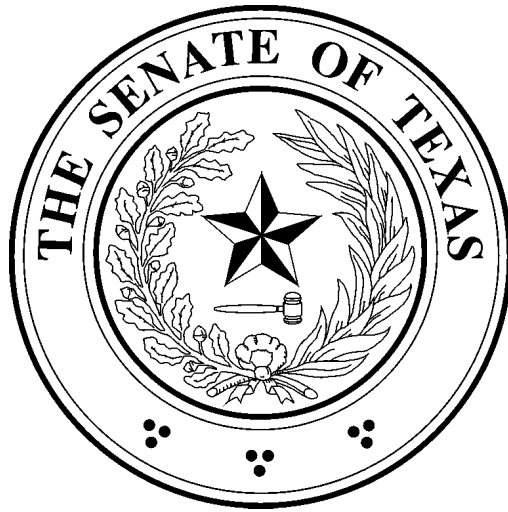


Texas Borderlands 2009

Lifting the Lamp Beside Texas' Door



Texas Senator Eliot Shapleigh
District 29
El Paso, Texas
February 2009

Immigration policy reform as an issue has recently been kept under the radar. History has shown that anti-immigration sentiment almost always follows a threat to national security and since 9/11 that sentiment and increased scrutiny has been placed on our southwestern border. Since 2006, our country has turned towards immigration rhetoric that interchangeably replaces cartels and criminals with "immigrants" and "aliens." Current legislative practices detract from America's historic spirit of embracing immigrants and ensuring equal rights among citizens. The one-sided debate on illegal immigration currently raging in Congress is fueled by xenophobia, fear, ignorance, and misinformation. Mean-spirited and misguided legislation threatens both the social fabric and economic future of the country. Real comprehensive immigration reform would unite families, encourage legal citizenship, enhance bi-national trade and transportation, and include the use of 21st Century technology to ensure border security.

While it is imperative for our country to reform the immigration system, focusing only on the enforcement component will hurt our economy, lead to human and civil rights violations, and create social instability for the millions of American families whose members include immigrants. Current economic conditions in our country are encouraging an immigration policy that would help increase our national GDP and look at an immigration policy that takes into account high talent professional immigrants. The only way to achieve meaningful reform is through a debate that is fact-based and devoid of ideologically or racially-motivated rhetoric.

The negative consequences of the ongoing militarization of the Texas-Mexico Border, the use of Operation Linebacker funds by the Sheriff of El Paso County to enforce federal immigration laws, and the proposed Operation Rio Grande are also of grave concern and must be addressed as part of any immigration reform effort. Recent increases in violence battling Mexican drug cartels are a clear example of why we need a security strategy that encourages positive communication between local law enforcement on both sides of the border.

Crafting an Effective and Humane National Immigration Policy

Framing a Fair Immigration Debate

The narrow framing of the current immigration debate, as observed by the Rockridge Institute, a non-profit, non-partisan think tank, not only neglects some of the most important social, economic, cultural and security concerns, but it also impairs our ability to consider meaningful reform of our immigration system¹. According to the institute, the language used by most immigration officials when framing debate is "anything but neutral." This language focuses solely on the problems associated with illegal immigration – such as the federal government's inability to control its borders, exploitation of weak labor laws, job loss among native-born Americans and the strain on government services, among other issues. Focusing solely on the problems caused by immigrants or the failure of government to enforce our immigration laws, while ignoring the many advantages of immigration, cripples the debate and renders policymakers incapable of exploring solutions to the challenges that immigration brings without sacrificing its benefits.

The current debate must be expanded to include the following factors that influence

immigration, both legal and illegal: U.S. foreign policy, international trade agreements, and our historic commitment to embracing immigrants fleeing from economic or social injustice and religious or political persecution. Above all, we must not neglect the ongoing demographic, social and economic transformation of our nation and the world. Statistics show that while the American population is aging and having fewer children, immigrants are revitalizing the U.S. demographic composition. This trend occurs at home and abroad.² According to a United Nations report, the number of immigrants around the world has doubled over a 25-year period and is expected to increase in the next 50 years. About three percent, or 175 million people now reside outside their country of birth. As the U.N. Secretary General recently stated, "it is time to take a more comprehensive look at the various dimensions of the migration issue, which now involves hundreds of millions of people and affects countries of origin, transit and destination. We need to understand better the causes of international flows of people and their complex interrelationship with development."³

In light of the increasing importance and changing nature of immigration, we should adopt progressive policies that offer better educational opportunities to these future taxpayers and help the United States stay competitive in a global economy. Overlooking the importance of immigration to focus solely on short-term solutions will have devastating consequences for this country.

The United States is a Land of Immigrants

***"Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, tempest-tossed to me,
I lift my lamp beside the golden door!"***

Statue of Liberty inscription

Aside from our indigenous populations, we are all the sons and daughters of immigrants. Immigrants nourish and revitalize each American generation; without them, we would not be the nation that we are today. A few examples worth mentioning include: Albert Einstein, who came to the U.S. during the early 1900s, and whose superior knowledge helped to raise our standards for education; the Chinese immigrants who built the American Transcontinental railroad in the mid 1800s; and the *bracero* workers brought here during a period of labor shortage during World War II. In formulating the current debate on immigration reform, we must keep in mind that our great nation continues to rely heavily on the contributions of its immigrant population. There are presently millions of immigrants represented not only in the service industry, but also in high-skilled fields, where nearly half of American Ph.D. holders are foreign born⁴. The new global economy knows no frontiers. Immigrants' contributions are more relevant now than ever if we are to remain competitive.

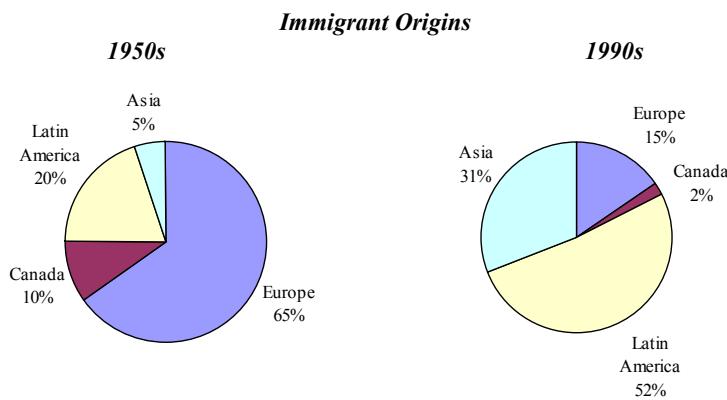
The pivotal role played by immigrants in the current U.S. labor market is well illustrated in the data gathered by the U.S. Department of Labor's Bureau of Labor Statistics (BLS). According to a recent study conducted by the Migration Policy Institute (MPI)⁵ using BLS data, immigrant workers are overrepresented in seven of the fifteen occupations expected to grow the fastest. The study also highlights the importance of immigrants to U.S. economic growth, citing

low fertility rates among baby boomers and the inadequate U.S.-born labor force. From 1996 to 2000, immigrants were responsible for almost half (48.6 percent) of the increase in the U.S. labor force; from 2000 to 2004, they made up 60 percent of that increase.⁶

The Mechanism of Immigration Policy in Texas

Not since the first "Great Migration" at the beginning of the twentieth century has the nation's population been as affected by immigration as it is today. During the "Great Migration," the origin of immigrants shifted from the prosperous western and northern European countries to the less affluent southern and central European countries.⁷ Many believed that the majority of these immigrants lacked education and were relatively unskilled. In 1921, Congress passed the Quota Act to limit the flow of immigrants into the country. Using information from the 1910 census, the Quota Act allocated the number of visas granted to immigrants each year based on the foreign-born population already residing in the country.

In 1965, immigration policy changed with the passage of the Immigration and Naturalization Act. The goal of family reunification and, to a lesser extent, employer needs became the main criteria used when granting a visa. As a result, immigrants today are more likely to come from Latin America and Asia than they were 50 years ago.



Source: Dallas Federal Reserve Research Department

One explanation for this shift is that the countries of the Western Hemisphere, including Mexico, were not originally included in the 1921 Quota Act. In fact, the 1965 Immigration and Naturalization Act placed limitations on countries in the Western Hemisphere for the first time in American history.⁸

A market-based immigration system would be ideal for the expansion of technology-based jobs and those of manual labor that are needed for the future national economic stimulus package. An example of this system can be seen in Canada, which follows a point system that is based upon the individual's future economic contribution to the country. The questions that immigrant applicants are asked are those of their personal levels of education, bilingual abilities, age, profession, income, and their adaptability and contribution to the country. The adaptability portion takes into account factors such as if they have ever studied in Canada, have a relative in

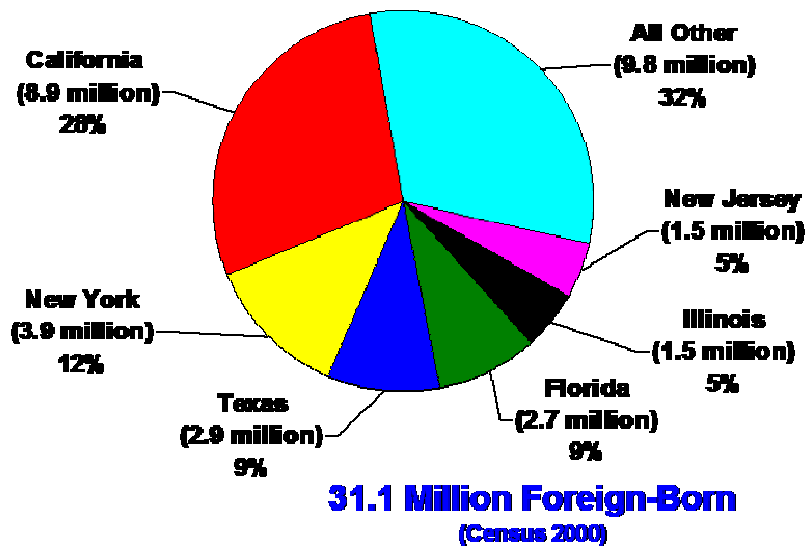
Canada and any previous work experience in the county.⁹ Australia, New Zealand and members of the European Union have just adopted this policy in 2008.

Since 2002, more than 4.4 million immigrants have become US citizens. From 2002 to 2008, most applicants granted naturalization have been from Mexico and India.¹⁰ The national decline of illegal immigration is 300,000 people per year, which has steadily decreased each year. In September of 2008, the U.S. welcomed 39,000 new citizens.

Immigration in Texas

In Texas, immigrant workers have been essential to the state's economic growth, particularly in the agricultural sector. In 1942, the U.S. government passed the Mexican Farm Labor Program Agreement with Mexico, better known as the *Bracero* program, to supply much of the workers needed during WWII. The agreement, which was in effect until 1964, guaranteed a minimum wage and humane treatment of migrant workers. Initially, Texas farmers decided not to participate in the program and instead hired undocumented farm workers directly from Mexico.⁹ It was not until the end of the 1950s, after the passage of the "Texas Proviso," that Texas growers decided to fully participate in the program. The "Texas Proviso" clause in the 1952 Immigration and Nationality Act prohibited the prosecution of companies that hired undocumented workers. With few legal barriers, undocumented workers were easily able to travel and work in the United States. This policy continued until the 1986 Immigration Reform and Control Act started penalizing employers for hiring undocumented workers.¹⁰

Texas became a major residence for immigrants during the 1980s, when it became the fourth largest state with a foreign-born population in the nation.¹¹ Since 1988, Texas has admitted an average of 84,372 legal immigrants each year, which is the third largest average annual admittance of immigrants in the United States.¹² It is estimated that there are currently 2.9 million foreign-born residents of Texas.



