

Border Security
House Committee on Homeland Security

Introduction

Since the end of the Cold War, globalization has led some scholars to the startling conclusion that “we are living in a world where state borders are increasingly obsolete.”¹ The nation-state – a polity in which political and cultural unity make possible a remarkable centralization of policy and politics alike – has been the fundamental building block of the global political order for centuries. But today many political scientists believe that its days of pre-eminence are over – or, at the very least, nearing their conclusion. Advancements in technology and global commerce have made even the most secure borders far more porous than many realize. And where this porosity is matched by an incentive to exploit it, maintaining security at the borders can, some believe, become all but impossible.

This is a subject not in need of complication. By “border security” we mean, quite simply, the assurance of security and stability in all issues that cross the terrestrial, maritime, and aerial borders of the United States. The aim of this committee is to maximize that security while minimizing detrimental economic and social impacts

The broadness of this topic will require committee members to show great creativity in research and bill development. The purpose of this briefing is to highlight some of the most important sources of risks to American border security – primarily international migration, drug smuggling, and terrorism – along with some possible solutions and the Republican and Democratic parties’ stances on the subject.

Background

The size and wealth of the United States makes border regulations, at least in theory, particularly difficult to enforce. For better or for worse, this country lives up to its reputation as a haven for immigrants. In 1990 23.3 million Americans – almost one tenth of the population – were born abroad; by 2013 the number had nearly doubled. Today more migrants call the United States home than do the next five top destinations combined.² This influx has been largely economic in nature: of \$529 billion in remittances (international transfers of wages and other income by migrant workers, usually to their families) sent globally in 2012, almost one quarter came from the United States, the largest single source by a wide margin.³ Mexico, the single most common country of origin for immigrants residing in the United States, receives the largest share of American remittances by a two-to-one margin.⁴ Today recent immigrants and their descendants account for a majority of American population growth and are responsible for well-documented boons for American economic performance. Yet massive immigration has also presented a unique challenge to law enforcement. Today some eleven million illegal residents, mostly Hispanic in origin and

¹ Thomas M. Wilson and Hastings Donnan, eds., *Border Identities* (n.p.: Cambridge University Press, 1998), 1.

² "Top-10 Destination Countries of International Migrants, 1990 and 2013," Pew Research Center: Demographic and Social Trends, last modified December 16, 2013, accessed February 1, 2016, <http://www.pewsocialtrends.org/2013/12/17/changing-patterns-of-global-migration-and-remittances/sdt-2013-12-17-global-migration-02-02/>.

³ "Remittance Flows Worldwide in 2012," map, Pew Social Trends, February 20, 2014, accessed February 2, 2016, [http://Remittance Flows Worldwide in 2012](http://Remittance%20Flows%20Worldwide%20in%202012).

⁴ Ibid.

concentrated in the Southwestern border states of California, Arizona, New Mexico, and Texas, call the United States home. Like those of the immigrant population as a whole, their motivations for relocation are primarily economic in nature. But because their activities are necessarily undocumented, any crimes they commit present a particular challenge to heavily burdened law enforcement agencies. Besides the high-profile cases of criminals like Mexican rapist Michael Rodriguez Garcia and Salvadoran murderer Mauricio Hernandez, the extent of crimes committed by illegal aliens is far from clear.⁵ Between 2011 and 2015, “criminal aliens” (including

Immigration, of course, is not the sole mode of international population movement. In 2015 the Department of Commerce recorded some 36 million individual tourist arrivals in the United States, primarily from Mexico and Canada.⁶ Though arrivals by air are relatively easy to monitor, arrivals by land and sea are altogether more difficult to track, if indeed they can be monitored at all. The United States’ borders with Canada and Mexico – 8,893 and 3,141 kilometers long, respectively, and passing mostly through inhospitable and thinly-populated terrain – are among the longest in the world and are impossible to police completely. The Mexican border in particular is crossed relatively frequently by migrant workers and drug traffickers alike. Congress has made extensive (and expensive) attempts to secure the Southern border, the most recent being the “Secure Fence Act of 2006,” authorizing the construction of 1,125 km (700 miles) of border fence. As of March 2010, when the Obama administration ordered a halt in construction, the Department of Homeland Security has constructed 1,030 km (640 miles) of fence at a cost of \$3.4 billion.⁷

The effect of the existing barrier on cross-border crime has been decidedly unclear, largely because of the difficulty of gathering data. Though the number of illegal border crossings is impossible to know, apprehensions at the southern border are just one fifth of what they were in 2000.⁸ This has prompted public officials and politicians alike to claim that further barrier construction would have no appreciable impact on illegal crossings. The border with Canada, meanwhile, remains essentially unprotected, prompting such prominent figures as Wisconsin governor Scott Walker to call for security along the northern border to be tightened, primarily with an eye to apprehending Islamic terrorists.⁹

Far more likely sources of cross-border security risks include the maritime frontiers and access by air. Since at least the early 1990s drug cartels – generally based in Colombia – have used remarkably advanced “narco-submarines” (a misnomer, as the vessels are generally semi-submersible) to transport cargo throughout the Caribbean (Mexico is the most common destination of drugs ultimately bound for the United States). Such vessels,

⁵ "Examples of Serious Crimes of Illegal Aliens," Federation for American Immigration Reform, accessed January 27, 2016, <http://www.fairus.org/issue/examples-of-serious-crimes-of-illegal-aliens>.

