

NumbersUSA

Testimony of

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On

*“Walls and Waivers: Expedited Construction
of the Southern Border Wall and Collateral
Impacts to Communities and the
Environment”*

Before

**The Subcommittees on National Parks, Forests and
Public Lands and Fisheries, Wildlife and Oceans
of the**

NATURAL RESOURCES COMMITTEE

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Chairwoman Bordallo, Chairman Grijalva, and Members of the Subcommittees, thank you for the opportunity to appear before you today to discuss the environmental impacts of the southern border fence. My organization, NumbersUSA, is a nonprofit, nonpartisan immigration-reduction organization representing more than 600,000 Americans and legal residents from every congressional district across this country. They come from every socio-economic background and they span the political spectrum from liberal to conservative. They have joined NumbersUSA because there is one thing on which they all agree: U.S. immigration law should be set in the national interest and it should be enforced effectively and humanely throughout the nation.

Our mission reflects the conclusions of the bipartisan U.S. Commission chaired by the late Barbara Jordan, a dedicated civil rights leader and Democratic Representative from the state of Texas, in which we have gathered for this hearing. After studying every aspect of our immigration system, she concluded in 1994 that:

The credibility of immigration policy can be measured by a simple yardstick: people who should get in, do get in; people who should not get in are kept out; and people who are judged deportable are required to leave.¹

This hearing focuses on the middle part of that equation—keeping out those who should not get in. As demonstrated by the estimated 12 to 20 million illegal aliens currently residing in the United States, and the estimated million or so new illegal aliens who enter the country each year, our efforts to date at keeping out those who should not get in have failed dramatically.

Instead of the credible immigration policy Barbara Jordan recommended, we have a policy that says, in effect, “if you can successfully evade the Border Patrol or overstay a lawful visa, we will give you a job and let you stay.” The result, not surprisingly, has been continued mass illegal immigration.

The chart in Appendix A shows the average net annual growth of the illegally resident population in the United States. Net annual illegal immigration has more than quadrupled since the 1980s, when Congress passed the “one-time only²” amnesty in the Immigration Reform and Control Act of 1986.

As the numbers began to skyrocket in the early 1990s, most illegal entries were occurring in urban areas along the U.S.-Mexico border, particularly in the San Diego area. Increasing incidents of aliens being hit by cars as they ran across major highways, high-speed vehicular chases resulting in crashes, and foot chases through residential areas, and even into apartment complexes made it clear to all that illegal immigration in urban corridors presented an unacceptable threat to human lives—the lives of the aliens, of the Border Patrol agents

¹ U.S. Commission on Immigration Reform, *U.S. Immigration Policy: Restoring Credibility*. 1994. p. 3.

² In fact, Congress has passed six additional amnesties since 1986. See

<http://www.numbersusa.com/interests/amnesty.html>

whose job was to chase them down, and of the American citizens and legal residents who happened to get in the way. Moreover, it was clear to law enforcement that illegal entry in urban corridors improved the aliens' chances of disappearing into the community before they could be apprehended, and resulted in increases in criminal activity, including vandalism, theft, and the violent crimes associated with human and narcotics trafficking.

Beginning in 1993 with the incredibly successful Operation Hold the Line, created and implemented by Congressman Silvestre Reyes, when he was Border Patrol Chief in the El Paso Sector, the Border Patrol began focusing on closing off the urban corridors and thus reducing the associated risks. It was hoped that forcing illegal aliens and smugglers into more remote areas would deter some of them from even attempting illegal entry, but it was also believed that it would be easier to catch those who did make the crossing because the Border Patrol would have more time to apprehend them before they could make it to an urban area and disappear.

This effort to close off illegal immigration in urban corridors was undertaken with the explicit support of Congress. In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)—the original version of which was designed specifically to implement the immigration policy recommended by the Jordan Commission. Thanks largely to the efforts of Congressman Duncan Hunter, this law included a provision that requires the administration to “take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry [most of which were in urban corridors at that time] into the United States,” including the construction of 14 miles of triple fencing along the U.S.-Mexico border south of San Diego. To accomplish this, it authorized the administration to waive the requirements of the Endangered Species Act and the National Environmental Policy Act.³

Apprehension statistics show that the effort to control illegal immigration through urban corridors has been relatively successful. As the table in Appendix B indicates, apprehensions of illegal aliens in the San Diego, El Centro, and Laredo sectors, for example, dropped by 50 percent or more between 1997 and 2006. At the same time, however, apprehensions in the Yuma sector quadrupled and apprehensions in the Tucson sector rose by almost 50 percent.

