



## Friends Of The Border Patrol

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### PUBLICATION OF FRIENDS OF THE BORDER PATROL

#### GIVE ENFORCEMENT A CHANCE

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Enforcement can work to stop the flow of illegal immigration if we understand the nature of mass chain migration and how to affected it by the properly deployment of resources and manpower.

The majority of the American people count border security and the enforcement of our immigration laws among their higher priorities. For example, a Gallup poll taken on March 27, 2006 showed that 80% of Americans believe the federal government should get tough on immigration law enforcement; a Quinnipiac University poll of march 23 showed that 62% of the people were opposed to proposals that would make it easier to obtain citizenship and 72% opposed driver's licenses for illegal aliens; a Time Magazine poll of January 24-26 showed that 75% of the people support "major penalties" for employers hiring illegal aliens; an NBC/Wall Street Journal poll of March 10-13 revealed that 59% of the respondents were opposed to a "guest worker" program, and that 71% would more likely vote for a candidate who would tighten immigration enforcement; and an IQ Research poll of March 10 showed that 92% of the respondents said that securing the border should be a top priority of the president and Congress.

Such opinions have held steady for some twenty years while at the same time the elites in this country have progressively moved in the opposite direction, gradually losing interest in enforcement to the point where many regard it as unworkable, wasteful and even immoral. This view is based on the failure of government to stem the ever-rising tide of illegal immigration despite an enormous expenditure of resource. This failure has led to a widely held view that mass migration cannot be controlled; that like some kind of blind force, a hurricane, tsunami or earthquake, we must simply endure it, dealing with the consequences rather than attempting to prevent it from happening or bringing it under control.

Enforcement, however, has not failed simply because it was never tried. The enormous expense incurred in the name of enforcement throughout the Clinton and Bush administrations went not to accomplish the mission of border control, but to finance what is nothing more than an exercise in public relations. Enforcement, however, has worked in the past and can work again within our traditional moral and legal framework in the future if we understand the nature and dynamics of mass migration and how to deploy resources and manpower in the appropriate manner. The

government of the United States, however, has actually encouraged illegal immigration by signaling through its stand down of border controls and immigration enforcement that the risks are minimal and easily overcome in crossing the border illegally and remaining with impunity in the United States.

The solution to illegal immigration, therefore, does not lie in the erection of a Berlin-like wall but by affecting the decisions that people make when assessing the risks and benefits of migrating illegally to a foreign country. To leave people out of the equation of immigration policy, as so many do, is to dehumanize a very human phenomenon.

## THE NATURE OF MASS MIGRATION

We hear a lot about the push-pull effects of mass immigration; the economic differential between two countries by which conditions in the wealthier country pull immigrants from the poorer country like a magnet attracting metal fragments. Mass migration, however, involves more than those initial push-pull conditions in a process that has been amply described by historians of the Great Transatlantic Migration from Europe to the Americas in the nineteenth and the first two decades of the twentieth century, and by social scientists examining the rural-urban migrations now underway within Third World countries as well as the massive movement of people from the Third World to developed countries that is currently in full swing.

Migratory streams differ from one another in many ways, yet all exhibit a similar dynamic that accounts for mass migration as a social phenomenon. The process begins when the first immigrants from the sender country discover opportunities abroad and settle into the new environment. Eventually those pioneers help relatives and neighbors join them, creating what sociologist Douglas Massey, writing of the current migration to the United States from Mexico, calls “daughter communities”, creating in those new communities a receptive environment in the receiver country. The move for the next wave of immigrants and their adjustment in the receiver country is thus easier. As Massey puts it, the financial and the “psychic” costs of immigration for new immigrants are reduced by the reception they receive in daughter communities located in the receiver country.

Another part of the process is the creation of “enabling social networks” that link the daughter communities in the receiver country with hometowns in the sender country.

Rudolph Vecoli, historian of the Transatlantic Migration, says that such networks are “grounded in kinship and neighborly ties”, forming a system over which information flows back and forth attracting more and more people as the enclave in the receiver country grows and as migration becomes easier. The pull of the magnet thereby becomes stronger with the growth of such networks thereby increasing the volume of the migratory flow. The process takes time to develop; starting small, building gradually, feeding on itself and expanding in a dynamic of its own creation even after the original push and pull factors have diminished or ceased to exist.

Massey says that this process “eventually emerges as a mass phenomenon” ranging beyond friends and family to entire regions and expanding across social and occupational lines, eventually “encompassing all sectors of society”. “If there is a single 'law' in migration”, says

immigration scholar Myron Wiener, “it is that a migration flow once begun induces its own flow. Migrants enable their friends and relatives back home to migrate by providing them with information about how to migrate, resources to facilitate movement, and assistance in finding jobs and housing”.

