

TESTIMONY OF

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“Measuring Outcomes to Understand the State of Border Security”

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Good morning, my name is Veronica Escobar and I am the county judge of El Paso, Texas. I thank you for the opportunity to be here with you today to discuss "Measuring Outcomes to Understand the State of Border Security."

As one of your colleagues (and my Congressman from Texas's 16th Congressional District), Representative Beto O'Rourke has said many times, El Paso, a border community, is among the safest in the nation. In fact, the last three years in a row, we've been ranked the safest city of our size, and have consistently ranked among the top three safest cities for over a decade. This achievement, just like the safety enjoyed by other communities along the U.S. – Mexico border, predated the walls, drones and quadrupling of Border Patrol personnel. So I appreciate that I can share with you a local perspective about security on the Border.

We're dealing with this question of how to measure security because border security was mandated to be achieved before immigration reform would be enacted. We were told by our policy-makers that our pursuit would be "enforcement first," but it quickly became "enforcement only," to the detriment of any thoughtful policy considerations or reform.

Those of us who have been engaged in this issue have long said that immigration reform should come first – that approaching enforcement first (or only) is a backward way to deal with the flow of people and goods across our borders.

In 2007 when the federal government erected the wall that scars my community, I took a tour of it with Border Patrol Agents, who told me that 85% of apprehensions at the border were of non-criminal offenders. That meant only 15% or fewer of the apprehensions made were for "criminal aliens." It's important to note that the definition of "criminal aliens," is broad and includes people who do not necessarily represent a security threat to the United States. The more important fact is that 85% (and even some of the 15%) of undocumented crossers are risking jail time and even their lives to be in this country to find work, perhaps establish a safer and better life, or reunite with their families. In 2008, Border Patrol Chief David Aguilar wrote that "90 percent of the illegal aliens we arrest are drawn to this country for socio-economic reasons."¹

¹ Aguilar, David V. Frontline U.S. Customs and Border Protection Magazine. "Protecting the Southern Border," Spring 2008, p. 10.

But our nation has spent enormous resources trying to “secure” our borders from these migrants. Had we dealt with those crossers at the policy level – creating, for example, legal guest worker programs for migrant farm workers or more humane family reunification programs (especially relevant for border communities like mine), then fewer resources would have been needed for security, which cost taxpayers \$18 billion in fiscal year 2012 alone. In El Paso, for example, if it were easier for Mexicans to go back and forth, fewer would try to live here permanently—with stricter controls, crossers have an incentive to try to live here rather than risk re-crossing the border.

With this in mind, how do we as a nation put together metrics that will define success and security? And how do we apply that to a border where the geography, environments and populations are so different?

While our southern border cities have commonalities among them, clearly we are not all alike. El Paso is an urban community, a vibrant county of over 800,000 people with five international ports of entry in our sector that move people and goods back and forth. We are across from the massive, sprawling metropolis of Ciudad Juárez. Obviously, we are unlike rural border towns that are situated across from rural Mexican communities. But, we all share a common theme: the vast majority of the people coming across our border want to be a part of us, not harm us.

And before evaluating metrics for success, how do we even define “security”? That is a definition that depends on whom you ask. Some think that security means not allowing a single human being to enter our country without permission – an impossible standard. Absolute security can never be achieved. And even if it could, absolute security is incompatible with a free society. Security may mean something different to local law enforcement, or to those in the intelligence community, or to those who are part of a neighborhood watch program. History has shown us that the Southern Border does not present a security threat.

If what this country is trying to achieve is having more control over who comes back and forth across our borders and knowing who those people are and what they’re bringing in, I will repeat that we’ve approached the situation in a completely backward way.

It’s not too late to revisit that approach even though the question before everyone now is how to measure border security. The key is to reform immigration first and then deal with those who are truly a threat to U.S. national security. We need to stop using precious resources on those whose purpose in coming to the United States presents no threat and who can be dealt with through policy changes.

Furthermore, if we are to look at what security is, we should also identify what we know it should not be: it should not be long idling wait times at our ports of entry and it should not

be unnecessary, expensive, ugly fencing that can be easily defeated with tunnels and ladders.

Those border wait times are expected to worsen if we do nothing. I recently toured some of the maquiladoras in Ciudad Juárez, which produce the cell phones we use as well as a number of different products that this nation's economy and people depend on. Each maquiladora is expanding and their exports are growing. That means more commerce moving across El Paso's ports (last year it was worth \$80 billion). These job- and economy-growing companies all shared a common concern and complaint: long border wait times.

Since we're talking about metrics today, one of the metrics El Paso and other communities have asked about for years now has been staffing statistics at each of our ports. It's very difficult to fully understand how to address the lack of personnel at the ports when the statistics about the specific number of CBP personnel at each port isn't available to local leaders or even the members of congress who represent us in D.C. I understand the need to secure certain data from the human-and drug-smuggling organizations that CBP and ICE contend with on a daily basis. However, keeping these statistics secret from policy makers such as members of Congress is excessive and counter-productive.

This secrecy will be problematic if and when communities like El Paso are allowed to begin reimbursable fee public-private partnerships such as those described in S. 178 and its companion bill in the house, H.R. 1108, the Cross-Border Trade Enhancement Act of 2013. The Chairman of this Committee is even a co-sponsor of this legislation. If we as local partners are encouraged to supplement personnel at our ports but we aren't allowed to know what current staffing levels are, how will we know what the supplement should be? These are the types of metrics we should be focused on.

I define security by our ability to protect our vital interests: our people, our economy and our infrastructure among them. Security, for example, should be measured by how quickly we can move people safely across our ports. Is international trade that boosts our economy, a vital interest of the United States and, therefore an important measure of our security? Absolutely. In another vein, security also should be measured by the transparency that helps us address shortages in personnel and inadequacies in technology and infrastructure. And finally, it should be measured by those of us who live in the communities that bear the brunt of the measures enacted by Congress, and should be based on close collaboration with local leaders and law enforcement.

I submit to you that once we deal with immigration reform – first, finally and thoughtfully – a more meaningful and less complex debate over security can easily be resolved.