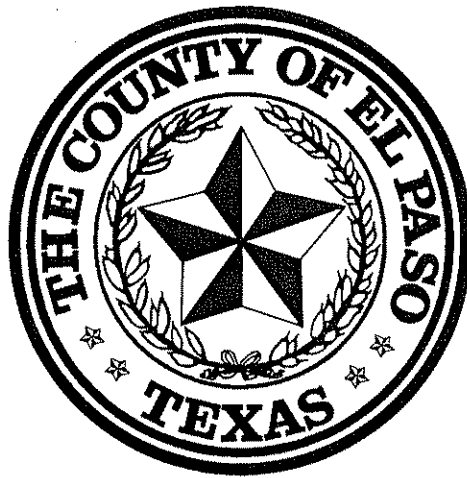


**TESTIMONY OF JOSÉ R. RODRÍGUEZ
TO THE MEXICAN AMERICAN LEGISLATIVE CAUCUS
ON THE BORDER WALL IN TEXAS**

November 13, 2008



**JOSÉ R. RODRÍGUEZ
EL PASO COUNTY ATTORNEY**

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José R. Rodríguez
El Paso County Attorney
Testimony to the Mexican American Legislative Caucus
On the Border Wall
November 13, 2008

I am El Paso County Attorney José R. Rodríguez. Thank you for the opportunity to submit testimony to the Mexican American Legislative Caucus regarding the challenges and consequences El Paso County faces as a result of the construction of the Border Wall. The Texas/Mexico border and particularly my jurisdiction in El Paso, Texas is a unique bi-national community. An aerial view of our border community captures the seamless span of our metropolitan area that comprises well over 2 million people within the cities of El Paso and Juarez. El Paso and Juarez share more than just a physical barrier; they share a common identity and culture, and even history, that forms a unique demographic in our region. As such, El Paso's ethnic, cultural, and linguistically distinct characteristics require a deeper understanding by lawmakers on the needs of this region. A multi-billion dollar Border Wall will serve no purpose other than to avoid the real issue that lawmakers must address- comprehensive immigration reform. In fact, if the purpose of the Border Wall is to stop illegal immigration, data proves otherwise, instead showing that illegal immigrant apprehensions have decreased significantly in recent years. For El Paso County, a Border Wall represents not only a waste of time, money, and resources, but also a disruption of crucial waterways, desert ecosystems, sacred Native American land, and long-standing relations between the El Paso and Juarez communities.

El Paso's Response

In El Paso there is wide spread opposition to the Border Wall. Recognizing that the relationship with its sister city transcends boundaries, El Paso has passed resolutions and filed lawsuits opposing the Border Wall. In 2006, El Paso County Commissioners approved a resolution recognizing the contributions immigrants have made to our communities and condemning efforts by the federal government to erect ineffective physical barriers such as a Border Wall to address illegal immigration. (See Attachment A) In my capacity as El Paso County Attorney, I joined other elected officials in signing a resolution advocating for comprehensive immigration reform legislation. (See Attachment B) El Paso County Commissioners renewed their stance against ineffective policies aimed at curbing illegal immigration by approving a resolution in May 2008 again recognizing immigrants' contributions to the United States and calling for federal authorities to stop construction of the Border Wall. (See Attachment C)

In Summer 2008, El Paso County joined the Texas Border Coalition's lawsuit against the Wall and, along with the City of El Paso, Ysleta del Sur Pueblo, El Paso County Water Improvement District #1, Hudspeth County Conservation and Reclamation District No. 1, Frontera Audubon Society, Friends of the Wildlife Corridor, and Friends of Laguna Atacosa National Wildlife Refuge filed a separate lawsuit challenging the unconstitutional delegation of authority that allows the Secretary of Homeland Security to waive more than 30 federal laws, as well as state and local laws, in order to accelerate construction of the Border Wall. Waiving these laws poses severe threats to El Paso County's environment, water resources, Native American religious customs, economic development, and its ability to enforce state and local laws affecting our community. Although the El Paso federal court dismissed the lawsuit, the case is being

appealed to the U.S. Supreme Court. The unprecedented waiver authority granted to the Secretary of Homeland Security raises several constitutional issues including whether waiver of state and local laws violates Texas' sovereignty under the 10th Amendment to the U.S. Constitution.

Questionable Need for a Border Wall

Recent Department of Homeland Security statements claiming the Border Wall is needed in El Paso to obtain operation control of the border are refuted by the government's success in keeping immigrants out. In 1993, Operation Hold the Line was implemented throughout the Border Patrol's El Paso Sector. The initiative placed Border Patrol agents in close proximity to one another along a certain area of the border to prevent illegal immigration. In 1992, one year before Operation Hold the Line began, the number of "deportable aliens located by the Border Patrol" was approximately 248,642. In 1994, one year after Operation Hold the Line was implemented, there was an immediate drop in apprehensions to 79,688, a 68 % decrease. Although subsequent years show some fluctuation in the number of arrests, recent years' data indicate an overwhelmingly decrease in arrests. (See Attachment D) A recent article in the El Paso Times quotes Border Patrol officials as acknowledging that given current resources and zero tolerance policy against illegal immigrants, they "do not anticipate a surge of attempted illegal entries in the coming year".¹ (See Attachment E) This data clearly indicates that current resources and policies are effective in deterring illegal immigration, thus raising serious questions concerning the federal government's insistence that a border wall is necessary to stop illegal immigration.

Disruption, Destruction, and Polarization within El Paso County

Impact to El Paso's Water Supply

Located in El Paso's lower valley, Water Improvement District #1 (WID) provides water for 69,010 acres of water right lands.² According to the WID website, WID contains 156 square miles of water that delivers critical irrigation water to El Paso County residents. As a result of the Border Wall, the WID has been inundated with concerns from area farmers who are worried that the Border Wall would block access to irrigation water provided by the Riverside Canal and prevent them from sustaining their farmlands.³

Along the canal, the presence of border patrol vehicles is evident by the disintegration of the canal banks. Coupled with the placement of the Border Wall alongside the Riverside Canal, the ability of WID to maintain and control the flow of water that funnels through its canals is in jeopardy. The placement of the Border Wall along an area parallel to the Riverside Canal, along the south bank, poses several threats to El Paso's water supply including the ability of WID maintenance workers to maintain control gates that direct the flow of water into a canal. Failure to properly maintain the canals could potentially prevent water from reaching the Jonathon Rogers Treatment Plant for processing and distribution to about 50% of El Paso County residents.

To date nothing has been memorialized in writing between the WID and Customs and Border Protection (CBP) to address WID's concerns. In recent weeks, discussions have taken place between the two entities with CBP claiming to reduce the impact that the Border Wall will have by proposing to place the Border Wall up on the river's levee.⁴ WID officials continue to warn that this proposal will affect their ability to maintain the canal and will require the WID to heavily invest in herbicides and special equipment.

