



JAMES A. BAKER III INSTITUTE FOR PUBLIC POLICY
RICE UNIVERSITY

TESTIMONY BEFORE THE HOUSE NATURAL RESOURCES COMMITTEE,
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS,
AND SUBCOMMITTEE ON FISHERIES, WILDLIFE AND OCEANS
OF THE U.S. HOUSE OF REPRESENTATIVES

JOINT SUBCOMMITTEE OVERSIGHT FIELD HEARING

APRIL 28, 2008

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MAY 2008

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28 APRIL 2008

Please allow me this opportunity to first introduce myself. My name is Joan Neuhaus Schaan. I serve as the Fellow for Homeland Security and Terrorism Programs at the Baker Institute for Public Policy at Rice University, and I am also the Executive Director of the Houston-Harris County Regional Homeland Security Advisory Council. The Advisory Council serves as an independent third party on homeland security matters and advises the Mayor of Houston, the County Judge, City Council and Commissioners Court.

Per the request of the staff of Joint Subcommittee staff, I am offering my comments with regards to Texas border security. As the committee is well aware, security is a critical issue on the Texas–Mexico border, and increasingly in the metropolitan areas.

On the border there are several levels of crime — the crime associated with drug and human smuggling organizations; general crime outside of the smuggling operations in the form of kidnapping, burglary and theft; and national security threats posed by elements that choose to exploit the unique characteristics of our border.

First, let me comment on the smuggling organizations. Mexico is struggling to maintain civil authority against a potent adversary, and if not successful, the consequences will be dire. According to studies conducted in Mexico, alien smuggling profits are now approaching drug smuggling profits. The increased profitability has resulted in more professional and ruthless smuggling organizations that now resemble drug smuggling organizations and/or include drug smuggling organizations. As the more ruthless organizations take over increasing portions of the smuggling trade, anecdotal evidence indicates the prices are rising and operations are increasingly sophisticated. Currently the flow of illegal immigrants is of such proportions that it overwhelms immigration, law enforcement and the criminal justice systems of border states and their communities. Houston alone has an estimated 400,000 to 450,000 illegal immigrants. This is only an estimate, as it is illegal to ask an individual about their immigration status in many instances.

From the point of view of civil authorities, the criminal organizations outman and outgun law enforcement; they have extremely effective intelligence gathering; brutal intimidation tactics (including beheadings, torture, burnings, and threatened decapitation of children); and deep pockets for bribery. Allow me the opportunity to describe to you a phenomenon in the cycle of violence as experienced in other countries. As civil authorities struggle to maintain control and are approaching the tipping point of control, law enforcement officials, elected officials and judges are assassinated; police stations are attacked; organized crime influences and then controls elected officials; and the press is silenced. Once past the tipping point, the organizations control a community, and those that do not acquiesce to their activities must leave or face the consequences. In its most extreme form, civil authorities cede entire geographic regions, and the lawless organizations develop enclaves of autonomy, as has been the case in Colombia and Lebanon. In recognizing the severity of the situation in Mexico, President Calderon is taking unprecedented measures to combat organized crime.

Mexico is in the throws of this struggle as we speak, and in no place is it more evident than in Nuevo Laredo. The criminal organizations control the streets after midnight. Judges, police chiefs and city councilmen have been assassinated. Executions and firefights occur on a regular basis and have forced the American Consulate to close for as much as weeks at a time. Seventy percent of the businesses in Nuevo Laredo have closed in the last few years, though some of the shop space has been reoccupied. Mexican businessmen are desperate to live on the Texas side of the border, due to the multiple kidnappings a week. The local press has stopped reporting on crime after multiple attacks on their personnel and offices, and the San Antonio Express-News and the Dallas Morning Herald have pulled their Laredo reporters due to concerns for their safety. In fact, Reporters Without Borders lists Mexico as the most dangerous country in the world — except for Iraq — for journalists. In January, military elements arrived in Nuevo Laredo to take charge of security in the area, due to lost confidence in the public security officials in the area. Also in January, the Texas Department of Public Safety issued a warning against crossing the Mexican border, and on April 14, the State Department issued a Travel Alert for Mexico.

The struggles Mexican authorities are facing are not dissimilar to what our counties and state are confronting as the phenomenon spills across the border. The menace of organized crime's violence and corruption must be vigilantly guarded against at all levels of civil authority, as evidenced by multiple arrests in Texas the last year or two. Our law enforcement agencies are outmanned and outgunned. The criminal organizations are not only armed with advanced weaponry including assault rifles, grenades, and grenade launchers, but with rocket launchers capable of bringing down an airplane, machine guns, and explosives, such as Tovex, a highly explosive hydro gel. There are even suspicions the cartels assisted a Mexican militant group in the bombing of energy infrastructure. The organized criminal activity involves Texas and Texans. Arrests in Mexico regularly involve U.S. persons and U.S. vehicles. Students crossing from Juarez to El Paso are being targeted by drug traffickers. Recently, Mexican cartel members have ordered hits on persons in Texas.