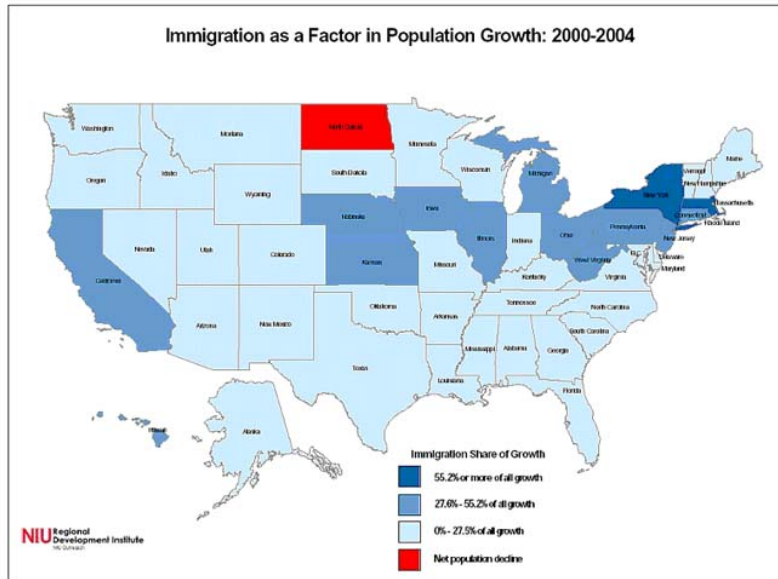
Jeffrey S. Passel & Michael Fix, Immigration Studies Program, The Urban Institute

Immigrants at the Local Level

Although studies have shown that immigrants pay more in federal taxes than they use in federal programs, it is more difficult to assess the impact of immigrants on state and local economies. Robert Paral, a researcher with the American Law Foundation, argues that while analyses of immigration contributions and costs generally show a net impact on state and local economies, these studies tend to ignore the effect that immigration has in areas where native population growth is minimal.¹³ When large numbers of immigrants settle in places with slow native population growth, it can create problems. For example, it may pose a burden on school districts, which may not have the capacity to enroll more students. On the other hand, as Paral explains, in places with native population loss, such as Chicago and Atlanta, immigrant labor may be critical to prevent factories from closing – which would result in an overall loss of jobs that would hurt the local economy.

It is also difficult to determine to what extent immigrants are displacing the native population. Paral addressed this question by analyzing immigration growth both at the state and county level. He found that although Texas is one of the immigrant "gateway" states, immigrants in general do not represent the majority of the state's population growth (see map one). At the

Map One

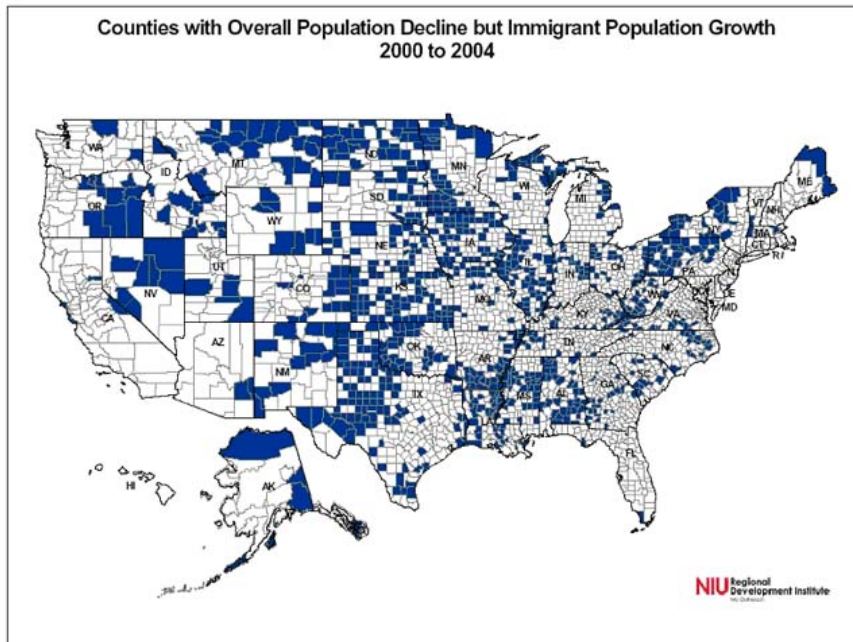


Source: NIU, Regional Development Institute.

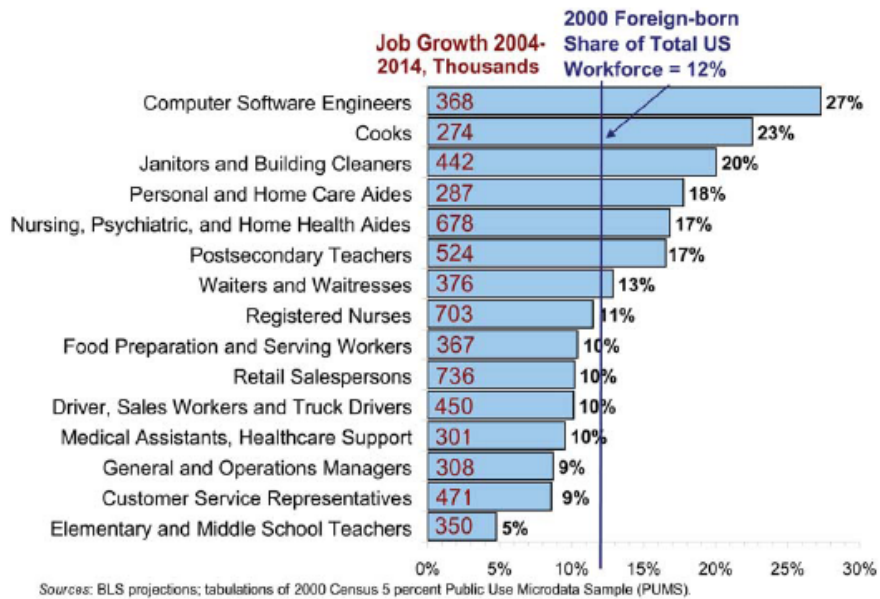
county level, there are significant variations in the impact of immigration on population growth. In many counties immigrants are driving the growth of the local economy, most notably in West Texas. Paral argues that it does not make sense to argue that immigrants in these areas – not known for their flourishing economies -- are driving out natives, but rather that natives are more likely leaving in search of better opportunities. (see Map Two)

Map Two

Foreign-born Share of the Fifteen Occupations with Largest Growth, 2004 to 2014



Source: NIU, Regional Development Institute.



The important role that immigrants have played and will continue to play in maintaining a prosperous U.S. economy is documented by numerous studies. The BLS projects that the U.S. work force will grow ten percent between 2004 and 2014, with a total of 162.1 million people working or looking for work in 2014. During the same period of time, baby boomers will age at an annual rate that is four times greater than the rate of growth in the labor force¹⁴. These projections must be considered when drafting immigration reform legislation. Myopic immigration reform that ignores these statistics will jeopardize our economic prosperity and competitiveness in the global economy.

In addition to the studies that demonstrate the important role of immigrants in our economy, business leaders have long acknowledged the invaluable contributions immigrants make to America's competitiveness. Take, for example, the comments made by Michael C. Maibach, Vice President of Intel Corp:

"Today's immigrants might not come here with much money, they might look different and speak strange languages, but their entrepreneurial spirit and desire to achieve is 100 percent American. People migrate to places where they can be free and permitted to succeed. Our company is better, our industry is more competitive, and our nation is more prosperous because of immigrants."¹⁵

Historic Amnesia and the Hostility to Our Southern Neighbors

The proportion of Hispanic Americans in the U.S. is not a recent phenomenon, a fact often overlooked in the current immigration debate. Spaniards came to the United States more than a century before the Pilgrims did. They entered through what is now Florida (Spanish for Florid) and spoke Spanish, not English. Ponce De Leon's search party reached Florida in 1513. The first permanent European settlement was founded in St. Augustine in 1565; Spaniards had explored almost half of the continental United States before Jamestown was founded in 1607. At the time, approximately half of the continental U.S. was owned by Spain. It was only through a series of wars and land purchases of these areas that control of the entire present-day American Southwest, including Florida, was wrested from Spain and Mexico to become part of the United States. The first citizens in those areas were Hispanic and some of those states remained majority Hispanic until the 20th century.

Public Attitudes Toward Immigration

In spite of negative, ill-informed and one-sided stances on immigration assumed by many lawmakers, the majority of Americans continue to uphold the attitude that Robert Kennedy espoused in his reflections on our faith in the "American ideal:"

"Our attitude toward immigration reflects our faith in the American ideal. We have always believed it possible for men and women who start at the bottom to rise as far as their talent and energy allow. Neither race nor place of birth should affect their chances,"¹⁶ he said.

This is not to say the American public is of one mind on the subject of immigration. Many

Americans have been influenced by the persistent and negative perceptions of immigrants painted for them by lawmakers. Despite this, a majority of Americans continue to favor more inclusive solutions to the challenges brought by immigration. A poll conducted by the Pew Hispanic Center from October 3 through November 9, 2007 with results published December 19, 2007, found:

- Just over half of all Hispanic adults in the U.S. worry that they, a family member, or a close friend could be deported.
- Nearly two-thirds say the failure of Congress to enact an immigration reform bill has made life more difficult for all Latinos.
- Seventy-five percent of Latinos disapprove of workplace raids; some 79 percent prefer that local police not take an active role in identifying illegal immigrants; and some 55 percent disapprove of states checking for immigration status before issuing driver's licenses. By contrast, non-Hispanics are much more supportive of all these policies, with a slight majority favoring workplace raids and a heavy majority favoring driver's license checks.

In general, Americans understand that increased globalization not only boosts the movement of goods and capital across borders, but also the movement of people in search of the jobs created by globalization. Americans also appear to understand how much their lifestyle is dependent on the cheap labor of immigrants. Finally, Americans recognize the value of legalizing the hard-working immigrants who already contribute in so many ways to our economy by bringing them out of the shadows so they can reach their full potential and, in turn, enable America to reach its full potential.

The ability of Americans to rise above the politicians who use immigrants as scapegoats for the nation's economic woes, or exploit them for political gain, in favor of understanding immigrants as persons who, like all Americans, are deserving of a better life, is reminiscent of the famous words of Eleanor Roosevelt who, decades ago, asked and answered the following question:

"Where, after all, do universal human rights begin? In small places, close to home- so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, and equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them so close to home, we shall look in vain for progress in the larger world."¹⁷

Contrary to the nativist argument that immigrants weaken the U.S. culture by eschewing its customs and values, studies show that immigrants want to assimilate. For instance, a study by the Pew Hispanic Center, in collaboration with the Henry J. Kaiser Family Foundation, probed the attitudes of Latinos toward the English language¹⁸. The study found that Latinos, regardless

of income, party affiliation, fluency in English or how long have they been residing in the United States, believe that immigrants should speak English in order to become part of U.S. society. Further, the study found that "Latino immigrants are slightly more likely (57 percent) to say that immigrants have to learn English than native-born Latinos (52 percent)."

Assaults on the Spanish Language are Misguided and Unnecessary

Although some argue that the use of Spanish by immigrants living in this country threatens their ability to assimilate and poses a threat to the supremacy of the English language, research by the Population and Development Review rejects both arguments.¹⁹ The researchers drew data from two surveys conducted in southern California that both reflected the diversity of contemporary immigration and were representative of the "least-educated and poorest immigrants from Latin America and Southeast Asia." (449) They conclude that the use of spoken Spanish poses no threat to the supremacy of the English language. The study also challenges Samuel P. Huntington's controversial book in which the author criticized Latino's lack of linguistic assimilation. Huntington wrote: "If the second generation does not reject Spanish out of hand, the third generation is also likely to be bilingual, and the maintenance of fluency in both languages is likely to become institutionalized in the Mexican-American community." (2004:232) Huntington went on to explain that "(t)here is no Americano dream. There is only the American dream created by an Anglo-Protestant society. Mexican-Americans will share in that dream and in that society only if they dream in English" (ibid. 256). Contrary to Huntington's theory, the Population and Development Review concluded that Spanish and other languages spoken by immigrants do not represent a threat to the dominant language. While Latin American immigrants maintain the ability to speak Spanish better than other immigrant groups, by the third generation they lose that ability and become monolingual English speakers.

