

Who is the Lawbreaker? Homeland Security

The jaguar. The ocelot. The gray wolf. These are not typical faces of the immigration debate. However, they may be the next casualty of enforcement-only solutions aimed at securing the U.S./Mexico border.

The border region is replete with public lands, including national wildlife refuges, national monuments, and national forests. In Arizona, more than 85 percent of the land along the U.S./Mexico border is under federal control. Large swathes of pristine land provide a habitat for an abundance of plant and animal life, including many species that are found nowhere else in the U.S.

Stricter Border Patrol enforcement in urban areas in recent years has pushed migration into remote areas—areas such as Organ Pipe Cactus National Monument, home to over 500 species of plants, 50 species of mammals, and nearly 300 species of birds. Migrant traffic, both foot and vehicle, causes severe damage to this previously unspoiled natural habitat. Border Patrol enforcement efforts, which include the use of off-road vehicles, helicopters, lighting, and fencing, cause further devastation.

The governments of the U.S. and Mexico have worked together for years to protect the fragile border ecosystem through agreements such as the La Paz Agreement on Cooperation for the Protection and Improvement of the Environment and Border 2012. But the current U.S. border security strategy, centered on constructing hundreds of miles of fencing along the border, ignores environmental concerns. Proposed barriers, whether fence or concrete, will cut through places like Organ Pipe, severing migration routes and destroying thousands of acres of wildlife habitat. Dozens of animal and plant species along the border are considered endangered or threatened. The border fence could be the final nail in their coffin.

Undocumented immigrants are often scorned as “lawbreakers,” but, in this case, it is the Department of Homeland Security (DHS) that is breaking U.S. laws—many of them. In October of last year, DHS Secretary Michael Chertoff waived several environmental laws in order to push forward construction of another section of the border fence. This was the third waiver in as many years. The laws Chertoff considered insignificant enough to ignore include the Endangered Species Act, the National Environmental Policy Act, and the Wilderness Act. Such laws are designed not only to protect wildlife and natural habitats, but to protect human health as well.

What allows DHS to waive U.S. law? A provision in the REAL ID Act which was designed to speed along completion of a small section of the border fence in San Diego is now being applied more broadly to allow DHS to circumvent inconvenient environmental laws in order to construct large sections of the fence in other areas.

The Borderlands and Conservation Security Act, H.R. 2593, has been proposed in the U.S. House of Representatives to mitigate damage to federal and tribal lands in the U.S./Mexico border region. The bill would require DHS to coordinate border protection strategies with federal land managers, tribal officials, and local communities. It would also ensure compliance with laws intended to protect air, water, wildlife, culture, and health and safety.

In the name of security, DHS is taking actions that are leading to the destruction of the very homeland they are trying to secure. Ask your representative to co-sponsor H.R. 2593 and require DHS to respect existing environmental laws—laws designed to protect our homeland. ■

BY TAMMY ALEXANDER

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