of my property to provide water for my horses & toher wildlife. Alien smugglers discovered the faucet & soon started using it to top off water bottles for the hike north. The problem wasn't so much that they would get a drink of water, it was that they had to leave it on or break it. After repairing it several times, I removed it . The wildlife had left the area anyway because of all of the human activity. I was forced to keep the horses in small stalls near the house to prevent their escape through damaged fences. The illegals were leaving garbage, discarded clothing & feces all over the pasture so we rented a Caterpillar tractor & stripped all of the brush from the back 12 acres to deny hiding spots for the unwelcome interlopers.

In March of 1999 I organized a group of local citizens & we started contacting elected officials & news organizations. I wrote a letter explaining the gravity of the situation & sent it, signed by 237 area residents, to every politician from Clinton to the Cochise County Board of Supervisors & to about 30 news organizations. Things were way out of hand. Residents living in town, out of town & on the farms & ranches were living like prisoners in their own homes. My dad & I built 6' chain link fences around our houses, installed burglar alarms, window & door gratings & began using 2 way radios at night so that we could communicate between houses if phone service was interrupted. We made certain that someone was on the property at all times. Most all area residents began to carry firearms because there were almost daily reports of rapes, robberies & beatings of aliens by bandits who came from all over to pray upon them. Several citizens were assaulted by border bandits & the smugglers were becoming more brazen & aggressive. My wife, who had never cared for firearms asked me teach her to safely handle a pistol. She was so spooked by this invasion that she started carrying a .38 caliber revolver. The Douglas Border Patrol agents were making nearly 1000 arrest per night on or near my family's property . If we got more that 4 hours of sleep per night, we were lucky. There were many nights that, since sleep was impossible, I would climb a tower that I built in my back yard with a bottle of coffee, a cell phone & a set of night vision binoculars. One night in particular, after being awakened several times, I climbed the tower & looked to the southwest with my Binocs. Within 5 minutes I had spotted 4 different groups of at least 30 in each group. I called the Border Patrol & made my report. The agent on the phone was looking at the monitor of a remote camera tower that had been installed east of my parents house. She quickly found the groups that I had seen, then told

me to look farther to the west. There was a single group of 124 individuals headed north. She dispatched one female field agent who was the only agent available at that moment to the area. I watched her arrest the whole group of 124. The other four groups simply walked right on by. I was told that night by an agent that if they caught 1 in 12, they were doing well. This scenario repeated itself night after night for more than three years. The worst three years were '98, '99, '2000. Many other points along the 82 mile Cochise County border enduring similar action & it still continues today in the more remote areas.

In 1999 my Dad's health was failing and on December 16th, 1999 he passed away. I will always believe that the stress caused by the illegal alien problem was a factor in his death. My Mom was so stressed that for a while I was afraid I would loose her too. In November of '99, the smugglers had decided that my dogs were making it too difficult to sneak through my area, so they tried to poison them. They were successful in killing my best dog. Shortly there after, my horse got sick & died. I acquired some new pups that caught on quickly. They would bark at the slightest hint of an alien. I march of 2000, the smugglers made an attempt to poison my new dogs. The two pups got deathly ill right away(it took a month & over $400 to save the dogs). Two nights laters, I was awakened by my nephew's horse and my remaining dog just after midnight. I looked out the back window & saw a man approaching my yard fence with a sack. I new his intention was to poison my remaining dog. I bounded out of the house in my underwear with a flash light in one hand and a 44 magnum revolver in the other while yelling every insult & threat that I could think of. He headed back over my property line fence & south as fast as he could. My wife called the Border Patrol but they were unable to catch him. Never in my life was I so close to killing another human out of anger. I'm not made that way & that emotion scared the hell out of me, but the constant lack of sleep & unending agitation by the unending tide of illegal aliens was taking it's toll. My life had turned completely to crap! These masses of people were running over us every day & night. It seemed like I could not function from the constant lack of sleep, worry & my recent losses. I was working 12 hour days on 3 to 4 hours of sleep.

Every news paper & magazine it seemed had articles lying about vigilantes & boo-hooing over the plight of illegal aliens. My government was doing every thing that it could to encourage more illegals to cross & my tax burden was getting heavier to support all of our new "immigrants" while Clinton was trading our sovereignty for votes & throwing away the English language by declaring the U.S. is a multi-lingual nation. Every hospital in southern Arizona was operating in the red due to the required treatment of illegal aliens who were being injured in accidents on the back roads almost nightly. Pregnant Mexican women were waiting outside of every hospital emergency ward until birth was imminent so that she could receive free birth care for her new American baby that would bring her a healthy American check each month. Mexican ambulances were & still are transporting critically injured or ill Mexicans across the border to our hospital where they receive free medical help. Mexico has threatened legal action against any American who dares to lift a finger to try to stop this invasion while demanding amnesty for all Mexicans illegally in the U.S. Now a few Republicans have jumped on the band wagon to reward illegal border crossing & acquisition of fraudulent documents & benefits with **amnesty**. (I wonder if they will grant me amnesty if I turn to illegal means to improve my financial standing.) Our schools are full of foreign students whose parents demand that they be taught in their native language & that Americans respect their culture.

Our Border Patrol has been all but neutered by stupid policy decisions & micro management from Washington. All of its effective tools like auto & home seizures have been taken away at the behest of American cry babies & Mexico City. It is very difficult for the B.P. to make an arrest that will get prison time for the law breakers. B.P. agents are routinely assaulted by illegals or their smugglers. Last year alone there were 16 different incidents where aliens pelted agents with rocks . There were 5 that resulted in serious injuries of agents & one where a rock actually severed an artery in an agents face.

Today there is approximately 500 agents working at the Douglas station (which was built in the mid 80's for 35 agents). Attrition because of high demand, low moral & the sense by the agents that they are not allowed to do their jobs keeps that work force young and relatively inexperienced. That inexperience coupled with poor upper management, low moral, lack of air & adequate technical support greatly reduces their effectiveness. Although alien traffic has slowed considerably around my home thousands still make the nightly journey through less guarded stretches of the border.

America's borders are sacred ground & we must enforce our borders & jealously guard our sovereignty & security. For far too long, anybody or anything can be smuggled through Mexico into the U.S. for the right amount of money. Our immigration laws must be enforced at the borders & in the interior. Violators must be severely punished. Without meaningful border enforcement Mexico will continue to dump it's poor, unemployed, uneducated, ill & undesirable citizens into the U.S. The rest of the world will continue to follow suit & more terrorists will join those who have found entrance to be so easy through Mexico. How many more 9-11 attacks will it take to make my government take it's first & most important responsibility serious?