Clarifying the "Cost" of Immigration

Some of the most popular arguments against comprehensive immigration reform focus only on the "cost" of illegal immigration to the nation from the use of government programs, health care services, and education. These biased analyses fail to consider the considerable taxes paid by immigrants, which can outweigh the costs. For example, undocumented immigrants pay real estate taxes, sales and other consumption taxes just as citizens and legal immigrants do. These taxes fund the majority of state and local costs of schooling, health care, roads, and other services.

Evaluating the drain of immigration on the U.S. economy *without* taking into account their contributions through the tax system is referred to by economists as the "static" model.²⁰ According to a recent report conducted by Immigration Policy Center, a non-partisan organization, the static model is flawed because it does not include the multiple roles that immigrants play in the U.S. economy. The static model, favored by critics of immigration, excludes the impact that immigrants have as workers, consumers, and entrepreneurs in the nation's economy. Economists that use the static model assume that immigrant workers do little more than increase the labor supply, hence lowering the wages of native workers and increasing the profits for businesses. One of the fallacies of this model is that it incorrectly assumes that immigrants and U.S. workers are interchangeable when, in fact, rather than substituting each other, immigrant workers complement the U.S. labor force. The Immigration Policy Center

notes, for example, that less-skilled immigrant construction workers boost "the productivity of U.S.-born carpenters, plumbers, and electricians, but do not necessarily substitute for them." The most notable flaw in the static model is that it fails to account for immigrant's purchasing power, which in turn creates more jobs and invigorates the nation's economy. A study conducted by the University of Georgia²¹ demonstrates the relevance of the Latino buying power in the U.S. economy. It estimates that, from 1990 to 2010, the U.S. Latino buying power will grow by 347 percent, faster than African-American (203 percent) and Native American (240 percent) buying power and at the same pace as Asian buying power. The study attributes the growth in Latinos' purchasing power to their demographics, better employment opportunities, strong immigration and the relatively young Latino population entering the workforce.

According to the study by the Immigration Policy Center,²² a more comprehensive and therefore more accurate means to measure the impact of immigration on the U.S. economy would include all of the contributions made by immigrants and avoid an overly simplistic analysis of their impact on the U.S. native-born labor market. Known as the "dynamic" model, this approach demonstrates that immigrant earnings spent on housing and other goods and services increases demand, resulting in a stronger economy and higher employment (8).

Latino Buying Power

U.S. corporations are increasingly courting Latinos because of their buying power. For instance, Wells Fargo, one of the nation's top 10 corporate citizens and the second company ever to receive an award from the United Way of America for its corporate community involvement, became the first bank in the country to accept *matricula consular* cards as a valid form of identification.²³ Wells Fargo's decision paid off: In 2004, the company had opened more than 500,000 accounts for Mexican immigrants using the *matricula consular*. According to their 2004 annual report, Wells Fargo opened an average of 22,000 new accounts each month, a seven-fold increase over the previous three years.²⁴ In 2005, Wells Fargo not only increased the number of accounts opened with a *matricula consular*, but the corporation also expanded their remittances service to Central America.²⁵

In a dwindling retail economy, immigrants are essential for an increased revenue and have contributed this fiscal season to increased sales from retail stores that target immigrants through bilingual advertising and ethnic targeted merchandise. A recent Los Angeles Times²⁰ article reported that immigrants' buying power in US retail stores is a major factor to the end of the year retail season. Latinos spent more than \$870 billion on consumer products. By 2015, that amount is expected to boom to \$1.3 trillion, or 12 percent of total U.S. purchasing power, according to Hispanic Business Inc. This is significant spending power in stores. Retail giants like Best Buy are now recognizing and responding through their marketing displays and service strategies.

Analysts agree that the future of the banking industry depends largely on the immigrant population. According to studies reported by the FDIC, it is expected that more than half of all U.S. retail banking growth in financial services will come from the still underserved Latino market.²⁶ A recent survey conducted by Texas Appleseed further demonstrates how financial institutions in the state are embracing the immigrant population.²⁷ The study compared a 2004 survey of 33 Texas financial institutions with a similar survey of 32 institutions in 2006. Both

studies were conducted to assess the services financial institutions offer in immigrant markets. The results showed that while in 2004 only a few banks offered products and services to the Mexican immigrant community, by 2006 these institutions have greatly expanded the products offered to the immigrant community. The following are some of the most prominent findings of the 2006 survey:

- 15 institutions now offered Spanish-language Web sites, compared to 8 in 2004.
- 27 now accept the *matricula consular* card to open an account.
- 17 institutions assist immigrants in filling out the forms needed to obtain an Individual Taxpayer Identification Number (ITIN).²⁸

Contrary to popular belief, banks are not the sole beneficiaries of immigrants' entry into the financial mainstream. As noted by *BusinessWeek*,²⁹ when financial institutions move immigrants out of the cash economy, they not only invest in banks, they also acquire credit cards, car loans and home mortgages; this in turn helps the U.S. gross national product because consumers with credit spend more than those with limited cash. When immigrants become more active consumers, they increase the taxes generated to pay for schools, health care, roads and other services – the very services they are accused of exploiting.³⁰

Allowing undocumented immigrants to save and invest also helps communities because it reduces robberies and crimes committed against immigrants. In Texas, local police and financial institutions have been working together to address this problem. According to the Austin Police Department,³¹ in 2000 47 percent of the city's robberies were committed against Latino immigrants who carried large amounts of cash. To address the disturbing trend, in 2001 the police department and civic and business groups formed a coalition and created a project called *Banca Facil* - Easy Banking. The coalition's main objectives were to alert the community about the increase of crime against immigrants, appeal to Latinos to report crimes and convince potential victims "to secure their funds in financial institutions."³² The successful program became popular around the country and was soon replicated in different cities. For example, in January of 2002 the Dallas and Fort Worth police departments, together with the Immigration and Naturalization Service, the Mexican Consulate and six financial institutions, created the Communities Banking for Safety program.³³ Similar to the Austin program, Communities Banking for Safety's ultimate goal was to reduce the number of robberies, burglaries and thefts. From a financial analyst's perspective, this approach to crime reduction is a win-win situation for communities and the nation overall: neighborhoods become safer, while the money immigrants bring to the financial institutions helps their local economies to grow.

Immigrants and Taxes

In April 2006, Standard and Poor's (S&P) conducted a report to study the impact of undocumented immigration in the United States.³⁴ The report noted that although it is difficult to evaluate the impact of undocumented immigrants on states' and localities' credit ratings, "many localities that attract high numbers of undocumented immigrants, such as California, Texas, Florida, and New York, also enjoy relatively low unemployment rates, healthy income growth and increasing property values, all of which contribute to stable financial performance."

The report also points out that previous studies have demonstrated that funds, originated from sales taxes paid by undocumented immigrants, compensate some of the costs that these immigrants generate. The study cited California, the state with the largest number of undocumented immigrants, and where, according to the report, undocumented immigrants, by paying sales taxes, generate roughly one-third to one-half of their cost to the state.³⁵ The report affirms that a more complete analysis should include not only immigrants' contributions through payroll and income taxes, but also real estate taxes they pay as homeowners or as renters. The Standard and Poor's report considers that industries that depend heavily in undocumented workers such as construction, agriculture, nursing home and health-care, would be negatively affected if current immigration patterns were severely restricted. The cost for employers in these industries would rise, and this cost would then be passed to the consumers.³⁶

Further, according to S&P each year the U.S. Social Security Administration retains roughly \$6 billion to \$7 billion of Social Security contributions in an "earnings suspense file" (an account for W-2 tax forms that cannot be matched to the correct Social Security number"). This revenue in 2002 alone accounted for \$56 billion in earnings, or about 1.5 percent of total reported wages. Presumably, the majority of these unmatched numbers belong to undocumented immigrants who do not claim their benefits. Social Security Chief Stephen C. Goss, as well researchers from the Center for Urban Economic Development agree undocumented immigrants are the main contributors to these revenues³⁷.

In a study conducted in the Washington, D.C. metropolitan area from 1999 -2000, immigrant households paid nearly \$10 billion in taxes, or about 18 percent of all taxes paid by households in the region, a share that was proportionate to their share of the population. The report concluded that immigrants should be welcomed to the Washington D.C. area because of their significant and growing role on the region's economy and tax base.³⁸

Early Signs of the repercussions caused by Anti-immigrant legislations

An article from the Los Angeles Times³⁹ considers the negative consequences that restrictive immigration legislation may have in the U.S. economy. According to the article, in Georgia, the state that recently passed one of the most severe and far-reaching immigration laws, the number of Latinos buying homes has dropped considerably. Statistics from the U.S. Census⁴⁰ show that, up until now, Georgia was the second-fastest growing Latino population in the nation, and 37 percent of Latinos were homeowners. According to information from the Home Mortgage Disclosure Act⁴¹, in Atlanta, Latino-purchased homes grew from about 3,500 in 1999 to 8,500 in 2004, and dropped by 4.7% since the act has been passed.

Jobs and Immigrants

A commonly held, specious premise at the heart of the debate on immigration is that undocumented immigrants take jobs away from native-born Americans. This xenophobic sentiment runs through much of the rhetoric of the conservative movement. Evidence of legislation that proved anti-sentiment towards undocumented workers was H.R. 2638, which became effective September 27, 2008 and funds a program called E-Verify. The online service, known as the Basic/Pilot Employment Eligibility verification program, is operated by the Department of Homeland security in partnership with the social security administration and

allows participating employers to verify if an employee is legally allowed to work in the US. Funding for E-Verify will be extended until March 6, 2009.

The idea that immigrants steal Americans' jobs has persisted without much evidence proving it to be true. The biggest blow to this fallacious argument is the empirical evidence that disproves the link between undocumented immigrants and employment opportunities for native-born Americans, as was concluded in a study released by The Pew Hispanic Center⁴². The study points out that the overall growth of the economy is what determines employment opportunity for native-born Americans. Furthermore, it observes that even during the brief recession in 2001, there was no link between undocumented immigrants and loss of employment opportunity for native-born Americans. A study by the Pew Hispanic Center confirms these outcomes, finding no correlation between the size of a state's foreign-born population and the employment opportunities for native-born workers.⁴³ The study used data from the U.S. Census Bureau during two time periods, 1990 to 2000 and 2000 to 2004. These are some of the conclusions:

- Nearly 25 percent of native-born workers in 2000 lived in states where a decade of rapid growth in the foreign-born population was associated with favorable outcomes for the native born.
- Only 15 percent of native-born workers lived in states where rapid growth in the foreign-born population was associated with negative outcomes for the native-born population.
- The remaining 60 percent of native-born workers lived in states where the growth in the foreign-born population was below average, but those native workers did not consistently experience favorable employment outcomes.
- Texas falls in a group of fourteen states with both above-average growth in the foreign-born population and above-average employment rates for native-born workers in 2000.

