

Border Crisis in Arizona

Testimony by law enforcement and park service officials before Senator John Kyl

Edited by Wayne Lutton

On June 27 of this year, the U. S. Senate Judiciary Subcommittee on Immigration held a hearing on the emergency situation in Arizona. Chaired by Senator Jon Kyl (R-AZ), federal and state officials from Arizona described what is happening along the Arizona-Mexico border, where illegal aliens by the hundreds of thousands, as well as drug smuggling gangs, are sweeping into the United States. Border residents are threatened as never before.

In addition to the stress on local communities, the National Park Service testified on the negative impact of illegal immigration to our public lands. The human tide from Mexico has done extensive damage to parks and forests in southern Arizona, including the trampling of major vegetation, accelerated erosion, the setting of wildfires, and danger to wildlife.

The number of Border Patrol agents in the Tucson sector has increased from 287 in 1994 to approximately 1,400 today. But this is not nearly enough manpower to secure this part of our southern border. And the redeployment of BP personnel to Arizona has left other areas in the south and northern border with Canada increasingly vulnerable to intruders.

LARRY DEVER

SHERIFF OF COCHISE COUNTY, BISBEE, ARIZONA

The citizens of Cochise County are experiencing a challenge of unprecedented proportions. Each month, tens of thousands of illegal immigrants from all over the world pour across the 83 miles of international border we share with Mexico. Last year alone, almost a half-million illegals were apprehended in this zone. It is estimated that anywhere from 1 million to 3 million more escaped. This is a county with only 125,000 total population. Deemed "Cocaine Alley" by drug smugglers in the 1980s, Cochise County, Arizona is now the alien smugglers' and illegal

entrants' corridor of choice in the entire country.

Virtually everyone who lives in or visits our area has been impacted by this mess in a very personal way. Our fences are cut, our water sources damaged or destroyed, our properties littered with tons of garbage, clothing and human waste. The San Pedro Riparian Area, designated by the federal government as critical habitat for several endangered species is so contaminated with this garbage that it may never recover. The same is true of our national parks, national forests, wildlife refuge and state and private properties as well.

Moms and dads can't leave their kids at school bus stops. Our highways are rendered dangerous by inexperienced drivers in unsafe vehicles. Hundreds of trespasses against our homes, our properties and upon our cherished quality of life occur daily. In some places we cannot even go out for a morning or evening walk without fear and trepidation. These are not conditions that are acceptable anywhere, much less in what should be a peaceful and tranquil rural American environment.

It is tempting to get wrapped up in the international aspects of the debate, but this is not my focus. Bureaucrats will tell you that Congress-members represent polarized constituencies that either want cheaper labor or don't; want free trade or don't; want open borders or don't. Clearly, the fact that individuals and families are compelled to leave their homelands for another place is a major cause of all this. Whether these people are fleeing from or flocking to, makes little difference to the immediate crisis. We are still being overrun, and paying dearly for the consequences.

This problem is not going away any time soon. I visit Mexico often. There I have witnessed a buildup of enormous infrastructure designed to support alien smuggling operations. These investments were not made with a short-term perspective.

So why here and why now? Simply put, what we are currently experiencing in Southern Arizona is the planned — yes, I say planned — consequence of the

border enforcement strategy of the Immigration and Naturalization Service (INS). Their terrain denial efforts in El Paso, Texas and San Diego, California have pushed these people to us. It was done on purpose. I can only speculate as to what the thought process might have been. I can tell you that those who plotted this strategy did not anticipate the resolve they would awaken in the people who call Cochise County home. Neither did they, apparently, consider the devastating social, economic and environmental impacts of their plan. And if anyone thought to involve us in the planning process — those of us who would be most directly affected — they certainly didn't follow through.