Thank you for your attention to this important matter.

Sincerely,

Larry Vance
2890 West Calumet Rd.
Douglas, AZ. 85607

## The U.S. Military on The Border

**TESTIMONY OF BEN L. ANDERSON JR, SUBMITTED TO U.S. SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES, REPRESENTATIVE MARK SOUDER, CHAIRMAN.**

February 22, 2002

Sirs:

My name is Ben L. Anderson Jr.; I am a resident of Cochise County, Arizona. I served my country for almost 3 decades as a soldier and officer in the U.S. Army.

I have no personal interest in illegal immigration or in U.S. drug policy except as a patriotic citizen of the United States. I am not being paid or influenced by any entity whatsoever for my testimony submitted to you this day.

The US/Mexico border situation in Cochise County, Arizona has been and remains out of control. Briefings by US Border Patrol senior authorities do not reflect reality and the Border Patrol's credibility in this regard has been in question by the local citizenry for years. The measure of success is not how many illegal aliens the border patrol catches and re-catches. The measure is how many they missed and how many illegal aliens successfully penetrated into the interior of the United States. Currently, ranchers and other knowledgeable citizens estimate the apprehension rate has decreased from 1 in 5 to 1 in 10. Thus, any apprehension statistic quoted by the Border Patrol must be multiplied ten-fold to ascertain the failure rate. There is no known measurement standard that calls 10% a passing grade.

Documentation by various US government agencies to include the GAO; numerous civilian organizations; the media - print, radio and TV; American citizens along the border and congress itself have proven without any doubt that the current and programmed INS/Border Patrol structure will not be able to contain the illegal alien invasion from Mexico.

No amount of funding or manpower increases can fix the Border Patrol structure, organization or operational shortfalls in a timely manner. The Border Patrol was simply never envisioned to face such a daunting threat. It cannot be "grown" to the task in any reasonable timeframe.

However, the mission of protecting US national border sovereignty remains and the mission cannot be compromised given the threat to the national security, the economy and American culture and values. The chaotic border situation reflects a significant weak link in national security at a time in history when uncontrolled access to the American Homeland by terrorists, illegal aliens and

drug traffickers can have demonstrated horrific repercussions as witnessed in the WTC and Pentagon attacks.

Our nation remains on constant terrorist alert, yet a multi-thousand mile border with Mexico -- a 3rd world country noted for corruption at all levels in most of its agencies, drug trafficking, general lawlessness and mistreatment of its own underclass -- remains like a sieve. It is a moral imperative that appropriate measures are taken to seal the border and contain this invasion.

The United States Military is well structured, manned, funded, trained and capable of quickly accomplishing the mission. There is no need to tell our nation's superb military how to do anything. The command structure, when given the task, will quickly be able to task organize its assets in an efficient and cost-effective manner. The US Military has accepted many a new, difficult, distant and often non-traditional task with alacrity and succeeded. Desert Storm and the current Afghanistan mission are but examples.

It is not the military that needs instruction on how to do any of its tasks. It is the congress that needs to educate itself as to the feasibility of the mission. Regrettably there are members of congress who are not versed in border denial operations or basic military matters, and who, in their ignorance, do a disservice to the nation by refusing to consider the military option.

Our military has decades of experience in border security missions - from 1945 till the collapse of the Soviet Union in Europe, from the end of open hostilities in Korea and continuing in to this day, and Bosnia and Kosovo, etc. In fact, the American military is the world's expert and protecting other nation's borders. It is time that unique experience is used at home where it is sorely needed.

There is no need for large military units, or heavy equipment or tracked vehicles such as tanks, artillery or armored personnel carriers; or heavy weapons or any equipment that might be ecologically destructive. Light forces with rapid airmobile (helicopter) mobility can cover large remote border areas with minimal assets while freeing up limited Border Patrol assets to concentrate on congested urban areas or where their particular expertise is needed.

In southeastern Arizona, where the main concentration of illegal alien and drug traffic exists, the stationing structure already exists for rapid deployment. Ft. Huachuca provides a perfect location for border operations of any needed military units.

Military engineer units from the active and reserve components can rapidly emplace requisite fencing in areas where needed. Units (active and reserve) can be rotated to maintain the operational tempo of other Department of Defense missions. The task is simple and requires very limited training, if any at all. Standard "rules of engagement" suffice.

Concurrently, INS and Border Patrol forces can take on their mandated task of searching out illegal aliens within the county and repatriating them to their country of origin.

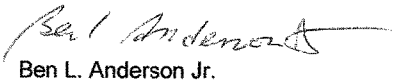
Finally, the military would be genuinely welcomed by the local citizenry who are frustrated at the unsatisfactory state and national response to the problem.

It is a wining situation for the military, for the local citizenry, the state and the nation.

In light of the current and programmed INS/Border Patrol structure's inability to contain the illegal alien invasion from Mexico - I urge strong consideration of a military option in southeastern Arizona, if not across the entirety of the US/Mexico international border.

Any attempts to deny protection of the United States sovereign borders on the basis of any Posse Comitatus nonsense is trumped by Article IV, Section 4 of the U.S. Constitution.

Respectfully,



Ben L. Anderson Jr.
Colonel, USA (Infantry) (Retired)

947 Calle Camellia
Sierra Vista, AZ 85635
(520) 439-4627
blair@c2i2.com

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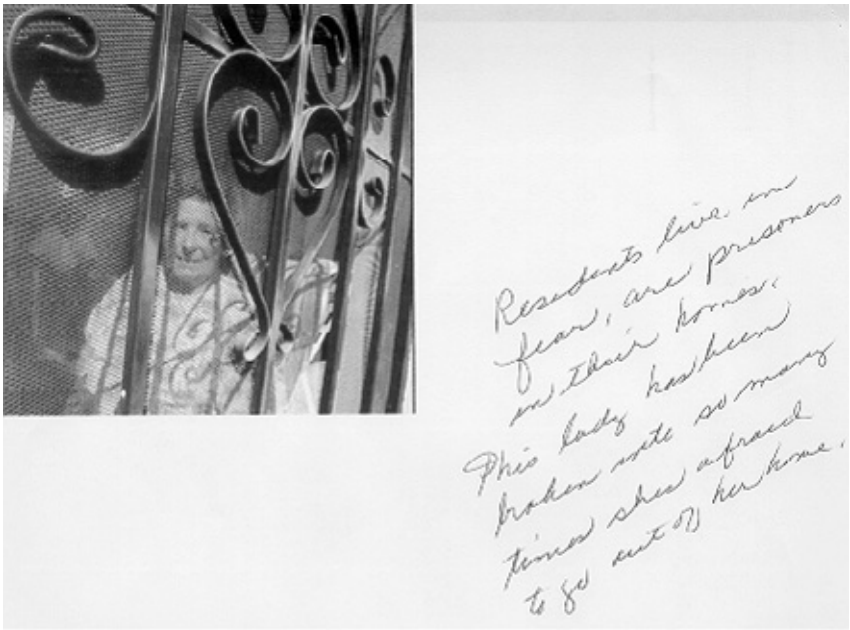
Residents live in
fear, are prisoners
in their homes.
This lady has been
broken into so many
times she afraid
to go out of her home.

