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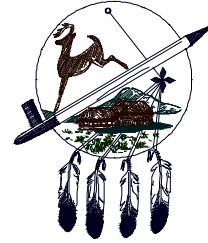
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Written Testimony to House Subcommittee on Oversight and Investigations, Committee on Natural Resources, on oversight hearing titled: "Securing Our Border, Saving Our National Parks"

**Orlando Escareño, Director of Police, Kickapoo Traditional Tribe of Texas
October 18, 2023**

Introduction: Thank you for holding this hearing on important issues pertaining to environmental damage to federal lands and National Parks caused by the surge in immigrant and asylum-seeker (collectively, immigrant) crossings along the U.S.-Mexico border in southern Texas (Southern Border), particularly including how such crossings affect our tribe, the Kickapoo Traditional Tribe of Texas (Tribe), just outside of Eagle Pass, Texas.

The Tribe is one of three federally recognized tribes in the State of Texas (State). Our Tribe is located parallel to the Southern Border, with a membership of approximately 1,100 tribal citizens, most of whom reside on our Reservation near Eagle Pass in Maverick County. Our Tribe also has certain trust and adjoining fee lands that run directly parallel to the Southern Border, and some of these lands are located along the Rio Grande river system, and the Tribe also owns fee land for traditional hunting purposes in Maverick and Kinney Counties. As I discuss in greater detail below, our Tribal land has been the subject of a significant number of illegal border crossings by immigrants, many of whom are leaving behind waste on our lands and whose crossings are exacerbating the challenges our Tribal law enforcement officers experience with ensuring public safety.

I. The Kickapoo Traditional Tribe of Texas Police Department

Background. The Kickapoo Traditional Tribe of Texas Police Department (Tribal Police Department) is certified by the Texas Commission of Law Enforcement (TCOLE) and works in tandem with the law enforcement departments of Maverick County, the State of Texas, and the United States through various partnerships, including cross-deputization agreements. Our Tribal Police Department also coordinates with the United States Border Patrol (Border Patrol) to ensure the safety of our Tribal members and non-Indian communities along the Southern Border.

The mission of the Tribal Police Department is to protect the lives and property of the people we serve, to reduce criminal activity, to preserve the peace and to maintain a safe environment in partnership with the Indian and non-Indian communities both within and surrounding the Tribe's reservation. Our Tribal Police Department personnel includes 30 full time patrol officers, who proudly serve this mission. However, with only 30 patrol officers and limited resources at our disposal, our ability to carry out this mission is already severely strained. In addition to protecting and serving our Tribal members, our officers are also responsible for serving and protecting the patrons of our Tribe's Lucky Eagle Casino Hotel, located on our Reservation. This operation generates necessary tribal government revenue, which our Tribe puts towards the general welfare of Tribal members per the Indian Gaming Regulatory Act. Through this operation and other ventures of the Tribe, the Tribe is the second largest employer in Maverick County, one of the poorest counties in the State. Unfortunately, the surge of illegal entries at the Southern Border only further hampers our ability to protect our Tribal members, visitors, and surrounding non-Indian communities.

II. Illegal Entries on Our Tribe's Lands

Strain on our Tribal Police Department. Over the past six months alone, our Tribal Police Department officers have responded to 72 reported cases of suspected illegal border crossings and turned over approximately 356 subjects to Border Patrol. While this may seem like a small number of crossings relative to the number of crossings in other border towns and cities, I reiterate that we have only 30 patrol officers at our disposal to respond to these incidents 24 hours each day, not to mention all other calls for assistance from our Tribe's community and the patrons of our Tribal gaming facility. Furthermore, this is just a six-month snapshot of the situation.

To make matters worse, our Tribal Police Department officers have access to only squad vehicles with the capacity to carry two individuals in addition to our officers. Under these circumstances (i.e. without larger transportation vehicles), to transfer large groups of illegally-crossing and/or undocumented immigrants to federal holding facilities, our officers have had to make as many as three trips to such facilities, with each roundtrip taking approximately 45 minutes of our officer's valuable time. Time for such trips expand if the immigrants need medical attention. This all leaves us with fewer officers on the Reservation to carry out standard police duties.

Moreover, our Tribal Police Department lacks a temporary holding facility to detain immigrants our officers find crossing through our Tribal lands. Normally, our Tribal Police Department's procedure when coming across individuals who illegally enter through the border is to detain such immigrants until Border Patrol agents can travel to our Reservation to pick up said immigrants. Typically, Border Patrol agents will not arrive to our Reservation until approximately three-to-four hours after one of our officers is able to establish communications with Border Patrol. In other words, under ordinary circumstances where one of our 30 Tribal patrol officers detain immigrants, our officers lose approximately three-to-four hours staying with detained immigrants, which they could be spending on protecting and serving our Tribal members and surrounding non-Indian community members. The Tribe does not have a tribal

jail, so we have nowhere to hold individuals while we await Border Patrol (we are hoping to secure grant funds to assist the Tribe in building one).

Illegal crossings also put our Tribal members and other community members at risk when immigrants attempt to or actually flee detention by our Tribal Police Department officers. While many turn themselves in (especially families), this is not always the case. There are times when individual immigrants flee when being approached by our Tribal officers, resulting in on-foot pursuits of these individuals. This can expend even more of our officers' invaluable time. In addition, we have serious concerns about illicit activities some of these individuals, who have criminal intent, may be committing on our Tribal lands aside from illegally crossing the border (e.g., human trafficking; drug-trafficking). We, for example, have concerns that there may be some bad actors among those crossing, who are using our hotel as a stash house.