There are many reasons that Cochise County has long been a favored drug smuggling corridor. Our climate is mild. Just to our east and to our west the environment tends to be much more hostile. There are lots of water sources here — wells, ponds, stock tanks, and the San Pedro River. There is a lot of cover in remote places and, once across the border, there are hundreds of ways out of here accessing rural roadways that intersect major arteries into the heartland of this nation. And there are deeply entrenched smuggling networks that date back to the 1800s that continue to operate in and around this area.

The smuggling business is highly profitable. The smuggler has no regard for his cargo, only his profit. This depravity is illustrated by the surging number of deaths of abandoned immigrants (43 to date this year). For the smuggler there is little risk. The illegal immigrant risks everything.

While our federal government is failing to adequately defend our borders and protect our properties, it also claims a proprietary and absolute authority to do so. Authority requires responsibility which must be held to an equally absolute level of accountability. Yet, it is local government and service industries that continue to bear the full burden and the cost.

I wish to close with these remarks: First, it is the responsibility of the federal government to secure and maintain the integrity of our borders. It is the inadequacy and the absence of required law enforcement resources that forces responsible stewards of the land and homeowners to take up this charge in defense of their properties.

Second, it is absolutely unconscionable that any federal initiative or plan, such as that adopted by the INS,

should be implemented without thorough and comprehensive review by local communities and authorities that will be predictably affected. To suggest that consequences such as those we are now experiencing are “unanticipated” or “unpredictable” borders on the absurd, and is a position that is self-serving and irresponsible.

Finally, the nation was recently astounded by the catastrophic fire in Los Alamos, New Mexico, that was caused by poor planning and inadequate preparation. The social, economic and environmental impact of the failure to adequately address the effects of illegal immigration along the Southwest border, and specifically in Southern Arizona, is much more pervasive, much more insidious, and will bear such more serious long-term consequences, as to demand your immediate attention.

Of all the damage being done, perhaps the greatest is the loss of confidence by our citizens that our government is willing or able to do anything about this situation. I ask you to join me in restoring that trust through immediate and decisive action. Thank you.

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CHRIS M. ROLL, COCHISE COUNTY ATTORNEY

Illegal immigration through Cochise County has become one of the most serious problems that we face today. Our county has over eighty miles of common boundary with Sonora, Mexico. Each month, hundreds of thousands of migrants cross the border from Mexico into Cochise County in an attempt to reach destinations in the United States and Canada where they will readily find employment. This mass migration is taxing the limited resources of this community. The smuggling of human migrants into this country by ruthless “coyotes” and the activities of a growing number of border predators (robbers, rapists and kidnappers) has greatly increased border-related violence in our county. Much property damage and environmental damage is occurring simply as a result of the migration. Even federally protected and environmentally sensitive areas, such as the San Pedro Riparian National Conservation Area, are being damaged by this mass migration. Trash, human feces, unwanted trails and man-caused grass fires are some of the problems that impact that area.

The most troublesome of all consequences, however, are the human tragedies and social problems that are with us constantly. Once, our border community was tranquil, with Mexican and U.S. citizens living in a

relatively harmonious state. Now, with the flood of migration continuing to flow after nearly two years, tensions are rising. Each new confrontation between groups of desperate migrants and frustrated property owners only brings us closer to a tragedy that everyone fears. Meanwhile, tragedies of another sort are occurring almost every day. With the summer heat has come a wave of deaths of migrants. Mislead by smugglers, or simply ill prepared for the distances and heat, deaths by dehydration and heatstroke have become far too common.

The irony of this situation lies in the fact that these deaths in the desert and the confrontations between property owners and migrants are occurring because the Border Patrol's strategy is working. This strategy has, without warning, funneled the vast majority of illegal immigration from Mexico through Cochise County. The U.S. Immigration and Naturalization Service implemented this strategy in response to calls for action by heavily populated communities like San Diego and El Paso. Now, by using checkpoints along our major highways, the Border Patrol is causing the smugglers to march the migrants for miles through ranches and back yards, riparian areas and mountains, and mostly at night. Once the migrants successfully run this gauntlet near the border, however, they have few worries. Once they are twenty or so miles north of the border, there is little chance that they will be apprehended. There seems to be little effort made to enforce our federal immigration policy in the heart of the nation, where the jobs are readily available.