Not Only Working in Traditional Fields

Immigrants not only find employment in fields such as construction, meat processing plants, and agriculture, they work in some of the most grueling jobs necessary to keep our country safe and flourishing. In a recent report released by the Pew Hispanic Center, 8 percent of the total U.S. labor force is made up of Latino immigrants. Hispanic workers make up two thirds of the construction jobs in 2006, despite the decrease in the housing market.⁵⁰ According to a PBS 2002 report, budget cuts to the U.S. Forest Service during the 1990s made it difficult to recruit enough fire fighters – particularly for the most demanding and dangerous jobs needed to fight forest fires.⁴⁴ The government turned to private contractors, who in turn recruited migrant workers from Mexico and Central America. According to a recent article in the New York Times, "as many as half the roughly 5,000 private firefighters based in the Pacific Northwest and contracted by state and federal governments to fight forest fires are immigrants, mostly from Mexico. And an untold number of them are working here illegally."⁴⁵

In another example, immigrant labor was critical to the rebuilding of New Orleans

following the devastation caused by Hurricane Katrina. Waivers of immigration laws made it easier for employers to hire undocumented immigrants to assist in the rebuilding effort.⁴⁶ A Tulane-UC Berkeley study of more than 200 workers found that 25 percent of all the workers hired were undocumented immigrants who had moved to the area after the catastrophe looking for work, and 87 percent of them were already living in the country. The study also found that many of these workers were exploited by the unscrupulous contractors who hired them, while the federal government looked the other way. Undocumented workers received \$6.50 less in hourly wages than documented workers and frequently experienced problems being paid. The working conditions were dangerous, yet only 9 percent of undocumented laborers had health insurance, compared to 55 percent of documented workers.⁴⁷ The author of the study, Professor Fletcher, noted the contradiction between the treatment of the undocumented workers and the American belief that hard labor should be rewarded with fair pay. Fletcher writes: "It's inconsistent with American values, to say, 'You're here working six days a week, nine and a half hours a day, and you don't have any rights,'"⁴⁸

Immigrant Eligibility for and Use of Public Assistance

Contrary to public perception, undocumented immigrants are ineligible for federal public assistance, including food stamps, Medicaid/Medicare, Supplemental Security Income, housing assistance, federal student financial aid, unemployment insurance, and cash welfare.⁴⁹ Although undocumented immigrants using fake social security numbers subsidize Social Security and Medicare with approximately 8.5 billion dollars annually, these workers are not eligible to collect their benefits.⁵⁰

Certain legal immigrants are also ineligible for federal public assistance. In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) imposed a five-year residency requirement before newly arrived legal immigrants can access federal public benefits, and gave states the option not to provide Medicaid, State Children's Health Insurance Program (CHIP), and welfare benefits to legal immigrants after the five-year bar.⁵¹ Though Texas uses state funds to provide CHIP to legal immigrant children during their five-year bar, it is among only a handful of states that opted not to provide Medicaid or welfare after the five-year bar. Congress requires states to cover legal immigrant children under CHIP after the five-year bar, if they choose to operate a stand-alone program (not a part of Medicaid), which Texas does.

PRWORA was enacted ostensibly to reduce the burden on taxpayers caused by immigrant reliance on public assistance. Yet, numerous studies conducted before the passage of PRWORA found that immigrants consistently use fewer public services than native born Americans.⁵² In a joint study conducted by the International Migration Policy Program of the Carnegie Endowment for International Peace and the Urban Institute, researchers found that "there is no reputable evidence that prospective immigrants are drawn to the United States because of its public assistance programs."⁵³

The commonly held belief that immigrants represent a burden on the state and federal health care system is also unsupported by research. In a recent study published by the American Journal of Public Health, researchers found that "per capita total health care expenditures of immigrants were 55 percent lower than those of U.S.-born persons (\$1139 vs. \$2546)."⁵⁴ The study analyzed data collected on 21,241 people in the Agency for Healthcare Research and

Quality's 1998 Medical Expenditure Panel Survey. The authors of the study concluded that their findings “show that widely held assumptions that immigrants are consuming large amounts of scarce health care resources are invalid; these findings support calls to repeal legislation proposed on the basis of such assumptions. The low expenditures of publicly insured immigrants also suggest that policy efforts to terminate immigrants' coverage would result in little savings.”⁵⁵

"Crowded" Emergency Rooms

Anti-immigrant reformers argue that undocumented immigration poses an enormous strain on the emergency health care system, since uninsured immigrants turn to the emergency room (ER) for both preventive and emergency care. Emergency care is one of the few services available to undocumented immigrants; this care is funded by federal emergency Medicaid and state and local governments.

Like other uninsured populations, immigrants are forced to use the emergency room to meet their health care needs. However, studies have shown that uninsured U.S. citizens are more responsible for high emergency room use than non-citizens are. In a recent study on the use of hospital emergency rooms by the uninsured, researchers found that "(c)ontrary to popular perceptions, communities with high (emergency room) use have fewer numbers of uninsured, Hispanic, and non-citizen residents."⁵⁶ Using data from a sample of about 46,600 people, the study found that the size of an area's non-citizen population was not correlated with higher emergency room use. In fact, the communities with a larger share of non-citizens had a lower rate of emergency room use than in communities with a lower percentage of non-citizens. This suggests that many of the people using emergency rooms who are presumed to be undocumented immigrants are, in fact, U.S. citizens. (See chart below.)

Variation In Population And Health System Characteristics Across Sixty U.S. Communities, By Quartile Of Emergency Department (ED) Use, 2003

Characteristic	Quartile			
	1 (high ED use)	2	3	4 (low ED use)
Sample size (persons)	11,880	13,370	10,016	11,274
Population characteristics				
Less than 100% of poverty	12.9%	14.7%	13.8%	11.3%
Less than 200% of poverty	32.5	35.1	34.1	31.3
Uninsured	12.0	12.7	13.8	14.8
Privately insured	59.6	61.4	58.7	60.1
Medicaid/SCHIP	9.5	9.8	10.1	10.4
Medicare	15.2	13.5	15.0	12.4**
Black	15.1	13.5	10.8	6.4**
Hispanic	8.8	8.0	16.5	24.9**
Noncitizen	4.1	3.8	7.4	10.3**
Under age 18	23.7	26.6**	24.9	27.1**
Age 65 or older	12.9	11.2	13.3	10.9
In fair/poor health	15.1	13.7	13.3	12.9
2+ chronic conditions	13.4	12.7	11.6	10.2**
Average population size	2,009,300	1,409,600**	1,798,100	3,238,300**

Source: All data based entirely on the Community Tracking Study (CTS) household survey, 2003.

This study found that the most likely predictor of emergency room use is income: 97 percent of all ER visits were by people with income below the poverty level. The study did find that Hispanics were more responsible for using the ER in high ER use communities (65 percent of all visits) than Blacks (37 percent) or Whites (24 percent). However, ER visits by citizens outnumbered visits by non-citizen by almost 2 to 1. Most notably, the study found a high use of emergency rooms among Medicare and Medicaid recipients. This suggests that future increases in emergency room use will be driven by the growth in our senior population and baby-boom retirees, not by undocumented immigrants.⁵⁷ The following graph shows the use of emergency rooms by insurance coverage, race/ethnicity, citizenship and income.

Use Of Hospital Emergency Departments (EDs) In Communities With High And Low ED Use, 2003

	ED visits per 100 people		ED visits as a proportion of all outpatient visits (%)	
	High-ED-use communities	Low-ED-use communities	High-ED-use communities	Low-ED-use communities
All people	45.4	22.5**	21.0	14.2**
Insurance coverage				
Uninsured	71.2	15.6**	25.2	10.8**
Medicaid/state	90.8	33.0**	37.2	16.5**
Private	33.4	19.8**	18.0	14.1**
Medicare	42.8	28.6**	18.4	14.7**
Race/ethnicity				
White	37.7	20.3**	18.9	13.9**
Black	57.4	36.0**	24.0	18.4**
Hispanic	65.5	21.5**	25.5	13.7**
Citizenship				
Citizen	46.3	23.3**	21.3	14.4**
Noncitizen	24.3	15.5	12.1	11.9
Family income (as percent of poverty)				
<100%	96.5	33.4**	32.2	16.9**
100-199%	51.0	21.3**	23.1	13.5**
200-299%	46.2	24.8**	21.1	15.9**
300-399%	31.7	21.8**	19.3	13.7**
400% or higher	28.8	19.4**	16.3	13.2**

Source: All data based entirely on the Community Tracking Study (CTS) household survey, 2003.

Even though undocumented immigrants are disproportionately employed in some of the occupations that pose the greatest health risk and are the least likely to have insurance, they are not to blame for the crisis facing the U.S. health care system. Attempting to solve the grave problems in our health care system by enacting laws that ignore many of the underlying causes and instead blame immigrants is a flawed approach that will do little to improve the health care system for U.S. citizens. Not only will limiting immigrants' access to health care do little to resolve these challenges, it will lead to a general deterioration in the health of the immigrant workforce, which will compromise our economic competitiveness. Physicians for a National Health Program (PNHP), an organization of 14,000 members and chapters across the country, proposes an alternative approach that will strengthen our health care system for all users. Instead of targeting immigrants as a means to address the inefficiencies of the U.S. health care system, PNHP urges lawmakers to consider a comprehensive single-payer national health program.⁵⁸

Olveen Carrasquillo, a member of the organization and co-author of a study on immigrants and the health care system argues: "The future economic success of the United States depends on a healthy immigrant workforce. Our findings suggest an urgent need for partnerships between health organizations and community groups to improve access to care, particularly for minority immigrants...a national health program that includes all immigrants would cost much less than is widely assume."⁵⁹

Punitive Immigration Reform Would Have a Serious Negative Impact on the Nation, Texas and El Paso

Extreme enforcement-only immigration reform, such as that proposed by HR 4437, could criminalize not only undocumented immigrants, but also church groups, social workers and the family members who assist them. In El Paso, TX 67.7 percent of Hispanics are U.S. born according to the 2000 census bureau, and 41.8 percent of the population are foreign-born naturalized citizens. According to Human Rights First, this bill goes against our nation's commitment to protect those who flee persecution, a cornerstone of our great nation's foreign policy, and puts the U.S. in violation of its commitments under the Refugee Convention and its protocol of 1951⁶⁰. The inclusion of a provision to legalize the millions of undocumented immigrants is the most realistic and humane response to the millions of undocumented and U.S. citizen children who have at least one undocumented parent.

The face of Texas is changing. In 1990, there were approximately 4.2 million Texans who declared themselves as non-White in the U.S. Census, representing a quarter of the state's population.⁶¹ From 1990-2000, the non-White population in Texas grew to approximately 9.9 million people, representing 48 percent of the total population. In 2005, at the national level, there were 6.6 million families in which one of the parents was unauthorized, and nearly two-thirds of the children living in these families were U.S. citizens by birth⁶². Since it is estimated that Texas represents the second state with the largest number of undocumented residents⁶³, the negative effects of an enforcement-only policy would be felt in from El Paso to Brownsville and Laredo to Dallas.

These families include our teachers, our sons and daughters fighting in Iraq, our entrepreneurs, and our civil servants. Under enforcement-only legislation, these families could face the prospect of their grandparents, mothers and father, or brothers and sisters being deported because they failed to get the papers needed to become legal residents. These families shape our great state just like every other Texas family. Just as we have a responsibility to oppose policies that hurt our economic competitiveness when crafting immigration policy we also have a moral obligation speak out on behalf of these families who have worked so hard and contributed so much to making Texas the great state it is today.

America should never erect a wall between itself and Mexico our closest neighbor and No. 1 trading partner.

- *Across the world, walls are symbolic of failed and repressive efforts to thwart human freedom and prosperity. Instead of wasting precious resources on erecting a wall, the federal government should invest now in secure, fast and smart technology solutions to*

afford free trade and movement in our Hemisphere for the security of people and products.

A giant wall on our southern border would not be effective in securing our borders. Proponents of the wall use the rhetoric of security and protection, an improper paradigm from which this problem should be viewed. After all, few known terrorists entered this country via the southern border; instead, most had overstayed their visas. S. Leiken and Steven Brooke from the Nixon Center accumulated a database of 373 known suspected terrorists in the U.S. or Western Europe since 1993, and concluded that not one terrorist had entered the United States from Mexico.⁶⁴

Despite mounting opposition to a fence along the U.S.-Mexico border, on September 29, 2006, the Senate approved the Secure Fence Act (H.R. 6061), authorizing the building of 700 miles of fence along the U.S. southwestern border. Many landowners, businesspeople, law enforcement officials, and environmentalists oppose the new law. A recent *Washington Post* article highlighted some of this project's most significant flaws.⁶⁵

1. The passage of H.R. 6061 ignores the availability of cheaper and more effective technology to guard the border.
2. The cost of maintaining the fence would be extremely expensive, especially in areas where summer flash floods are likely to uproot sections of the fence.
3. Such a barrier would have a negative ecological impact on the region's wildlife, for example by impeding pronghorn sheep and jaguar from roaming freely between the United States and Mexico.
4. In order to build the fence, new roads would have to be built in some regions of the border, thus creating new routes to enter the U.S. illegally.
5. Because of probable lawsuits from environmental agencies and landowners, the deadline for the completion of the wall is unrealistic.