Photos of cattle shot and butchered on the Miller Ranch north of the Mexican border, east of M

TESTIMONY OF DAVID J. STODDARD,
SUBMITTED TO U.S. SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES, REPRESENTATIVE MARK SOUDER, CHAIRMAN.

February 22, 2002

Sirs:

My name is David J. Stoddard; I am a resident of Cochise County, Arizona. I served my country for 30 years, first as a soldier in the U.S. Army and then as U.S. Border Patrol Agent for 27 years.

I have no personal interest in illegal immigration or in U.S. drug policy except as a patriotic citizen of the United States. I am not being paid or influenced by any entity whatsoever for my testimony submitted to you this day.

There has been a great deal of debate recently over needed changes in U.S. Immigration Law. The United States has the most liberal immigration policies in the entire world. Our laws are designed to protect the American public from criminals, subversives, terrorists, disease, the insane and from those who are likely to become public charges. There are no U.S. laws designed specifically to exclude any deserving person from legally immigrating to the United States. Any person may legally immigrate unless he or she falls within an excludable class. This is for the public good. If existing laws were enforced as intended, there would be no need for new laws.

Currently the United States admits more people as immigrants, refugees and asylum seekers than all the other countries in the world combined. Right now one-fifth of the U.S. population is a foreign born or dependant child of foreign born residents. Since the 2000 Census, the population of the United States has increased by 3 million people according to the U.S. Census Bureau.

According to various Mexican media and official Mexican government sources, the country of Mexico has 18 million of its citizens residing illegally in the United States at this very minute. Mexico claims to have 30 million persons of Mexican decent in the United States. I have no reason not to believe these claims.

According to official U.S. I. & N.S. estimates, Mexicans comprise only 54% of the total number of illegal aliens within the United States. Again, I have no reason to dispute these figures. I hope this gives you some kind of perspective as to the great influence illegal immigration has upon our society.

Since I have lived and worked on the Mexican border all of my life, I am most familiar with the problems presented by illegal Mexican immigration and I would like to focus on that aspect.

-According to former Chief of Police, Ruben Ortega, 80% of the street level drug

dealers in Salt Lake City, Utah are illegal Mexican Aliens. I believe we can extrapolate that percentage to any major city in the Southwest.

-According to the U.S. Bureau of Prisons, 24% of those incarcerated in the United States are foreign born, most of them Mexicans.

-According to the California State authorities, that state must build the equivalent of one grammar school a day in order to accommodate the population growth of school aged children, again, largely due to illegal immigrants, most of whom are illegal Mexicans.

I submit to you that Mexico has instituted policies which encourage its citizens to sneak into the United States.

For example:

-Mexico has discontinued the government subsidies for propane, diesel, tortillas, beans, electricity, housing, bread and commodities for poor people.

-Mexico has opened additional consulates in practically every state in the union in order to assist its citizens obtain U.S. benefits, "rights" and to assure legal help in the instances of "discrimination" in employment, law enforcement and in any other legal matter.

-Lawyers retained at the behest of Mexican officials quickly take civil action against any U.S. citizen who chooses to protect himself or his property against illegal Mexicans. This is designed to deter any interference by U.S. residents in the free flow of aliens and drugs across our borders.

-Mexican school children, from the primary grades, are taught that the United States "stole" (from Mexico) the land now called California, Arizona, New Mexico, Texas, Colorado and Utah. Furthermore, these children are taught that were it not for the United States "stealing" California and the gold therein, that Mexico would be a superpower today. I have heard that with my own ears. That is no exaggeration.

-The President of Mexico actively encourages its citizens to illegally emigrate to the U.S. and in fact frequently refers to those who do so as "heroes".

-I can give you the names of eight high-level Mexican politicians who have left office in the last decade with a minimum of $700 million each. These ill-gotten funds could have been used for the good of the Mexican people.

Based on the above facts, I see no reason for any change in U.S. immigration laws. But I see a great need for change in the way Mexico imposes upon the United States. The American people are expected to provide free medical care,

housing, education, food and other basic needs to illegal Mexican aliens. These are all services that should be provided to our own elderly, handicapped and poor.

I do see a need to alter the way in which the United States administers its immigration laws however.

Currently the same administrator dictates enforcement and services. Under Doris Meissner, the INS became a service-oriented organization because Ms. Meissner considered all aliens, legal and illegal as her "clients". Enforcement under the U.S. Border Patrol became non-existent except for a narrow corridor along the border. This encouraged illegal aliens to keep trying until they were successful in traversing that corridor beyond which they could live and reside as long as they wish and do whatever they want, while the services branch of INS does everything it can to make their status legal. This status quo has not changed under INS Commissioner James Ziglar.

This is a schizophrenic approach, which does not, never has and never will work. The INS must be separated into two agencies, one to provide services and the other for enforcement purposes. The U.S. Border Patrol must be allowed to do its job in strict accordance to the law without regard to political correctness and without regard to state, city and local boundaries. This is the only way we can remain a sovereign nation. We cannot allow a foreign nation to dictate our immigration policy, which is the current standard. Either an alien has legally entered the United States or he has not. The legal alien is entitled to benefits and services. The others are not. Every single person who has sneaked into this country made an informed decision to violate the laws of this country and has accepted the risk of detection and deportation. None of them should be allowed to reside in the U.S. without first exiting and making a legal application for entry in order to screen for criminals, the insane, subversives, terrorists and disease.

The U.S. Border Patrol simply cannot handle its mission under present restraints. Its job is to protect the American public and preserve the sanctity of our international borders. That cannot be accomplished while our borders are over run by aliens of every nationality and while bureaucrats place unreasonable restrictions on how agents operate.

-I urge the immediate deployment of U.S. military troops and equipment on our borders to seal them against those who would cause us harm. This could be only a temporary measure to allow us to regain control to again become a sovereign nation.