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FRANK D. ALVAREZ, CEO OF TUCSON MEDICAL CENTER and JOHN DUVAL, COO OF UNIVERSITY MEDICAL CENTER

We would like to testify regarding the financial losses that we are sustaining from the provision of emergency medical services to undocumented aliens. Tucson Medical Center (TMC) and the University Medical Center (UMC) provide all major trauma care regionally and are the largest providers of emergency services for Southern Arizona. Federal law (EMTALA) requires that we provide emergency services to injured or ill persons who are in the United States regardless of legal status and ability to pay for medical expenses. TMC estimates their annual cost for providing emergency care to approximate \$5,000,000. UMC is facing an all-time

high of uncollectable charges for care provided to foreign nationals of \$7.3 million for fiscal year 2000. This amount is for hospital charges only, and does not include services provided by physicians. This has a profoundly negative effect on our financial well being. Our institutions cannot continue to incur these losses and remain viable.

Arizona is currently the major point of entry for many of the persons who are entering the country illegally. This is partially a result of increased enforcement measures in Texas and California. Many persons who enter do so in vehicles that are packed with large numbers of people. These vehicles are often involved in automobile accidents, with resultant deaths and injuries to passengers. Other persons become ill from dehydration and exposure as they attempted to enter the country illegally. A number of these individuals have been apprehended by the Border Patrol and sent to our institutions for treatment. It is Border Patrol practice not to take these persons into physical custody or to arrest them, thus permitting the agency to take the position that they are not responsible for payment for the medical services that we are required to offer.

In medical emergencies, as a humanitarian gesture, it is a common practice for the INS to admit persons into the U.S. who do not have proper documentation, in order for those persons to obtain emergency medical services at a U.S. hospital in a border community. If that hospital cannot provide adequate treatment, these individuals are transported by helicopter or ambulance to UMC or TMC where we must provide them with care. We are including case descriptions with this letter that describe some of the patients whom we have treated after they were granted medial "parole" by the INS and allowed entry. These persons often require complex, expensive treatment.

Persons allowed entry for humanitarian reasons are waived across the border. Often one family member is allowed to accompany the patient. No documentation is kept and no time limits are set for the time period in which the patient and accompanying family member can stay in the U.S. for the treatment. On occasion, individuals have refused to return to their own community healthcare system. There also needs to be a source of payment for these patients.

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JOSÉ DE JESUS RIVERA IS UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA

Thank you for the opportunity to describe to this committee the situation now facing the Southwest Border, particularly that part of the border located in southeastern Arizona near the town of Douglas.

During FYs 1998 and 1999, enormous growth in the numbers of illegal immigrants crossing into Arizona from Mexico fueled a parallel increase in criminal prosecutions, and intense pressure on the border communities. Despite efforts to restrain the surge in immigration and other illegal cross-border activities, the flood of illegal traffic across the eastern Arizona border with Mexico continues to rise. The impact of this traffic affects not only the areas adjacent to the border, but also reaches northward through Arizona into the nation's interior. Although Arizona has received additional resources to handle the situation, the current influx of illegal immigrants is overwhelming the federal resources available, and stressing the resources of state and local agencies operating in the border counties.

During the last five years, several forces acting in concert have changed the face of law enforcement on the Arizona border. Affecting both drug and immigration offense patterns, the Border Patrol strategy which included Operations Hold the Line (El Paso) and Gatekeeper (San Diego) squeezed illegal immigration and smuggling activities from the east and west, finally forming a pipeline through southeastern Arizona. Combined with economic factors, the result by late 1998 was and is a staggering number of illegal entrants traveling into and through the area near Douglas, Arizona. During FY 1999, Border Patrol in the Tucson Sector, which covers the Arizona border, except for the area around Yuma, apprehended over 470,000 persons for immigration violations. Tucson Sector apprehensions accounted for 31 percent of all apprehensions on the southwest border in FY 1999. This number is swelling to over 500,000 anticipated for FY 2000.