As David V. Aguilar, chief of the U.S. Border Patrol has said, "The American public must understand that this situation is no longer about illegal immigration or narcotics trafficking. It is about criminals and smuggling organizations fighting our agents with lethal force to take over a part of American territory so they can conduct criminal activity."

As the volume of smuggling has increased, so have the incidents in the next level of crime — kidnapping, burglary and theft. Most kidnappings go unreported, even those involving American citizens, for fear of retribution. But the crime is not just occurring along the border. The city of Houston has seen an increase in kidnapping in the immigrant community, whether legal or illegal. At least one kidnapping ring was disrupted last year that preyed upon Hispanic immigrants. This may not be an unusual phenomenon along the border, but it is relatively new to Houston. One can easily envision the organizations moving beyond the immigrant population to more lucrative targets.

Burglary and theft have increased with the general level of smuggling in border communities. I have spoken with many Texans from rural communities that are fearful in their own homes and who do not leave their home unattended, because when they return there are strangers in their home. This is particularly difficult on couples living alone, because they no longer can leave

their home together or at the same time, even to go to the grocery store, for fear their home will be burglarized or occupied when they return. In one specific case, an older rancher, who operated a ranch on the Rio Grande that had been in his family for generations, made the difficult decision to sell the ranch, but he is having difficulty finding a buyer that is not associated with organized crime. The effects of this crime also are felt in Houston. For example, thousands of trucks in Houston were stolen last year, many of which were later found to be involved in smuggling operations along the border. Reportedly F-250 and F-350 trucks are preferred, and at least 1,250 Ford F-250 and F-350 trucks were stolen last year.

The threat resulting from criminal smuggling increasingly looms over Texas communities, but the violence is not the only threat to landowners. Landowners are threatened by the lawsuits brought by those involved, and they need protection from lawsuits when they assist law enforcement. Currently, landowners that allow law enforcement officers onto their property are being sued by those involved in the criminal activity that claim injuries occurred while on the property. This is particularly true when law enforcement was involved/present during a pursuit or arrest. While Customs and Border Patrol have statutory authority to enter property within predefined distances of the border, the same is not true for other law enforcement agencies and greater distances from the border. Lawsuits in the last few years have been brought against landowners in rural areas for injuries to illegal immigrants and/or trespassers in the presence of law enforcement, because the landowner allowed the law enforcement agency on to the private property. Although the legal application has been in rural communities, the same legal theory, if left unchecked, could apply to law enforcement in metropolitan areas as well.

Landowners' livelihood also is threatened by damaged fences and lost livestock. As smuggling operations cross private property, the smugglers open and close gates and/or cut fences. These activities result in livestock being cut off from water or straying onto roadways. If the livestock is hit by a vehicle, the landowner becomes liable. In many remote areas, ranch workers cannot leave a vehicle running while opening a gate, because persons emerge from the brush and drive off in the vehicle. Longtime ranchers now feel more imperiled when riding the fences alone.

Turning to the national security implications of the border environment, extremists are well aware of the United States' inability to control its borders, and use of the border is mentioned not infrequently in extremist chat rooms in the context of discussing tactics and logistics. Extremists have had their own smuggling operations in Mexico, and unaffiliated smuggling organizations have expressed a willingness to assist extremists willing to pay the price. A 2005 DEA (Drug Enforcement Administration) report outlines an ongoing scheme in which multiple Middle Eastern drug-trafficking and terrorist cells operating in the United States fund terror networks overseas, aided by established Mexican cartels with highly sophisticated trafficking routes.

This is of particular concern to the metropolitan areas, such as Houston. From an illegal activity perspective, the nature of the city provides a great operating environment for criminals and terrorists — anonymity, ease of entry and exit, readily available resources, and robust commercial trade. From a terrorist perspective, Houston provides not only a good operating environment, but it is considered one of the top five economic targets in the United States. Terrorist associates and sympathizers are known to have been active in the Houston area and are believed to have well-established networks. Their organizations have shown the means, knowledge, capabilities and motivation to carry out terrorist operations.

Securing the border is of paramount importance. Only when the border is secure can American citizens engage in a thoughtful debate on immigration policy for the future, rather than engaging in reactionary measures. The flow of illegal immigrants is of such proportions currently that all available tools should be employed. Once the border is secure and proactive policy has been determined, then appropriate changes can be made.