People on both ends of the network are highly sensitive to changing conditions. For example, Border patrol agents notice a surge of illegal entry when American politicians talk of amnesty or amnesty-like programs, and when vigilance is increased in one place, the stream slows down there and flows around it to other areas. Vigorous, visible and certain enforcement, therefore, sends a strong signal across those social networks that risks have increased in coming and staying here illegally. This information becomes a part of the process in which millions of individuals and families decide whether to enter the United States illegally or whether to stay at home. The strong signal of meaningful enforcement, therefore, can work to diminish the flow, eventually to a trickle, by the same means that it is increased.

## SECURING THE BORDER AND ENFORCING IMMIGRATION LAWS

Proper enforcement which can send this signal and thus influence decisions on whether to illegally emigrate or not, depends on an integrated system consisting of three overlapping layers. The first layer is the border itself, the second the immediate hinterland, a zone of critical exposure for illegal entrants once they have cross the border, and the third is the entire interior of the country.

### The First Layer: the “Fence”

The Border Protection, Antiterrorism and Illegal Immigration Act passed by Congress in 2005, has taken positive steps in strengthening border controls.

For one thing, the act provides for 700 miles of fence along the border in areas where there is a high volume of illegal traffic across the border. The No-Enforcement crowd predictably complains that this is a waste of resources since a fence won’t keep illegal immigrants out. If a fence were all that there was, the critics would be correct. What has been proposed, however, is not just a fence, but fences, vehicle barriers, all weather roads, stadium lights, sensors and Remote Video Surveillance (RVS) cameras arranged in such a manner as to provide the maximum on the line obstacle to easy entrance on the part of both people and drug smugglers.

The greatest concentration of border barriers is planned for urban areas where the dense population makes it easier to cross an unfenced line illegally. The barriers constructed there are to be a 10 foot high primary fence built directly on the border and a parallel secondary fence with an asphalt road between the 130 foot space between the two, over which vehicles can move at speeds up to 70 mph.

The primary fence is designed to protect Border Patrol agents from cross-border attacks, a frequent occurrence, by putting a buffer between them and the agents. The primary fence also acts as a vehicle barrier, forcing illegal entrants, especially smugglers with heavy loads, to attempt the crossing on foot, therefore cutting down on the volume of contraband per load, and

making apprehension easier. The secondary fence, unlike the first, can be defended from both sides, and serves to further impede illegal entry. Stadium lights illuminate the area at night, and cameras provide surveillance all along the line. The effectiveness of even a single fence in urban areas is seen in the way the lawless border, characterized by rapes, robbery and murder, was pacified in the San Diego area once the fence went up. Indeed to proceed with any plan of border security without fences and barriers of some kind would be foolhardy.

In rural areas the border is marked only by a dirt road that bog down in the rainy season, and a couple of strands of barbed wired strung by ranchers to keep the cattle from straying. The “fence” in those areas will consist of all weather roads and a vehicle barrier, metal posts erected in the ground about five feet high and joined by rails to prevent entry by vehicles. Sensors buried in the ground already detect the passage of people and vehicles in unobserved areas. Better sensors are already available and could greatly increase the effectiveness of this means of detection. More RVS cameras capable of surveillance both day and night could be installed along the line, especially along corridors of ingress in rural areas. Also more efficient use could be made of helicopters, fixed wing aircraft and unmanned aerial vehicles (UAV) for wider surveillance in rural areas. In sum, far more could be done with infrastructure and technology, integrated with a more effective deployment of manpower, to create a “virtual fence” along all 2,000 miles of the border.

#### The Second Layer: the Borderland

The second layer of defense is the adjacent borderland where those who have made it across the boundary illegally can be pursued or intercepted before they can make it into the interior. Under the Clinton-Bush no-enforcement policy the mobility of Border Patrol agents has been severely restricted by shifting manpower from detection and apprehension to a feeble and completely ineffective tactic of “deterrence”. This tactic places agents at fixed positions on the border, “sitting on Xs”, as agents call it. In some cases agents are not even allowed to pursue illegal migrants if it means leaving their “deterrent” position.

In this regard a Border Patrol agent in California told MSNBC (5/27/05), on conditions of anonymity; “If anyone runs from us we don’t chase them.” Rich Pierce, vice president of the Border Patrol union, the Border Patrol Council, said that such changes in operations give illegal aliens a “free pass”, for “they know no one is actively looking for them once they make it past the border.” A line agent in Nogales, Arizona put it more graphically. “It’s like putting a ten yard limit on bank robbery. If the robber gets that far he can keep the money”.