Despite these arguments, on October 26, 2006, President Bush signed The Secure Fence Act into law. This decision not only represents a misguided approach to resolving immigration problems, it is a waste of taxpayer money. Based on the cost of the existing fence along the San Diego-Mexico border, the House Appropriations Committee estimates that the fence will cost about \$9 million a mile, bringing the total of the fence at \$6.3 billion.⁶⁶ The fence in San Diego was originally estimated to cost \$14 million, but met with logistical and legal hurdles that lead to huge cost overruns. The first nine miles alone cost \$39 million, and the fence has yet to be finished to this date. Though the California legislature has appropriated an additional \$35 million to complete the fence – for a total cost of \$74 million, or more than \$5 million a mile – for a decade, litigation has delayed completion of the fence.⁶⁷

Building a fence will do nothing to keep out the 12 million people who already live and work in the United States without authorization. The General Accounting Office found that as walls have gone up, the number of people who have died attempting to enter the U.S. doubled between 1995 and 2005.⁶² It also does nothing to address an even larger problem: 40 percent of undocumented immigrants living in the United States did not enter the country illegally, they overstayed their visas.⁶⁸

Former Secretary of State Colin Powell likens the fence to the Berlin Wall and similar attempts by Israel to keep out its neighbors. "The Berlin Wall did not work perfectly and the wall that the Israelis are putting up is not going to work perfectly. So, a wall alone is not the answer," Powell said.⁶⁹

Although the politics of fear played a big role in the passage of the bill that authorizes the construction of the fence along the southern border,⁷⁰ recent polls demonstrate that voters are growing wary and resentful of the government's use of this tactic to generate support for its policies. According to a recent article by the International Relations, Americas Program,⁷¹ the majority of people surveyed by the Chicago Council on Global Affairs, the Council of Foreign Relations, and the Program on International Policy Attitudes, agreed that the U.S. government utilizes Americans' fears when creating foreign policies. The respondents also agreed that the U.S. should draft foreign policy "in terms of being a good neighbor with other countries because cooperative relationships are ultimately in the best interests of the United States."⁷²

The obvious international relations impact on El Paso's community alerted citizens immediately, and the Agricultural Workers were the first to organize the community. According to a report released by the Americas Policy Program on September 12, 2008 titled, "Cross Border Activists Escalate Fight Against 'Wall of Death'," on Aug. 29, 2008, a federal judge had quietly turned down a request for a preliminary injunction to temporarily stop the Department of Homeland Security from building a 700-mile wall in different sections of the border. The co-plaintiffs in the case included local governmental, environmental and humanitarian groups, and the Ysleta del Sur Pueblo. They sought the injunction until issues related to the DHS' waiver of more than 30 federal environmental and other laws to carry out the project were addressed. This case is currently being continued, despite Judge Montalvo's initial decision that the groups could not show that possible damages from the wall outweighed national security interests.

Many Americans agree, building a wall sends the wrong message to Mexico and the world. U.S. policy should focus on building bridges, not walls, because the construction of a wall at the border would impede the legitimate flow of commerce and people into and from Mexico.

The Fence's Potential Impact on Trade and the U.S. Economy

While achieving adequate security is a central issue along the border, security policies should not include highly fortified barriers that impede economic growth along the U.S.-Mexico Border. Areas like El Paso use their strategic location on the border to develop a strong economy, and can do so while maintaining citizens' safety. Our region has the potential to build a strong and flourishing integrated regional economic zone if we capitalize on our strengths.

This costly solution to the border security issue is not one that is going to work for the El Paso community. The United States relies on Mexico economically. To date 85 percent of Mexico's total exports go to the U.S. at a value of \$212 billion dollars and 51 percent of Mexico's total imports from the U.S. are valued at \$130 billion dollars. This wall in our border community is a physical sign of the federal government's ignorance of international camaraderie that we have with Mexico. The \$6.3 billion that the federal government plans to spend on the border wall would be better spent on developing the infrastructure of the region.

During a visit to The University of Texas of the Permian Basin, in October 2006, Nobel Prize winner and former Soviet President, Mikhail Gorbachev, commented on the importance of innovative ideas to control immigration flows and argued against the building of a fence along the US-Mexico border. In a reference to President Reagan's 1987 visit to the Berlin Wall, when Reagan told Mr. Gorbachev, "this wall should be torn down," Mr. Gorbachev said. "I don't think the U.S. is so weak and so much lacks confidence as not to be able to find a different solution, ... Now the United States seems to be building almost the Wall of China between itself and this other nation with which it has been associated for many decades and has had cooperation and interaction with." ⁷³

This message was sent to President- Elect Barack Obama in a letter from the El Paso Border leadership, which included Sen. Eliot Shapleigh, Congressman Silvestre Reyes, County Attorney Jose Rodriguez, and city Rep. Steve Ortega. In the letter sent on December 4, 2008, they described the walls as "Muros de Odio," meaning walls of hate. The intended recommendations of alternatives to this border security issue was to increase staffing to secure borders through the Border Patrol rather than by a wall. This initiative would not only provide more jobs for this community, but it would decrease the amount of drugs that are illegally being crossed daily. Enforcement of laws are best served through officers, than walls.

Because international opinion reflects a general opposition to the fence, policy makers are working with organizations like the Border Legislative Conference (BLC), a group comprised of four states in the United States and the six states in Mexico along the U.S.-Mexico border, to devise alternative solutions. Unarguably, The events of 9/11 require the United States to rethink its international ports-of-entry. National security has been added to the mix of law enforcement and regulatory issues that must be addressed when devising policies to control and enforce our borders. The BLC is developing strategies to address these issues that promote stability and economic development along the Border, while developing strategic alliances across the different levels of government and with the Mexico authorities.

Building a wall also thwarts the main objectives of international trade agreements, such as the General Agreement on Tariffs and Trade (GATT) and the North American Free Trade Agreement (NAFTA): to promote economic growth, increase exports by eliminating barriers to trade and investment, and create jobs that support expanded trade. According to the Office of Trade and Industry Information (OTII)⁷⁴, export-supported jobs account for an estimated 7.9 percent of Texas's total private-sector employment. Further, according to data released in 2001, 22.7 percent of all manufacturing workers in Texas depend on exports for their jobs.⁷⁵

Since Mexico's entry into GATT and NAFTA, in 1986 and 1993, respectively, Mexico has become the United States' number one trade partner. In 2005, Mexico was Texas' largest market. Last year alone, Mexico received exports of \$50.1 billion (39 percent) of Texas's total merchandise export.⁷⁶ In sum, while achieving adequate security is a central issue along the border, security policies should not include highly fortified barriers that impede economic growth along the U.S.-Mexico Border or the legitimate flow of commerce and people into and from Mexico.

Alternative solutions

- *As we consider ways to make our borders more secure, we should look at technological solutions that offer low-cost alternatives to the interdiction efforts of local law enforcement that lead inevitably to racial profiling*

A viable alternative to the virtual watch program or a wall would be the use of Unmanned Aerial Vehicles (UAV). UAVs current uses are mostly military, but they are being tested as a tool for law enforcement in North Carolina, Maryland, Los Angeles, and even Scotland. UAV technology has come a long way, as the high-end UAVs have incredible flight endurance, top speeds, and ranges. However, the smaller UAVs are a useful tool in patrolling the border. The Scan Eagle has been used to gather information for the U.S. Navy and has recorded 16 hour flight endurance. It has a 10-foot wingspan and does not require any sort of runway, as it is launched by a catapult and retrieved by catching a rope on the top of a 50-foot pole.

An even smaller, less costly alternative exists in the Raven, a hand-launched UAV currently used for "over-the-hill", short range surveillance in Iraq and Afghanistan. It is small, with only a four-foot wingspan, and is so easily operated that one of the best Raven "pilots" in the Iraq theater was a cook, according to the Defense Industry Daily. Col. John Burke even said that the controls resemble a PlayStation controller. Applying these unmanned military tools would prove to be more effective and less costly than hiring the extravagant amount of border patrol agents required to oversee a wall.

Unmanned Aerial Vehicles (UAVs) are currently being used in Iraq and Afghanistan for military purposes. They are also slated to be tested in Los Angeles to aid law enforcement in carrying their duties and provide an "eye-in-the-sky" by using technology capable of sending stream color video to an officer on the ground.

The technology behind UAVs is impressive. Some UAVs can flight for more than 40 hours, at 125 knots and have ranges of over 2500 nautical miles (4600 km). There is also a growing wave of autonomous vehicles that do not need to be controlled in any way. It's plan is programmed and the vehicle flies. While the present can yield remote-controlled unmanned vehicles, the future will yield reliable autonomous vehicles. These planes are more effective than any wall could ever be.

Comprehensive Immigration Reform, such as S. 2611, discussed in the U.S. Senate, is a Sound Approach to Fair and Effective Immigration Reform.

- *For immigrants who have demonstrated citizenship, paid taxes, birthed children and grandchildren, our nation should grant citizenship under clearly defined guidelines.*

On May 25, 2006, the Senate passed a bill that would increase border security while offering a path to citizenship to undocumented immigrants. Contrary to the widespread negative sentiments associated with H.R. 4437, comprehensive immigration legislation, such as S.2611, has been welcomed by a wide array of organizations including the U.S. Chamber of Commerce, the Service Employees International Union (SEIU), and the U.S. Conference of Catholic Bishops.

We should support fair and comprehensive immigration legislation that balances border security concerns with recognition of the United States' demand for workers. This reform should include a guest worker program and a path to legalization:

We should support immigration policy that follows the main components of S. 2611, including the following:

1. A temporary essential worker program that would allow employers to sponsor low-skilled immigrant workers to obtain a permanent residence status. Students who entered the U.S. before the age of 16, and who have finish high school (or GED), would be able to apply for a conditional resident status, leading to a permanent status;
2. Undocumented students under 21 would satisfy the employment requirements by attending an institution of higher education or secondary school full-time;
3. A larger number of employment and family based green cards to promote family unification and reduce backlogs in application processing;
4. Development and implementation of plans regarding information-sharing, international and federal-state-local coordination, technology, and anti-smuggling;
5. Development of multilateral agreements to establish a North American security plan to improve border security;
6. Anti-fraud measures, such as biometric data on all visa and immigration documents;
7. Additional funding to states for reimbursement of the indirect costs relating to the incarceration of undocumented immigrants

The Texas National Guard Should Not be Deployed to Enforce Our Borders

- *In America, 'posse comitatus' means that our military guarantees our security from external threats not from domestic initiatives.*

The original intent of the Posse Comitatus Act, a Federal law enacted in 1878 at the end of Reconstruction, was to stop Federal soldiers from overseeing elections in former Confederate States. The guiding principle of Posse Comitatus is that federal troops are a separate entity from law enforcement. The law does include important exemptions, such as national guard units acting under the authority of the governor of a state to quell domestic uprisings, extreme emergencies like the release of nuclear materials, and the use of the Coast Guard in peacetime to combat smuggling. However, when these exemptions have been exploited to justify the use the military in civilian internal matters, such as enforcing immigration, the consequences have been fatal.

Take, for example, the shooting death of an 18-year old goat herder, Esequiel Hernandez Jr., by a camouflaged Marine leading an anti-drug patrol near Redford, Texas, on May 20, 1997. In response to this incident, the Pentagon appointed Major General John Coyne⁷⁷ to investigate and issue a detailed report on the events and circumstances that led to that fatal misstep. The main finding of the Coyne report was that the military should not be involved in domestic law enforcement: they are not prepared for it, they are not trained for it, and as a result they are inappropriate for it. Among its principal findings the Coyne report determined that:

1. The Marines involved in the incident did not receive sufficient training on the appropriate use of force among civilians;
2. Basic Marine Corps training is intended to instill an aggressive spirit as an essential component of combat skills;
3. More training is needed before junior, fully armed Marines are placed in a domestic environment to perform noncombat duties;
4. None of the training received by Marines prepares them to recognize the humanitarian duty to render aid; and,
5. The potential for civilian casualties in counter-drug operations should have been a recognized risk that was addressed in the planning and training of the Marines in this particular situation.

The U.S. Secretary of Defense at the time, William Cohen, suspended anti-drug patrols along the Border soon after Esequiel Hernandez was killed. Judith Miller, general counsel for the Department of Defense, bluntly told Secretary Cohen that should another Redford-like incident occur, "we will not be able to protect those involved from possible criminal action from state officials."