-I urge the separation of the U.S. Border Patrol into a separate agency responsible for the detection, interdiction, arrest, prosecution and/or deportation of drug smugglers and illegal aliens. An experienced enforcement officer whose primary purpose is to protect America and American citizens must run this separate agency. That separate agency must have its own budget and control

its own spending. This would assure that the law enforcement agency doesn't have to dance like a puppet at the whim of a non-law enforcement entity with an agenda of its own operating the purse strings. A professional law enforcement agency must be in total control of enforcement, (with Attorney General and Congressional oversight, of course), or political special interests will exercise undue influence as has been the case with the Border Patrol for the last 78 years.

I realize I cannot be more specific and detailed due to time restraints, so I respectfully submit this to you at this time.

Sincerely,

David J. Stoddard

PROPOSED LEGISLATION
IN the ARIZONA LEGISLATURE
2002

PLEASE NOTE: In most BUT NOT ALL instances, the page and line numbering of bills on this web site correspond to the page and line numbering of the official printed version of the bills.

REFERENCE TITLE: border controls

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

# HM 2003

Introduced by
Representatives Graf, Farnsworth, Blendu, Pearce, Pierce, Nelson, Johnson, Huffman, Gullett, Marsh, Cooley, Senators Martin, Bee: Representatives Allen, Anderson, Binder, Brimhall, Cannell, Carpenter, Carruthers, Chase, Clark, Flake, Foster, Gleason, Gray, Hanson, Hatch-Miller, Hershberger, Huppenthal, Knaperek, Kraft, Leff, May, McClure, Norris, O'Halleran, Poelstra, Robson, Somers, Tom, Tully, Voss, Weason, Weiers, Senator Bundgaard

A MEMORIAL

URGING THE CONGRESS OF THE UNITED STATES TO CONSIDER LEGISLATION THAT WOULD PROVIDE GREATER FEDERAL RESOURCES TO BORDER STATES FOR BORDER ENFORCEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

HM 2003

To the Congress of the United States:

Your memorialist respectfully represents:

Whereas, illegal immigration has reached record levels, with some estimates placing the overall illegal immigrant population at between five and ten million individuals. This results in annual costs to society estimated in the billions of dollars due to the extra funds spent on education, health care, welfare and corrections programs; and

Whereas, the nation's border states, including Arizona, are particularly hard hit by the influx of illegal immigrants across their borders. Among the more serious problems that accompany illegal immigration are increased drug smuggling and crime; and

Whereas, this state does not condone the illegal immigration of individuals into this country and it supports the efforts of the United States Immigration and Naturalization Service (INS) and its enforcement arm, the Border Patrol, to vigorously enforce the immigration laws of this country; and

Whereas, while the INS and Border Patrol are charged with enforcing current immigration laws, those laws do not go far enough toward preventing the illegal entry of immigrants into this country, requiring border states to rely on their own resources to combat this growing problem; and

Whereas, state resources would be less strained in the fight against illegal immigration by the provision of federal funds to increase border patrol measures in border states. Further, congressional action to expand the scope of the Posse Comitatus Act to allow greater military involvement in the patrolling of United States borders would give states much-needed assistance in preventing the entry of illegal immigrants and in fighting terrorism, drug smuggling and crime problems; and

Whereas, Article IV, section 4 of the Constitution of the United States states that "The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion." This confirmation of our National Sovereignty validates this request for additional resources to protect our borders from illegal immigration and the harmful crime and drug problems that accompany it.

Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

1. That the Congress of the United States introduce and enact legislation that would increase effective border controls, including the provision of greater funding for border states and laws that would allow for increased military presence along this nation's borders.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

**Thomas E. Rochford**

1280 W. Target Range Road
Nogales, AZ 85621

February 21, 2002

The Honorable Mark Souder, Chairman
House Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources

Dear Sir,

I hope to attend your subcommittee hearing at Sierra Vista, Arizona on Friday, February 22, 2002 for the purpose of hand-delivering letters from several Nogales and Santa Cruz County residents regarding the operations of the Tucson Sector of the U.S. Border Patrol.

It is our understanding that Mr. Harlan Capin of Nogales is the only representative of the private sector who has been invited to testify at this public hearing. Mr. Capin's criticism of the Border Patrol's efforts to control our southern border is well known to all of us, and we do not want your subcommittee to think that his views are shared by the rest of our community.

Acting on behalf of the Santa Cruz County Citizens' Advisory Board, U.S. Border Patrol, I deliver these letters from several of our leading citizens and respectfully request that you enter them into the official record of this hearing.

Whether or not you choose to regard them as official testimony, we hope that you will take the trouble to read them carefully because we have good reason to believe that they express the true feelings of the voters who actually live here on our border with Mexico.

Thank you very much for your consideration.

Sincerely yours,

Thomas E. Rochford

Thomas E. Rochford
Vice Chairman, S.C. County
Citizens' Advisory Board,
U.S.B.P.

cc: Congressman James Kolbe
Susan Clarke Morales, Chairperson, CAB
Kevin Stevens, Patrol Agent-In-Charge,
Nogales Station, U.S.B.P.

**Susan Clarke Morales**
**P. O. Box 7227**
**Nogales, Arizona 85628**
**(520) 377-9632**

House Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources
Chairman Mark Souder

Dear Chairman Souder:

In expectation of your hearing on February 22, 2002, in Sierra Vista, Arizona, I am requesting the following be made part of the record of testimony taken from border residents.

I am a fifth generation Nogales native. Our family has owned and operated a cattle ranch that is located on the US-Mexico border since 1872. Over the last 130 years, our family has witnessed and lived with changes on the border from there being no boundary fence to the current critical situation of illegal drug smuggling, threats of terrorist infiltration, cruelty to illegal immigrants by those profiting from human suffering, destruction of federal and private property and increasing encroachment of criminal elements through our ranch and into our region. When the appropriate measures were taken, the area became a much safer place in large part because of the presence and operations of the U.S. Border Patrol. Prior to that time, the Nogales area suffered as our government did not control the illegal immigrant flow through our area. The measures and procedures employed by the Border Patrol are not only necessary for our area but imperative for the added border security they provide our nation.