The Bush administration has also prohibited agents from conducting raids in the border zone where illegal aliens concentrate, a practice that until a short time ago was standard operating procedure. A shift from the static of “deterrence” tactic, which eats up manpower and does not deter, to one of active pursuit and periodic sweeps, would greatly increase the effectiveness of the Border Patrol within the critical border zone.

Another routine method of border control no longer employed, is surveillance of transportation hubs such as airports, bus stations and railroad marshalling yards. Regular and highly visible

patrols in those areas would add to the deterrent effect as well as to the effectiveness of apprehension.

Another choke point in the borderlands is roads and highways leading from the border into the interior. Check points on major arteries serve to deter their use by smugglers, driving smugglers onto secondary roads where they can be apprehended. Choke points, however, are not sufficiently monitored and the deterrent effect is minimal. With an integrated operation the effectiveness of check points would be greatly magnified.

### The Third Layer: the Interior

The Congress in 1986, and the Jordan Commission in 1998 recognized that the key to stopping mass illegal immigration was to turn off the magnet that attracts illegal aliens to the United States. This can be done, they said, by making it illegal for employers to hire them once they are here. A system for achieving that end has already worked out and tested. The Basic Employment Verification Program, as it is called, is now available to employers across the country, a quick and free on-line means for employers to match employee's names with data from databases in the Department of Homeland Security and the Social Security Administration. The government should make this system mandatory, implementing it with frequent follow-ups, along with unannounced worksite inspections, swift prosecution of violators and the imposition of higher penalties for those who, despite the access of status verification, have hired illegal aliens.

The government must also make documents more secure, a measure that will greatly benefit homeland security as well as aid immigration law enforcement. One way to achieve this goal is to standardize personal identification. Since the state-issued driver's license is the de facto personal ID within the United States, all such documents should be required to be produced in the same format and to have the same degree of verifiability before they are allowed for use as identification involving the federal government, including passing through Transportation Safety Administration checkpoints at the nation's airports. Greater use of biometric markers in personal identification should also be integrated into whatever program is adopted.

### MANPOWER

More agents for border control and immigration enforcement must be hired. The time in selecting and training new agents for the Border Patrol and for Immigration and Customs Enforcement (ICE) is slow. Normal attrition, such as resignations and retirement, also means that the ranks of those agencies will increase slowly even if hiring is increased. A more rapid way of increasing manpower for border control and immigration law enforcement can be achieved in three ways: better coordination of federal law enforcement agencies with one another and with local and state police; the deployment of the military on the border; and the use of civilian volunteers along with better technology.

Under the Immigration and Naturalization Service, immigration inspectors in the interior and the Border Patrol both on the border and in the interior, worked together. With the establishment of the Department of Homeland Security, however, interior enforcement was given strictly to ICE while the Border Patrol was confined strictly to the border and the immediate hinterland. ICE

does not even have the resources to pick up criminals in local jails eligible for deportation, while the Border Patrol is barred from aiding them in that task. Also the Customs portion of ICE overshadows its immigration enforcement mission, and as a result a gap, that never existed before has developed between ICE and the Border Patrol in enforcing immigration laws. A reorganization of manpower and other resources around immigration and border control would greatly increase the effectiveness of those two agencies.

Moreover, information sharing and the coordination of federal law enforcement agencies such as the FBI, Alcohol, Firearms and Tobacco (ATF), the Drug Enforcement Administration, the Marshal's Service and Bureau of Land Management and National Park Service Rangers with ICE and the Border Patrol would greatly enhance both border security and immigration enforcement.

Another force multiplier is the 70,000 local and state police officers throughout the country that could augment ICE, an agency that at present has only 2,000 agents nation-wide. Local and state police encounter illegal aliens every day from routine traffic stops to the investigation of major crimes. Integrating those law enforcement agencies into a program designed to deal with illegal immigration would therefore greatly magnify immigration enforcement and the deterrent effect that such a coordinated effort would achieve.

Not only does Congress permit local and state authorities to aid federal immigration law, but as Chris Kobach, former council for the Attorney General of the United States and now professor of law at the University of Missouri tells us, states also have the inherent power under the Constitution to do so on their own. Federal programs therefore should be expanded to train local law enforcement in proper procedures and encourage them to co-operate with the Border Patrol and ICE.

