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Committee on Oversight and Government Reform

Subcommittee on National Security

A 'Caravan' of Illegal Immigrants: A Test of U.S. Borders

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Chairman Desantis, Ranking Member Lynch, and distinguished members of the Subcommittee: Thank you for the opportunity to testify today on the planned deployment of our National Guard to the southern border of the United States by President Trump.

I want to preface my testimony by saying how much I respect the service and sacrifice of the Border Patrol agents, Texas Department of Safety troopers, and other law enforcement officers who safeguard our border areas and protect our communities. While my own uniformed service was in the military rather than law enforcement, I'm proud to be a member of a three-generation law enforcement family. We show our military men and women a great deal of appreciation in this country, and that is well deserved, but we don't recognize law enforcement officers and their families nearly enough. So thank you for all that you do.

The situation at our southern border represents a foreign policy problem, a drug policy problem, an immigration policy problem, a series of legal problems, a humanitarian problem, a law enforcement problem, and much else besides. At this time, however, it is definitely not a military problem.

The security and integrity of our border with Mexico is a serious matter, deserving of a serious approach from policymakers. In significant part, this is because a positive relationship with Mexico is both a benefit to and a necessity for the United States. There are an estimated 5 million American jobs tied to our economic relationship with Mexico, which accounts for approximately \$600 billion in trade—all part of what is arguably the most complex and intertwined relationship that America has with any foreign nation. There is much about the relationship that is productive, including a strong trade surplus in services, as well as a strong and growing Mexican middle class with a demonstrated affinity for American culture that represents an important market for U.S. businesses.

In this context, it is clear that orderly migration, trade, and other activity at the border relies on a positive working relationship with Mexico. Every time we needlessly strain that relationship, whether through poorly-crafted policy or careless rhetoric, we make it harder to work with a partner we need in order to execute successful national security policy, and much else besides.

That said, the issue at hand in this hearing today is protecting our border with Mexico. This important duty falls primarily to the U.S. Border Patrol. I will leave it to others to describe daily life in this line of work, but it is fair to say that the organization is not currently staffed or resourced at an adequate level to meet the challenges it faces today. As of May 2017, the Government Accountability Office (GAO) found that Customs and Border Patrol was operating with approximately 1,900 fewer agents than its congressionally-mandated floor, and that attrition was outpacing hiring at “an average of 904 agents compared to 523 agents” in recent years.<sup>i</sup>

Presumably in part to make up for these deficiencies, President Trump frequently speaks of the need for a great wall across nearly five thousand miles of the southern border. He initially claimed that this wall would be paid for by the government of Mexico, which declined to do so; he then sought the funding from Congress, which has also in large part declined up to this point. Now, President Trump has declared his intention to deploy up to 4,000 National Guardsmen to the southern border.<sup>ii</sup> In the president’s own words, he plans to “keep them...or a large portion of them [there], until such time as we build the wall.”<sup>iii</sup>

There may be some marginal benefit to this deployment, but there are a great many causes for serious concern. This decision is likely to impose a significant cost, negatively impact readiness for the National Guard and the Active Duty force alike, and do nothing to improve the capabilities or strength of the Border Patrol and precious little to improve security.

The National Guard’s current budget for FY18 allocates approximately \$19 million for training and operations on the border. Even if this operation lasts only six months—not enough time to complete the (anywhere from \$12 to \$70 billion dollar) wall by a long shot—it is certain to cost many times that.<sup>iv</sup> In 2013, the Department of Defense's Cost Assessment and Program Evaluation prepared a report entitled, “Unit Cost and Readiness for the Active and Reserve Components of the Armed Forces,” which estimated the annualized full-time cost of an E7 Guardsmen at \$100K (additional costs were \$175K for an O5, and \$58K for an E4).<sup>v</sup> Using those numbers, the annualized cost of placing 4,000 troops on the border comes to approximately \$400 million, or \$200 million if the mission lasts only six months. That puts the Guard about \$180 million over the budget allocation, even in a very conservative scenario.

This is concerning not only from the perspective of the American taxpayer, but also because it is so far unclear where that additional money—beyond the \$19 million already allocated—is going to come from. Repurposing it from within DoD, just as the services are finally digging out of a serious readiness problem, would be deeply unwise and detrimental to both the Active Duty force and the National Guard.