⁶ "2015 Monthly Tourism Statistics," International Trade Authority Office of Travel and Tourism Industries, accessed January 31, 2016, <http://travel.trade.gov/view/m-2015-I-001/table1.html>.

⁷ Spencer S. Hsu, "Work to Cease on 'Virtual Fence' Along US-Mexico Border," Washington Post, last modified March 16, 2010, accessed February 4, 2016, <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/16/AR2010031603573.html>.

⁸ Richard Gonzalez, "Analysts See U.S. Border With Mexico As More Secure Than It's Been In 40 Years," NPR, last modified August 19, 2015, accessed January 29, 2016, <http://www.npr.org/sections/thetwo-way/2015/08/19/432930086/analysts-see-u-s-border-with-mexico-as-more-secure-than-its-been-in-40-years>.

⁹ Eric Bradner and Tal Kopan, "Scott Walker: U.S.-Canada wall a 'legitimate' idea," CNN Politics, <http://www.cnn.com/2015/08/30/politics/scott-walker-northern-border-immigration-2016/>.

often interdicted by the Coast Guard at great expense, can carry several tons of cocaine, heroin, and other drugs at a time.¹⁰

The proximity of the island of Cuba to Florida presents similar challenges. Economic and political repression in Cuba has resulted in periodic influxes of refugees; in the early 1980s the Castro regime's unexpected decision to lift many standing restrictions on emigration led more than 100,000 such refugees, mostly on small boats departing from the port of Mariel. American officials made temporary homes for most of the migrants, who were nevertheless greatly impoverished and likely to participate in organized crime of some form or another. The film *Scarface* provides a completely fictionalized but historiographically useful account of this development.

The elephant in the room, of course, is Islamic terrorism. Americans' perennial fear of political violence at the hands of the enemy of the day (from anarchists in the late 19th century to communists in the mid-20th) is well-documented. Today the specter of the Islamic State has brought to the fore fears that have maintained an immense and undeniable pull since the 9/11 attacks. The members of this committee should bear in mind that terrorism is rare and generally illusory. But rather than reassuring them, this knowledge only heightens the fear of many who find themselves incapable of feeling at peace when risk does exist. The decade and a half since 9/11 has also made manifest the conflict that necessarily exists between security (especially at the border) and the civil rights of citizens and non-citizens alike. This committee will need to strike a balance between the two in seeking to prevent our relatively-open borders from becoming an invitation to slaughter.

We have far too few data points to draw any scientific conclusions about the arrival of terrorists or potential terrorists in the country. Many advocates of more expansive security measures point to the cautionary case of Ahmed Ressam, an Algerian man who, in the 1990s, entered Canada with a fake passport and commit various crimes and fraudulent actions.¹¹ As of the time of writing, dozens of American governors had refused to resettle any Syrian refugees in their territory (ineffectually, as they have no power over Federal relocation programs), citing the claim that at least one of the terrorists involved in the November 2015 attacks in Paris had posed as a refugee to gain access to the European Union.¹² Though there is little evidence that false identification has allowed terrorists access to the United States in any significant numbers, the claim is a disconcerting one given the potential potency even of a "lone wolf" attack.

Not all concerns about terrorism involve false identities. As recently as September 2015, U.S. Border Patrol agents apprehended two Gujarati men with ties to terrorism along the Mexican border, just south of San Diego.¹³ The Mexican border is long and lightly-patrolled, causing many to fear that ISIS and other terrorist groups will cross it to gain access

¹⁰ David Kushner, "Drug-Sub Culture," *New York Times Magazine*, last modified April 23, 2009, accessed February 1, 2016, http://www.nytimes.com/2009/04/26/magazine/26drugs-t.html?_r=1.

¹¹ Bill Bauer, "Is Canada a Safe Haven for Terrorists?," *PBS Frontline*, last modified 2014, accessed February 1, 2016, <http://philosophically.out.of.joint.but.emotionally.it.was.firmly.fastened.to.some.archetypal.foundations>.

¹² Max Ehrenfreund, "Forget refugees: How terrorists could actually get into the U.S.," *Washington Post*, last modified November 19, 2015, accessed February 1, 2016, <https://www.washingtonpost.com/news/wonk/wp/2015/11/19/forget-refugees-how-terrorists-could-actually-get-into-the-u-s-/>.