Traditionally local authorities routinely notified federal authorities when they encountered people in the country illegally during the routine discharge of their duties. They no longer do so today. In fact, some jurisdictions have declared themselves "sanctuary" cities and counties, protecting illegal aliens from federal authorities by not only refusing to co-operate with federal authorities, but by actually impeding them in their operation. Under our federal system this is indeed the sovereign right of states. Yet the federal government is well acquainted with ways of forcing local authorities to do its bidding namely, by withholding federal funds from everything to schools to road and highway construction until local authorities comply with whatever the federal government wants. This method has been effectively employed in the name of civil rights to enforce federally mandated racial, ethnic and sex preference, a practice recently confirmed by the Supreme Court in its ruling that universities receiving federal money could not ban military recruiters from campus. In other words, if you accept federal money you must accept the strings that may be attached to it. If the federal government were so moved it could do the same thing for homeland security and immigration and border control.

## TROOPS ON THE BORDER

Troops could also greatly augment the Border Patrol force. Their mission would be not to apprehend illegal aliens that would remain the job of the Border Patrol, but rather to aid in

surveillance, employing the state-of-the-art equipment and trained crews that the military has, and other ancillary services such as infrastructure improvement and transportation and communications.

Some critics, citing a Reconstruction Era law, the Posse Comitatus Act of 1878, argue that the military is barred from participating in civilian law enforcement. Posse Comitatus, however, does not prohibit the military from participating in law enforcement but rather only limits it in certain ways.

In fact, Army and National Guard engineers have already been employed to improve border infrastructure such as fences, vehicle barriers, roads, culverts, etc., and all branches of the military have served on the border under a program known as Joint Task Force Six, now called Joint Task Force North.

Joint Task Force Six and its successor JTN were designed to co-ordinate law enforcement and the military in an effort to stop the flow of illicit drugs across the border. So far military surveillance units on the border, highly effective as a deterrent when it takes place, has been restricted to training exercises and maneuvers.

Maneuvers, however, could be planned and coordinated in such a way as to keep a military presence on the border on a rotating basis, thereby greatly increasing the effectiveness of border defense. If properly coordinated with the Border Patrol, the Patrol agents would be freed for detection, pursuit and apprehension in a far more effective manner than is now the case.

## CIVILIAN VOLUNTEERS

Civilian volunteers also provide an enormous pool of possible manpower.

Volunteer fire departments, trained and equipped like their professional counterparts, already provide the only fire protection some districts have, and fire and police reserves have long augmented fire departments as well as local police and sheriff departments across the country.

Civilian general aviation pilots, horse and dog trainers and others have been organized into search and rescue units that assist sheriff departments across the country. Following those examples, civilian auxiliaries for ICE and the Border Patrol could augment the efforts of those agencies in terms of transportation, clerical work, help at detention facilities and as a kind of neighborhood watch program, aiding in border surveillance. The Minutemen project showed that there are indeed a number of people willing to serve in a volunteer capacity. With the proper training and deployment volunteers could greatly augment ICE and the Border Patrol.

Volunteers border watches projects, however, need not send people to the field. In fact police intelligence reports that drug and people smugglers in Mexico have been given the green light to shoot not only law enforcement agents on this side of the border, but civilian volunteers as well in order to continue the out of control flow across the border into this country

With RVS cameras on the border and along trails leading into the interior, civilian volunteers all over the country can monitor illegal entry and notify Border Patrol units of illegal entry without even leaving their homes. Such a project is under development for eastern San Diego County by the Friends of the Border Patrol, which should serve as a model for the entire 2,000-mile extension of the now open border between the United States and Mexico.

#### WHAT DO WE DO WITH THOSE STILL HERE?

Even if we could stop the out-of-control flow of illegal immigrants, what would we do with the 11 to 20 million already here? Mass deportation is not an option since such an operation would be a logistic nightmare, resulting in short-term economic dislocations and in some cases hardships on the part of individuals and families that the press would distort to the advantage of the open borders lobby. Once effective enforcement has diminished the illegal influx to a manageable trickle the pool of illegal aliens living in the country would eventually diminish through both normal attrition and the untenable conditions for normal life created by true enforcement would lead to self-deportation. Thus attrition and self-deportation, once the illegal stream has been reduced would solve the biggest part of the illegal immigration problem.

#### CONCLUSIONS

Enforcement, given the precedence, the models and the resources already available, is indeed a viable option for stopping, or at least reducing illegal immigration to manageable proportions without resorting to mass round-ups and deportation, and without resorting to amnesty, no matter what they chose to call it. The question therefore is not whether we can properly control the border and enforce immigration laws within our moral and legal framework, but rather why some people do not want to control it. That should be the focus of attention when debating American immigration policy, not the nature of the next amnesty that would serve not to diminish, but greatly to increase mass illegal immigration now flowing unhindered into the United States.