In the FY18 budget recently agreed to by Congress, funds were specifically allocated to address a serious readiness gap across the services. This gap has long been discussed in the context of the budgeting process; in 2017, Secretary of Defense Mattis—who has previously fiercely criticized Congress for limits on defense spending—characterized recently approved spending

as getting the military “back on its feet” and “in the right direction.”<sup>vi</sup> Meanwhile, rising tensions with adversaries from Russia to North Korea underscore the deadly serious need for our forces to be prepared to fulfill their primary function: fighting and winning the nation’s wars, against any and all adversaries. Given these realities, it should be no surprise to anyone on this committee that Chief of Staff of the Army General Mark Milley is fond of saying that “Readiness for ground combat is—and will remain—the U.S. Army’s #1 priority...and there is no other #1.”<sup>vii</sup>

It would be ironic and unfortunate in the extreme if, only weeks after allocating those funds, Congress were asked to approve repurposing millions of those carefully designated dollars for a short-term deployment to the border that will do nothing at all to improve readiness, and is in fact likely to do the opposite for the units involved. Since 9/11, the National Guard has clearly proven itself as an essential element in our national defense, and a high-capacity partner for the Active Duty Force. Simply put, the National Guard can no longer be fairly described as a “strategic reserve” to be used only in case of major war. It is now an “operational reserve,” capable of seamlessly integrating with Active Duty elements as part of ongoing operations around the world. The National Guard has ably owned the Kosovo mission for 15 years now, proven itself in combat by playing essential roles in Iraq and Afghanistan, and responded admirably to natural disasters and other needs here at home.

Americans and their elected policymakers should be proud of their National Guard for all of this and more. Yet we also must recognize that this level of performance requires a genuine focus on training and preparing units for the range of challenges they will face, ensuring that adequate forces are available to meet challenges as they emerge, and taking care of Guardsmen and their families.

Like the Active Duty Army, today’s Army National Guard is primarily organized into units of approximately 5,000 soldiers, known as Brigade Combat Teams (BCTs). Forming a complete BCT typically requires drawing Guardsmen from across an entire state, or several states in many cases. Training a full BCT together is a top current priority for the National Guard, and an essential component of the Army National Guard 4.0 readiness initiative. In the words of Army Lt. General Timothy Kadavy, the director of the Army National Guard, “We are implementing this because our country needs us to do so. This is due to the current size of the total Army and the multiple threats that our country faces from potential adversaries.”<sup>viii</sup>

Deploying the National Guard to the border directly undermines these clearly stated training and readiness priorities by making it difficult or impossible for full BCTs to train together. Deploying a few hundred Guardsmen from a number of different states may ease the burden on any one state, but only serves to break up a larger number of BCTs for longer periods of time. For those on the border, the already questionable training value of the deployment is further eroded by the fact that they will be operating in very small units, which is not how they would operate in most combat scenarios. Even if the National Guard were to somehow deploy an entire BCT to the border as an intact unit, they would either be spread out over thousands of

miles (and therefore by definition not training together), or concentrated in a small area providing very limited benefit to border security (and very likely causing increased tensions with Mexico, since a massed US Army BCT is a truly formidable presence on any border).

This is to say nothing of the very questionable training value of the missions the Guard will likely be asked to conduct on the border. While details of the deployment are still emerging, a Department of Defense spokesman said on Tuesday that Guardsmen would not be “arresting migrants or carrying out armed patrols along the border;” instead, they will focus on surveillance and infrastructure improvement.<sup>ix</sup> In plain English, this means staring at the desert through binoculars, staring at the desert on a video screen, and repairing roads and fences. This isn’t meant to be glib, but is a critical point because it underscores the opportunity cost of this deployment in terms of the skills that the National Guard needs to continue developing in its volunteers.

The U.S. military faces crises around the world: ongoing wars in Afghanistan and Iraq; indefinite deployments in Syria; counterterrorism work in Africa and Yemen; ongoing commitments to NATO and our mission in Kosovo; and critical deterrence in the Persian Gulf and Korean Peninsula, accompanying each of which is the significant risk of a war. Due to the nature and number of these threats, the National Guard is, as I mentioned before, continuing to transition from a strategic reserve to ability as an operational reserve—in other words, focused on better preparing its guardsmen to rapidly deploy in combat scenarios. The training in surveillance and infrastructure improvement that troops deployed to the southern U.S. border will receive will be of some marginal value, but performing these duties will undeniably put training for more complex operations on hold. Put another way, sitting in surveillance towers and moving barricades will do nothing to increase the lethality of the National Guard or otherwise prepare them to fight effectively abroad or respond to disasters at home—and it will preclude them from receiving the training they need to do so.

Guardsmen’s time is finite in other ways, as well. Just as Guardsmen deployed to the border cannot be deployed elsewhere, a Guardsman deployed to the border is not going to work at his or her civilian job. They are not with their families, or taking an active role in their communities. The National Guard has very good employer support programs, and many employers take considerable pride in supporting their employees as citizen-soldiers. Nonetheless, the decade and a half since 9/11 have taught us clearly that there is a cost to asking a volunteer, part-time force to spend too many long months and years far from home.

In sum, this is likely to be a losing proposition for the Active Duty force, which stands to see much-needed funding repurposed, a losing proposition for the Guard in a number of ways, and a losing proposition for the Border Patrol, which will receive only temporary support at best. The National Guard is by definition a temporary force, and at the end of this mission, we will have lost capacity across the board rather than building it.

There is also a broader question to be called here: Is this the proper use of the U.S. military at all? The Department of Defense will respond, within its legal authorities, to whatever mission it is asked to perform by the president. The highly-trained men and women of the U.S. military will lean into that mission, and no doubt do everything in their power and more to accomplish it. But in a democratic society, we have rightly placed limits on what we ask them to do on our own soil. And while this deployment may not violate the letter of the law, it is arguably contrary to its spirit.