Re: Local impact — Residents experience property damage, home invasions, burglaries and other disruptions. As Border Patrol strengthened enforcement efforts in urban areas, illegal immigrants and the organizations that smuggle them into the United States have increasingly entered the United States in isolated rural areas. Large groups of immigrants trespass across private ranches and homesteads located near the border and on established routes as much as 70 miles north of the border. These groups cause the occupants of such isolated residences

to feel unprotected. Residents have also experienced burglaries and property damage including slaughter of livestock, drainage of vital water systems and huge quantities of refuse left in the immigrants' wake.

The border area is becoming more violent. "Border bandits" attack groups of immigrants attempting to cross into the United States. Rapes, beatings and robberies by these criminals are reported with increasing frequency. Smugglers victimize their clients through robbery, sexual abuse and extortion.

In addition, more drug backpackers — individuals who carry backpacks of marijuana and other drugs from Mexico into the United States, usually operating in groups of five to ten — are found to be carrying firearms. In the last few years, drug backpackers murdered an outstanding young Border Patrol agent, have pointed guns at other Border Patrol agents, and have been caught with at least one automatic weapon.

Media attention has focused in recent months on local residents who have, on a number of occasions, detained illegal immigrants found on or near their property, then turned them over to Border Patrol. This activity has provoked strongly felt reactions from supporters of the residents involved in this conduct, and also by the Mexican government and other groups concerned about the rights and welfare of the immigrants.

When such an incident occurs, Border Patrol immediately notifies the district's border liaison, a senior assistant United States attorney who coordinates border-related matters. In every case, the border liaison, working with Border Patrol, ensures that local authorities are notified. Border Patrol agents and local law enforcement officers interview the detained individuals concerning the circumstances of their detention. The office regularly communicates with the Department of Justice Civil Rights Division to ensure that all possibilities have been considered. All information concerning the incident is made available to the local prosecutor's office for use in determining whether any violation of state law has been committed. The border liaison also ensures that the Mexican consulate has been advised. Consular representatives then have the opportunity to speak with the detained individuals.

Every effort is made to facilitate the speedy return of any Mexican detainees to their home country. Most are returned within 48 hours.

Re: Interior impact — Most illegal immigrants travel away from the border to join family members, look for work or for other reasons. Many of the convicted felons coming back to the United States can be expected to commit additional crimes in the communities to which they return.

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WILLIAM E. WELLMAN, SUPERINTENDENT OF THE ORGAN PIPE CACTUS NATIONAL MONUMENT

The National Park Service would like to inform you of the impact undocumented alien traffic is having on the natural and cultural resources of Organ Pipe Cactus National Monument, on the safety and experience of visitors to the monument, and on park operations. There has been a steady and dramatic increase in numbers since the border was tightened in the San Diego area in 1995.

Undocumented alien traffic is a major threat to the natural resources of Organ Pipe Cactus National Monument. At least six major illegal migrant foot routes cross the monument totaling over 100 miles. Along these major routes compaction of the desert soils has occurred. In this arid environment, the resulting scar on the landscape will last centuries. On the steeper slopes accelerated erosion is occurring, particularly during the heavy monsoon rains. Vegetation is trampled, broken, carved and burned. Several wildfires are believed to have been caused by undocumented aliens. Numerous campsites are located in the washes along the routes and near Highway 85. An unbelievable amount of trash accumulates at the campsites. Vegetation is often removed either to clear a resting/sleeping spot or to fuel campfires. The site picked for resting areas are usually prime sites for regeneration of the large cactus, including the Organ Pipe Cactus for which the monument is named. All of the young cactus seedlings are destroyed and it may be years before climatic conditions are again right for a new generation of seedlings to grow.

