

Fence Meets Wall of Skepticism

Critics Doubt a 700-Mile Barrier Would Stem Migrant Tide

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CALEXICO, Calif. -- Legislation passed by Congress mandating the fencing of 700 miles of the U.S. border with Mexico has sparked opposition from an array of land managers, businesspeople, law enforcement officials, environmentalists and U.S. Border Patrol agents as a one-size-fits-all policy response to the nettlesome task of securing the nation's borders.

Critics said the fence does not take into account the extraordinarily varied geography of the 2,000-mile-long border, which cuts through Mexican and U.S. cities separated by a sidewalk, vast scrubland and deserts, rivers, irrigation canals and miles of mountainous terrain. They also say it seems to ignore advances in border security that don't involve construction of a 15-foot-high double fence and to play down what are expected to be significant costs to maintain the new barrier.

And, they say, the estimated \$2 billion price tag and the mandate that it be completed by 2008 overlook 10 years of legal and logistical difficulties the federal government has faced to finish a comparatively tiny fence of 14 miles dividing San Diego and Tijuana.

"This is the feel-good approach to immigration control," said Wayne Cornelius, an expert on immigration issues at the University of California at San Diego. "The only pain is experienced by the migrants themselves. It doesn't hurt U.S. consumers; it doesn't hurt U.S. businesses. It only hurts taxpayers if they pay attention to spending on border enforcement."

Congress has decreed that five sections of reinforced fencing -- most probably a double fence with stadium lighting -- will be built along a third of the border, in California, Arizona, New Mexico and Texas. The biggest section is planned from east of Calexico stretching more than 300 miles to west of Douglas, Ariz.

There also are questions of whether the fence will be more of a symbol to be used in elections than a reality along the border. For one thing, shortly before Congress adjourned, the House and Senate gave the Bush administration leeway to distribute the money allocated for the fence to other projects, including roads, technology and other infrastructure items to support the Department of Homeland Security's preferred option of building a "virtual fence."

Currently, less than 100 miles of the border is fenced, primarily in populated areas. San Diego has become a symbol for the efficacy of fences, but a closer look at the experience of that seaside city also illustrates the potential pitfalls.

In the mid-1990s, the city was awash in illegal immigrants. Hundreds would gather by a soccer field near Otay Mesa, east of San Diego, and rush into the United States on what the

Border Patrol termed "banzai runs." During those years, Border Patrol agents routinely apprehended 200,000 illegal entrants a year in the sector. [Rep. Duncan Hunter](#) (R-Calif.) got funding to build a fence and thousands more Border Patrol officers were dispatched to the area. The number of crossers plummeted.

But the fence, originally estimated at \$14 million, incurred huge cost overruns and logistical and legal hurdles. It took \$39 million to build the first nine miles, and the fence has yet to be finished. For a decade, litigation has delayed construction of 3.5 miles of the structure because environmental groups have opposed a federal plan to lop the tops off two mesas and pour 5.5 million cubic feet of dirt into a valley, called "Smuggler's Gulch," to flatten the terrain. Environmental groups lost the case when the Department of Homeland Security invoked a law exempting it from federal and state regulations in the interest of national security. DHS recently appropriated an additional \$35 million to complete the fence -- for a total of \$74 million, or more than \$5 million a mile.

The fence in San Diego forced illegal traffic into the deserts to the east, leading thousands of migrants to their death. In response, the Border Patrol shifted thousands of agents to Arizona to deal with the flow. But many of those agents came from the San Diego and El Centro sectors. So once again, the number of crossers in San Diego and El Centro is increasing even though the two sectors are the most heavily fenced in the nation.

"Tucson now has 2,600 agents. San Diego has lost 1,000 agents. Guess where the traffic is going? Back to San Diego." said T.J. Bonner, the president of the National Border Patrol Council, the main union for Border Patrol agents. "San Diego is the most heavily fortified border in the entire country, and yet it's not stopping people from coming across."

There are concerns along the border that the congressionally mandated fence could overshadow new, cheaper technologies that show some promise. For example, 30 miles of reinforced vehicle barriers, which cost on average \$1 million a mile, have reduced by 95 percent road traffic from drug and migrant smugglers into the Organ Pipe Cactus National Monument, where a park ranger was shot and killed by narcotics traffickers in 2002, said Kathy Billings, superintendent of the territory. "We used to have two to three high-speed chases a month," she said. "Now we have less than six a year."

But even the vehicle barriers, posts in the ground connected to each other by railroad ties, need year-round maintenance. The barriers at Organ Pipe have already been breached four times since they were completed this summer. A full-scale double fence in the Arizona desert, where summer rains cause flash floods that often rip up anything in their path, would be extremely costly to build, let alone maintain, Billings said.

The ecological effect of a fence would be significant, according to Roger Di Rosa, manager of the Cabeza Prieta National Wildlife Refuge in Arizona, which runs along about 50 miles of the Mexican border. Efforts to protect pronghorn sheep and encourage the jaguar to

return to the United States could be seriously affected, he said. "If it doesn't fly, it's not getting across," he said. "The law is pretty straightforward but the border is very unique."

Marine Corps officers in the region also have questioned the need for a fence. Using a combination of vehicle barriers and ground-based radar, they had blocked a significant portion of smuggling traffic through their land on the Yuma Proving Ground, which runs along 30 miles of the border, Di Rosa and others said. In recent months, however, the Pentagon for unknown reasons ordered the base to install a fence. Marine Corps officers at the facility did not return a call seeking comment.

Di Rosa and others cited other potential unintended consequences of fence-building. In some regions along the border, the nearest main road can be 80 miles away. So to build the barrier, roads must be created. That could end up facilitating movement into the United States rather than blocking it. Officials along the border challenged optimistic timelines that the wall could be built in two years, citing the high probability of lawsuits from environmental agencies and land owners.

In Texas, which is to get 200 miles of fencing, opposition to the plan has come from law enforcement and city governments. The City of El Paso has officially opposed the plan, as has the Texas Border Sheriff's Association.

Maverick County Sheriff Tomas S. Herrera predicted ranchers would sue the federal government to fight the installation of a fence on their property. One reason is that ranchers want access to the Rio Grande, which snakes 1,254 miles along the border, to water their herds and for sport fishermen who pay to use the waterway.

Perhaps because of these objections, Congress, in a late-night concession just before adjournment, pledged that Native American tribes, members of Congress, governors and local leaders would get a say in "the exact placement" of any structure, and that Homeland Security Secretary Michael Chertoff has discretion to use alternatives "when fencing is ineffective or impractical."

Herrra thinks flexibility might be needed. He echoed a widespread skepticism about federal programs, hatched in Washington, designed to deal with the border problems.

"A few years ago, they installed cameras and said the cameras would solve things," he said. "Those cameras can pick up a tick on a cow's back. But when half the monitors are all busted like they are now, they don't work."

His prediction for how illegal immigrants would deal with the wall: "They will get ladders made out of mesquite and climb it."