

*This speech was delivered in Los Angeles on April 25, 1994 and afterward Governor Wilson appeared at the conference in San Francisco reported on in the previous article by B. Meredith Burke.*

# Securing Our Nation's Borders

By Pete Wilson

I've come here this afternoon to announce that I will file suit this week against the federal government for its failure to control our nation's borders. It's not a decision I come to lightly. I would rather resolve this crisis in the Congress than in the courts. But the repeated failure of Congress to confront its responsibility to control illegal immigration and to prevent the terrible unfairness to state taxpayers and to needy legal residents has driven us to seek redress for our injuries in the courts.

The federal government's immigration policy is broken and the time to fix it is now. It's hard to blame people who day after day pour across our borders. They're coming to find a better life for themselves and their families. It's easy to sympathize with them and even admire their gumption. It is those in Washington that we should condemn — those who encourage the illegals to break the law by rewarding them for their illegal entry.

We are a state and a nation of immigrants, proud of our immigrant traditions. Like many of you, I'm the grandchild of immigrants. My grandmother came to this country in steerage from Ireland at age 16. She came for the same reason any immigrant comes — for a better future than she could hope for in the old country. And America benefitted from her and millions like her. But we, as a sovereign nation, have a right and an obligation to determine how and when people come into our country. We are a nation of laws, and people who seek to be a part of this great nation must do so according to the law.

The United States already accepts more legal immigrants into our country than the rest of the world combined — 1.8 million in 1991 alone.

We are a generous people. But there is a limit to what we can absorb and illegal immigration is now taxing us past that limit.

Thousands come here illegally every day. In fact, the gaping holes in federal policy have made our borders a sieve. President Clinton has used that very word to describe their porous condition.

The results are, in Los Angeles, there's now a community of illegal residents numbering a million people. That's a city the size of San Diego. Alone, it would be the 7th largest city in the nation — half again the population of our nation's capital, Washington, D.C.

Two-thirds of all babies born in Los Angeles public hospitals are born to illegal immigrants.

As we struggle to keep dangerous criminals off

our streets, we find that fourteen percent of California's prison population are illegal immigrants — enough to fill 8 state prisons to design-capacity.

And through a recession that has caused the loss of one-third the revenues previously received by state government, as we have struggled to maintain per pupil spending and to cover fully enrollment growth with classrooms around the state bursting at the seams, we're forced to spend \$1.7 billion each year to educate students who are acknowledged to be in the country illegally.

In total, California taxpayers are compelled by federal law to spend more than \$3 billion to provide services to illegal immigrants — it's approaching 10 percent of our state budget.

To ignore this crisis of illegal immigration, as some would have us do, is not only irresponsible, but makes a mockery of our laws. It is a slap in the face to the tens of thousands who play by the rules and endure the arduous process of legally immigrating to our country.

It's time to restore reason, integrity and fairness to our nation's immigration policy. And we need to do it now. California can't afford to wait.

First, the federal government must secure our border. That's the first step in securing our future. They must devote the manpower and the technology necessary to prevent people from crossing the border in the first place.

Second, the federal government should turn off the magnetic lure that now rewards people who successfully evade the Border Patrol and cross the border illegally.

And finally, until our representatives in Washington do act, until they secure the border and turn off the magnetic lure, they should pay the full bill for illegal immigration. The states shouldn't be forced to bear the cost for a failed federal policy that gives a free pass to those who breach our borders, then passes the buck to us.

Those who oppose reform invariably cry racism. They want to stifle even any discussion of the issue.

But this debate isn't about race, it's about responsibility and resources. Washington must accept responsibility for this strictly federal issue, and California must be allowed to devote our limited resources to those people who have come to our country through the legal process.

This isn't a partisan issue, or even simply a California issue. Washington's failure to bear

responsibility for illegal immigration is forcing states around the nation to bear enormous costs.

And we have finally started to see some recognition of the problem in Washington. Working with our Congressional delegation on the Budget Resolution before Congress, we've secured the strongest Congressional statement yet for full reimbursement. It fully acknowledges federal responsibility for criminal aliens who have committed felonies under state law only because they were permitted to enter the country illegally by virtue of federal failure to control the border.

In the federal crime bill, the House of Representatives added amendments mandating federal incarceration of criminal aliens or reimbursements to states for the cost of their incarceration — but not until 1998! The official rationale for this four year delay in the arrival of the cavalry is that Congress requires the time to find a way to pay. Meanwhile, the states are to continue patiently laying out what is proportionately a far greater share of our budgets for what is acknowledged to be an exclusively federal duty.

On Friday [April 22], the Clinton Administration took a positive, but inadequate step towards reimbursing states for the costs of keeping alien felons locked up in state prisons. The \$350 million authorized by the White House for all states is little more than half what is required according to the Congressional Budget Office estimate, and in fact is less than they owe California alone.

Another amendment to the crime bill authorizes the addition of 6,000 agents to the Border Patrol, but these House authorizations now must pass the Senate to take effect. And even then, they are just *authorizations*, just acknowledgments of the problem. Congress must then take the next step, *appropriation* — which means voting to actually cut a check to pay the costs imposed on the states by federal failure to control the borders and federal mandates to provide services to illegal immigrants.

