

Statement
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Farmers Investment Co & Green Valley Pecan
Subcommittee on Border and Maritime Security
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I. Introduction

Chair McSally, I am Nan Stockholm Walden, Vice President and Counsel for Farmers Investment Co., (FICO), Farmers Water Co. (FWC) and The Green Valley Pecan Company here in Sahuarita, Arizona. I appreciate the opportunity to address you today on border security affecting our communities. A little over a week ago, I had to the opportunity to testify in Washington before the Subcommittee on Oversight and Investigations of the House Committee on Natural Resources on border security and my presence here today underscores how seriously we take these issues.

FICO is a major agricultural enterprise founded by my husband's father R. Keith Walden almost 75 years ago. Today, my husband, Dick Walden, who is the President and CEO of the company, and the third generation of Waldens, including daughter Deborah and son Rich, are active in the company.

We employ 260 permanent workers, many of whom also are second and third generation FICO employees, whom we consider family, as well. During harvest season, we hire an additional 50 to 60 workers, making us one of the larger employers in Pima County.

FICO is the largest integrated grower and processor of pecans in the world. We are also the largest producer of organic pecans. Research has shown that pecans are rich in antioxidants, can lower harmful LDL cholesterol, and contain 19 essential vitamins and minerals, as well as being an excellent source of protein. FICO sells pecans to food manufacturers including makers of cereals, health bars, ice creams, candies and bakery goods, to retail chains that package our nuts under their label, and directly to customers—both here and abroad. We also buy pecans from other growers in the U.S. and Mexico.

FICO owns approximately 11,000 acres in Southern Arizona, of which about 7,500 acres are irrigated and under cultivation for pecan nuts, a tree native to North America.

The FICO headquarters is located here in Sahuarita just over 40 miles north of the border, and our home ranch is just less than 30 miles. Our property in Amado is a horse and cattle operation that includes 160 acres of private land and a 6,000-acre state grazing lease.

Consequently, we have the first-hand experience with border security challenges, and we know the difficult job the Border Patrol is tasked to undertake. The Border

Patrol has responded to calls on both our farm and our ranch. I might add that our Border Patrol Tucson Sector Ranch Liaison, Jake Stukenberg, does an excellent job helping us cooperate with Border Patrol.

I also serve on the Board of Directors of the National Immigration Forum, a non-partisan organization that works with diverse constituencies especially business, faith and law enforcement leaders advocating for immigrants and responsible immigration policy. This policy must reflect immigrants' contributions to our nation's history, culture and growth, and their continuing contributions to our country's economy, especially in the agriculture and ranching sectors in rural communities.

The views I am offering today are informed by this context.

II. Impact of Permanent Border Checkpoints on our communities

FICO has longstanding concerns about the effectiveness of permanent Border Patrol checkpoints and their impacts on the surrounding community including nearby public lands. We met often with your predecessors including former Rep. Jim Kolbe, and I served on Rep. Gabrielle Giffords' Citizens' Advisory Committee on Checkpoints.

Those of us that live in areas surrounding the checkpoint have, for years, been exposed to the degradation of our public safety because of them -- high-speed car chases through our neighborhoods, gunshot victims and the like. I have experienced a high-speed chase by Border Patrol through my front driveway in Sahuarita, AZ that I am sure would have killed an employee or me had I not been in my home office at the time. The result was that a couple and two young terrified kids were apprehended, but there were no weapons or drugs found in their car.

My neighbor at the Agua Linda Ranch was pushed down on the ground by Border Patrol agents around 10 pm one night when he was near his ranch house, changing the irrigation set on his vegetables, dressed in his pajamas, despite the fact that he identified himself as the owner of the property.

Our neighbors and ourselves have had many similar experiences of livestock buzzed by helicopters flying too low over pastures, gates left open, fences cut and crossers asked to dump all their belongings on our property, which were left there, not confiscated. We have had numerous examples of Border Patrol agents being unfamiliar or lost on our ranch property, which is within a quarter mile of the major North/South Interstate, I-19.

A senior member of our team who happens to be Mexican-American was stopped by the Border Patrol 40 miles north of the border on her way from her home to work. She was driving a late model SUV with two young daughters in the back in car seats.

