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August 26, 2011

### Texas Association of Counties Post Legislative Conference “Safeguarding Texas”

Good morning and thank you all for being here. My thanks also to the Texas Association of Counties for the invitation to join you as we explore an issue that has been and will remain at the forefront of political discourse and debate: border security.

I am county judge for El Paso County, a county in our state of over 800,000 people on the U.S. Mexico Border. I'm a life-long resident of the border and have spent much of my life – long before I became county judge – analyzing and advocating for public policy related to the border and immigration.

Despite the varied political representation in this room, I know this to be true: All of you are interested in having secure borders; but more important, I believe you are also interested in seeing that your tax dollars are going toward projects and initiatives that truly secure the border wisely and strategically. In an era of austere budgets at every level of government, we need to ensure that our dollars are not misspent.

As county officials, you and I have learned that our voices don't always count with the decision makers in Washington, D.C. and in Austin, Texas. We've also learned that frequently, leaders in the state and national capital do what they think is best for them. And what's best for them is not necessarily what's best for us. It's been the same experience for me when it comes to advocating for smarter, more effective border security strategies: Policies driven by both state and federal governments are top-down and frequently do little to take the voices of Border residents and leaders into consideration.

Before I share my perspective with you, it's important to point out that not every Border city is alike. Despite what lawmakers believe, there is no one-size-fits all approach to Border security or Border policy.

And please know that when we discuss border security, the conversation should not just focus on walls and Border Patrol agents. That is much too narrow a way to evaluate how we keep ourselves and the nation safe. Trade, the national budget, immigration and the economy are all critical aspects of security.

Border communities are on the frontlines of the debates over security, immigration, and drug policy, but they are also important economic drivers for the state of Texas. In El Paso alone, we see \$70 billion

worth of commerce come through our ports of entry each year. That's commerce that the state and the nation depend on.

But our border communities also serve as conduits for illegal drugs, and these are the corridors over which major drug cartels are now waging war against one another. American drug corridors are very important to the cartels. It's how they get their commodity to citizens in the vast American market made possible by our country's insatiable appetite for illegal drugs.

El Paso's reality is that we are a stone's throw away from one of the most dangerous cities in the world, Ciudad Juárez, Chihuahua, where in 2008 there 1,587 murders; in 2009 there were 2,643 murders; in 2010, the height of the violence, there were 3,111. As of June of this year, there have been over 1,000 murders (less than the 1,200 same time last year). But even with the tragedy and the war raging on the other side of the Rio Grande, El Paso is a community that has consistently been ranked among the top three safest cities of its size in the U.S. over the last decade – achieving the number one ranking last year, during the height of the violence across the river from us.

So how do we stay so safe across from such a dangerous city? What works and what doesn't? And how is the government spending our money or creating policy to address these challenges?

Let's start with policy.

This past session and the session before, state legislators in Austin were calling for local law enforcement to enforce federal immigration laws. Most local law enforcement leaders opposed this as bad policy. In El Paso, where we undoubtedly have a significant number of undocumented families, and where our sister city is one of the most dangerous cities in Mexico (and maybe the world), our community has a great relationship with local law enforcement. The El Paso County Sheriff, who also happens to be our former Chief of Police, long ago implemented "community policing" philosophies that helped build trust between residents and law enforcement. That means crimes get reported, people collaborate with law enforcement, and the community is a part of the solution.

What he and other law enforcement officials have said repeatedly is that, if implemented, the state's plan to have local law enforcement officers become defacto immigration agents would actually make El Paso and other border cities less safe. But when sheriffs from across the state told legislators that their policy would actually make us less safe, did legislators listen? Not really.

How about funding?

What's happened is that during the rallying cry for cutting government and obliterating budgets, both in D.C. and in Austin, funding to criminal justice programs along the border that help keep our community safe, and in turn, help keep the state and the rest of the nation safe, are either being cut or are not receiving added investment to address growth. Cuts to criminal justice programs that work simply make us less safe.

Counties like El Paso, which prosecute and jail people who violate federal laws, have depended on State Criminal Alien Assistance Program (SCAAP) funding to address the fiscal realities associated with

prosecuting federal crimes through our DA's office and our courts. During every budget cycle, we are afraid that SCAAP funding will be cut significantly or completely. So far this year, it's in the federal budget – with a 60% cut. We also rely on the High Intensity Drug Trafficking (HIDTA) funds that help us pay for prosecutors and investigators to combat drug trafficking. That funding has not seen an increase for the last decade, even though costs for equipment and personnel have increased. Who funds the rest of those costs? Local property taxpayers do.

Because we have such a significant geographic area to patrol (over 1,060 square miles, 47 of which are adjacent to the border), our Sheriff's Department needs the funding allocated through grant programs like Operation Stone Garden. But because those grants are inflexible or provide insufficient assistance, our local property taxpayers end up shouldering a burden that should be carried by the federal government if we are to adequately fund border security. Other grants, like the COPS grants, are funneled to cities **not** on the Border (like Dallas, San Antonio, Austin and Houston), making our local law enforcement leaders wonder if decision-makers even know where the Border is.

All of this means that more and more of the burden for funding security on our international border is being shouldered by our local property taxpayers.

As an example, since 2008 the El Paso County Hospital District has spent \$4.9 million in uncompensated care directly related to treating victims of the drug violence in Juarez at our trauma facility. To date we've only been compensated for \$1.2 million of that by the victims themselves. Our taxpayers fund the balance, \$3.7 million. Although we've repeatedly asked for help, we've received no assistance from the federal government for this.

And it's not just a question of money. Money is being allocated, although, as I've indicated, we could use more. Much more than money, it's a question of priorities.