Environmental Impact

The Border Wall's anticipated adverse impacts on El Paso County's desert ecosystem and economic development include serious long term effects to border wildlife and plants, a break in bi-national conservation efforts, and the loss of an emerging eco-tourism market. Although the extent of the long term effects of a Border Wall in the El Paso region is not immediately ascertainable, it is probable that they are irreversible and, over time, can lead to significant loss and even permanent destruction in the ecosystem of the border region.⁵

El Paso is a refuge for endangered species including the Mexican gray wolf.⁶ Studies indicate that the protection of wolf habitats require open corridors in the border region.⁷ Efforts by the United States and Mexico to provide safe habitats and reintroduce the Mexican gray wolf are in direct contrast to the construction of a border wall, which will hinder the free movement of the animal on both sides of the border.

Mexico has been vocal in its opposition to the construction of the border wall in large measure because past efforts between the United States and Mexico were underway to protect vital border ecosystems.⁸ Decisions made by the United States to place the wall on sensitive environmental lands hinder efforts between the United States and Mexico to collaborate and work on innovative and important environmental issues that are unique to the border region.

Rio Bosque Wetlands Park

Construction and inevitable maintenance of the Border Wall will harm conservation efforts that are underway to protect the Rio Bosque Wetlands Park.⁹ At Rio Bosque, the goal is to re-establish, over time, approximate examples of native plant and animal communities historically found in the river valley.¹⁰ The proposed wall would compromise their ability to

achieve this goal which has already received substantial funding from the state and federal government.¹¹ In a letter to the El Paso Sector Tactical Infrastructure Environmental Assessment (EA), John Sproul, Program Coordinator for Rio Bosque Wetlands Park, raises serious concerns regarding the placement of the wall. Sproul notes the various cumulative effects on Rio Bosque in his comments to the draft EA report: impacts to wildlife, including threatened and endangered species; visual impacts; and, access issues. (See Attachment F) Sproul's comments regarding efforts by DHS to integrate those proposals were abandoned once the Secretary issued his waiver of all laws that would hinder the Wall from being built.¹²

Rio Bosque Wetlands Parks has the potential for becoming a haven for environmental enthusiasts, similar to the Sabal Palm Audubon Center in the Rio Grande Valley. However, the Rio Bosque is likely to fall victim to a similar fate that the Sabal Palm Audubon Center is facing as a result of the Border Wall. Thus, the goal of creating the Rio Bosque into a wetlands sanctuary and possible thriving tourist destination is now in jeopardy.

Cultural Impact to the Ysleta Pueblo del Sur Tribe

The Border Wall will cut through sacred ceremonial land to the Ysleta Pueblo del Sur Tribe (Tigua). This area covers approximately 6-7 miles from the Ysleta Port of Entry to Socorro, Texas. Discussions between the Tigua's and the CBP were described by Tribal War Captain, Rick Quesada, as minimal at best and plans by Customs and Border Protection to disrupt the ceremonial area are still underway despite protests from the Tiguas.¹³

Polarization between the El Paso and Juarez Communities

To many of us, the Border Wall symbolizes a hostile barrier between two communities that have traditionally been closely intertwined.¹⁴ Its construction will impact Mexico's relationship with the United States on many levels including diplomatic relations and local cooperation. El Paso and Juarez have historically worked close together on important policy issues that affect the community; for example, extending each other assistance during the heavy floods that blanketed the El Paso/Juarez region in 2006. The two communities routinely work jointly on local drug policy, pollution control, and bi-national health initiatives. Instead of bi-national cooperation, the border wall will create distrust and endanger the existing collaborative relationship between the two communities.

Finally, the Border Wall could potentially cause social, cultural, and familial ties in both communities to falter. Both U.S. citizens and Mexican citizens cross the border through the Ports of Entry to shop, visit family, attend schools and recreational events, and obtain medical care. The Border Wall would symbolize a hostile barrier and could potentially affect the cross border services and tourism that both populations take advantage of, causing both communities to suffer economic consequences.

Conclusion

As El Paso County Attorney I have provided testimony to the Texas Senate Committee on International Relations and Trade discussing border security and issues related to local enforcement of immigration law. The current focus on border security again brings to the forefront the need for lawmakers to engage in meaningful discussions regarding comprehensive immigration reform. A multi-billion dollar effort to construct the Border Wall simply does not

make sense. At a time when America faces a severe financial crises it is simply irresponsible to pour additional money into a wall that will scar our environmental landscape and damage our relationship with communities across the border. Instead of deterring illegal immigration, the Wall will symbolize not only a failed immigration policy, but also a country barricading itself from the rest of the world. Thank you.

¹ Diana Washington Valdez, *Officials: Apprehensions dip as U.S. economy struggles*, EL PASO TIMES, Oct. 20, 2008.

² El Paso County Water Improvement District #1, www.epcwid1.org.

³ Interview with Jesus Reyes, El Paso, Texas (June 18, 2008)

⁴ Telephone interview with Jesus Reyes, El Paso, Texas (October 31, 2008).

⁵ Eriksson, Lindsay & Taylor, Melinda, *The Environmental Impacts of the Border Wall Between Texas and Mexico*, available at www.utexas.edu/law/academics/centers/humanrights/publications.

⁶ *Id.* at 7.

⁷ *Id.*

⁸ *Id.*

⁹ Letter to El Paso Sector Tactical Infrastructure EA from John Sproul, Program Coordinator/Manager Rio Bosque Wetlands Park, March 20, 2008. (letter provided comments to the draft environmental assessment (EA) for the construction, operation and maintenance of the Border Wall which is slated to be placed next to Rio Bosque's corridor and, as detailed in the letter, would be affected by the proposed actions).

¹⁰ Rio Bosque Wetlands Park, <http://research.utep.edu/Default.aspx?tabid=18875>.

¹¹ *Id.*

¹² Telephone interview with John Sproul, El Paso, Texas, (June 12, 2008).

¹³ Telephone interview with Tigua Tribal War Captain, Rick Quesada, El Paso, Texas (November 6, 2008).

¹⁴ Interview with Dr. Josiah Heyman, Professor of Anthropology, Chair, Department of Sociology and Anthropology, University of Texas at El Paso, June 16, 2008.