And we've watched, time and time again, as Congress has authorized reimbursement in the spring, but then stripped out or failed to pass an appropriation, and left us holding the bag in the fall.

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That's why we have launched an unprecedented offensive by a bipartisan coalition of seven states, including the five most populous, to pressure the Administration and Congress to do equity and honor

the federal obligation to reimburse us. They should do so in the federal budget and appropriation bills.

But, we will not stand by and watch the political process fail once again, when we can wait no longer. So, in addition to pursuing reform in Washington, we are launching a series of lawsuits against the federal government starting this week. Unfortunately, Congress' track record of failure has compelled us to seek a remedy in the courts, even as we continue a bipartisan, multi-state effort to pressure the Administration and Congress to atone for and pay for their sins by corrective action both at the border and in the appropriation process.

In court, we'll seek two broad goals. First, that the federal government enforce our nation's immigration laws and secure our nation's border.

And second, that the federal government reimburse California fully for costs incurred when it fails to enforce the law.

Suing for reimbursement is not only a matter of fairness for state taxpayers, it's a matter of making the political process work for our nation.

Immigration and control of our nation's border are, by virtue of the Constitution, a strictly federal responsibility. But today, there is no fiscal accountability for that policy.

The Congress is writing blank checks on other people's bank accounts — and one of those accounts belongs to the taxpayers of California.

Congress must be forced to bear the fiscal consequences for its immigration policy. If they have to pay the bill for that policy, if they feel the pinch in the federal budget for which they alone are accountable to the voters, then and only then will they have the incentive to fix this policy that simply doesn't work.

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President Clinton has acknowledged as much himself. Last summer he said, "One of the reasons the federal government has not been forced to confront this ... is that the states of California, Texas and Florida have had to bear a huge portion of the costs for the failure of federal policy."

It's a fundamental element of democracy — a government must be held accountable for its actions.

And if the federal government were held accountable, they would quickly discover that the cost

of ignoring the real and explosively growing problem of illegal immigration is far greater than the cost of fixing it.

They would see that the federal resources necessary to secure our nation's border are dwarfed by the billions that California and other states spend today in making massive illegal immigration to America a safety-net for the world. What's more, by compelling California to provide this safety-net for illegals, the feds are tearing gaping holes in the safety-net we seek to provide for our own needy legal residents.

For next year, the Clinton Administration proposes increasing spending on border enforcement across the country by just \$180 million a year. We'll spend nearly 10 times that amount just educating illegal immigrants in California schools.

Last week I went to El Paso, where I saw firsthand a program known as Operation Hold the Line that has used a blockade to reduce illegal crossings by 75 percent.

I will concede that the same plan that has produced such success for the El Paso Blockade can't be precisely reproduced everywhere on the border. But the most important lesson to draw from El Paso is that we can control our border.

Those who say the effort is futile — those who say we should simply concede that people who want to cross the border will — are wrong.

But to secure our border, we first need a plan. Then we must devote the will and resources to carry it out, as they have in El Paso.

But the responsible officials in Washington fail to see the urgency of the problem.

INS Commissioner Doris Meissner recently said, and I quote, "There's nothing wrong in taking a year or two [to enact immigration reform.]"

Well, Ms. Meissner, I don't know what border you're looking at, but as the people who bear the cost for your failed policy, we can tell you that two years is too long to wait. Every day we wait, the problem grows worse.

That's why we're taking our case to court. Since we must, we will force the federal government to bear responsibility for its policies.

Our first lawsuit, to be filed this week, will seek reimbursement for the costs California bears for incarcerating alien felons in our state prisons. The price tag this year alone is nearly \$400 million, and that doesn't include the costs from previous years, the capital costs for housing these criminals, or the costs to county governments.

But our suit will also seek to compel the federal government to do its duty to enforce immigration laws already on the books.

Specifically, we'll demand that the federal government be forced to take custody of the thousands of alien felons who have completed their sentences in state prison, but are back on the street, because the

INS has failed to deport them. That federal dereliction forces California to supervise parole for 4,400 criminal aliens every day.

We'll demand that the federal government begin prosecuting alien felons who return to the U.S., currently a federal offense punishable by up to 15 years in prison, but one routinely ignored by federal officials.

And we will demand that federal officials be required to deport alien criminals to the interior of their home country and not continue the absurd practice of simply dumping them at the border, where all too often they simply re-enter the U.S. across the porous border and beat the bus back to Los Angeles.

We'll file additional suits in the weeks ahead to address other parts of the federal government's failed policy — a policy that has cost the taxpayers of California more than \$10 billion in education, medical and prison costs for illegal immigrants since 1988.

And I'm encouraging the cities and counties of California to also file suit to seek reimbursement for the costs owed to them by the federal government.

Our goal, though, is larger than simply seeking reimbursement — as important and as urgently needed as it is.

Our goal is to force the federal government to accept responsibility for the crisis of illegal immigration. Only when they accept responsibility will Congress finally adopt the reforms necessary to restore integrity and fairness to our immigration laws.

Once Congress is forced to confront this problem, I'm sure it will waste no time in doing what's necessary to secure our nation's borders.

And securing our nation's borders is the only way we can secure the future we want for California. ■