When she asked why she was stopped, the Border Patrol Officer replied, “You fit the profile.”

“What profile is that?” she asked.

“Driving a late model SUV and obeying the traffic laws and speed limit,” was the reply.

Sharing these stories with you does not at all mean we do not appreciate the efforts of the Border Patrol. Rather, proper training is crucial to Border Patrol agents working successfully with rural communities. We have noted that because Border Patrol has significantly increased staffing levels in recent years, there is a lot of transferring agents from one sector to another, high rates of turnover, and lack of uniform training.

The Border Patrol strategy, “Defense in Depth,” calls for retreating 30 or so miles from the border with fixed checkpoints. This strategy has us living in a no man's land and underestimates the intelligence of the enemy we are fighting—the drug and human smugglers. The assumption that these criminals will not circumvent fixed checkpoints and traverse through our neighborhoods, our ranches, our communities and our public lands is not based in reality.

There have been several in-depth examinations of the effectiveness and impacts of the Border Patrols checkpoint strategy.

GAO, August 2009¹ - This GAO report confirmed that the Border Patrol was proceeding without adequate information on the effectiveness of fixed checkpoints and their adverse impacts on the public safety and quality of life of southern Arizona. GAO found that there were “information gaps and reporting issues” because of insufficient data, the agency was unable to compare the cost effectiveness of checkpoints to other strategies, and the Border Patrol had misrepresented its checkpoint performance. It also found that of all the apprehensions of illegal immigrants in the vicinity of the I-19 checkpoint in a certain fiscal year, “94% occurred in the areas surrounding the checkpoint, while only 6% took place at the checkpoint itself.” In other words, these statistics make it clear that the checkpoint was driving criminal activities into the areas surrounding the checkpoint.

¹ United States, Government Accountability Office (GAO). (2009). *Checkpoints Contribute to Border Patrol's Mission, but More Consistent Data Collection and Performance Measurement Could Improve Effectiveness* (GAO-09-824). Washington, District of Columbia.

Udall Center for Studies in Public Policy, the University of Arizona, December 2012² - After undertaking a detailed statistical analysis this study found that the I-19 checkpoint is having a significant impact on the property values of the community surrounding this facility. This means that rural communities in the vicinity of the checkpoint, like Tubac, Arizona, are bearing a disproportionate economic burden for this border security tactic.

Tubac is in a rural area 20 miles from the border. It has become a major draw for tourists and businesses due to its historical, cultural, artistic and recreational facilities. Yet we know of many visitors and potential residents who have cancelled vacations or real estate purchases due to concerns about the permanent checkpoint and appearance of extreme militarism in the area. According to the Arizona Office of Tourism, tourism spending generates \$3.6 billion in economic activity annually and employs over 30,000 individuals in southern Arizona.³ The economic impacts of border security measures must be carefully considered.

GAO, December 2012⁴ - This report found, among other things, that because of data limitations the Border Patrol is unable to compare the effectiveness how resources are deployed among sectors. Each sector collects and reports the data differently thus precluding comparison. Policymakers and Border Patrol leadership are unable to effectively assess the effectiveness of tactics such as the checkpoint.

The information in a report issued last month by the Congressional Research Service (CRS) is also worth considering. In it, CRS noted discussed unintended and secondary consequences of border enforcement on border-area crime, migrant flow and migrants deaths, environmental impacts, effects on border communities, and U.S. foreign relations. Importantly, the report explains that an "unintended consequence of enhanced border enforcement between ports of entry may have been an increase in unauthorized entries through ports of entry and other means." Specifically, the report found that "based on three different surveys conducted between 2008 and 2010, UCSD researchers found that the probability of being apprehended while passing through a port of entry without authorization was about half as high as the

² Gans, J., M.S., M. P (December 2012). *The Border Patrol Checkpoint on Interstate 19 in Southern Arizona: A Case Study of Impacts on Residential Real Estate* (Rep.). Udall Center for Studies in Public Policy, The University of Arizona.