RESOLUTION

THE STATE OF TEXAS
COUNTY OF EL PASO

Know All Men By These Presents:

WHEREAS, the topics of immigration reform, border security, and state and federal cooperation on immigration concerns are of great importance to state and local government entities on both sides of the United States-Mexico border; and,

WHEREAS, immigrants make important contributions to the economies and cultures of the United States and Mexico; and,

WHEREAS, immigrants collectively earn \$240 billion a year, pay \$90 billion a year in taxes, and receive \$5 billion in social services; and,

WHEREAS, immigrants have demonstrated their patriotism through their valor and bravery in defending this country in numerous military conflicts and Hispanics have received the highest proportion of Medals of Honor and Purple Hearts than any other ethnic group; and,

WHEREAS, border security is critical to the safety, quality of life, and economic prosperity of the United States-Mexico border region; and,

WHEREAS, our historical receptiveness toward immigrants reflects our faith in the American ideal, that it is possible for all men and women to improve their status via hard work, and that opportunity should be denied to no one on the basis of their race or country of origin; and,

WHEREAS, though today's immigrants, like yesterday's, may arrive in the United States with no money, looking different and speaking foreign languages, they come with an entrepreneurial spirit and desire to live the American Dream; and,

WHEREAS, immigrants come to the United States because we are a nation that cherishes individual freedom and rewards individual effort; and,

WHEREAS, across the world, walls erected to divide peoples and nations are symbols of failed and repressive efforts to thwart human freedom and prosperity; and,

WHEREAS, enforcement of federal immigration laws is neither a state nor local responsibility, state and local agencies do not have the training, expertise or authority to enforce immigration laws; and,

WHEREAS, the principle of *posse comitatus*, meaning the necessary and traditional separation of civilian and military authority, is critical and should be renewed and strengthened; and,

WHEREAS, the County of El Paso has been, and remains, committed to the protection of civil rights, liberties; and security for all peoples as expressed in the United States and Texas Constitutions; and,

WHEREAS, local law enforcement shall treat immigrants with dignity and respect.

RESOLUTION

THE STATE OF TEXAS
COUNTY OF EL PASO

Know All Men By These Presents:

THEREFORE, BE IT RESOLVED, THAT OUR NATION'S AND TEXAS' IMMIGRATION POLICIES SHOULD ADHERE TO THE FOLLOWING PRINCIPLES:

Economics/Fiscal Impact

- Limited state resources should not be diverted to support policies and initiatives that tolerate or result in racial profiling in our communities.
- Instead of wasting precious resources on erecting a wall, the federal government should invest now in secure, fast, and smart technology solutions to afford fast movement in our Hemisphere of people and products.
- Initiatives aimed at promoting investment and economic opportunities in Mexico, such as the U.S.-Mexico Partnership for Prosperity and Mexico's 3 for 1 program that encourages the use of remittances to build local infrastructure and economic development in Mexico, should be supported.
- Legislation that authorizes additional federal funds to states and hospitals for reimbursement of the indirect and direct costs related to emergency health services, prosecution, and the incarceration of undocumented immigrants should be supported.
- State legislation that aims to tax immigrants' remittances not only alienates U.S. corporations but discriminates against and penalizes hardworking individuals, and reduces investment in Mexico where jobs can be created to support Mexican economic growth.

Education

- A temporary worker program that allows employers to sponsor low-skilled immigrant workers to obtain a permanent residence status should be supported. Undocumented students under the age of 21 should be able to satisfy the requirements under such a program by attending an institution of higher education or a secondary school full-time.
- Our nation must remain committed to the constitutional principles that guarantee a public education for all children regardless of their immigration status.

Legal/Political

- Legislation that focuses solely on enforcement will be ineffective. We need and should support fair and comprehensive immigration legislation that balances border security concerns with recognition of the U.S. demand for workers in the numerous sectors of the U.S. labor force, including agriculture, construction, and the service economy.
- Local law enforcement should not be given the powers to stop, interrogate, detain or otherwise participate in immigration enforcement activities.
- Our nation should offer a path to citizenship, under clearly defined guidelines, to immigrants who have demonstrated citizenship, paid taxes, and parented citizen children and grandchildren.
- Legislation that provides a larger number of employment and family-based green cards to promote family unification, reduce backlogs in application processing, and that demands sensitive quotas, should be supported.

... the United States... the equal rights... the utilization of procedures and programs that protect them.

RESOLUTION

THE STATE OF TEXAS
COUNTY OF EL PASO

} Know All Men By These Presents:

- Funding a \$100-million expansion of a failed state immigration program, while budget shortfalls force cuts to vital state services in Texas including higher education and the Children's Health Insurance Program, is bad public policy.

Security

- Federal resources should be focused on strategies to improve interdiction at our borders.
- It is the federal government's obligation to fund and oversee a robust Border Patrol.
- As we consider ways to make our borders more secure, we should look at technology solutions that offer low-cost alternatives to the interdiction efforts of local law enforcement that lead inevitably to racial profiling.
- The development and implementation of plans regarding information-sharing, international and federal-state-local coordination, technology, and anti-smuggling should be supported.
- The development of multilateral agreements to establish a North American security plan to improve border security should be supported.
- Measures that would include anti-fraud measures and biometric data on all visa and immigration documents should be supported.
- The on-going implementation of the Security and Prosperity Partnership of North America between the U.S., Canada, and Mexico aimed at establishing a common security strategy, competitiveness, quality of life, and to promote economic growth by streamlining the secure movement of low-risk traffic across our shared borders, should be supported.

Social Justice

- Legislation that promotes any action by civilians - individual or groups - who interfere with the duties of United States law enforcement officials in securing the border region should be condemned. This should include the apprehension of individuals, the use of any weapons against individuals, or purporting to act in any law enforcement capacity.
- Legislation that criminalizes immigrants, their families, and the organizations that provide assistance to them, should be condemned.
- Legislation or any acts that violate the human rights of immigrants, documented or undocumented should be condemned. Law enforcement agencies, both federal and state, must treat all immigrants with respect and dignity and adhere to the legal rights they are entitled to under state, federal or international treaties, especially the rights of minors through the utilization of procedures and programs that protect them.

RESOLUTION

THE STATE OF TEXAS
COUNTY OF EL PASO

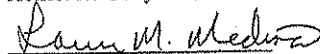
} Know All Men By These Presents:

ADOPTED BY ORDER OF THE EL PASO COUNTY COMMISSIONERS COURT ON
THE TWENTY-EIGHTH DAY OF AUGUST IN THE YEAR TWO THOUSAND AND
SIX:

Honorable Dolores Briones


El Paso County Judge

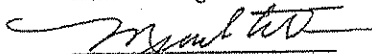
Honorable Larry Medina


Commissioner, Precinct #1

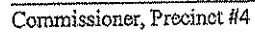
Honorable Betti Flores

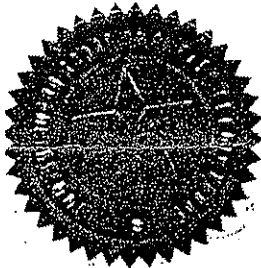

Commissioner, Precinct #2

Honorable Miguel Teran


Commissioner, Precinct #3

Honorable Daniel R. Haggerty


Commissioner, Precinct #4



Mayor's Congreso on Immigration Reform Resolution

Know ALL Men By These Presents:

THE FOLLOWING RESOLUTION IS A CONSENSUS STATEMENT BY THE COMMUNITY OF THE EL PASO, TEXAS REGION TO ENCOURAGE THE UNITED STATES CONGRESS AND THE ELECTED OFFICIALS OF THE STATE OF TEXAS TO PASS FAIR AND COMPREHENSIVE IMMIGRATION REFORM.