¹³ Stephen Dinan, "Agents Nab Pakistanis with Terrorist Connections Crossing US Border," *Washington Times*, last modified December 30, 2015, accessed January 28, 2016, <http://www.washingtontimes.com/news/2015/dec/30/pakistanis-terrorist-connections-nabbed-us-border/?page=all>.

to vulnerable targets within the country. Nor is the longer and more porous Canadian border entirely secure. In April of 2011 Customs and Border Protection Commissioner Alan Bersin noted before the Senate that "[w]e have had more cases where people who are suspected of alliances with terrorist organizations, or have had a terrorist suspicion in their background - we see more people crossing over from Canada than we have from Mexico".¹⁴

Terrorism and its paths are murky and will likely never be understood well enough to eliminate risk altogether. This committee must take care in determining the utility of tightening border security or risk massive opportunity costs of enforcement.

Democratic Point of Views

The Democratic Party has traditionally favored relatively loose restrictions on border crossings, immigration, and international travel. Though Democrats overwhelmingly supported tightened border security after 9/11, of late they have generally opposed it. In 2015 only one Democratic governor joined 30 Republicans in formally opposing efforts to resettle Syrian refugees in the United States.¹⁵ Democrats have opposed further fence construction along the Southern border and have generally supported continuing Federal funding to so-called "Sanctuary cities" (cities around the country – several hundred by some estimates – that make only minimal attempts to deport or otherwise remove illegal aliens).¹⁶ Nevertheless, during Barack Obama's presidency spending on border security and staffing of border patrols have both risen markedly. Democrats generally oppose faith-based detainment during international transit, and most have staunchly opposed Republican presidential candidate Donald Trump's proposal to ban Muslim entry into the country.¹⁷

Republican Point of Views

Republican views on issues of national security have always been somewhat hawkish, but since 2008 many have shifted markedly to the right. The narrative has, of course, been dominated by the extraordinarily divisive figure of Donald Trump, who has led the way in putting border security at the center of his campaign. Trump's calls for a wall along the entire Mexican border and for a national registry of Muslims have elicited howls of disgust from many in his own party, but have also helped shift GOP discourse on the subject. The rank-and-file of the Republican party, furthermore, are generally quite supportive of both policies, with some polls finding that two-thirds support mandated registry of Muslims.¹⁸ Though Trump is an outlier in terms of rhetoric, his views on the subject are surprisingly

¹⁴ Colin Freeze, "US Border Chief Says Terror Threat Greater from Canada than Mexico," *Globe and Mail*, last modified May 18, 2011, accessed January 30, 2016, <http://www.theglobeandmail.com/news/politics/us-border-chief-says-terror-threat-greater-from-canada-than-mexico/article580347/>.

¹⁵ Ashley Fantz, "More than Half the Nation's Governors Say Syrian Refugees Not Welcome," *CNN*, last modified November 19, 2015, accessed January 31, 2016, <http://www.cnn.com/2015/11/16/world/paris-attacks-syrian-refugees-backlash/>.

¹⁶ Kelsey Harkness, "See How Your Senator Voted on Sanctuary Cities," *The Daily Signal*, last modified October 20, 2015, accessed February 3, 2016, <http://dailysignal.com/2015/10/20/sanctuary-cities-bill-blocked-in-senate/>.

¹⁷ Eric Peterson, "8th District Democrats Debate Response to Terrorism," *Daily Herald*, <http://www.dailyherald.com/article/20160208/news/160208992/>.

¹⁸ Trip Gabriel, "Trump Says He'd 'Absolutely' Require Muslims to Register," *New York Times*, <http://www.nytimes.com/politics/first-draft/2015/11/20/donald-trump-says-hed-absolutely-require-muslims-to-register/>.

common and have squared well with Republicans' belief that the nation would benefit from (to quote presidential candidate Ted Cruz) "a commander-in-chief willing to speak the truth, willing to name the enemy — radical Islamic terrorism — and willing to do whatever it takes to defeat radical Islamic terrorism".¹⁹

Questions to Consider

1. How should the United States seek to balance civil liberties and security?
2. Can discrimination serve a necessary role in guaranteeing border security? Should the government actively engage in some form of racial, religious, or ethnic profiling to prevent terrorist attacks, drug importation, and other threats to American security?
3. What risk do refugees pose to American security? What steps should be taken to address these risks?
4. How should the Federal government seek to interact with illegal aliens? Is amnesty at one extreme – or aggressive deportation at the other – desirable?

Further Information:

1. <http://www.politifact.com/truth-o-meter/> - Few public debates suffer so greatly from obfuscation and the fog of confusion. It is strongly suggested that you review Politifact's substantial body of quotes on border security to give yourself a more objective look at the truth.
2. <https://www.archives.gov/research/immigration/> - historical facts and figures for research on immigration.
3. <http://www.cbp.gov/border-security> - Customs and Border Security Website – a good source of information on the actual functioning of the department of Homeland Security.
4. <https://www.foreignaffairs.com/articles/united-states/2011-06-16/are-us-borders-secure> - a good balanced look at some of the basic questions implicit in the border security debate.
5. <https://www.whitehouse.gov/issues/immigration/border-security> - A good look at the current administration's policies and stances on this issue.

¹⁹John Greenburg, "War of Words: The Fight over 'Radical Islamic Terrorism,'" Politifact, <http://www.politifact.com/truth-o-meter/article/2015/dec/11/war-words-fight-over-radical-islamic-terrorism/>.

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