Thank you for allowing me the opportunity to submit this testimony to your committee.

APPENDIX: Travel Alert, 14 April 2008

On 14 April 2008 the U.S. Department of State issued the following Travel Alert:

"This Travel Alert updates information for U.S. citizens on security situations in Mexico that may affect their activities while in that country. This supersedes the Travel Alert for Mexico dated 24 October 2007, and expires on 15 October 2008.

"Violence Along The U.S.-Mexico Border - Violent criminal activity fueled by a war between criminal organizations struggling for control of the lucrative narcotics trade continues along the U.S.-Mexico border. Attacks are aimed primarily at members of drug trafficking organizations, Mexican police forces, criminal justice officials, and journalists. However, foreign visitors and residents, including Americans, have been among the victims of homicides and kidnappings in the border region. In its effort to combat violence, the government of Mexico has deployed military troops in various parts of the country. U.S. citizens are urged to cooperate with official checkpoints when traveling on Mexican highways.

"Recent Mexican army and police force conflicts with heavily-armed narcotics cartels have escalated to levels equivalent to military small-unit combat and have included use of machine guns and fragmentation grenades. Confrontations have taken place in numerous towns and cities in northern Mexico, including Tijuana in the Mexican state of Baja California, and Chihuahua City and Ciudad Juarez in the state of Chihuahua. The situation in northern Mexico remains very fluid; the location and timing of future armed engagements there cannot be predicted.

"Armed robberies and carjackings, apparently unconnected to the narcotics-related violence, have increased in Tijuana and Ciudad Juarez. Dozens of U.S. citizens were kidnapped and/or murdered in Tijuana in 2007. Public shootouts have occurred during daylight hours near shopping areas.

"Criminals are armed with a wide array of sophisticated weapons. In some cases, assailants have worn full or partial police or military uniforms and have used vehicles that resemble police vehicles.

"U.S. citizens are urged to be especially alert to safety and security concerns when visiting the border region. While Mexican citizens overwhelmingly are the victims of these crimes, this uncertain security situation poses risks for U.S. citizens as well. Thousands of U.S. citizens cross the border safely each day, exercising common-sense precautions such as visiting only legitimate business and tourist areas of border towns during daylight hours. It is strongly recommended that travelers avoid areas where prostitution and drug dealing occur.

"Criminals have followed and harassed U.S. citizens traveling in their vehicles, particularly in border areas including Nuevo Laredo, Matamoros, and Tijuana. There is no evidence, however, that U.S. citizens are targeted because of their nationality.

"U.S. citizen victims of crime in Mexico are urged to contact the consular section of the nearest U.S. consulate or Embassy for advice and assistance.

"Crime and Violence in Mexico - U.S. citizens residing and traveling in Mexico should exercise caution when in unfamiliar areas and be aware of their surroundings at all times. Violence by criminal elements affects many parts of the country, urban and rural, including border areas. Though there is no evidence that U.S. citizens are specifically targeted, Mexican and foreign bystanders have been injured or killed in some violent attacks, demonstrating the heightened risk in public places. In recent years, dozens of U.S. citizens have been kidnapped in Mexico and many cases remain unresolved. Moreover, new cases of disappearances and kidnap-for-ransom continue to be reported. No one can be considered immune from kidnapping on the basis of occupation, nationality, or other factors. U.S. citizens who believe they are being followed should notify Mexican officials as soon as possible. U.S. citizens should make every attempt to travel on main roads during daylight hours, particularly the toll ('cuota') roads, which are generally more secure. It is preferable for U.S. citizens to stay in well-known tourist destinations and tourist areas of the cities with more adequate security, and provide an itinerary to a friend or

family member not traveling with them. U.S. citizens should avoid traveling alone as a means to better ensure their safety. Refrain from displaying expensive-looking jewelry, large amounts of money, or other valuable items.

"Demonstrations occur frequently throughout Mexico and usually are peaceful. However, even demonstrations intended to be peaceful can turn confrontational and escalate into violence unexpectedly. Some deaths occurred during violent demonstrations, including an American citizen who died in the 2006 violence in Oaxaca. During demonstrations or law enforcement operations, U.S. citizens are advised to remain in their homes or hotels, avoid large crowds, and avoid the downtown and surrounding areas. Since the timing and routes of scheduled marches and demonstrations are always subject to change, U.S. citizens should monitor local media sources for new developments and exercise extreme caution while within the vicinity of protests. The Mexican Constitution prohibits political activities by foreigners, and such actions may result in detention and/or deportation. Therefore, U.S. citizens are advised to avoid participating in demonstrations or other activities that might be deemed political by Mexican authorities."