



**Statement of Subcommittee Chairwoman Martha McCally (R-AZ)
Border and Maritime Security Subcommittee**

*Moving the Line of Scrimmage: Re-examining the Defense-in-Depth Strategy
September 13, 2016*

Remarks as Prepared

First, I would like to thank Chief Mark Morgan, who is testifying before Congress for the first time as the new Chief of the Border Patrol.

Like your predecessors, I'm sure you will be a frequent visitor before this Subcommittee as we discuss what arguably are the three most important border security questions: What does a secure border look like? What are the right tools and strategies to achieve a secure border? And how do you measure success or failure?

Today, I want to focus on the second question – an aspect of the current Border Patrol strategy known as defense-in-depth. Specifically, the unintended consequences this strategy imposes on border communities and residents that live along the border, including many of my constituents.

In the early 1990s, the Border Patrol and U.S. Customs Service were outmatched in all aspects of illegal activity both between and at the ports of entry. Yet despite having a smaller Border Patrol at the time, agents apprehended millions of people.

Border Patrol's response to this activity in El Paso and San Diego led to Operations Hold the Line and Gatekeeper that surged resources to the border in those major urban areas. In the short term, it stemmed the tide of the illicit activity. However, it had the intended effect of pushing illicit activity away from urban areas and into the remote rural areas of the border.

By design, shifting cartel activity into more rugged terrain gave the Border Patrol the advantage of time to interdict people and target contraband smuggling. Border Patrol leadership routinely articulated the strategy's effectiveness by explaining that in urban areas, they had mere seconds to minutes to interdict illegal activity; whereas in suburban areas they had minutes to hours, and in rural areas, they had anywhere from hours to possibly days to interdict illegal activity.

Ceding territory for time has had profound ramifications for populated rural areas along the border, like my district in Arizona. On a routine basis, our fellow residents are exposed to illicit activity that crosses the border, trespasses on their land, destroys their property and puts their lives at risk. Small businesses and tourism suffer from the illegal activity that is pushed deep into the interior of the country by a strategy that I believe needs to be reexamined.

To be clear, I am not asking agents to link arms across all 2,000 miles of the border. What I am asking is that we focus our resources and manpower at the line of scrimmage, not 5, 10, or 100 miles inland. Our

enforcement posture should be arranged with the intent of anticipating, deterring, and stopping most illicit activity before it enters our communities, using the overwhelming majority of agents and technology as close to the line as terrain, access, and agent safety will allow.

I have spent countless hours at the border with ranchers, border residents and the Border Patrol. In many instances, I've observed miles-long stretches of the border with little to no agents actually patrolling the road near the fence.

I've also witnessed whole sections of fence cut out of the fence, allowing an untold number of vehicles to come across the border before being detected. Presence on the border matters – serving as both a deterrent to illegal activity and as a rapid response to inevitable breaches.

I am mindful that geography has an effect on where we apprehend individuals and interdict narcotics, but we cannot cede 10 to 100 miles of U.S. territory waiting for these nefarious actors to be caught at the time and place of our choosing. Instead we have to take the fight to them at the earliest point of incursion.

In Tucson, 48% of the total number of apprehensions took place more than 5 miles from the physical border. Compare that with Yuma, or Rio Grande Valley in Texas where more than 84% of illicit crossings are apprehended in the first 5 miles. For citizens who live along the border 5 miles is an eternity.

Interior checkpoints are part of the layered approach to border security that has created challenges for the men and women I was sent here represent. The Border Patrol uses a mix of permanent and tactical checkpoint along major routes in and out of the border. Consistent with its defense-in-depth strategy, checkpoints are designed to push illicit traffic around the checkpoints into areas where the Border Patrol has a better chance of interdiction.

But what checkpoints have really done is to introduce inconvenience and hassle as a way of life for law-abiding American citizens who live near these checkpoints. The Border Patrol has little to show for their use. Very few apprehensions take place at an interior checkpoint, and to add insult to injury the checkpoints are closed when it rains – to prevent a traffic accident. All the cartels have to do is wait for the weather to change to bypass this layer of defense.

In 2014, the University of Arizona's National Center for Border Security and Immigration conducted an in-depth study concerning the effectiveness of checkpoints and their impact on local border communities. The report makes a series of recommendations to develop measures of effectiveness and to closely track the impacts checkpoints have on local communities.

To date, I do not believe that the Border Patrol has followed or implemented any of the recommendations.

Defense-in-Depth and the layered approach to border security sounds good in theory, but there are real world negative impacts for the American citizens who live at and near the border. I look forward to hearing from the Chief and the witnesses on the second panel to discuss a better approach.

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