The result is hundreds of thousands of illegal aliens walking, bicycling, and driving across some of the most fragile, protected ecosystems in the United States. The impact has

³ Nearly a decade after enactment of IIRIRA, the administration still had not completed the original 14 miles of fencing near San Diego because of challenges by the California Coastal Commission that the proposed fencing violated state environmental laws. In 2005, Congress responded by including a provision in the REAL ID Act authorizing the Secretary of Homeland Security to waive “all legal requirements” that the Secretary determines are necessary to ensure the construction of the San Diego fence and other necessary border barriers. The Secretary is required to notify the public of the decision to waive legal requirements by publishing it in the Federal Register, and any such decision may be challenged in Federal court on constitutional grounds. So, while the breadth of this waiver authority is unprecedented, Congress appropriately ensured that it could not be used without public notice, and that it could not be used in a way that violates the Constitution.

been particularly devastating in southern Arizona, where a significant share of the land is administered by the Federal Government. The most heavily impacted lands include the Cabeza Prieta National Wildlife Refuge and Wilderness, Organ Pipe Cactus National Monument, Buenos Aires National Wildlife Refuge and the Coronado National Memorial.

Among a long list of the devastating environmental impacts of illegal immigration through these protected areas are the following:

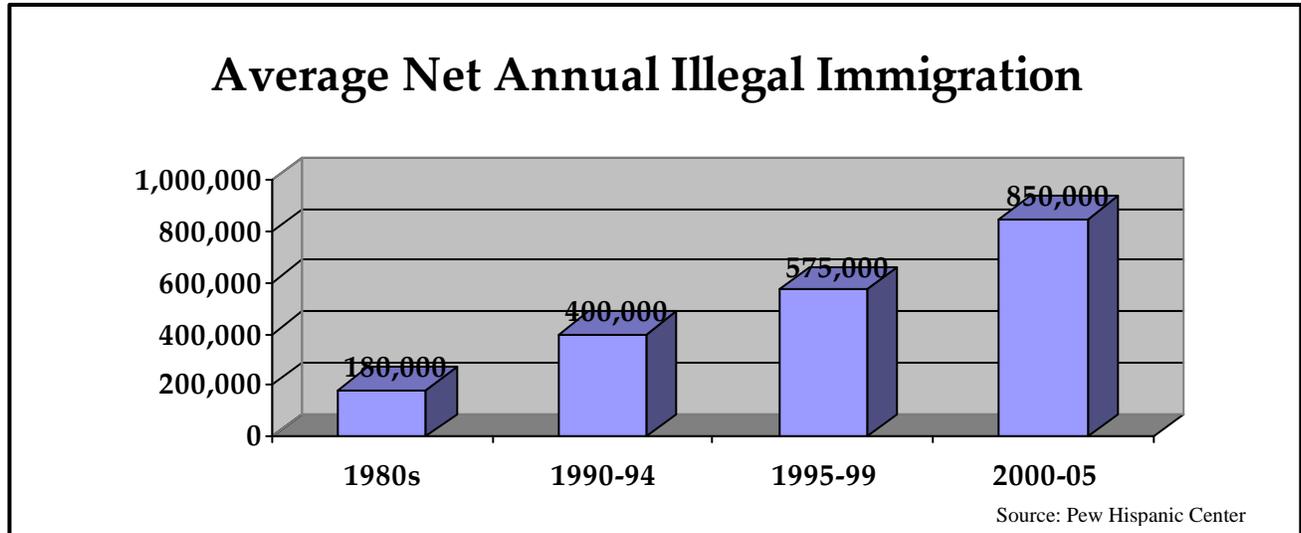
- **Trash**
 - The Bureau of Land Management (BLM) estimates that illegal aliens dumped more than 25 million pounds of trash in the Arizona desert between 1999 and 2005—that is almost 2,100 tons of trash each year.
 - The accumulation of disintegrating toilet paper, human feces, and rotting food has become a health and safety issue for residents of and visitors to some of these areas, and is threatening water supplies in some areas.
 - Birds and mammals, some endangered, die when they eat or become entangled in the trash.
- **Illegal Roads and Abandoned Vehicles**
 - By early 2004, the Chief Ranger at Organ Pipe estimated that illegal aliens and smugglers had created 300 miles of illegal roads and “thousands of miles of illegal trails.”
 - More than 30 abandoned vehicles are removed from Organ Pipe alone each year.
 - Since its creation in 2000, more than 50 illegal roads have been created in the Ironwood Forest National Monument, and more than 600 vehicles are abandoned there each year.
 - There are an estimated 20-25 abandoned vehicles in the Cabeza Prieta NWR at any given time.
 - An estimated 180 miles of illegal roads were created in Cabeza Prieta between 2002 and 2006.
- **Fires**
 - In 2002 in southern Arizona, illegal aliens were suspected of having caused at least eight major wildfires that burned 68,413 acres.
 - In May of 2007, illegal aliens set at least five fires in the Coronado National Forest over a 10-day period in an effort to burn out Border Patrol agents conducting a law enforcement operation in the area.
- **Declining Wildlife Populations**