WHEREAS, the topics of immigration reform, border security, and state and federal cooperation on immigration concerns are of great importance to state and local government entities on both sides of the United States-Mexico border; and,

WHEREAS, immigrants make important contributions to the economies and cultures of the United States and Mexico; and,

WHEREAS, immigrants collectively earn \$240 billion a year, pay \$90 billion a year in taxes, and receive \$5 billion in social services; and,

WHEREAS, immigrants have demonstrated their patriotism through their valor and bravery in defending this country in numerous military conflicts and Hispanics have received the highest proportion of Medals of Honor and Purple Hearts than any other ethnic group; and,

WHEREAS, border security is critical to the safety and, quality of life, and economic prosperity of the United States-Mexico border region; and,

WHEREAS, our historical receptiveness toward immigrants reflects our faith in the American ideal, that it is possible for all men and women to improve their status via hard work, and that opportunity should be denied to no one on the basis of their race or country of origin; and,

WHEREAS, though today's immigrants, like yesterday's, may arrive in the United States with no money, looking different and speaking foreign languages, they come with an entrepreneurial spirit and desire to live the American Dream; and,

WHEREAS, immigrants come to the United States because we are nation that cherishes individual freedom and rewards individual effort; and,

WHEREAS, across the world, walls erected to divide peoples and nations are symbols of failed and repressive efforts to thwart human freedom and prosperity; and,

WHEREAS, enforcement of federal immigration laws is neither a state nor local responsibility, state and local agencies do not have the training, expertise or authority to enforce immigration laws; and,

WHEREAS, the principle of *posse comitatus*, meaning the necessary and traditional separation of civilian and military authority, is critical and should be renewed and strengthened; and,

WHEREAS, the city of El Paso has been, and remains, committed to the protection of civil rights, liberties and security for all peoples as expressed in the United States and Texas Constitutions; and,

WHEREAS, local law enforcement shall treat immigrants with dignity and respect.

THEREFORE, BE IT RESOLVED, BY WE THE UNDERSIGNED THAT OUR NATION'S AND TEXAS' IMMIGRATION POLICIES SHOULD ADHERE TO THE FOLLOWING PRINCIPLES:

Economics/Fiscal Impact

- Limited state resources should not be diverted to support policies and initiatives that tolerate or result in racial profiling in our communities.
- Instead of wasting precious resources on erecting a wall, the federal government should invest now in secure, fast and smart technology solutions to afford fast movement in our Hemisphere of people and products.
- Initiatives aimed at promoting investment and economic opportunities in Mexico, such as the U.S.-Mexico Partnership for Prosperity and Mexico's 3 for 1 program that encourages the use of remittances to build local infrastructure and economic development in Mexico, should be supported.
- Legislation that authorizes additional federal funds to states and hospitals for reimbursement of the indirect and direct costs related to emergency health services, prosecution, and the incarceration of undocumented immigrants should be supported.
- State legislation that aims to tax immigrants' remittances not only alienates U.S. corporations but discriminates against and penalizes hardworking individuals, and reduces investment in Mexico where jobs can be created to support Mexican economic growth.

Education

- A temporary worker program that allows employers to sponsor low-skilled immigrant workers to obtain a permanent residence status should be supported. Undocumented students under the age of 21 should be able to satisfy the requirements under such a program by attending an institution of higher education or a secondary school full-time.
- Our nation must remain committed to the constitutional principles that guarantee a public education for all children regardless of their immigration status.

Legal/Political

- Legislation that focuses solely on enforcement will be ineffective. We need and should support fair and comprehensive immigration legislation that balances border security concerns with recognition of the U.S. demand for workers in the numerous sectors of the U.S. labor force, including agriculture, construction, and the service economy.
- Local law enforcement should not be given the powers to stop, interrogate, detain or otherwise participate in immigration enforcement activities.
- Our nation should offer a path to citizenship, under clearly defined guidelines, to immigrants who have demonstrated citizenship, paid taxes, and parented citizen children and grandchildren.
- Legislation that provides a larger number of employment and family-based green cards to promote family unification, reduce backlogs in application processing, and that demands sensitive quotas, should be supported.
- Funding a \$100-million expansion of a failed state immigration program, while budget shortfalls force cuts to vital state services in Texas including higher education and the Children's Health Insurance Program, is bad public policy.

Security

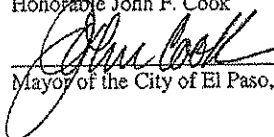
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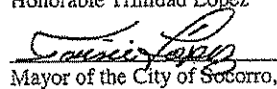
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- The development of multilateral agreements to establish a North American security plan to improve border security should be supported.
- Measures that would include anti-fraud measures and biometric data on all visa and immigration documents should be supported.
- The ongoing implementation of the Security and Prosperity Partnership of North America between the U.S., Canada and Mexico aimed at establishing a common security strategy, competitiveness, quality of life, and to promote economic growth by streamlining the secure movement of low-risk traffic across our shared borders, should be supported.

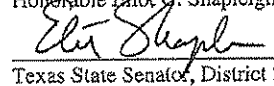
Social Justice

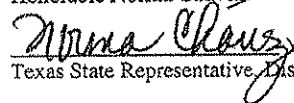
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- Legislation that criminalizes immigrants, their families, and the organizations that provide assistance to them, should be condemned.
- Legislation or any acts that violate the human rights of immigrants, documented or undocumented should be condemned. Law enforcement agencies, both federal and state, must treat all immigrants with respect and dignity and adhere to the legal rights they are entitled under state, federal or international treaties, especially the rights of minors through the utilization of procedures and programs that protect them.