The ten-state U.S.-Mexico Border Legislative Conference concurred, issuing policy Statements in August 2005 and May 2006⁷⁸. These statements stipulated that 1) only experienced and certified immigration officials should be in charge of enforcing immigration laws, and 2) immigration enforcement programs should be methodically planned to prevent the violation of U.S. and Mexico laws, human rights, and the loss of life.

- *Federal resources should focus on strategies to improve interdiction at Borders; limited state resources should not be diverted to support ill-conceived strategies that result in blatant racial profiling in our communities.*

Tragedies similar to the death of Esequiel Hernandez, Jr. are unavoidable if we pursue the misguided and dangerous policy of using the Texas National Guard to enforce our borders. The Texas National Guard is a unit of the U.S. military and is thus well trained in the laws of combat. In a combat situation, the first response of a military unit is to disable the enemy at whatever cost. In contrast, units of law enforcement are trained to avoid the use of deadly force, resorting to it only when all other options have been exhausted. The use of the Texas National Guard to enforce our immigration laws -- which should rarely, if ever, call for the use of deadly force -- is inappropriate and highly dangerous. Military personnel, aside from not having the proper training to enforce immigration law are likely unfamiliar with the culture of the communities living along the U.S.-Mexico border. The lack of knowledge about the border culture will create a tense environment between the people of the region and the military, potentially resulting in human and civil violations.

Examples from the past have proved that these situations have also exposed Border communities and state taxpayers to civil liability for civil rights violations. *Murillo v. Musegades*,⁷⁹ the class action lawsuit filed against the INS in the El Paso community more than a decade ago, represents a clear case of civil rights violations. This lawsuit against the U.S. Immigration and Naturalization Service (INS) and thirteen of its federal agents documented the

serious personal harm incurred by individuals when government officials violate basic U.S. laws.

Plaintiffs in this case were subjected to violations of the Fourth and Fifth Amendments through the widespread unlawful searches, seizures, and harassment by the federal agents.

On May 26, 2006, the San Antonio Express-News reported that troops will be instructed to follow the rules of engagement that allow them to fire their weapons. Our state must retain the full control and authority over all matters relating to Texas military forces, including its organization, equipment and discipline. We must also demand that each guard receives the necessary training as dictated by the Coyne report.

We should keep in mind that deploying the Texas National Guard to the Border to enforce immigration laws as Hurricane season gets underway, represents an irresponsible act. This is a foolish waste of the limited resources Texas has for disaster response. It's also unlikely to significantly deter illegal immigration. An analysis of government data questioned whether the number of Border Patrol agents has any impact at all on the number of arrests made or leads to less illegal immigration. The analysis found that while the number of Border Patrol staff doubled over the past decade, arrests of illegal immigrants fell only about 10 percent.

Our great nation must develop an immigration policy that focuses on interdiction at the border's points-of-entry and makes a serious investment in the Border Patrol. We must not divert the limited resources we have for local law enforcement to the enforcement of our borders. The National Guard is trained for war, not immigration enforcement.

Immigration is not a state or local responsibility, but a federal one.

- *Funding a \$100 million expansion of a state immigration program, while budget shortfalls force cuts to vital state services including higher education and the Children's Health Insurance Program, is bad public policy.*

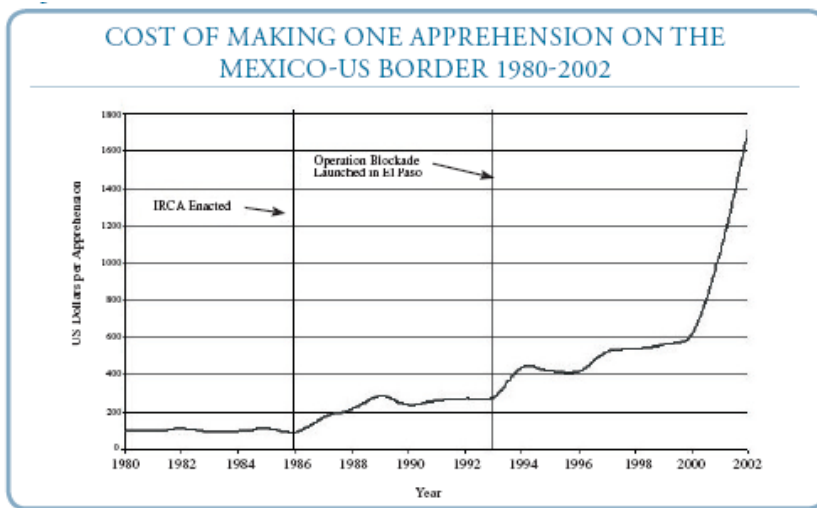
The Immigration Policy Center reported the number of undocumented immigrants who were formally "removed" from the United States, from about 187,00 in FY 2001 to a 160 percent increase at 300,000 immigrants removed in 2006. More immigrants are "voluntarily returning to their home countries after being detained. Efforts should be made by our government to ensure that these deportation practices are being handled in a humane manner."

On June 1, 2006, Governor Perry announced a new three-part border security plan that includes the expansion of Operation Rio Grande and requests \$100 million in the next legislative session to finance long term border security operations and create a virtual border watch program, wherein hundreds of hidden cameras will line the border along with private property at a cost of \$5 million⁸⁰:

Although Governor Perry stated that "Putting more officers on the ground has always been the best strategy for reducing all types of crime, from misdemeanors to drug trafficking and human smuggling, and this new commitment will make Texas safer," the approach to these immigration and border security issues is only a repeat of previous failed efforts. By exploiting isolated cases of criminal activity these policies only incite xenophobic sentiments in our population that will negatively affect our state socially and economically.

Failed border enforcement policies

Beefing up border security alone as a strategy is futile, which history has demonstrated time and again. In 1994, the federal government spent approximately \$900 million on border security and inspections. The Clinton administration increased this budget every year, spending quadrupled during his presidency, and illegal immigration continued unabated.^{lxxxix} Under the Bush administration, spending has increased once again. For example, during the mid 1980s, arresting a person along the U.S.-Mexico border cost about \$100. After the introduction of operations Blockade and Gatekeeper in 1993 and 1994, the price of an arrest increased to more than \$400. Although the attacks of September 11, 2001 were in no way the result of undocumented immigration across our southern border with Mexico, after 9/11 Border Patrol resources were further increased. In fact, in 2002 the cost of an apprehension reached \$1,700, a 467 percent increase in one decade.^{lxxxii} All that money, however, has not bought any reduction in immigration. Strengthening the budget has simply increased the number of arrests and caused more innocent people to die, now immigrants cross the border in more remote areas and turn to more ruthless coyotes in the process.



Source: Immigration Policy Center, Douglas S. Massey

As a strategy to reduce the number of undocumented immigrants that enter illegally across our border with Mexico, in 1994 the former Immigration and Naturalization Service (INS) implemented the Southwest Border Strategy.^{lxxxiii} To discourage immigrants from entering the U.S. by forcing them to cross in more remote areas, this plan increased the number of Border Patrol agents in popular crossing points like San Diego and El Paso. However, INS greatly overestimated the number of immigrants who would be deterred from crossing the border through the more inhospitable terrain. A recent report by the Government Accountability Office documents the tragic consequences of the Southwest Border Strategy.^{lxxxiv} According to GAO,

the number of immigrants dying, most of them from heat exposure, has increased as a result, doubling between 1995 and 2005. The number of immigrant deaths at the border, which now includes a growing number of female victims, went from 266 in 1998 to 472 in 2005 (1). Most notably, the increase in deaths occurred even though the number of undocumented immigrants crossing the border did not grow.

Regarding the virtual watch program, an extension of Operation Rio Grande, the cameras will exacerbate the very problem they are intended to solve and could result in civil rights violations. The program will further deplete scarce resources as the Border Patrol would be forced to check the reports often over a vast and rough terrain. Persons watching the border over the Internet don't have the training or the skills to recognize immigration or any other federal law violation. We must consider that angry viewers could decide to take law into their own hands and confront immigrants or drug traffickers, which would be dangerous, or monitor the images for their own nefarious purposes.

Border Security

Today a major challenge facing border communities are Cartels

Our nation is dealing with a new generation of border issues and we need to focus on dealing with the increased violence across the border, aiding Mexico in a free-trade strategy, and helping bring prosperity to Mexico. Border cities, such as Laredo, El Paso, San Diego and Sierra Vista are all facing the challenge of how exactly to best protect their communities and sustain their relationship with sister cities across the border.

In a report released on December 29, 2008, General Barry R. McCaffrey USA (Ret) reported on his visit to Mexico and outlined a strategic and operational assessment of drugs and crime in Mexico⁷⁰. Gen. McCaffrey is the current adjunct professor on International Affairs at West Point. His report was based on a meeting of the International Forum of Intelligence and security specialist which is an advisory body to the Mexican federal law enforcement leadership.

The report stated the following about the current environment in Mexico:

- A. The Mexican State is engaged in an increasingly violent, internal struggle against heavily armed narco-criminal cartels that have intimidated the public, corrupted of law enforcement, and created an environment of impunity to the law.
much
- B. Mexico's senior leadership – President Felipe Calderon, Attorney General Eduardo Medina-Mora, and SSP Secretary of Federal Police leader Genaro Luna are confronting the criminal drug cartels that have subverted state and municipal authorities and present a mortal threat to the rule of law across Mexico. The Mexican Armed Forces are being increasingly relied on by the Federal Government given the shortcomings of civilian law enforcement agencies.
- C. The United States has provided only modest support to the Government of Mexico to date. The bold \$400 million per year Merida Initiative conceived by President Bush

with both Canadian and Mexican Presidential participation was barely approved by
the Congress after a divisive and insulting debate.

D. The incoming Obama Administration must immediately focus on the dangerous and worsening problems in Mexico, which fundamentally threaten U.S. national security. Before the next eight years are past – the violent, warring collection of criminal drug cartels could overwhelm the institutions of the state and establish de facto control over broad regions of northern Mexico.

E. Mexico is not confronting dangerous criminality--- it is fighting for survival against narco-terrorism.

In his report, Gen. McCaffrey points out the root of the problems in Mexico is drugs. An estimate of eight metric tons of heroin is produced in a year and 10,000 metric tons of marijuana is produced in Mexico. The report also mentions that 70,000 murders that occurred in Mexico since 2006 have been related to the internal drug wars. A vigilante group in Juarez, Mexico are warning Mexican Government Officials of protecting the community from further violence from the drug cartels.

Gen. McCaffrey recommends that the new U.S. administration jointly commit to a fully resourced major partnership as political equals of the Mexican Government. Specifically he mentions that the U.S. Government should support the Government of Mexico's efforts to confront the violence caused by the Mexican drug cartels. It is important to recognize the violence across the border is an internal issue and has not yet crossed the border to innocent bystanders.

An effective solution to undermine the power of cartels according to a January 2009 report released by the Woodrow Wilson International Center for Scholars at the Mexico Institute, is "interrupting the flow of money from drug sales in the US to Mexican cartel operations."⁹⁵ The legalization of drugs like marijuana that are in high demand in the US that are benefiting the cartels has been introduced into conversation by the local municipal government. Other means of interrupting money flow from the US to Mexican cartels are still being examined.

In El Paso, we have many sources of protection provided by Ft. Bliss, U.S. Border Patrol, the Sheriff's Office, and the El Paso Police Department. The violence on the border however has affected El Pasoans that commute back and forth from Juarez to El Paso for business. The El Paso Times reported on January 20, 2009 that a female Delphi plant executive from El Paso fled a gunman in Juarez while entering the plant. The Chihuahua state police have reported ransom and robberies are on the rise in Juarez. Maquilas are a major part of our international economy on the border and strategic measures are needed in order to ensure the safety of those employees that work on both sides of the border.

In our view the best strategy is to adopt the New York City/Sicilian Mafia model of the 1980's with multi-layer coordination between local police, sheriff's, DPS, DEA and FBI along key drug corridors. In particular, DPS should work with a Texas team (DPS, TDCJ, TXDOT) to prosecute and jail cartel leaders, and forfeit cartel assets on the north and south corridors that these cartels use for warehousing and distributing illegal products. Current policies designed around virtual immigrant hunts, discriminatory driver's licenses, and voter suppression bills are policies designed around politics not good public policy.

