

Policy Analysis: Secure Fence Act of 2006

Names

College

Policy Analysis: Secure Fence Act of 2006

The U.S.-Mexico border is an avenue through which narcotics, illegal drug proceeds, and unauthorized immigrants flow between the two countries. The porous border also provides routes for human traffickers to supply victims for sexual exploitation or forced labor. It was obvious that the border posed a significant threat to homeland security if it remained poorly policed. For that reason, U.S. Representative Peter Thomas King introduced a bill in 2006, which President George Bush later signed into the Secure Fence Act of 2006 (US Congress, 2006). Yet despite the efforts to enhance border security, critics argue that building a 1,954 miles long wall (or fence) along the U.S. – Mexico border is both uneconomical and irrational (Hussain, 2016). However, there are examples where the building of a physical barrier has improved a nation's security. The Israel-West Bank fence, for instance, diminished attacks by Palestinian suicide bombers by 90 percent (Palti, 2004). Likewise, full implementation of the Fence Act is a viable solution to the perennial problem of illegal aliens and narcotics entering the U.S. via the South Western border unabated.

Background

Illegal immigrants have primarily preferred gaining entry into the U.S. through the U.S.-Mexico border. A case in point is after President Ronald Reagan signed into law the Immigration Reform and Control Act in October 1986 (US Congress, 1986). The Act offered amnesty to undocumented aliens who already lived in the US. However, by doing so, it encouraged a surge in the flow of immigrants who aimed to take advantage of the seemingly lax immigration control. To stem the flow, the government constructed a 66 mile-long wall at the California-Mexico border in 1990. Whereas the barrier managed to decrease the entry of unauthorized aliens into California, it nonetheless resulted in the redirection of illegal entry eastwards towards

the Arizona-Mexico border (St. John, 2012). Because of the unprecedented spike in the number of illegal aliens who started to use the Arizona area as an entry point, President Bill Clinton signed into law the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The Act aimed to enhance border security through increased fines for undocumented immigrants, additional funding for the United States Border Patrol, erection of another 14 miles long California-Mexico fence at San Diego (US Congress, 1996).

The Fence Act of 2006 is therefore a more comprehensive follow up legislation to the IIRIRA. It provides for the installation of 700 mile-long fencing on the U.S.-Mexico border (US Congress, 2006). Yet despite its grounding in desirable policy reform, construction of the barriers—as the Fence Act promises—is going on haltingly or not at all. That is because environmentalists, such as the Sierra Club and Defenders of Wildlife, managed to get a court injunction stopping the fence construction (Sierra Club, 2016). By citing the Fence Act's violation of various other acts, like the Clean Water Act and the Endangered Species Act, the activists have forestalled the full implementation of the Fence Act.

Argument

The Fence Act is not only a good attempt at immigration reform, it also seeks to mitigate security threats and the drug problem facing the US. It provides the legal backing for the Department of Homeland Security (DHS) to use sophisticated technology like drones, surveillance cameras, and satellites to make the U.S.-Mexico border more secure (US Congress, 2006).

Still, the Fence Act has created an acrimonious debate, especially between the minority groups and the White majority, as individuals point out that immigrants are essential to the

melting pot philosophy of American society. Yet there is no denying that a poorly controlled border will only facilitate the passage of trafficked persons, narcotics, and illicit drug money.

Thus, this paper will argue why the Fence Act remains the best policy option to secure the U.S.-Mexico border, by surmising that:

- 1) A physical barrier on the U.S.-Mexico border will impede the flow of illegal aliens, contraband, and illicit monies and narcotics.
- 2) The U.S.-Mexico fence will enhance border security by providing additional protection against terrorists wishing to cross into the US.

Analysis

Coming from a period of heightened terrorism threats that culminated in the 9/11 attacks, the U.S. focused more on homeland security by turning its attention to border control. The passing of Representative Peter King's Secure Fence bill of 2006 was thus a realization of the nation's efforts to enhance its border security. Even though the implementation of the Fence Act faces political distractions, it nevertheless presents the most pragmatic solution to the unchecked entry of persons into U.S. soil. The Act's proper execution would make it harder for terrorist cells, for example, to use the same routes that illegal immigrants and drug cartels exploit to sneak in arms, personnel, or launder the funds they require.

That argument is in line with Hyndman's (2005) study that found illegal immigration to be a vector "of insecurity and terror, particularly at border crossings" (p. 3). Thus, while the U.S. remains committed to cultivating the economic ties with its southern neighbor based on existing agreements, such as the North American Free Trade Agreement (NAFTA) of 1993, it cannot ignore its security concerns especially post 9/11 (Gilbert, 2007). Additionally, an effective U.S.-Mexico border fence would provide better security even for the immigrants attempting illegal entry. For instance, it would neutralize criminal gangs, such as the *Barrio Libre*, who have turned

the tunnels/sewers that aliens use into a treacherous geography occasioned by muggings and rape (Rosas, 2006, p. 402).