In the case of an actual emergency on the border, all these costs would perhaps be worth incurring. In its 2017 Border Security Report, however, Customs and Border Patrol “recorded the lowest level of illegal cross-border migration on record,” and noted that apprehensions were down by 23.7 percent from the previous year.<sup>x</sup> Crossing and apprehension numbers certainly fluctuate back and forth, and there has purportedly been a more recent increase in certain areas—including larger numbers of children, accompanied by family members or not, seeking entry to the United States. That hardly seems to constitute a risk to our national security, though.

Moreover, consider the so-called “threat” that prompted this very hearing: a caravan of Central American migrants. It is true that migrants travel through Mexico—usually in ‘caravans,’ or simply groups, to stay safe—in the course of fleeing discrimination or extreme violence in home countries like Guatemala, Honduras, and El Salvador. The particular caravan that led to this deployment was deliberately organized by Pueblo Sin Fronteras, a nonprofit organization that has, in the past, facilitated such mass movements to raise awareness of the suffering of these migrants.<sup>xi</sup> While historically large in number (peaking at approximately 1,200), this demonstration and the people participating in it present no national security threat to the United States; indeed, the caravan has now largely dissipated, with only a fraction of the original travelers planning to continue their journey northward.<sup>xii</sup>

For those that do reach our border, they intend to plead for asylum as they are entitled to do under international humanitarian law—not simply enter the country illegally. These are people seeking a safer and better life for themselves and their families. Simply put, nobody wants to leave their home and take their children on a perilous journey across the desert. This is an act of necessity and desperation, not aggression; those who make this journey are not a national security threat in any meaningful sense, and in my opinion, it defies common sense and American values to say that they are. The broader question of how to reduce this flow of migrants would be far better answered by a robust and thoughtful conversation about U.S. foreign policy in the Western Hemisphere, including smart development policy to alleviate human suffering and strengthen the weak governance from which that suffering stems.

Ultimately, a column of soldiers marching on the United States border is a military issue that would merit a mobilization response—including the National Guard. But this was not a column of soldiers. Considering our challenges to readiness and the number of legitimate threats we face abroad, America’s Guardsmen have more pressing work to do, competencies to develop,

and places to be at this hour; moreover, it is unclear how their presence on the southern border will be of a long term benefit to our Border Patrol agents, who would be far better served by more permanent resources specific to their work. In sum, while the costs (material and opportunity) of this development will continue to emerge over the weeks and months to come, it is hard to see how this deployment is justified as a proper response to a legitimate national security threat.

Thank you for your consideration of my testimony, and I look forward to your questions.

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<sup>i</sup> <https://www.gao.gov/products/GAO-18-50>

<sup>ii</sup> <http://www.nationalguard.mil/News/Article/1487429/national-guard-troops-deploy-to-southern-us-border/>

<sup>iii</sup> <https://www.reuters.com/article/us-usa-trump-border/trump-wants-national-guard-on-mexican-border-until-wall-built-idUSKCN1HC2SH>

<sup>iv</sup> <https://www.brookings.edu/essay/the-wall-the-real-costs-of-a-barrier-between-the-united-states-and-mexico/>

<sup>v</sup> <https://www.ngaus.org/sites/default/files/CAPE%20FINAL%20ACRCMixReport.pdf>

<sup>vi</sup> <http://thehill.com/policy/defense/337533-mattis-slams-congress-for-inhibiting-military-readiness>

<sup>vii</sup> [https://www.army.mil/e2/rv5\\_downloads/leaders/csa/Initial\\_Message\\_39th\\_CSA.pdf](https://www.army.mil/e2/rv5_downloads/leaders/csa/Initial_Message_39th_CSA.pdf)

<sup>viii</sup>

[https://www.army.mil/article/201131/readiness\\_enhanced\\_with\\_army\\_national\\_guard\\_40\\_initiative](https://www.army.mil/article/201131/readiness_enhanced_with_army_national_guard_40_initiative)

<sup>ix</sup> [https://www.washingtonpost.com/world/national-security/troops-sent-by-trump-to-border-will-fly-drones-gather-intel--and-clear-brush-too/2018/04/09/8f608250-3c08-11e8-a7d1-e4efec6389f0\\_story.html](https://www.washingtonpost.com/world/national-security/troops-sent-by-trump-to-border-will-fly-drones-gather-intel--and-clear-brush-too/2018/04/09/8f608250-3c08-11e8-a7d1-e4efec6389f0_story.html)

<sup>x</sup> <https://www.cbp.gov/sites/default/files/assets/documents/2017-Dec/cbp-border-security-report-fy2017.pdf>

<sup>xi</sup> <https://www.vox.com/policy-and-politics/2018/4/6/17206042/caravan-mexico-trump-rape>

<sup>xii</sup> <https://twitter.com/SecNielsen/status/981317335708520448>