U.S. Customs and Border Patrol currently has 2,400 agents employed along the U.S./Mexico border in the El Paso sector. In a CBP press release on June, 30, 2008, Gov. Perry stated, "Texas will not cede one inch to powerful and ruthless crime cartels or transnational gangs. To effectively shut down this criminal element along our border, we need the right compliment of technology and personnel." Texas' new initiative, "Texas Hold 'Em" focused on protecting the border from commercial truckers that intestinally smuggle illegal weapons, drugs or human across the border.

The federal office that has played a more active role in immigration policy has been The U.S. Immigration and Customs Enforcement (ICE), an office under the Department of Homeland Security.⁶⁷ In 2007, ICE executed an immigration enforcement strategy to target dangerous undocumented immigrants and employers that intentionally draw in illegal immigrants from across the border. The ICE financial report also included budgets from enforcement partners at the local, state, and federal levels.

Though ICE's priority in 2006 was to identify illegal employment practices in domestic companies, ICE arrested two men on charges of gun smuggling which has served as a far greater security initiative than the previous priority. ICE officials arrested two men on charges of conspiring to smuggle 11 AK-47 assault rifles into Mexico that would have contributed to cartel violence. Approximately 90 percent of the weapons confiscated from organized crime in Mexico are originally purchased in the US, the Wilson Institute reported and the report suggests identifying these purchases would be beneficial in the future.⁹⁶ In December 10, 2008 Ramon E. Ganadara, a U.S. citizen living in Juarez, was indicted for buying and possessing firearms between 2005 and 2008 and falsifying federal licenses for firearms³ This example is proof that these agencies need not generalize international crime with illegal immigrants, but must also acknowledge our own citizens' contributions to international violence.

Local Law Enforcement Should Not Be Deployed to Enforce Our Borders

- *Local law enforcement neither welcomes, nor should it be given the powers to stop, interrogate, detain or otherwise participate in immigration enforcement activities.*

Leo Samaniego, Sheriff of El Paso County, conducted immigration raids in hotels and on job sites. He set up roadblocks where vehicle occupants are stopped and asked for their driver's licenses and car insurance information. He also ordered the detention and search of buses for the purpose of arresting undocumented immigrants. These were all potential violations of the U.S. Constitution, federal law, and the Texas Penal Code and Code of Criminal Procedure. The newspaper El Diario de Juarez reported that Sheriff Samaniego and his deputies participated in at least seven immigration raids -- on February 9, 21, 24, March 14 and 15, and April 18 and 23 of 2006-- leading to the detention of 400 individuals.

The El Paso Sheriff's Department is trained to protect our county from violent crime and drug traffickers -- not immigration interdiction. Local sheriffs have no legal authority to enforce immigration laws. Past raids and roadblocks in El Paso are violations of the 4th Amendment, 42

USC §1983 and Code of Criminal Procedure, Article 2.131 through 2.138 related to racial profiling and will subject both the County and State taxpayers to liability for violations of the law.

Regarding the use of Operation Linebacker funds by El Paso County Sheriff Leo Samaniego to conduct roadblocks and enforce immigration laws, Sheriff Samaniego exposed the taxpayers of El Paso County and the state of Texas to potential civil liability for violating the civil rights of citizens under 42 USC §1983, which states:

“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer’s judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.”

On May 19, 2006, Senator Juan Hinojosa (D-McAllen), Chair of the Texas Senate Hispanic Caucus, expressed his concerns regarding Sheriff Samaniego’s use of Operation Linebacker funds for immigration raids and roadblocks through a letter directed to Governor Perry. In his letter, Senator Hinojosa stated, “These raids and roadblocks are questionable in their legality, may give rise to civil rights lawsuits against Texas, and will distract local law enforcement from focusing on criminal activity such as drug trafficking and violent crimes.”

The Sheriff’s Department of El Paso has no legal authority to engage in immigration enforcement. While our nation has an obligation to protect its borders and enforce its immigration laws, the appropriate and only authority to carry out these duties is the U.S. Border Patrol. In asking his deputies to engage in immigration enforcement activities for which they have no authority, Sheriff Samaniego exposed his staff to serious liabilities, both civil and criminal. Under Texas law, such actions may constitute violations of the Code of Criminal Procedure, Article 2.131 through 2.138 related to racial profiling. Further, on Friday May 26, 2006, a lawsuit was filed in U.S. District Court in El Paso (EPO6CA0188) against the El Paso County Sheriff Department charging it with violations of Fourth Amendment rights, based on the illegal search, detention and arrest of six undocumented immigrants on a bus headed toward Forth Hancock on March 21, 2006.

Not all border sheriffs agree with Samaniego’s procedures on immigration enforcement. On May 27, 2006, the McAllen Monitor⁸⁵ reported that Hidalgo County Sheriff Lupe Treviño introduced a new policy, modeled after one in Houston, which states: “Deputies shall not make inquiries as to the citizenship status of any person, nor will deputies detain or arrest persons solely on the belief that they are in this country illegally.” Sheriff Treviño stated that “if we deviate from this, we put ourselves in a litigious position.” The bottom line, added Sheriff Treviño, is that “Texas police officers are obliged to follow the code of criminal procedures. It is clearly not the duty of a police officer to detain solely based on immigration status.” In that same news story, Houston Police Department spokesman Lieutenant Robert Manzo, stated that “roadblocks are rarely used in their department because the legality of such roadblocks is often

challenged."

If we don't put a final stop to these daily violations of the Fourth Amendment and Texas racial-profiling laws, thousands of Americans of Hispanic descent will be subject to searches and detention simply because of the color of their skin. When U.S. citizens along the Border are discriminated against based on the color of their skin, or permitted to be detained without a reasonable suspicion that they have violated any crime, the quality of life for all U.S. citizens living along the Border will deteriorate.

Immigration and the Texas Economy

As the chart *Estimates of the Unauthorized Migrant Population* shows, the total undocumented population in Texas is between 1.4 and 1.6 million, ranking Texas as the second state in the nation with the largest undocumented immigrant population.

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(In thousands)	
	U.S. total 11,100 (10,700-11,500)
California	2,500-2,750
Texas	1,400-1,600
Florida	800-950
New York	550-650

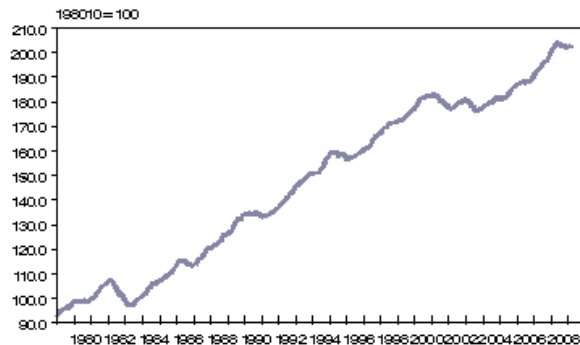
Source: Pew Hispanic Center

Although conservative groups emphasize the negative impact that immigrants have in Texas,⁸⁶ numerous studies contradict this assessment. Despite the immigration turmoil in Texas' border communities this year, business growth at the border exceeded the state average (chart 1). The Federal Reserve Bank of Dallas concludes that the Texas economy will not improve until the second half of 2009.

Chart 1

METRO BUSINESS—CYCLE INDEX: EL PASO

MONTHLY, SEASONALLY ADJUSTED, 1980=100



LAST DATA ENTRY DECEMBER 2006

On August 28, 2006, a coalition formed by the Texas Association of Business (TAB) announced a campaign to advance their opposition to enforcement-only immigration reform, which they contend would have a disastrous impact on the state's economy.⁸⁷ This coalition, made up of 36 business leaders, published an op-ed asking Congress to pass a comprehensive immigration bill that would provide a pathway to citizenship for undocumented workers. In support of their request, the coalition argued that Texas economy depends heavily on and benefits from its undocumented workforce. The group noted the change in the native workforce, the small number of high school dropouts looking for unskilled work, the retiring of baby boomers, and the decline in fertility rates among natives as the primary reasons that undocumented labor is so critical to Texas. The businessmen emphasized that they were not looking for "cheap labor," but for *available* labor. According to the group, a typical construction worker earns more than \$50,000 a year including overtime pay. Despite such good pay, few young Americans are willing to do the hard labor required of these jobs, argued the TAB coalition.

The coalition also argued that without immigrant labor, the agricultural and construction industries would suffer: produce would perish in the fields with no workers to harvest it, construction in the school system alone would come to a standstill, and regional economies would be disrupted. The chairmen, CEOs, and stockholders on the TAB coalition concluded that immigrants not only contribute to Texas economy, but also renew and reinvigorate the country. They added that their companies will only support immigration reform that values these contributions, helps immigrants achieve the American dream, and enables business to operate within the law.

The FAIR organization released a report that estimated Texas tax payer burden on illegal immigrants accounted to a grand total of \$4.7 billion dollars a year which accounts primarily for health care, education, and loss of domestic jobs.

In December of 2006, the Texas Comptroller released a special report countering this

argument. In 2006, undocumented immigrants in Texas contributed to \$1.58 billion in state revenues, which exceeded the \$1.16 billion of state services that were consumed. Undocumented immigrants actually contributed to the Texas' state budget and economy. This report audited the true statistics of money that immigrants generate to the state of Texas, and their contribution to the economy, through labor and consumerism. According to the facts shown in the Texas Comptroller's Special Report, Texas would loose money if it were not for immigrants contribution to its economy. The following charts were produced by the Texas Comptroller's Report.

EXHIBIT 16
**Estimated Regional Effects of the Loss of 1.4 Million
 Undocumented Immigrants from Texas in 2005**

Council of Government Region	Percent Change from Baseline in 2005				Percent Change from Baseline in 2025			
	Labor Force	Population	Employment	Gross Regional Product	Labor Force	Population	Employment	Gross Regional Product
South Texas	-22.7%	-16.4%	-7.6%	-7.4%	-7.3%	-6.8%	-6.4%	-5.2%
Rio Grande	-20.7%	-15.3%	-6.9%	-6.8%	-6.4%	-6.0%	-5.8%	-4.7%
Lower Rio Grande	-20.6%	-14.8%	-7.9%	-8.1%	-6.5%	-6.2%	-6.4%	-5.7%
Middle Rio Grande	-17.9%	-13.0%	-5.2%	-4.7%	-4.3%	-4.2%	-4.0%	-2.8%
Houston-Galveston	-7.1%	-6.7%	-2.7%	-2.4%	-2.6%	-3.7%	-2.5%	-2.0%
Permian Basin	-6.0%	-5.3%	-1.9%	-1.6%	-1.9%	-2.8%	-1.7%	-1.3%
North Central Texas	-5.5%	-5.3%	-2.0%	-1.8%	-1.7%	-2.5%	-1.7%	-1.2%
Alamo	-5.0%	-4.1%	-1.9%	-1.9%	-1.5%	-1.6%	-1.5%	-1.3%
Capital Area	-4.3%	-3.9%	-2.0%	-1.8%	-1.3%	-1.5%	-1.4%	-1.0%
Panhandle	-4.3%	-3.8%	-1.2%	-1.1%	-1.1%	-1.8%	-1.1%	-0.8%
Concho Valley	-4.0%	-3.3%	-1.3%	-1.2%	-1.0%	-1.1%	-1.0%	-0.8%
Heart of Texas	-3.2%	-2.8%	-1.3%	-1.3%	-1.1%	-1.3%	-1.1%	-1.0%
Golden Crescent	-3.0%	-2.4%	-1.3%	-1.3%	-1.2%	-1.3%	-1.1%	-1.1%
Coastal Bend	-3.0%	-2.4%	-1.3%	-1.2%	-1.2%	-1.2%	-1.1%	-1.0%
Brazos Valley	-2.9%	-2.7%	-1.7%	-1.7%	-1.6%	-2.0%	-1.6%	-1.5%
Deep East Texas	-2.5%	-2.3%	-1.2%	-1.1%	-1.2%	-1.4%	-1.1%	-0.9%
East Texas	-2.5%	-2.4%	-1.1%	-1.1%	-1.1%	-1.5%	-1.1%	-0.9%
South Plains	-2.4%	-2.1%	-1.0%	-1.0%	-0.9%	-1.1%	-0.9%	-0.8%
Central Texas	-2.4%	-1.6%	-0.7%	-0.7%	-1.2%	-0.6%	-0.6%	-0.5%
West Central Texas	-2.1%	-1.7%	-0.8%	-0.8%	-0.7%	-0.9%	-0.7%	-0.6%
Texoma	-2.0%	-1.9%	-1.0%	-0.9%	-1.0%	-1.3%	-0.9%	-0.6%
Ark-Tex	-2.0%	-2.0%	-0.8%	-0.8%	-0.8%	-1.4%	-0.8%	-0.6%
Nortex	-1.8%	-1.4%	-0.6%	-0.5%	-0.6%	-0.6%	-0.5%	-0.4%
South East Texas	-1.7%	-1.7%	-1.0%	-0.9%	-1.0%	-1.4%	-1.0%	-0.8%

Source: Carole Keeton Strayhorn, Texas Comptroller of Public Accounts.