Our principal and overarching concern is the protection of our Reservation, including the safety of our Tribal members and visitors, and our ability to assist our non-Indian neighbor communities in their efforts for safety. We are concerned that our Tribal Police Department will lack the manpower to adequately respond to security risks on our Reservation when engaging in pursuits of illegally-crossing immigrants, transporting immigrants to Border Patrol, and having to expend additional police resources to address increased criminal activity by certain bad actors among those crossing.

Environmental Damage and Associated Costs. The strain on the capacity of our Tribal Police Department is but one of the many negative consequences from the surge in illegal crossings by immigrants has had on our Tribe. The spike in these illegal entries has also given rise to environmental and property damage caused by waste left behind by immigrants as they travel through our Tribe's lands.

It is not atypical for our Tribal members and law enforcement officers to come across waste discarded by immigrants, including clothing scraps, used diapers and scattered pieces of plastic, in various parts of our Reservation. Examples of this can be seen in the photographs below (titled "Exhibit A" and "Exhibit B"), which one of our Tribal employees informed me was taken at the Tribe's Pecan Farm on October 13, 2023:



Exhibit A. Photograph of clothing and plastic waste on the Tribe's Pecan Farm, taken October 13, 2023.



Exhibit B. Photograph of discarded clothing scraps on the Tribe's Pecan Farm, taken October 13, 2023.

The Tribe's Pecan Farm Director notified me that in the Tribal Pecan Farm area, it is not uncommon for employees to come across clothing waste in grassy areas of the farm, like the trash shown in the photographs above, which frequently damages farming equipment (e.g., clothing scraps lodged in lawn mowers). Similarly, Ricardo Barcena, Jr., Director, Road & Bridge Department of the Kickapoo Traditional Tribe of Texas (Road & Bridge Department), has described the increase in immigrant crossings as leading to what he referred to as a "crisis," in part, because his employees expend significant time taking measures to avoid machinery damage caused by clothing waste left by immigrants in grassy areas, which, in turn, delays Road

& Bridge Department projects. He explained that his employees are constantly picking up clothes in grassy areas to avoid damage to Tribal equipment—particularly, lawn mowers.

Moreover, because the Tribe does not have an on-reservation landfill, to properly dispose of the waste, the Tribe must not only expend funds on Tribal employee labor to collect the waste strewn across our Tribal lands but also on transporting the waste from Tribal lands to landfills in off-Reservation locations and paying the fees associated with discarding such waste.

While we are unaware of any incidents of immigrants directly dumping their waste into on-Reservation bodies of water or nearby bodies of water, members of our Tribe have reported finding waste left by immigrants either on or near on-Reservation river banks of the Rio Grande, including wet clothing scraps and used diapers. This could pose health risks to our Tribal members were such waste to contaminate our local water supply, which we draw from the Rio Grande.¹ We note that we have not gathered data on whether waste disposed by immigrants near the Rio Grande is contaminating our water supply to the extent such disposal would actually pose a public health risk, however.

We also have concerns about environmental damage due to waste disposal and wear-and-tear from foot-traffic in areas on our Reservation that have increased cultural significance for the Tribe, such as our cemetery and our Traditional Home, near an area that immigrants have been using as a safe haven.

III. Requests for Assistance

To help the Tribe address environmental damage and other related harms caused by the surge in illegal crossings on our Reservation, we are asking Congress for funds to assist the Tribe with: (1) procuring and/or constructing a temporary holding facility to detain immigrants; (2) procuring a large passenger transportation vehicle (e.g., a van) and other transit equipment for transporting large groups of immigrants to Border Patrol facilities, including car seats for transporting minors; (3) expanding the number of law enforcement officer positions available in our Tribal Police Department; (4) procuring and installing surveillance devices along the Southern Border and other parts of our Reservation that are frequented by illegally-crossing immigrants; and (5) expenditures on services arising from properly disposing waste left behind by immigrants.

Conclusion: We greatly appreciate your attention and commitment to addressing environmental harms caused by illegal crossings through our Tribe's land and other federal lands. Our view is that the individuals who are fleeing their countries to come to the United States must be treated humanely while at the same time the rule of law must be followed. We are happy to assist

¹ See *Annual Consumer Confidence Report (CCR) for the period of January 1 to December 31, 2022*, KICKAPOO ENV'TL PROTECT. AGENCY (June 2023) ("Source of Drinking Water . . . The water for the Kickapoo Traditional Tribe of Texas Reservation is supplied by the City of Eagle Pass Water Works . . . drinking water plant. This water is surface water that comes originally from the Rio Grande River.") (CCR accessible [here](#)); *Drinking Water Fact Sheet*, WORLD HEALTH ORG. (Sept. 13, 2023) ("Microbial contamination of drinking-water as a result of contamination with feces poses the greatest risk to drinking-water safety") (*Drinking Water Fact Sheet* accessible [here](#)).

Border Patrol in the proper processing of these individuals and to ensure their humane treatment and we look to Congress to facilitate our efforts. We also look to Congress to help us acquire the resources we need to continue our stalwart efforts to keep our Reservation, our Tribal members, and our visitors safe.

Thank you, again, for your consideration of the requests of the Kickapoo Traditional Tribe of Texas. Congress has a duty to fulfill the federal trust responsibility owed to Tribal Nations in the United States, which, in this case, coincides with our efforts to keep our Reservation safe, particularly in light of increased immigrant crossings of the Southern Border through our Tribe's lands.