The Border Wall is used by politicians as a symbol of their commitment to border security. For some politicians, it's neither high enough nor big enough. For many of us who live with it, it is a symbol of misuse of our tax dollars.

I had the honor of participating in a Senate Homeland Security Committee hearing this year in Washington, D.C. ("Securing the Border: Progress at the Local Level"). I sat beside three border sheriffs who were praising the wall in one breath and complaining that drug runners were creating sophisticated underground tunnels in the next. I couldn't help but wonder, what's next? Burrowing ten feet underground so we have a wall that goes as deep as it does high? What their testimony proved to me is that the drug corridors leading into the U.S. are worth the cartel's time and investment and they will get around any obstacle at any cost.

That wall, the one with the sophisticated underground tunnels beneath it, cost you and me \$2.4 billion dollars to build, and it will cost us \$6.5 billion over the next 20 years to maintain. And at the same time, the rust coming off of it is landing on the Border Highway in El Paso and in our lower valley, and is preventing wildlife from resuming their normal patterns in our Rio Bosque wetlands.

In addition to walls, we've had cameras.

Texas Governor Rick Perry used \$4 million of our tax dollars to fund a border security camera program that succeeded in apprehending 26 people. That's a whopping \$154,000 per arrest. When it comes to catching undocumented immigrants who come across the border, there seems to be a bottomless pit of money. As I say, it's about priorities.

I took a tour with a group of El Paso Sector Border Patrol agents a few years ago. During their presentation, they confirmed what most of us on the border already strongly suspected. At least 85% of undocumented immigrants caught have no criminal record whatsoever and are driven to make the dangerous crossing in search of employment and a better life in this county. That means that a maximum of only 15% of them are "criminals," broadly defined. (I would note parenthetically that there was no evidence presented to us that any of the migrants were national security threats.) This also means that 85% of our resources are being spent chasing after and detaining economic migrants.

What do we spend housing undocumented immigrants once we catch them? What do we spend as taxpayers enforcing outdated immigration laws in a broken immigration system?

Well, let's break down the detention side. Each bed in our ICE detention facility costs \$165 per day. There are 365 days in a year, and there are 33,400 beds. When you do the math, that's an average of \$5.5 million each day.

If we finally had comprehensive immigration reform that took into consideration the vast number of non-criminal migrants and created an approach that focused on the criminal element crossing the border, we could re-direct some of that funding to promoting true border security.

To add to the challenges brought on by cuts to criminal justice programs, coupled with the significant spending on detention, walls and cameras, there is a critical lifeline that is slowly being choked in El Paso and other border cities because of lack of investment: Our ports of entry.

As I mentioned earlier, \$70 billion of commerce passes through our ports of entry in El Paso each year. We have seven of them, and they are the lifeblood of cross-border commerce. Your TVs, computers, and other electronic equipment probably came through one of Texas's ports of entry – probably El Paso's. Your ability to have access to affordable merchandise begins and can end at our ports of entry. But because border communities are not recognized as the economic engines that we are for the United States, the state of Texas and the globe, our ports of entry have not been a priority. Especially after September 11<sup>th</sup>, they have become points of frustration and congestion.

To give you an idea of the level of under-investment by the federal government, Customs and Border Protection (CBP), for every 4 CBP positions at our ports in El Paso, there are three vacancies. Here's an aerial photograph of what one of our ports of entry looks like.

A recent port of entry study commissioned by TxDOT shows that at peak periods during the business day, our ports of entry are at operational failure, meaning there is at least a two-hour wait time to come across the border. According to the study, if we do nothing, forecasted congestion and wait times in 2035 will contract El Paso's economy by \$54 billion (or 21.8% of regional economic activity) and could

cause a net job loss of about 850,000 or 17.4 percent. That means our region would be less competitive and less able to contribute to the state and national economy.

Not only do congested ports batter our economy, they also endanger our physical and commercial health. When you have traffic idling for two to three hours, that poses a huge risk to people and cargo. It is in the country's and the state's best interest to have ports of entry that move people and goods safely and efficiently.

To add insult to injury, we have a Governor who is perpetuating myths about Border cities like mine. He has announced that bombs have gone off in El Paso. Wrong. He has announced that Ciudad Juárez is in Texas. Wrong.

His misinformation would be laughable if it weren't costly. Every time someone on the state-wide or national stage makes erroneous statements about us, it costs us a convention, or talent that doesn't want to relocate to our community, or business expansion and retention opportunities. It's not good for El Paso, it's not good for Texas, it's not good for the nation. And it doesn't make us more safe.

All this talk of security, again, should be evaluated by what works and what doesn't. Most Border cities know what works, and we don't just say that. We can prove it. When we compare Border cities to other cities in Texas, not only are we as safe, but in most cases, we are more safe. That's why our opinions and perspectives should matter.

And finally, safety does not have to compromise trade or commerce or the economy. There are technological advances that could help us expedite the cargo and people; there is added staffing that could be brought on board to address the long wait times; and there are more efficient ways to do business; there are policies and reforms that need to be enacted to create a better, more functional immigration system. All of these would assist us in becoming safer and smarter.

Friends, border security should mean something. It shouldn't be a throwaway political term that D.C. and Austin insiders can use to push their political platforms and offer red meat to their respective political bases. As I told Senator Coburn during the Senate Homeland Security Conference, border communities are partners who should be given a voice, and facts should matter.

Border security should also include border progress and economic vitality. Our border communities are the lifeline of trade and progress. Investment in them should be strategic, intelligent and respectful. And for all of you who do not live on the border – your tax dollars should work for you. Border policy should work for you. Border communities should thrive – it's in our best interest and yours.

Thank you!