I have faith in the Border Patrol's ability to fulfill their mandated obligations to the American public who demand safety, security and enforcement of our laws. Disconcerting and disturbing to many area residents, and most especially those who live on the front lines, is the prohibition placed on the Border Patrol from improving conditions and functionality of the Checkpoint on I-19. Interstate 19 is a major corridor of commerce for our area, State and country. It is of such importance as to be designated part of the CANAMEX Trade Corridor, a major link of commerce among Mexico, the United States and Canada. Currently the temporary checkpoint requires that traffic be stopped off the Palo Parado off ramp, an ineffective, unsafe congested scenario. Imagine if you will an additional 33,000 – 88,000 commercial trucks traveling on I-19 as a result of the CANAMEX project's advent being required to pull off the freeway. Should a permanent checkpoint not be constructed, our area will continue to lose market share to other ports in Texas, California and New Mexico where the federal government has made the investment to provide permanent checkpoints for facilitation of trade and as a deterrent of criminal activity.

Most importantly, I-19 is also without a doubt the most vulnerable and open corridor for criminals, drug smugglers, illegal immigrant smuggling and terrorist infiltration on the southwest border. It is the obligation of every citizen to do his/her part in advancing the security of our borders. It is the obligation of our Congress to ensure that all measures are taken to protect our citizenry, our country, those traveling our highways, our law enforcement personnel and those foreign nationals being exploited as human cargo. It is irresponsible and immoral to expound an open border policy at this time of our tragic American history.

I request that the Border Patrol be given the proper tools to maintain its responsibility to control the border. The citizens of Santa Cruz County deserve nothing less than the best available checkpoint configuration. Our nation not only deserves it, but our people demand it.

Sincerely,

Susan Clarke Morales

Susan Clarke Morales

**James E. Price, Sr.**
**160 E. Price Hill Road**
**Nogales, AZ 85621**
February 21, 2002

Representative Mark Souder, Chairman,
House Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources

Dear Sir:

Attached please find my January 25, 2002 letter to President Bush regarding the security issues we face here on the front lines of national security. This situation did not begin on September11, 2001. The actions on that day only brought a long-standing problem into closer focus. I request that this note and the attachment be made part of the congressional record.

At a recent town hall hosted by Rep. Kolbe in Green Valley, my wife and I both tried to be heard regarding the matter of a site-built check point, but Mr. Kolbe, who was generous with time afforded to one of his supporters from Tubac, completely ignored us. Consequently, we asked for a personal audience with his congressional aide Pam Harrington. She passed us off to Petra Quiroga who had been introduced as his aide for health affairs in Tucson.

As a native of the area, I am well acquainted with the Quiroga Family. During my 19th summer, I worked with members of her family at the Flux Mine on Red Mountain, east of Patagonia. She knows my maternal family (Lopez and Velasquez of Nogales) and my father's first in-laws, the De La Ossa's of Patagonia, Lochiel and vicinity. In earlier times, I packed groceries for J.Kolbe's mother while working at the Veterans Market in Nogales.

Ms. Quiroga graciously offered to approach Mr. Kolbe regarding a meeting with several of us here at Nogales, but she went on extended medical leave right after that. Now, we find you having this meeting at Sierra Vista with Harlan Capin apparently representing us here on the border.

Let me hasten to say that Mr. Capin has his home for sale, reportedly in anticipation of moving to the San Diego area. He does not in anyway represent me or my family in our sentiments regarding The Border Patrol, a permanent multi-lane checkpoint, or their effect on border business. I work here as President of Price-Capin Insurance, Inc. (33 years) and Vice-President of International Assemblers, Inc.(21 years) and intend to remain here for the rest of my life.

The Capin family, I believe, has been here since 1918. In recent years, with the closing of their major business interests, many of them have moved to Tucson. There are relatively few Capins left here in Nogales. My maternal grandfather came here from Mexico over 120 years ago. My father came here as John Pershing's company clerk in April of 1916. There are several hundred of us here and more being born daily. The comparison should suffice to show who has the greater interest in this area.

Whereas Mr. Capin has the idle time and funds available to make fancy presentations and/or misrepresentations, my time is completely consumed on business and volunteer activities. That, and Mr. Kolbe's rudeness, are the reason for contacting you in this manner. Isn't it strange

that the only Nogalian called to address your hearing just happens to agree with Mr. Kolbe in his anti Border Patrol sentiments?

Though I once served as Executive Secretary to the Nuclear Reactor Safety Committee, Atomics International Division, North American Aviation, and was Field Publications Manager at the Hallam Nuclear Power Facility (Hallam. Nebraska) and at the Sodium Reactor Experiment (Site of a reactor core meltdown near Los Angeles, CA in the late 1950's), I do not claim to be a rocket scientist. The matter of a multi-lane permanent checkpoint where commercial traffic, pass-through traffic, and local commuter traffic can be handled according to the specific needs of each is not, however, rocket science. Such a facility will also permit women and children to be separated from possible abductors. In conjunction with State and local law enforcement, it will also permit greater control over stolen vehicle traffic (Arizona is second only to Washington, D. C. for auto theft). The benefits are many, the draw backs few. A secondary effort such as that suggested by J. Kolbe is reminiscent of the difference between the strategies employed by the St. Louis Rams and the New England Patriots in the recent Super Bowl.

Thank you for your kind consideration in having my comments entered into The Congressional Record.

Respectfully,

James E. Price, Sr.

Enc.: January 25, 2002 Letter to Pres. George W. Bush (5 pp)

*URGENT!* *URGENT!* *URGENT!* *URGENT!* *URGENT!*

P.O. Box 1574
Nogales, AZ 85628-1574
January 25, 2002

President George W. Bush
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Re: Homeland Defense: A letter from the front lines.

Dear Mr. President:

Many years ago, I wrote to another President because of an inequity and, due most likely to the fact that the man had an astute staff, received total satisfaction. My letter regarding the status of my father who, though he had served 35 years in the military, had never been officially retired, was passed on to the Secretary of the Army.

After assuring me that the matter would receive prompt attention, I was put in touch with the Adjutant General. One year to the day, following my original letter, my father was notified that he would be retired retroactively. He lost 9 years of retirement pay by statute, but received a lump sum settlement for 10 years, a monthly pension, post exchange and medical benefits, and the right to a military funeral. That latter item was foremost in my father's mind. When he did pass on at the age of 82, his dearest wish was fulfilled by an honor guard from Ft. Huachuca. A young lieutenant from there not only led the honor guard, he also helped my mother file all the necessary forms with the VA. She received survivors privileges for the remainder of her life.