However, some cases indicate that a fence would not deter people from crossing into the U.S. without authorization anyway. In the research, *The Managed Violences of the Borderlands*, for example, Rosas describes how Mexican immigrants simply climb over the fence and flee into Nogales, Arizona (Rosas, 2006, p. 405). Admittedly, that study exposed some of the ineffectiveness of a physical barrier constructed at the border. Yet, according to a report by the Congressional Research Service, new trends show that more people from around the world are increasingly aiming for the Southwestern border to enter into the U.S. illegally (Nuñez-Neto, Siskin, & Viña, 2005). This increase in non-Mexican immigrants indicates how transnational terrorists could be now opting to use the Southwestern border to smuggle in their agents or resources. Thus, cases of the existing fences' ineffectiveness should not be a cause to celebrate. It should instead spur the authorities into reexamining how best (and how soon) they can implement the Fence Act.

The Fence Act does not promise to stop the flow of illegal immigrants or other actors who pose a security risk to the U.S. through the Southwestern completely. It would however make it more costly and more laborious for undocumented entries to make it through the border undetected (Cornelius, 2001). One of the ways to tell how a physical barrier makes it harder for illegal entry to accelerate is through analyzing migrant deaths along the U.S.-Mexico border. Looking at the California-Mexico fence alone, more fatalities occurred in the areas eastern of the fence after its installation (Cornelius, 2001, p. 671). That means that the border barrier was effective in controlling how many individuals risked crossing the U.S.-Mexico border in the San Diego vicinity. Because the Fence Act does not provide for the construction of a continuous

fence along the U.S.-Mexico border, critics contend that the flow of illegal immigrants and other unauthorized agents would simply exploit the unfenced zones (Guerette, 2007). The case of the existing California-Mexico fence, however, proves this wrong. For instance, to avoid the barrier at the San Diego-Mexico border, migrants would have to hike over the eastern rural, treacherous terrain. Geographical features like the Tecate Mountains and the Imperial Valley in east San Diego would be either excessively cold or hot making it irrational for a migrant to attempt entry by crossing them (Cornelius, 2001).

Conclusion

The Fence Act of 2006 faces obstacles in its implementations. Its efficacy and unintended consequences have created opposing pressure from environmental and social justice activists. Its economical justification is also facing increasing criticism. The cost of building the Acts suggested fences has ballooned from the initial estimate of \$1.2 billion to \$4.1 billion considering inflation. Despite these shortcomings, however, the Act remains the only legislation in place that can tackle international terrorism, drug smuggling, human trafficking, and money laundering occurring at U.S. borders. No policy can be perfect—hence, it is better for Americans to embrace the execution of the Fence Act before it is too late.

References

- Cornelius, W. A. (2001). Death at the border: Efficacy and unintended consequences of US immigration control policy. *Population and Development Review*, 27(4), 661–685.
- Gilbert, E. (2007). Leaky borders and solid citizens: Governing security, prosperity and quality of life in a North American partnership. *Antipode*, 39(1), 77–98.
<http://doi.org/10.1111/j.1467-8330.2007.00507.x>
- Guerette, R. T. (2007). Immigration policy, border security, and migrant deaths: An impact evaluation of life-saving efforts under the border safety initiative. *Criminology & Public Policy*, 6(2), 245–266. <http://doi.org/10.1111/j.1745-9133.2007.00433.x>
- Hussain, I. (2016). Nationalist policies, immigration, and policy boomerangs: “Three strikes and you could be in.” In I. Morales (Ed.), *National solutions to trans-border problems?: The governance of security and risk in a post-NAFTA North America* (2nd ed., pp. 205–222). New York, NY: Routledge.
- Hyndman, J. (2005). Migration wars: Refuge or refusal? *Geoforum*, 36(1 spec. iss.), 3–6.
<http://doi.org/10.1016/j.geoforum.2004.11.001>
- Núñez-Neto, B., Siskin, A., & Viña, S. (2005). *Border security: Apprehensions of “other than Mexican” aliens*. Washington, DC.
- Palti, Z. (2004). Israel’s security fence: Effective in reducing suicide attacks from the Northern West Bank. Retrieved from <http://www.washingtoninstitute.org/policy-analysis/view/israels-security-fence-effective-in-reducing-suicide-attacks-from-the-north>
- Rosas, G. (2006). The managed violences of the borderlands: Treacherous geographies, Policeability, and the politics of race. *Latino Studies*, 4, 401–418.
<http://doi.org/10.1057/palgrave.lst.8600221>

Sierra Club. (2016). Laws waived on the border. Retrieved from
<http://www.sierraclub.org/borderlands/laws-waived-border>

St. John, R. (2012). *Line in the sand: A history of the western U.S.-Mexico border*. Princeton, NJ:
Princeton University Press.

US Congress. Immigration Reform and Control Act of 1986, Pub. L. No. 99–603 (1986). United
States.

US Congress. Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L.
No. 104–208 (1996). United States.

US Congress. Secure Fence Act of 2006, Pub. L. No. 109–367 (2006). United States.