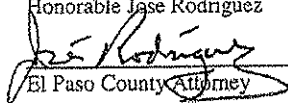
BY THE UNANIMOUS CONSENT AND IN WITNESS WHEREOF THE FOLLOWING PERSONS PRESENT, THE SEVENTEENTH DAY OF AUGUST IN THE YEAR TWO THOUSAND AND SIX, WE HEREUNTO SUBSCRIBE OUR NAMES:

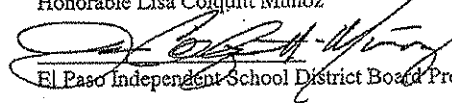
Honorable John F. Cook

 Mayor of the City of El Paso, Texas

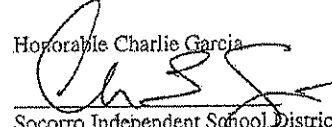
Honorable Trinidad Lopez

 Mayor of the City of Socorro, Texas

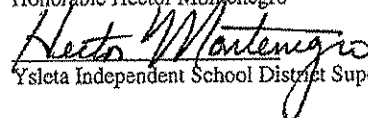
Honorable Elliot G. Shapleigh

 Texas State Senator, District 29

Honorable Norma Chavez

 Texas State Representative, District 76

Honorable Jose Rodriguez

 El Paso County Attorney

Honorable Lisa Colquitt Munoz

 El Paso Independent School District Board President

Honorable Charlie Garcia

 Socorro Independent School District Board President-vice

Honorable Hector Montenegro

 Ysleta Independent School District Superintendent

Resolution on Rights and Justice for Immigrant Workers

WHEREAS, in recent times our border communities and immigrant communities throughout the country have been subjected to an aggressive anti-immigrant campaign that has undermined the rights and well-being of border families, immigrant workers and residents. These aggressions have come in the form of ill-conceived policies and practices that have created a climate of fear, persecution, prejudice and intolerance, where the enemies are artificially created and immigrants, along with border residents, have become the ideal scapegoats for the failed economic and security strategies of the current administration.

WHEREAS, our current government criticizes the status of human rights in other countries, more than 400 immigrant workers die every year in our border due to U.S. immigration policies. When poor and middle class families experience the effects of recession and inflation, DHS stubbornly continues to spend millions of dollars to build an absurd border wall, even if in the process more than 30 laws and provisions are blatantly violated.

WHEREAS, the few and precious resources of our local enforcement agencies are needed to fight criminals and protect our communities, some agencies have decided to use those resources to go after immigrant families. When the current administration continuously cuts funding for education and health care at the same time offers well-finance programs such as "No Pass" and "Streamline" to criminally prosecute immigrant workers crossing the border.

WHEREAS, big corporations are getting wealthier by the bloody commodities given by the war in Iraq and the high oil and gas prices, some employers are using ill-conceived employer-sanctions regulations to keep low wages and to undermine unionizing efforts of immigrant workers.

WHEREAS, our administration pushes for trade agreements and economic integration around the globe, U.S. immigration enforcement policies ignore historical regional integration of communities in both sides of the US/Mexico border and separate working families through irrational raids

WHEREAS, it is imperative to reflect on what kind of society these actions and policies are leading us to. Instead of rejection and hatred, we should all be working toward making our border communities and our U.S. society more hospitable and humane. Moreover, we ought recognize the positive contributions of immigrants to our communities and understand that enforcement-only approaches to this complex issue are not being effective, let alone desirable

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONER'S COURT OF THE COUNTY OF EL PASO, TEXAS:

THAT, we call for realistic and sensible solutions, starting with:

1. Ceasing the construction of the Border Wall, launching a broad consultation with border communities on this issue and carrying out independent impact studies (economic, environmental, constitutional etc...) on border fencing projects already built at the US/Mexico Border.
2. Putting a "Moratorium" on immigration raids that have deeply divided families until US Congress seriously legislate on a Comprehensive Immigration Reform that would recognize immigrants as a key ingredient of our shared prosperity and that seeks to maximize their economic, social and cultural contributions to the well-being of our society.
3. Recognizing that turning state and local law enforcement agents and public service providers into federal immigration law enforcement agents would be counterproductive, costly and that would undermine our public safety and alienate immigrant families.
4. Eliminating "employer sanctions" and the no-match letters" since these not only enhance work related discriminatory practices but it also lead to retaliation to a worker by contacting ICE when that worker has exercised their workplace rights.

Resolution on Rights and Justice for Immigrant Workers

5. Strengthening the labor rights of all workers and ensuring that enforcement of labor laws, employment rights, and civil protection statutes are conducted regardless of immigration status.
6. Ending the efforts and programs that further criminalize immigrants, specifically those being implemented at the border under the stigma of "no tolerance operations" that deviate resources and the attention to go after criminals and real threats.

THAT, border communities and immigrant families should be included in shaping better border and immigration policies, recognizing that "we are not the enemy, we are part of the solution".

SIGNED, this 5th day of May 2008.

/s/
Commissioner Luis G. Sarinana, Pct. #1

/s/
Commitssioner Veronica Escobar, Pct #2

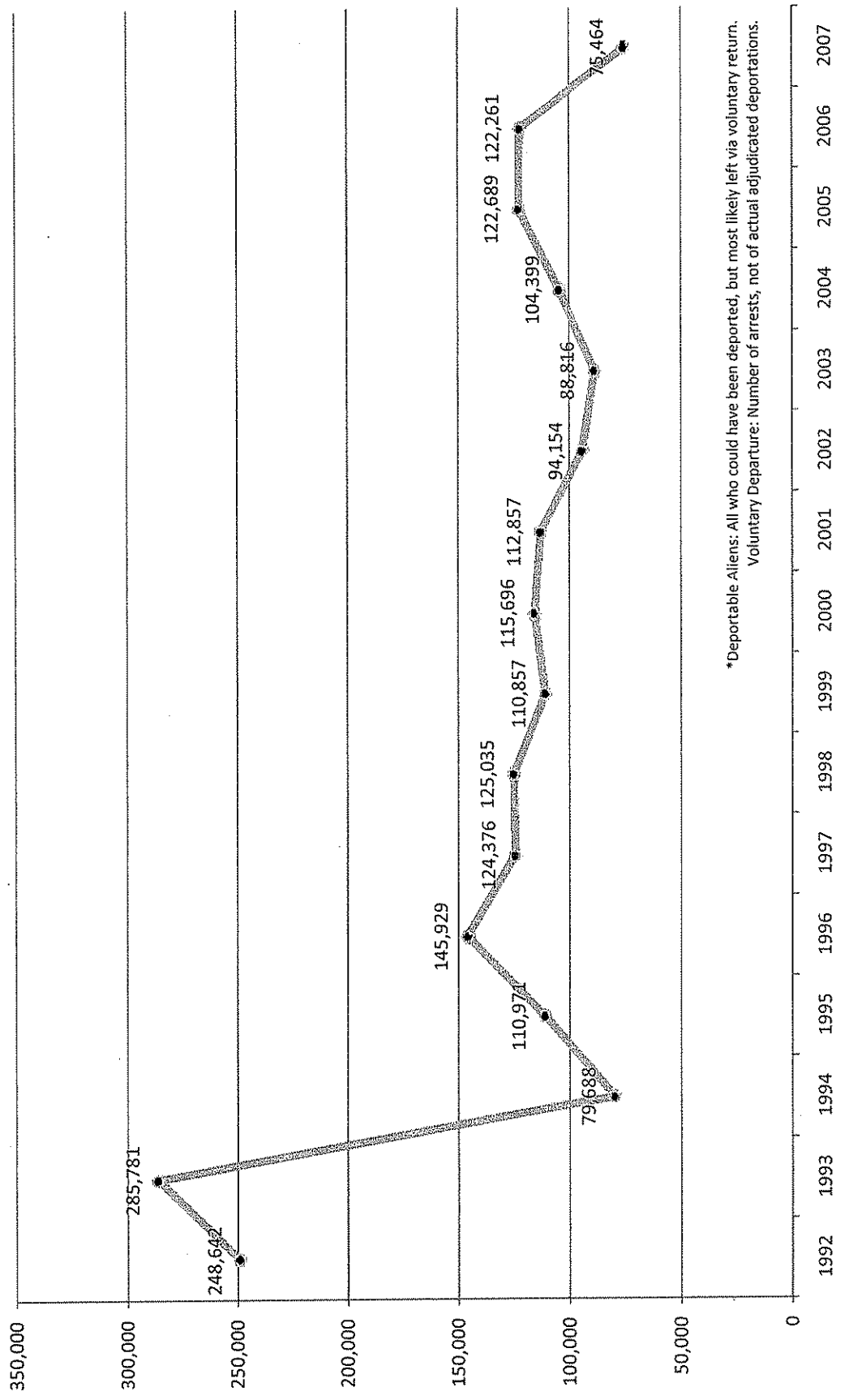
/s/
Commissioner Miguel A. Teran, Pct. #3