I hope my present conveyance to you will receive like attention. Let me begin by saying that I am a life-long democrat who has always voted my conscience. In recent years, I voted democrat for Arizona governor, because of the dubious candidates who ran and won on the Republican side: Ev Meacham (removed from office), Fife Symington, removed from office, but pardoned by Wm. Clinton (there is an old Mexican saying that states, "God creates them, but

they get together on their own"). The jury is still out on Jane Dee Hull, dubbed Propane Jane, because she allowed herself to be conned into backing an ill-conceived alternative fuel program that could have left Arizona bankrupt.

For president, I have voted Republican and been left dumbfounded by those who would not only elect Wm. Clinton once, but re-elected him. How jaded we've become!

But I digress. The reason for this letter is to comment on Homeland Security. Your choice of Tom Ridge to head-up this program seems well founded. He faces an uphill battle when it comes to coordinating the various entities charged with enforcing the law. Traditional inter-agency jealousy leaves many Americans with the feeling that we have no law enforcement professionals, only credit grabbers. This coupled with traitors in the CIA , the FBI, and the military has opened the door for malicious people to corrupt large segments of our society.

Now that you are trying to coordinate law enforcement back into a viable force, rumors of power grabbing already abound. Finger pointing is also part of the overall picture. A recent 60 Minutes program pointed out corruption in the U.S. Border Patrol. The picture was distorted. A former Tucson Sector Chief was all too quick to pick up on the criticism, ignoring the fact that many of the cited incidents happened during his watch. As usual, the media dug only deep enough to throw dirt.

As a charter member of the Citizens Advisory Committee to the Border Patrol's Nogales, AZ station, I have watched a radical transformation over the past few years. During the time that the monument to Dennis DeConcini (known as the Dennis DeConcini Port of Entry) was under construction, downtown Nogales was a no-man's land controlled by 'polleros' and their cargo. Even the pews of our beautiful century-old Sacred Heart of Jesus Church were used to shelter the illegals until a 'pollero' could come in and hustle them away.

Slowly, deliberately, with high criteria, past and present management have retaken our community for the benefit of law abiding citizens. The flood control tunnels once featured nationally because of the children known as Tunnel Rats, the stash houses connected to a myriad

of tunnels, the incredible flow of illegal aliens and illicit drugs, are being controlled. Certainly, an agency expanding as rapidly as The Border Patrol is going to wind up attracting some scum bags who would better be in jail than in law enforcement, but to paint all these young patriots as crooked and incompetent is wrong.

Now comes James Kolbe, a southern Arizona silver-spoon-in-the-mouth native, trying to micro-manage the Border Patrol. He says that the Border Patrol is unresponsive and not being held accountable. He crows about wasting tax dollars, but fails to provide proof.

A former lobbyist now living in this area has been quoted as saying that Kolbe belongs to the commercial interests developing real estate along I-19. As he too agrees with those who would influence Kolbe, it must be assumed that he knows whereof he speaks. Kolbe certainly has been vocal about eliminating the Border Patrol Check-Points. He says they are unproven and valueless, but fails to back up his claims with facts.

I hasten to point out that these check points have been instrumental in the seizure of millions in illicit drugs and the capture of thousands of illegal aliens. Permanent or site-built check points in California, New Mexico, and Texas have been quite successful. Tucson is the only patrol sector along the Mexican border that does not have a site-built check point.

Real estate developers along I-19 in Santa Cruz County have long fought these facilities, arguing that they will spook potential customers from the area. Odd, when you consider that the largest permanent check-point of all, The Dennis DeConcini Port of Entry, does not prevent nearby Nogales from having a daily increase in transient population of about 60,000 people.

Business construction in the Tubac area is at an all-time high. Do you think that this might be in response to insider knowledge regarding Kolbe's next move to either eliminate or further hog tie the Border Patrol? Kolbe who criticized the Pentagon for micro-managing the war in Vietnam, feels that he is qualified to micro-manage the Border Patrol. Why?

Whereas the Citizens Advisory Committee, which provides an interface between the public and the Border Patrol, has invited Kolbe to attend our public meetings, the only time he

agreed, we were stood up. He does not want to hear from the rank and file who live on the front line. Why?

Those who live downstream and who place the almighty buck ahead of the safety of our children, our homes, our nation seem to have far greater sway with this member of Congress than do those of us who face the challenges presented by living along the border. Why?

This letter is not from the committee, it is from one whose family has lived here for over a century, one who chose to raise and educate his children here, one who is involved with all the facets of our community on a daily basis. I have operated a local insurance agency for the past 33 years and been a principal in a twin-plant manufacturing operation for the past 22 years.

During my younger and more energetic years, I coached flag football, pee wee baseball, Little League Baseball, Babe Ruth and Senior Babe Ruth Baseball. I was even given the honor of being Master of Ceremonies at the Babe Ruth World Series hosted by Nogales in 1978. I'm just one of many, many local citizens who place our homeland and our children above our personal needs.

Why don't we have White House Staff interviewing the local public about what is and has been going on here for the past quarter century or so? Why has there been only one President who bothered to visit us in recent memory? We're not bashful, believe me.

The Constitution guarantees us the right to safety in our homes, but Kolbe wants to take it away in order to build up his war chest. In these times of terrorism, how sad that an American legislator would show up to terrorize those of us who live on the front line of defense.

There are rumors on the street about the possibility of biological or chemical warfare being imported through our borders in the boxcars and tractor-trailer rigs that come through here by the thousands with Mexican winter produce and maquila products. I personally witnessed the processing of illegals from Bulgaria who were detained in the hills near Nogales. This week, Mexico apprehended people from China who were intent on entering the U.S. through Nogales. Still, Kolbe wants us to play football with no secondary. This isn't rocket science, Mr. President,

Letter to President Bush
re: Homeland Security
January 25, 2002

the man has a personal agenda that can and will endanger not only us at the border, but the entire populace down the proposed Canamex Corridor and beyond. Kolbe is a loose cannon that must be lashed down before he blows an even larger hole in our defenses.

Drug dealers, illegal aliens, potential terrorists from around the world know that the borders with Mexico and Canada are points of vulnerability. Still, Kolbe ignores us. What kind of person is this? Is there no way the other members of the Appropriations Committee can circumvent his obviously twisted and self-serving thoughts?

Any pressure your staff can bring upon Appropriations to help protect our Homeland from the likes of J. Kolbe will be greatly appreciated. If you choose to look into the Border Patrol, please do it down here in the trenches, not in the ivory towers of Capitol Hill.

If we can be of help, please don't hesitate to advise us. Meanwhile, keep up the great job. Circumstance is thrusting you toward historical greatness and you appear quite ready for the task. Que Dios lo bendiga, Sr. Presidente.