The illegal immigrant traffic has negative impacts on wildlife as well. There is very little water in Organ Pipe Cactus National Monument. Most of the wildlife found here is well adapted to dry conditions and can normally survive on the small amounts of water available in the monument. We believe that now much of this essential water is being used by illegal immigrants. For shy animals, such as the Sonoran pronghorn, there is literally no place in the monument they can go to escape human

presence because of the illegal traffic and several of the immigrant campsites are located near endangered pygmy owl nests.

Degradation of cultural resources is also occurring because of the illegal traffic. Some historic ranch structures have been partially dismantled for firewood and one structure at Bates Well ranch site has been totally destroyed by fire.

Many visitors to the monument worry about encounters with illegals. We are receiving increasing numbers of calls from potential visitors asking if it is safe to visit the park. Instances of border bandits crossing into the park from Mexico to prey on park visitors and then flee back across the border are increasing and drug smugglers pose a real threat to park visitors.

Even though Organ Pipe Cactus National Monument contains 312,000 acres of congressionally designed wilderness, there are few places that visitors can go in the monument without seeing evidence of human use: trash, footprints, vehicle tracks, human feces and toilet paper, abandoned clothing, and, most commonly, abandoned plastic water jugs. Pristine Sonoran desert and vast areas of solitude — the very reasons the monument and wilderness were established — are being lost.

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JOHN MCGEE, FOREST SUPERVISOR, U.S.D.A.

The Coronado National Forest is unique in that it is the only National Forest located on the international boundary with the Republic of Mexico. The extreme elevation and ecological zone variations in the 12 mountain ranges of the Coronado make them unique among National Forest lands in North America, resulting in very high diversity of plants, animals, climate, and geography. The matchless biodiversity occurring on the Coronado National Forest has been the basis for international relationships and cooperative agreements in natural resource management and the management and introduction of threatened, endangered, and sensitive species of both plants and animals.

Multi-billion dollar international smuggling organizations routinely use Coronado National Forest roads, trails, developed recreation sites, high-value dispersed recreation areas, and administrative sites as routes and way-points integral to the smuggling activity.

The Coronado National Forest leads all Forests in the nation with impacts from international drug

smuggling. Forest Service law enforcement officers seize thousands of pounds of marijuana each year.

All enforcement agencies surrounding the Coronado National Forest have experienced quantum increases in funding and personnel. These increases have diverted even more smuggling activity to the Coronado National Forest. Recent events on the Forest include intimidation of visitors and employees, intentional ramming of Forest Service vehicles, and the murder of a cooperating law enforcement officer while working on the Coronado National Forest.

Controlled substance smuggling on the Coronado National Forest compromises public and employee safety, increases associated crimes, including crimes against people and property, and increases accidents producing injury, death, and property loss to those engaged in the illegal activity and to innocent bystanders.

International smuggling on the Coronado National Forest impacts the Coronado's ability to redeem our responsibility and effectively administer the Forest by creating conflicts with permitted uses, destruction of improvements including damage to existing trails and roads and creation of new trails and roads, and resource damage, including damage to watershed, damage to riparian areas and water sources, sanitation problems, garbage, human waste, and increases in human-caused wildfires.

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JESSE JUEN, FIELD MANAGER, BUREAU OF LAND MANAGEMENT, TUCSON FIELD OFFICE

The purpose of this briefing paper is to provide information regarding undocumented immigrants crossing the international border between Sonora, Mexico, and Arizona, specifically in southeastern Arizona.

It is becoming increasingly evident that public land resources, employees, and the public are being severely impacted by the volume and intensity of undocumented immigrants crossing the border each day. While the problem is occurring along the entire border, two very special areas are being critically impacted, the San Pedro Riparian National Conservation Area and the proposed Las Cienegas National Conservation Area.