- According to the Fish and Wildlife Service, mass illegal immigration “is a likely contributing factor in the dramatic 79 percent decline in the U.S. Sonoran pronghorn population between 2000 and 2002.

These are just a few examples of the massive environmental destruction being caused by rampant illegal immigration in southern Arizona. Similar damage is being done to remote, fragile lands in California, New Mexico, and Texas.

There is only one acceptable solution to this environmental crisis: stop the illegal traffic at the border. That means we must build a combination of physical barriers and technological barriers that will effectively ensure that, in the words of the late Barbara Jordan, “people who should not get in are kept out.”

APPENDIX A



APPENDIX B

Apprehensions of Deportable Aliens by Border Patrol Sector: 1997 – 2006

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
BORDER PATROL SECTOR										
Total	1,412,953	1,555,776	1,579,010	1,676,438	1,266,214	955,310	931,557	1,160,395	1,189,108	1,089,136
Southwest sectors	1,368,707	1,516,680	1,537,000	1,643,679	1,235,718	929,809	905,065	1,139,282	1,171,428	1,072,018
San Diego, CA	283,889	248,092	182,267	151,681	110,075	100,681	111,515	138,608	126,909	142,122
EL Centro, CA	146,210	226,695	225,279	238,126	172,852	108,273	92,099	74,467	55,726	61,469
Yuma, AZ	30,177	76,195	93,388	108,747	78,385	42,654	56,638	98,060	138,438	118,537
Tucson, AZ	272,397	387,406	470,449	616,346	449,675	333,648	347,263	491,771	439,090	392,104
EL Paso, TX	124,376	125,035	110,857	115,696	112,857	94,154	88,816	104,399	122,689	122,261
Marfa, TX	12,692	14,509	14,952	13,689	12,087	11,392	10,319	10,530	10,536	7,517
Del Rio, TX	113,280	131,058	156,653	157,178	104,875	66,985	50,145	53,794	68,510	42,634
Laredo, TX	141,893	103,433	114,004	108,973	87,068	82,095	70,521	74,706	75,342	74,843
Rio Grande Valley, TX	243,793	204,257	169,151	133,243	107,844	89,927	77,749	92,947	134,188	110,531
Other sectors	44,246	39,096	42,010	32,759	30,496	25,501	26,492	21,113	17,680	17,118
Blaine, WA	2,684	2,403	2,421	2,581	2,089	1,732	1,380	1,354	1,001	809
Buffalo, NY	2,065	1,640	1,666	1,570	1,434	1,102	564	671	400	1,517
Detroit, MI	1,500	1,768	1,838	2,057	2,106	1,511	2,345	1,912	1,792	1,282
Grand Forks, ND	1,978	905	656	562	921	1,369	1,223	1,225	754	517
Havre, MT	2,813	1,145	1,448	1,568	1,305	1,463	1,406	986	949	567
Houlton, ME	309	307	461	489	685	432	292	263	233	175
Livermore, CA ²	10,607	11,633	11,198	6,205	5,211	4,371	3,565	1,850	117	-
Miami, FL	8,305	6,065	6,961	6,237	5,962	5,143	5,931	4,602	7,243	6,032
New Orleans, LA	9,094	8,008	10,777	6,478	5,033	4,665	5,151	2,889	1,358	3,054
Ramey, PR	896	1,244	1,405	1,731	1,952	835	1,688	1,813	1,619	1,436
Spokane, WA	2,331	2,176	1,308	1,324	1,335	1,142	992	847	279	185
Swanton, VT	1,664	1,802	1,871	1,957	2,463	1,736	1,955	2,701	1,935	1,544

Source: 2006 Yearbook of Immigration Statistics, DHS