Thank you for indulging me by passing this letter on to whomever should be in the loop; The Vice-President, Tom Ridge, John Kyl, John McCain, Ed Pastor, members of the Appropriations Committee, etc. It's time we set the facts straight.

Respectfully,

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February 20. 2002

The Honorable Mark Souter
Chairman, House Committee on Government Reform
Criminal Justice - Drug Policy and Human Resources
United States House of Representatives,
Washington, D.C.
( Hand delivered to the Chairman at the Public Hearing, Sierra Vista, Arizona)

Re: Control of our Southern Border

Dear Mr. Chairman:

I am a native of this area. My family has had a family ranch here for 88 years. I went through school here. I went to law school. I practiced for 37 years in Arizona. I have been an assistant United States Attorney, a deputy county attorney in a border county (Santa Cruz). I was also an Assistant Attorney General for the State of Arizona. I have had much experience with the south border. I grew up on the ranch. I live there now.

The federal government failed for years to control the illegal access across the Mexican border. It grew so blatant during the 90's that though we are about 19 miles from the border town of Nogales we had as many as 200 illegal aliens a night running through our yard to reach the Union Pacific Railroad right of way which was a conduit north. These illegals were, in essence, homeless people. Our belongings were stolen. Attempts were made to steal our horses, our pickups, even our old tractors. We could not leave the house unattended ev en long enough to go to the grocery store. The trash and litter dumped by those illegals would fill my pickup on a weekly basis. Fences were stretched to make holes big enough for a cow to go through - and believe me they found those holes and used them. The animal water troughs were fouled with human defecation. The cattle would not drink. My personal residence was burglarized successfully twice, two long rifles taken and used to murder my neighbors. The house was cleaned out of clothes, pictures frames, steak knives, calculators, radios, etc. I finally moved out of the house because these illegal aliens came back to break in at least 13 times again - they did not get in because I spent thousands of dollars on security - burglar alarms, photo electric lights, trained German Shepherds - I had to go to work every day in Tucson, 65 miles away, so the illegals had time to pursue their efforts to separate me from my belongings. When caught the main perpetrator told the deputies he had been working illegally for a

neighbor for four years and using his off time to "case" all the neighbors property for stealing. He committed 17 burglaries before he was caught. He is now being relieved of his death penalty sentence for killing two hard working men because he wanted their pickup to haul the stuff stolen from my house to Mexico. (Need I say that "employer sanctions" were never applied to his employer??)

These conditions prevailed because the federal government failed to do its duty to its citizens. Now, I am hearing the same garbage again. I am here to state that the "war on drugs" failed because it was never a war - it was only a containment action which was not supported 100% by the Congress or the DOJ. The illegal alien traffic came almost to a standstill after Sept 11. The heightened alert status shut it down for the most part. Now it is starting up again and they are once again running through my front yard but not in the numbers they once did. However, I do not want even one illegal in my front yard. My government, national, state and local, has a duty to make our community safe from intruders. I don't frankly care if Tyson chickens is doing the smuggling or if Juan Garcia is doing it. I dont frankly care if the Radisson, the Holiday Inns or the Plaza Hotel needs the cheap labor. Do a worker permit program to provide low paid workers if needed but do not turn that into another worthless amnesty program. I have read that there are 400,000 aliens on SSI brought here by family members gaining amnesty then bringing their disabled for welfare status. Such worker programs need to be strictly administered and participants required to return home to qualify for the program.

There are many facets to a real control of our south border. We need the military there to assist the Border Patrol. We need more helicopters to fly the skies to "see" the illegals in the bush from the air. We need to enforce employer sanctions. We need to prohibit driver's licenses being issued anywhere in any state. Withhold Federal hiway funds to those states, such as California, who aid and abet illegal entry and illegal presence here by giving illegals a "passport" to our society and our welfare system. I can tell you that the illegals do not buy car liability insurance - most of them send their money home and just maintain a bare subsistence existence here. I am acquainted with many of the "amnestizos" who attained legal status under the 1986 Act. Since I do some pro bono legal work for some of those who violate traffic regulations I know that not one of the ones I have helped have any insurance. They cannot afford it. They generally work for less than native workers. They do not speak the language which puts them at a real disadvantage. They live in subsistence conditions. I think it is morally wrong to create this underclass of people, generally underpaid in the service industry jobs, who are afraid to complain of poor working conditions, who live 15 or 20

in a two bedroom apartment, and, in the suburbs of Tucson, as well as every other city and /or town in Arizona, actually live in the "bush" on the outskirts of town, or in public parks, under plastic tarps, tents, cardboard, and go house to house looking for yard work every day.

The Tucson sector has been forbidden by the language in the DOJ appropriations bill to do its most efficient job. That language forbids any internal checkpoint on any southern Arizona highway, coming north from the border, of which there several, from operating the unsatisfactory "movable" checkpoints for more than seven days. It is an idiotic, expensive, time consuming and demeaning imposition upon the men and women who wear a uniform of these United States of America AND that incompetent policy is a great help to the smugglers.

Congress, and especially your committee, should be ashamed of your selves for imposing such a totally stupid constraint upon the effort to control our south border. I have gone to the various checkpoints to observe what the Agents have to tolerate. If traffic backs up they simply have to flush the traffic through. If it rains they have to close because there are cattleguards at the top of the off ramps which get too slick to be safe. They have to pack up and move a couple of hundred traffic cones, plastic barricades, generators, lights, travel trailers, signs, outdoor pottys - for what? Can one of you give me an intelligent answer to that question?

I urge you to support the Border Patrol in its effort to establish permanent equipped, multiple-laned inspection stations. These need to be covered so narcotics dogs, agents, detained illegals, etc can be out of the broiling Arizona sun, the rain, (it does rain here), the snow, the wind, the dangerous conditions that are inherent in this "stand by the side of the road" inspection stations. I am absolutely embarrassed when I see these pathetic stations that are forced on all of us by Congress. I know that some of your members whine that permanent sites are useless because the illegals just walk around. Of course they try, just as they try to avoid detection at the border BUT there are electronic detection devices available that can be placed around the area of a permanent site. This is not practicable when the agents have to move every seven days. If you think the illegals don't know within 10 minutes of the first sign of breaking down the station to move it you don't know our friends to the south. The smugglers know before some of the law enforcement know. Then the freeway fills up with shuttle vans, cars, trucks and 18 wheelers running north to I-10 because there won't be any inspection on I-19 for at least a day as these agents have to pack up and move. I travel I-19 virtually every day so I see this traffic.