RESOURCES AND FACILITIES IMPACTED: Wildfires are a big problem, especially along the San Pedro, where about 20 percent of the riparian vegetation has been destroyed by wildfires over the past two years, with some of these fires caused by warming fires out of

control. Toilet paper and, worse yet, human excrement, is common. Trash such as water bottles, food wrappers, flagging and clothing litter the corridor. Use and abandonment of transport vehicles in areas that are closed to motor vehicles have resulted in a proliferation of two-track roads, cut fences which allow cattle trespass, and resource damage from cross-country vehicle use as well as salvage and removal. Vehicle traffic down steep embankments is creating erosion and sedimentation concerns that will be exacerbated as Arizona approaches its monsoon season. Riparian vegetation has been destroyed and in many cases, oil and fuel have leaked into the stream, an endangered species habitat. Fences and gates are constantly breeched, run over, and otherwise destroyed. Trails and campsites are randomly distributed and common. Bureau facilities including quarters, storage sheds, and workshops are continually vandalized and material stolen by immigrants.

EMPLOYEE SAFETY COMPROMISED: Employees cannot travel to do fieldwork without the fear of encountering immigrants, who sometimes ask for food or water. As a result, they often travel in pairs to conduct fieldwork to increase individual safety. This diminishes our efficiency and effectiveness greatly.

PUBLIC CONCERNS VOICED: The public is becoming fearful of camping on public lands due to the traffic of immigrants coming through, with reports of over 100 passing through a campsite one night. There have been thousands of undocumented immigrants detained and apprehended, and an unknown quantity of narcotics is actively moving through the area, which poses an additional risk. Vandalism, rape, and theft have also been reported.

The continued degradation of resource conditions within these areas is stripping away the values for which the RNCA and proposed NCA were created. The need to address the situation is critical.

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JAMES K. BELLAMY, SUPERINTENDENT OF THE CORONADO NATIONAL MEMORIAL

Coronado National Memorial is a unit of the National Park System located on the border with Mexico in southeastern Arizona. It consists of 4,750 acres of oak woodlands and grasslands at the southern end of the Huachuca Mountains, and shares 3.5 miles of border with Mexico. The location is conducive to the entry of undocumented immigrants, which has occurred here for

many years and is ever increasing.

The National Park Service is mandated to preserve the natural and cultural resources in the parks unimpaired for the present and future generations.

1. To what extent have illegal immigrants had an impact on the Coronado National Memorial, for example, with respect to damage to natural resources and property?

Illegal immigrant traffic through the park has grown dramatically this year. This growth is difficult to quantify. I think an estimate of a 300 percent increase over the past year would be fairly accurate. In 1998, park rangers detained or assisted U.S. Border Patrol in the detention of 80 undocumented immigrants in Coronado National Memorial. In 1999 the figure was 207 undocumented immigrants. In just the first five months of 2000 the figure was 390 undocumented immigrants. This figure can be extrapolated to 629 by the end of the year 2000, taking into consideration that 62 percent of the detentions during the previous year occurred in the first five months. The majority of illegal immigrants that enter the park are not apprehended due to the sheer numbers of entrants and

the workload of Border Patrol officers and our rangers.

This activity has significantly impacted park resources. Human foot traffic has created several trails the width of one-lane roads. The large numbers of people have destroyed vegetation, exposed bare ground, eroded steep hillsides, and caused scars that will take years to heal. Litter covers the ground in many places, particularly plastic water bottles, food containers, discarded clothing and blankets. Conditions are very unsanitary in many places due to the amount of human feces and toilet paper.

2. To what extent, if any, has it created safety problems for both visitors and staff?

The potential for serious encounters is high. Drug smugglers often mix in with illegal immigrants, and the drug smugglers are much more prone to violence. Some illegal immigrant smugglers (coyotes) also smuggle drugs. The park has had one case of an assault on a female visitor by suspected drug smugglers.

Additional safety hazards to both visitors and staff are those posed by speeding vehicles transporting illegal immigrants, and the potential of wildfires from cigarettes and warming fires. •