/s/
Commitssioner Daniel R. Haggerty, Pct. #4

/s/
Anthony Cohos
County Judge
El Paso County, Texas

DEPORTABLE ALIENS* LOCATED IN EL PASO BORDER PATROL SECTOR: FISCAL YEARS 1992-2007

Source: CBP; <http://www.dhs.gov/ximgtn/statistics/publications/archive.shtm> and
<http://www.dhs.gov/ximgtn/statistics/publications/yearbook.shtm>



*Deportable Aliens: All who could have been deported, but most likely left via voluntary return.
Voluntary Departure: Number of arrests, not of actual adjudicated deportations.

elpasotimes.com

Arrests in El Paso sector plunge 60%

El Paso Times Staff

Article Launched: 11/06/2008 12:00:00 AM MST

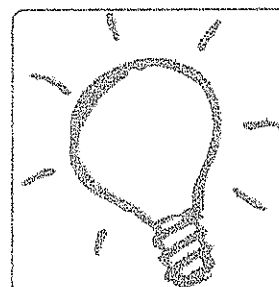
EL PASO -- The number of apprehensions by the Border Patrol at international borders dropped in El Paso and nationwide during the past year, according to a report by U.S. Customs and Border Protection.

The report states that apprehensions by the Border Patrol in the El Paso sector dropped by 60 percent this year compared with fiscal year 2007. No other figures were provided on the apprehensions in El Paso.

Nationwide, apprehensions during the past year decreased by 17 percent, from 876,704 in fiscal year 2007 to 723,825 in fiscal year 2008, according to the report.

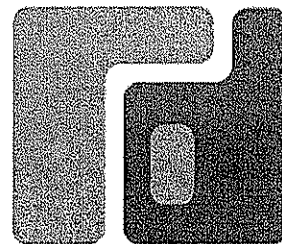
Darren Meritz

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Officials: Apprehensions dip as U.S. economy struggles

Author(s): Diana Washington Valdez / El Paso Times **Date:**
October 20, 2008 **Section:** News

A Border Patrol agent drove Wednesday along the levee on the U.S. side of the Rio Grande. A man washed himself Wednesday in the muddy waters of the Mexican side of the Rio Grande. Officials say immigrants wait along the river's edge for a chance to enter the U.S. A man sat Wednesday on the Mexican side of the Rio Grande. Officials say fewer are trying to cross illegally into the United States. EL PASO -- It's a scene that's repeated at the border every day: a group of people on the Mexican side of the Rio Grande waiting for the right moment to rush the boundary that separates the centers of Juárez and El Paso.

Border Patrol officers looked on this day as six men on the Mexican side sat on the river's concrete canal, a big mural of Che Guevara behind them. Two other men wearing backpacks decided to nap, and yet another man took off his shirt to wash himself in the muddy water.

Those who succeed in crossing the border at this point usually aim for the railyards beneath the Paso del Norte Bridge or the Border Highway, hoping to make their way into the country's interior. But, experts say, economic conditions on the U.S. and Mexican side of the border do not favor most of them, and likely won't for some time to come.

Hector Ramirez, 50, and Miguel Alvarez, 45, both undocumented immigrants from Mexico, said they will do whatever they can to remain in the United States.

Ramirez, who works in construction and has a fourth-grade education, said he has been in the country illegally for nine years.

"Your money goes further here, even if it is minimum wage," he said. "In Mexico, on any given day, you have to choose between food or clothes. I have gone back a couple of times to visit family. I was caught by the Border Patrol once while crossing the Rio Grande, but I'm more careful now."

Alvarez, who has three years of college credits, entered the United States three months ago. He's looking for work doing whatever.

"I worked as an engineer and as a technician at several maquiladoras in Juarez," he said. "But, the work would always end, and a couple of the maquiladoras I worked at moved to China.

"It's hard to find work in Mexico that's reliable and pays a decent wage. I made up my mind to leave after one of my relatives was killed in the violence that has overtaken the country. If Mexico doesn't do something to change conditions, then we might start to see the kind of social unrest that will cause countless people to rush across the border. They will knock over any wall or fence that stands in the way."

Since Oct. 1, the Border Patrol apprehended 28,716 undocumented Mexican immigrants and 1,089 undocumented immigrants of other nationalities in the El Paso sector.

The agency has seen a steady drop in apprehensions over the past three years -- from 126,980 total in fiscal year 2006 to 29,716 in fiscal year 2008 through Aug. 31. The fiscal year runs from Sept. 30 to Oct. 1.

While the figures do not include involuntary returns and deportations, officials say fewer Mexican nationals are attempting to cross the border illegally.

Tom Fullerton, economics and finance professor at the University of Texas at El Paso, and an expert on the border economy, said fewer Mexican nationals are trying to cross the border because they know the U.S. economic downturn has resulted in diminished job prospects.

Many also have returned to Mexico on their own facing poor labor opportunities, while others were caught by U.S. authorities in raids of workplaces.

Roberto Rodríguez Hernández, Mexico's consul in El Paso, said Mexican President Felipe Calderon recently announced his government's plan to create 200,000 new jobs in Mexico.

However, Rodríguez acknowledged, "we have a yearly deficit of 600,000 jobs, so it will be difficult to provide jobs for all the returning migrants."

Rodríguez said Mexico is aware of the large numbers of its nationals returning from the United States. "The federal government has initiated programs to help the migrants who return or are returned to Mexico," he said. "We provide a small cash assistance and try to help

them get back home. Minors are housed in shelters until they can be reunited with their relatives."