Thank you for reading my comments, if in fact you do that. The current method is a disgrace. If you are serious about controlling the illegal activity coming across our south border get serious about providing the men and women who do the work with an appropriately equipped permanent site for highway inspections on every hiway coming north from Mexico in the Tucson sector.

Very truly yours,

Sarah A. Bailey
Attorney at Law and Rancher at Tubac, Arizona
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(My business address)

**William H Clarke, Jr.**
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House Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources
Chairman Mark Souder

Dear Chairman Souder:

I am requesting the following be made part of the record of testimony taken from border residents on your hearing to be held February 22, 2002, in Sierra Vista, Arizona.

I am a fourth generation Nogales native. My family has owned and operated a cattle ranch that is located on the US-Mexico border since 1872. I have lived and ranched in this area all of my life. During my lifetime as a rancher on a ranch bordering the US-Mexican border, I have seen and at times come in contact with smugglers and illegal aliens during the course of riding my ranges. When I was younger, this would happen once in a long while. Over the years, it has become a normal occurrence and a dangerous one at that. Over the course of time, as the Border Patrol has made its presence more known, it has curtailed some of these episodes but has not eliminated the influx of smugglers or illegal aliens. Where once I or my sons were able to ride the ranges without fear, we are now forced to carry weapons to protect ourselves and our family. Fences are torn down, the rangelands now have paths throughout, our homes have been robbed and our livestock has been stolen. I have been shot at, accosted and at times have had to talk my way out of situations to be able to ride away to safety. The presence of the Border Patrol is a necessary deterrent for our area and is of up most importance for the added border security they provide our nation. Regardless of the Border Patrol's patrol of our border, smugglers and illegal aliens still make it across the border.

Prohibiting the Border Patrol from improving conditions and functionality by providing a second point of possible detection and detainment by not allowing a permanent Checkpoint on I-19 is ludicrous. Interstate 19 is a major corridor of commerce for our area, State and country. This area is the only area along the border that does not have a permanent checkpoint. The smugglers and illegals are well aware of when the temporary checkpoints are up and are more than ready to take advantage of poor weather conditions and the necessity of the Border Patrol in having to shut down and move the checkpoints. At these times is when all the illegal actions are taking place. A permanent checkpoint built in an area on I-19 where all access roads to I-19 meet would make sense in curtailing these events. It would also provide a safe working environment for the Border Patrolmen who currently work under adverse weather conditions and unsafe traffic situations and would provide safer conditions for the motorists who are now having to slow down and stop their vehicles on exit ramps.

It is the obligation of our Congress to ensure that all measures are taken to protect our citizenry, our country, those traveling our highways, our law enforcement personnel and those foreign nationals being exploited as human cargo. It is irresponsible and immoral to expound an open border policy at this time of our tragic American history.

I request that the Border Patrol be given the proper tools to maintain its responsibility to control the border. The citizens of Santa Cruz County deserve nothing less than the best available checkpoint configuration. Our nation not only deserves it, but our people demand it.

Sincerely,

William H. Clarke Jr.

William H Clarke, Jr.
Owner, Clarke Ranch

February 21, 2002

House Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources

Dear Chairman Mark Souder,

In anticipation of the hearing on February 22, 2002, The Nogales–Santa Cruz County Chamber of Commerce would like the following made part of the record of testimony taken from border residents and businesses.

The sector representatives have said publicly that they are barred from improving conditions and functionality of the Checkpoint on I-19. That operation, if needed by the Border Patrol, must be conducted in a way that recognizes the needs of this community.

The Border Patrol has stated that the checkpoint in its current configuration will not meet this community's needs. There are however, some factors that we believe to be basic to any permanent checkpoint in the Tucson sector. They are:

- The location should be established early in the process and only after very significant public input.
- In any event the checkpoint should be located north of the Arivaca Road, Exit 48.
- The architectural design standards should reflect structures that are appropriate to our desert environment and reflect the culture of our area.
- The latest technology should be used to allow "pre-enrollment" of locally based automobiles and commercial traffic so that there is not a detrimental significant effect on the travel times of our citizens and businesses.

Since "Tourism" is such a vital element in its economy of all of Santa Cruz County, the strategy for establishing and operating a permanent checkpoint must include techniques to lessen any effects on tourism in Nogales and Santa Cruz County.

Respectfully,

Dan Doyle, Chairman
Nogales-Santa Cruz County Chamber of Commerce

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DISTRICT 9

COMMITTEES:
RETIREMENT AND GOVERNMENT OPERATIONS, VICE CHAIRMAN
EDUCATION
ENERGY, UTILITIES AND TECHNOLOGY
ENVIRONMENT

Arizona House of Representatives
Phoenix, Arizona 85007

February 21, 2002

Honorable Mark Souder
Member, House of Representatives
Chairman, Subcommittee on Criminal Justice,
Drug Policy, and Human Resources

Dear Congressman Souder:

I believe I speak on behalf of many at the Arizona House of Representatives when I thank you for traveling to the State of Arizona to witness first hand the grave concerns, challenges, and opportunities we face with our international border. The state legislative district from which I serve includes much of our state's southern border. It is gratifying to know that Congress is truly listening, and I hope that the testimony you hear in Arizona will bolster the hard work of our outstanding Representatives.

As you well know, hundreds of thousands of illegal immigrants enter the State of Arizona each year. The problems these crossings create for Homeland Security are unthinkable. The scope of the financial impact on Arizona's taxpayers is astounding. Arizona's four border counties suffer the greatest burden. Federal statutes prohibit education officials from even gathering statistics on the number of illegal immigrants that provided a public education. Health care costs to taxpayers have grown dramatically, including emergency medical, related transportation costs, and kidney dialysis. Our criminal justice system, already burdened with a tremendous workload, is severely impacted.

I have included a thorough and comprehensive study completed by the Institute for Local Government at the University of Arizona. It is titled "Illegal Immigrants in Arizona's Border Counties: The Costs for Law Enforcement. Criminal Justice and Emergency Medical Services." The report contains a detailed analysis of the financial burden Arizona's border counties have been forced to deal with.

Thank you for attention to this very difficult situation. It is my sincere hope that our federal government may act promptly and decisively to rectify this incredible burden to Arizona's citizens and taxpayers.

Sincerely,

Randy Graf

Randy Graf
District 9
Arizona House of Representatives

PS. Even with our major budget problems, we appropriated $30 million for State Emergency services (SES) for continued dialysis & chemo treatments of 59 individuals, many of them illegal immigrants. This appropriation takes care of them for 6 months. One gentleman, undocumented 79 year old is even suing the state because this is for only 6 months.