

Border sheriffs: Give us the money, not DPS

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Steve Taylor

AUSTIN - Shrugging off questions over the success of border security "surge" operations, the past chairman of the Texas Border Sheriff's Coalition says any new state money for border security should be administered by the Governor's office.

"If it is not broke, why try to fix it?" asked Zapata County Sheriff Sigi Gonzalez when he testified in favor of HB 13 before the House State Affairs Committee.

"The bottom line is border security operations should be synchronized under one roof and the appropriate lead agency is the Governor's Office of Homeland Security."

HB 13, authored by State Affairs Committee Chair David Swinford, R-Dumas, commits more than \$100 million in additional funds to border security, with oversight going to the Governor's Office of Homeland Security. Much of the money will be available to border sheriffs to pay for overtime.

The Senate version appropriates around \$55 million, with agencies such as the Department of Public Safety and the Parks and Wildlife Department administering the money.

"What happens if \$100 million or \$200 million goes to DPS and that money is directed to something else? There will be no money for border sheriffs or sheriffs close to the border or anybody else," Gonzalez said. "I'm not saying I don't trust Colonel Davis but he's not going to be here all his life."

Col. Tommy Davis, director of DPS, had earlier testified how a mammoth intelligence database set up after the passage of HB 9 in the 2003 regular legislative session had been whisked away from his agency to the Governor's Office of Homeland Security.

Gonzalez said the Texas Border Sheriff's Coalition welcomed being audited. He said it was a non-profit group that did not appropriate funds based on political considerations.

Gonzalez said border security "surge" operations coordinated through the Governor's Office of Homeland Security had been a "proven success." He cited Operation Wrangler and how, in one week, 27,600 pounds of marijuana, \$1.6 million in cash, and 26 illegal aliens "from countries with a known terrorist presence" had been apprehended.

Rep. Jessica Farrar, D-Houston, was highly skeptical of Gonzalez's statistics and asked for more information. She pointed to newspaper accounts which showed that during "surge" operations, undocumented immigrants were seven times more likely to be apprehended than criminals.

"It doesn't make any sense at all," Farrar said, of Gonzalez's figures. "It's very unclear to us. It looks like you are cooking the numbers."

Farrar said she wanted the legislature to act smartly on border security "and not just feel good" about appropriating \$100 million. Acting smartly meant putting in place strict oversight, she said.

In TV commercials put out during his gubernatorial campaign last fall, Gov. Rick Perry said crime was reduced along the border by 60 percent due to security initiatives he launched with border sheriffs.

But in an *El Paso Times* story, Texas Homeland Security Director Steve McCraw admitted that the numbers used to calculate the crime decrease did not prove a sustained drop in crime along the border. McCraw acknowledged that the statistics did not include crime rates in major border cities, and did not account for other possible reasons for the decrease.

Testifying before the State Affairs Committee, McCraw said he did not mind who operated the intelligence database as long as it was kept going. He said he would even give up his username and password to the database if that made legislators feel better.

Luis Figueroa, legislative staff attorney for the Mexican American Legal Defense and Educational Fund, and Rep. Veronica Gonzales,



Steve McCraw

D-McAllen, said they were concerned about HB 13 instructing municipalities to meddle in federal immigration law.

Gonzales pointed out that under Section 7 of the bill, a municipality "may not adopt a policy under which the entity will not fully enforce state or federal laws relating to... immigration."

Gonzales said those two negatives mean municipalities would have to enforce immigration law. Swinford said that was not his intention and he would work with other legislators to fix language in the bill. He said he simply wanted his legislation to "stay within the parameters" of providing \$100 million and getting the money to the border.

Figueroa called on the State Affairs Committee to ditch HB 13 because municipalities would be forced to choose between violating federal law and losing much-needed funding. "As a result, the resources of local law enforcement agents will be stretched too thinly and communities will be less safe," he said.

Figueroa pointed out that municipalities depend on the willingness of their residents to report crime or suspicious activity without fear of immigration consequences. "HB 13 prevents municipalities from adopting policies and rules that they determine are in the best interests of their residents," he said.

Gonzales, who chairs the Mexican American Legislative Caucus's immigration task force, said there was no question border lawmakers wanted security for their communities.

However, she said they also want to be able to "account to the public as to where those funds are going, how they are being spent, and whether they are being effective or not."

Sally Velasquez, a lobbyist for Willacy County, testified that Willacy County was unable to join the Texas Border Sheriff's Coalition because it was 30 miles from the border. The group's bylaws state a participating county must be within 25 miles of the border.

Velasquez said Willacy County had not been able to tap into any Homeland Security money, despite the fact that Port Mansfield does not have security cameras. Swinford urged Velasquez to get with Sheriff Gonzalez and McCraw. "I'm sure they can help," he said.