³ Arizona Travel Impacts 1998-2014p. (2015, June). Retrieved from https://tourism.az.gov/sites/default/files/documents/files/AZImp14pFinal_1.pdf
Report prepared by Dean Runyon & Associates

⁴ Government Accountability Office (GAO). (2012). *Key Elements of New Strategic Plan Not Yet in Place to Inform Border Security Status and Resource Needs*(GAO-13-25). Washington, District of Columbia.

probability of being apprehended while crossing between the ports.”⁵ While the report does not specifically address interior checkpoints, its findings raise yet again the question of whether resources would be better shifted to border ports of entry.

FICO believes that fixed permanent checkpoints threaten public safety in addition to resulting in significant economic consequences. It is clear in our view that they drive illegal activities away from the checkpoint into surrounding areas including federal public lands. We strongly believe that the border should be secured at the border.

V. Comprehensive Immigration Reform

As longtime business owners who live and work within 30 to 40 miles of the border, I cannot emphasize enough the inexorable link between border security and comprehensive immigration reform.

We understand the gravity of the border situation—the drug-associated violence, human smuggling, and environmental impacts—as well as the impacts of some enforcement activities on our commerce and property values.

We also know the effects of poorly crafted or implemented federal or state policies that create a climate of fear and discrimination among the civilian population—business and commerce decline and families suffer.

That makes your job all the more challenging and important—and we thank you for hearing from the people like us who live this situation daily, and for those of you who have visited the border and talked to residents and those who work and travel on both sides of the line.

In 2008, I testified before the House Subcommittee on Homeland Security, regarding the importance of comprehensive immigration reform. Much of what I said in 2008 remains a problem today.

We must remember and appreciate the contributions of our legal immigrants and those in our area who are of Mexican-American descent, without whom agriculture and ranching could not flourish in the US. The health care industry, restaurant and hospitality industry, construction, mining and many other sectors depend on continued renewal of both entry level and skilled labor from other countries.

Mexico is our third-largest trading partner, behind Canada and China. The US and Mexican economies are interdependent. As Mexico strengthens its institutions and economy, the benefits flow into our country, and there is less pressure for illegal migration.

⁵ “Border Security: Immigration Enforcement Between Ports of Entry”, Carla N. Argueta, Congressional Research Service, April 19, 2016.

In our experience, the paths for both permanent and temporary legal workers in the US are long, crooked and in some cases dead-ends. Since 1986 we have not uniformly enforced immigration laws, nor have we adequately dealt with ways to efficiently permit temporary workers, and provide a timely path to citizenship for those who merit it. Agricultural and other visa programs are impractical and unworkable.

Polls show that most Americans favor comprehensive immigration reform, including a path to citizenship and that these levels of support have remained constant for more than a decade.⁶

National security experts under both Republican and Democratic Administrations⁷, assert that the most effective border security strategy is comprehensive immigration reform. We must fix the immigration system by providing legal avenues for workers to enter the United States when needed and allow families to reunify. The 1986 Immigration Reform and Control Act, which resolved the status of most undocumented immigrants at the time, did not adequately address the demand for legal immigrant labor. Because there continues to be a demand for immigrant labor, individuals from other countries who seek a better life are drawn to our nation that is full of opportunity.

By providing more avenues for these individuals to come to the U.S. through legal means, law enforcement and border officials will be able to spend fewer resources toward immigrants migrating for economic reasons and more resources toward genuine criminal and terrorist threats that could harm our communities. Smart enforcement and border security, coupled with comprehensive immigration reforms, can improve border security.

VI. Conclusion

We appreciate the professional efforts of the Border Patrol and we certainly believe in securing our nation's borders, preferably at the border or in the immediate vicinity.

Congress should also enact comprehensive immigration reform that addresses our society's need for lawful immigrants, and, at the same time protects and enhances the public lands our growing population needs for recreational, economic and spiritual needs.

⁶ In U.S., 65% Favor Path to Citizenship for Illegal Immigrants. (2015, August 12). Retrieved April 26, 2016, from <http://www.gallup.com/poll/184577/favor-path-citizenship-illegal-immigrants.aspx>

⁷ Molnar, P. (2013, April 8). Panetta Lecture Series: Border security experts say immigration reform is vital. Retrieved April 26, 2016, from <http://www.santacruzsentinel.com/article/zz/20130408/NEWS/130408557>