Massive layoffs in the maquiladora industry also mean Mexican nationals who land at the border might not find steady work in Juárez either.

Fullerton said he believes Mexico's informal economy will accommodate many of the immigrants who cannot get jobs in the formal economy. But, as for the rest, it remains to be seen what will happen if thousands upon thousands of people cannot find work in Mexico.

Will immigrants who don't find work in Mexico eventually seek to return to the United States?

Fullerton surmises some of them might, especially when the U.S. economy improves, but Mexico also could face serious social problems if too many of them remain unemployed.

In late 1992, the U.S. authorities feared an onslaught of illegal immigration with the onset of the North American Free Trade Agreement that went into effect in 1993. They responded to this concern with Operation Blockade, later renamed Operation Hold the Line, proposed by U.S. Rep. Silvestre Reyes, D-Texas, who was then El Paso's Border Patrol chief.

During fiscal year 1995, which ended Sept. 30, 1995, the Border Patrol apprehended 145,930 undocumented immigrants in the El Paso sector.

Operation Hold the Line used Border Patrol agents placed closely together to seal the border. However, Operation Hold the Line and other operations like it did not prevent millions of Mexican nationals from making their way into the interior of the United States, where they found jobs in industries such as agriculture, construction and the service sector.

Estimates on the number of undocumented Mexican nationals in the United States range from 11 million to 20 million.

Border Patrol spokesman Doug Mosier said the agency is ready to deal with any development. He said the El Paso sector has about 2,500 agents, and more technology and infrastructure than ever in the history of the agency.

"Due to the current resource level and ongoing 'zero tolerance' measures that allow us to prosecute those who enter the U.S. illegally ... we do not anticipate a surge of attempted illegal entries in

the coming fiscal year," he said. "At any rate, we are equipped to address operational challenges should they occur."

Diana Washington Valdez may be reached at dvaldez@elpasotimes.com; 546-6140.

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THE UNIVERSITY OF TEXAS AT EL PASO



March 20, 2008

El Paso Sector Tactical Infrastructure EA
c/o Gulf South Research Corporation
8081 GSRI Avenue
Baton Rouge, LA 70820

*The Center for
Environmental
Resource
Management*

Re: Draft Environmental Assessment
Construction, Operation and Maintenance of Tactical Infrastructure
U.S. Border Patrol, El Paso Sector

Dear Sir or Madam:

We appreciate this opportunity to comment on the draft environmental assessment (EA) for the construction, operation and maintenance of tactical infrastructure along the Rio Grande in the U.S. Border Patrol's El Paso Sector. Under an agreement with the City of El Paso, the University of Texas at El Paso manages Rio Bosque Wetlands Park, which is next to the project corridor and would be affected by the proposed actions.

We offer the following comments on the draft EA. They are directed mainly at Section 3.0 in the draft EA (Affected Environment and Consequences) but apply equally to comparable portions of Section 4.0 (Cumulative Effects).

1. **Impacts of Illegal Foot Traffic.** In the discussion of impacts to vegetative habitat, the draft EA states (p. 3-11, lines 40-42):

Beneficial, indirect effects on the Rio Bosque Wetland Park would be expected as illegal traffic through the park is reduced or eliminated once the TI is completed.

Also, in the discussion of cumulative impacts on aesthetic resources, the draft EA states (p.4-8, lines 19-21):

The long-term reduction of illegal traffic and the synergistic effects (e.g., trash, trails, etc.) would provide cumulative beneficial visual effects within the park.

In some areas along the U.S.-Mexico border, vegetation trampling and accumulations of trash associated with illegal foot traffic can be significant, but, in our experience, that has not been the case at Rio Bosque Wetlands Park. At the park, such impacts are minimal. We recommend either eliminating the above statements or clarifying that any beneficial effects would be minor.

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2. **Impacts to Wildlife.** In the discussion of impacts to wildlife and aquatic resources, the draft EA states (p.3-15, lines 10-16):

The presence of a continuous canal north of the USIBWC levee, in addition to the Rio Grande, constitutes an existing impediment to the migration of terrestrial wildlife north from Mexico. Furthermore, the heavily developed and populated areas south of the Rio Grande in Mexico would also discourage wildlife migration from north to south in the project area. Therefore, the addition of a fence south of the canal would not significantly increase impediments to north-south migration of terrestrial wildlife in the area.

This paragraph does not adequately address impacts the proposed fence would have on wildlife, including at Rio Bosque Wetlands Park. The final EA needs to provide a thorough analysis of such impacts.

As indicated in Figure 2-1d, the Riverside Canal borders the eastern and southern boundaries of Rio Bosque Wetlands Park but not the western boundary adjacent to the Rio Grande levee and the proposed fence alignment. The Riverside Drain (shown as "Playa Lateral" on Figure 2-1d) is adjacent to the western boundary of the park but is dry for 8.5 months or more of the year. The reality is that today there is an open connection permitting terrestrial wildlife movement between the park and the river floodway, a connection the proposed fence would sever.

Elsewhere along the proposed fence alignment, existing obstacles to wildlife movement are far less formidable than the draft EA implies. Much of the proposed alignment would be in rural areas that are not "heavily developed and populated". The river and the irrigation canals and drains often experience low-water periods during which they are not significant barriers to wildlife movement.

Although the draft EA discusses "north-south migration of terrestrial wildlife" across the Rio Grande, it does not address wildlife use of the river floodway as a travel corridor or wildlife movement between that corridor and adjacent areas.

With the proposed fence in place, Rio Bosque Wetlands Park and other remaining parcels of higher-quality habitat near the floodway would become even more isolated than they are today. A fence would limit the ability of native terrestrial species to move between such areas and the floodway. It would limit genetic exchange and would fragment populations that are currently connected. Over time, it would increase prospects for reduced species richness in these areas.

At Rio Bosque Wetlands Park, our management goal is to re-establish over time approximate examples of native plant and animal communities historically found in the river valley. The proposed fence would compromise our ability to achieve that goal.

3. **Threatened and Endangered Species.** In the discussion of impacts to threatened and endangered species, the draft EA states (p. 3-17, lines 7-8):

No Federally threatened or endangered species were observed within the project area during the biological surveys performed in 2003 and 2007. Also, no designated critical habitat for any protected species occurs within the project corridor.

The surveys were single-day, general-reconnaissance surveys performed in mid-winter (February 4, 2003 and January 17, 2007). Since both the Interior Least Tern and Southwestern Willow Flycatcher (and the Western Yellow-billed Cuckoo, a candidate for federal listing) are migratory species absent from the project area in mid-winter, failure to detect them during the surveys is not surprising. All have been observed in the project area, including at Rio Bosque Wetlands Park, during migration or in summer. We recommend replacing the sentences above with:

No designated critical habitat for any protected species occurs within the project corridor. Although no Federally listed threatened or endangered species were observed within the project area during the biological surveys performed in winter 2003 and 2007, the interior least tern, southwestern willow flycatcher and western yellow-billed cuckoo, a candidate for Federal listing, all have been observed in the project area during migration or in summer.

4. **Visual Impacts.** In the discussion of impacts to aesthetic and visual resources, the draft EA states (p.3-34, lines 28-30):

The USIBWC levee already interrupts the view of the Rio Grande from the U.S. side of the border. The addition of a fence along the toe levee would not detract appreciably from the current view.

For visitors walking along the west side of Rio Bosque Wetlands Park, the proposed fence would significantly alter the present view, regardless of whether the Rio Grande is visible or not. The fence would become the dominant feature on the landscape in that area. It would detract from the sense of an open, unconfined landscape visitors currently experience. The final EA should identify this alteration as a significant negative impact.

5. **Access Issues.** In the discussion of impacts to aesthetic and visual resources, the draft EA states (p. 3-35, lines 20-27):

A proposed pedestrian walkway along the Rio Grande through El Paso and connecting to the Rio Bosque Park could not be constructed in the floodplain if the Proposed Action Alternative is implemented, since the fence would prevent any pedestrian connection between the river and the area north of the USIBWC levee. Since the existing portions of

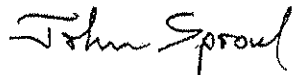
this trail system are located north of the border fence in El Paso, this restriction should not result in a significant impact. USBP will coordinate with the city and the county to ensure that future expansion of the existing trail and the proposed fence do not conflict with each other.

Though highly modified, the Rio Grande is still a dominant feature in our regional landscape and an important part of this region's natural heritage. There is great value in providing opportunities for the public to connect with the river and for the river to serve as a unifying feature for people living in the region. With a fence in place, those opportunities would be foregone on the U.S. side of the river between El Paso and the fence's eastern terminus near Arroyo Diablo. The final EA should state that elimination of present and future opportunities for public access along the river in the project reach is a significant impact.

It is also worth noting that, today, some of the best opportunities to view Rio Bosque Wetlands Park are from the USIBWC levee. With a fence in place and public access along the levee effectively eliminated, those opportunities would disappear.

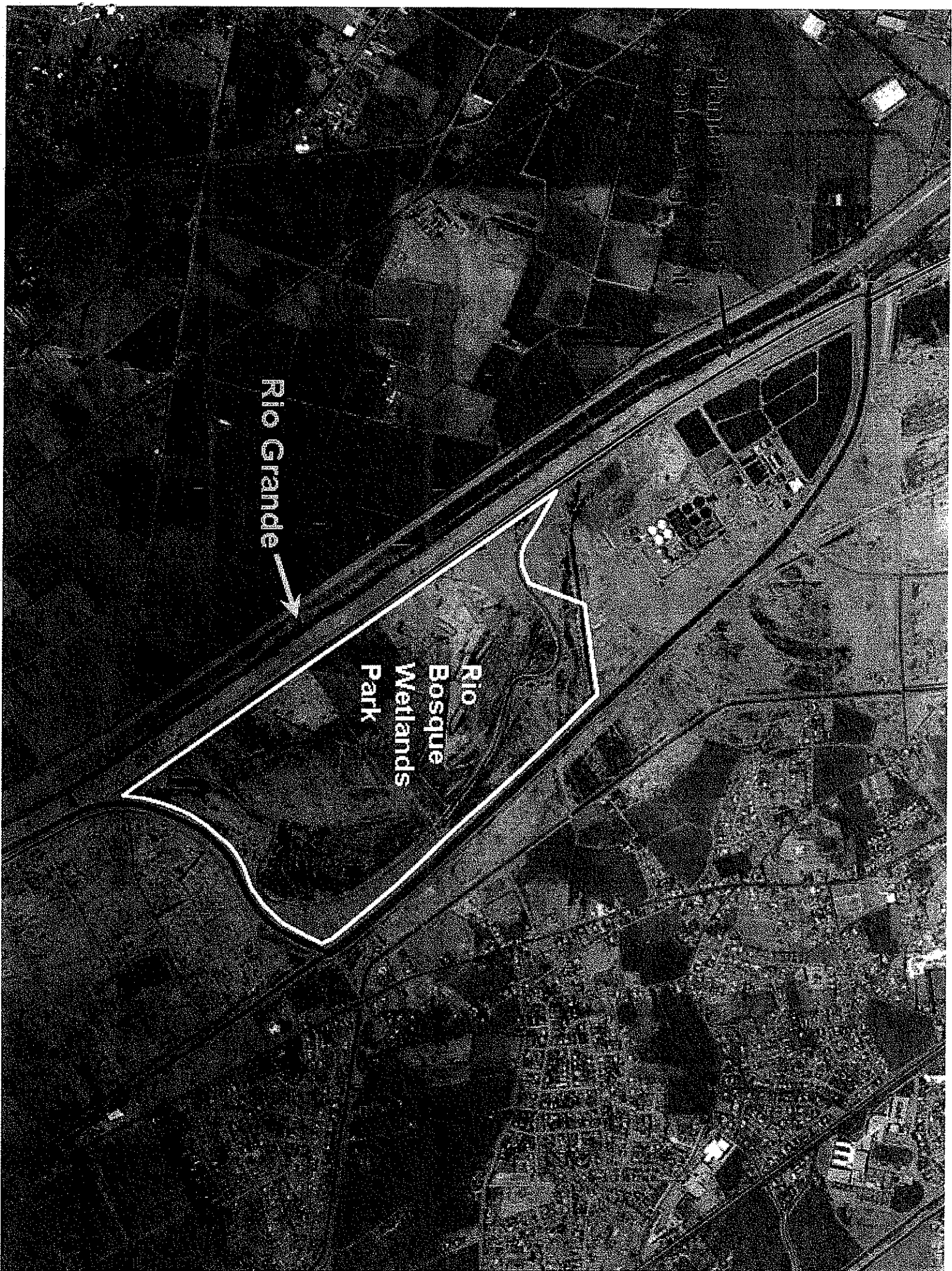
Thank you for the opportunity to share these comments. We hope they contribute to an improved analysis of the proposed project.

Very truly yours,



John Sproul
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c: Hon. Carlos Marin, Commissioner, U.S. Section, International Boundary and Water Commission
Hon. John Cook, Mayor, City of El Paso
Joyce Wilson, City Manager, City of El Paso
Deborah Hamlyn, Deputy City Manager, Quality of Life Services, City of El Paso
Nanette Smejkal, Director, Parks and Recreation Dept., City of El Paso



Rio Grande

Rio
Bosque
Wetlands
Park