EXHIBIT 15
**Estimated Effects of Removing 1.4 Million
 Unauthorized Immigrants from Texas in 2005**

	2005	2010	2015	2020	2025
Total Employment loss	298,000	287,100	293,800	296,300	302,700
Total Gross Regional Product loss (Billions of Fixed 2000\$)	\$17.7	\$18.7	\$20.5	\$21.4	\$22.6
Personal Income loss (Billions, current dollars)	\$18.5	\$19.0	\$24.6	\$32.6	\$42.9
Loss in Exports to Rest of World (millions of Fixed 2000\$)	\$66.5	\$390.1	\$548.0	\$387.7	\$123.9
Net Population loss from baseline	1,309,000	1,033,000	899,400	831,300	784,400
Labor Force Loss	714,100	434,000	340,500	281,200	281,600

Source: Carole Keeton Strayhorn, Texas Comptroller of Public Accounts.

Educating Our Young Immigrant Population Should be a Top Priority

Texas policy should recognize the value of giving young immigrants the tools they need to become full participants in the Texas economy. Knowing that today's young immigrants are tomorrow's taxpayers, we should ensure they have access to quality public education and the opportunity to get a higher education. We should not only maintain Texas as one of the vanguard states in which undocumented students can qualify for in-state tuition, but also increase our investment in higher education. Immigrants that learn more, earn more. Even the U.S. Supreme Court has adopted a policy that speaks about educating our future leaders, regardless of immigration status. In its opinion, the court cited the many negative consequences of preventing undocumented immigrants' access to education.

Texas Should Not Tax Immigrants' Remittances

Most immigrants do not come to the United States to stay permanently, but for temporary employment. In 2003, 78 percent of immigrants came to the United States to seek employment.⁸⁸ A primary motive for immigrants from less developed countries to seek employment in more developed countries like the U.S. is to gain greater access to capital.⁸⁹ Developing countries tend to have under-developed economic markets and jobs that provide little or no insurance for workers. Given this reality, families often send a member to work abroad in an advanced market, and send money back to support the family at home.⁹⁰

Known as "remittances," these payments play a vital role in the global economy⁹¹ and have become a major source of support for many developing countries.⁹² In 2002, remittances yielded \$72.4 billion in revenue for developing countries.⁹³ Remittances provide investment funds and capital for families in developing countries, where it is often difficult to obtain loans or commercial credit. This capital benefits the foreign exchange reserves and wealth of the recipient economy; it also provides relief to the macro economy by fostering greater economic activity.

Currently, legislatures in Texas, Arizona and Georgia are considering taxing immigrants' wire transfers to create revenue sources for health care funding. A tax on the money immigrants send their families would be a discriminatory act that targets only a group of health care users. By taxing remittances, legislators are not only condoning double taxation, but also impeding economic development. Take for example the social networks of Mexican immigrants, better

known as Mexican Hometown Associations (HTAs)⁹⁴. These social groups promote the well being of their hometowns through financial contributions in the form of remittances, and economic development, thereby reducing migration to the U.S. Rather than taxing remittances, we should support bilateral agreements such as the U.S.-Mexico Partnership for Prosperity and Mexico's 3 for 1 programs. Imposing additional costs on immigrants' remittances would disrupt these grassroots movements, and thwart bilateral cooperation aimed at reducing the pressures of migration to the U.S.

According to a recent study⁹⁵, remitters already pay a high cost when they send wire transfers. The study shows that reducing the current fees on remittances, from 10-15 percent to 5 percent for the amount remitted, would result in more than \$1 billion a year being sent by some of the poorest U.S. households to their families in their countries of origin. This revenue not only would benefit the families outside of the United States, but also the local economies of the communities where remitters reside.

Conclusion

The United States needs to adopt fair and effective immigration reforms that strengthen its borders and protect its citizens from those who would do us harm; recognize the economic importance of immigrants; maintain our historical commitment to offering a safe haven for those fleeing persecution in their home country; and keep immigrant families intact. Such an approach is both economically and politically feasible. Texas needs to do its part by eschewing policies that place immigrant families and communities at risk in violation of the rights guaranteed by the U.S. Constitution. Texas should also recognize the vital role that immigrants play in our economy and expand its commitment to helping young immigrants grow into productive and contributing members of our society.

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- ¹ George Lakoff and Sam Ferguson. "The Framing of Immigration," Rockridge Institute, (2006). Online. Available:<http://www.rockridgeinstitute.org/research/rockridge/immigration>. Access: July 21, 2006.
- ² United Nations, *Number of World's Migrants Reaches 175 Million Mark*. Press Release POP/844 (2002). Online. Available: <http://www.un.org/News/Press/docs/2002/pop844.doc.htm> Accessed: July 19, 2006.
- ³ Ibid.
- ⁴ Federal Reserve Bank of Dallas, A Conversation with Pia Orrenius: The Economics of Immigration, <http://www.dallasfed.org/research/swe/2006/swe0602e.html>. Accessed: May 11, 2006.
- ⁵ Migration Policy Institute, *Immigrants and Labor Force Trends: The Future, Past, and Present*, no. 17 (July 2006), p. 6. Online Available: http://www.migrationpolicy.org/ITFIAF/TF17_Lowell.pdf#search=%22immigrants%20and%20labor%20force%20trends%20the%20future%20past%20and%20present%20mpi%22. Accessed: September 19, 2006.
- ⁶ Ibid, p. 4.
- ⁷ Pia Orrenius and Alan D. Viard. "The Second Great Migration: Economic and Policy Implications," Federal Reserve Bank of Dallas, (2000), p. 1. Online. Available: <http://www.dallasfed.org/research/swe/2000/swe0003.pdf>. Accessed: October 3, 2006.
- ⁸ Daniel T. Griswold, Willing Workers: Fixing the Problem of Illegal Mexican Migration to the United States," Center for Trade Policy Studies, CATO Institute, (2002), p. 4. Online. Available: <http://www.freetrade.org/pubs/pas/tpa-019.pdf#search=%22%20site%3Awww.freetrade.org%20willing%20workers%3A%20fixing%20the%20problem%20of%20illegal%20mexican%20migration%20to%20the%20united%20states%22>. Accessed: October 3, 2006.
- ⁹ Handbook of Texas Online, s.v. "Bracero Program". Online. Available: <http://www.tsha.utexas.edu/handbook/online/articles/BB/omb1.html>. Accessed: September 7, 2006.
- ¹⁰ Daniel T. Griswold, "Willing Workers: Fixing the Problem of Illegal Mexican Migration to the United States," Center for Trade Policy Studies, CATO Institute, (2002), p. 4 Online. Available: <http://www.freetrade.org/pubs/pas/tpa-019.pdf>. Accessed: September 27, 2006.
- ¹¹ United States Bureau of the Census, Profile of the Foreign-Born Population in the United States: 2000, p. 14 (2001). Online. Available: <http://www.census.gov/prod/2002pubs/p23-206.pdf>. Accessed: October 2, 2006.
- ¹² Department of Homeland Security, *Fiscal Year 2002 Yearbook of Immigration Statistics, Table 13*, (2003). Online. Available: <http://www.uscis.gov/graphics/shared/aboutus/statistics/IMM02yrbk/IMM2002list.htm>. Accessed: October 2, 2006.
- ¹³ Rob Paral, "Immigration Policy Brief - A Lifeline to Renewal: The Demographic Impact of Immigration at State and Local Levels," *The American Immigration Law Foundation*, (August 18, 2005). Online. Available. http://www.aifl.org/ipc/policybrief/policybrief_2005_lifeline.shtml. Accessed: September 26, 2006.
- ¹⁴ Monthly Labor Review Online, Labor Force Projections to 2014: Retiring Boomers, www.bls.gov/opub/mlr/2005/11/art3exc.htm. Accessed: September 25, 2006.
- ¹⁵ Michael C. Maibach. "Why Our Company Needs Immigrants." The Maibach Foundation 1996. Online Available: <http://www.maibachfoundation.org/Articles/NeedImmigrants.htm>. Accessed: July 27, 2006.
- ¹⁶ John F. Kennedy "A Nation of Immigrants," *Rev. and enlarged Harper and Row*, (1986), introduction, xiii.
- ¹⁷ Eleanor Roosevelt, remarks at presentation of booklet on human rights, *In Your Hands*, to the United Nations Commission on

Human Rights, United Nations, New York, March 27, 1958.

¹⁸ Pew Hispanic Center, Hispanic Attitudes Toward Learning English, <http://pewhispanic.org/files/factsheets/20.pdf>. Accessed: October 3, 2006.

¹⁹ Ruben G. Rumbaut, Douglas S. Massey, Frank D. Bean. "Linguistic Life Expectancies: Immigrant Language Retention in Southern California," *Population and Development Review* 32 (3): 447-460 (September, 2006). Online. Available: http://www.popcouncil.org/publications/pdr/vol32_3.html. Accessed: September 25, 2006.

²⁰ Immigration Policy Center, *Economic Growth & Immigration*, (November 2005) Online. Available: http://www.aifl.org/ipc/special_report/2005_bridging.pdf#search=%22economic%20growth%20%26%20immigration%20bridging%20the%20demographic%20divide%20ipc%22. Accessed: September 13, 2006.

²¹ Jeffrey M. Humphreys, "The Multicultural Economy 2005 America's Minority Buying Power," *Georgia Business and Economic Conditions, The University of Georgia*, vol. 65, no 3 (2005), p 6. Online. Available: <http://www.nmsdcus.org/infocenter/Multicultural%20Economy%202004.pdf#search=%22the%20multicultural%20economy%202004%20americas%20minority%20buying%20power%22> Accessed: September 20, 2006.

²² Ibid 11

²³ "Well Fargo Reports Record Quarterly Earnings Per Share and Net Income," Wells Fargo, April 19, 2005 (news release).

²⁴ Wells Fargo & Company Annual Report 2004 (San Francisco, CA.), p. 2.

²⁵ Wells Fargo & Company Annual Report 2005 (San Francisco, CA), p. 5.

²⁶ Los Angeles Times, *Retailers Catch On the Buying Power of Immigrants* (December 24, 2008), Online Available: <http://www.latimes.com/business/custom/admark/la-fi-ethnic24-2008dec24.0.4113911.story>. Accessed: January 7, 2009.

²⁷ Federal Deposit Insurance Corporation *FDIC Outlook*, "The U.S. Consumer Sector" (Winter 2004). Online. Available: http://www.fdic.gov/bank/analytical/regional/ro2004q/na/2004winter_05.html. Accessed: November 7, 2006

²⁸ Texas Appleseed, *Evolving Financial Services Markets: Recent Trends in Reaching Mexican Immigrants* (September 2006). Online. Available: <http://www.texasappleseed.net/pdf/2006%20Evolving%20Financial%20Services%20Markets.pdf>. Accessed: October 31, 2006.

²⁹ Ibid

³⁰ BusinessWeek, *Embracing Illegals* (July 18, 2005). Online. Available: http://www.businessweek.com/magazine/content/05_29/b3943001_mz001.htm. Accessed: October 31, 2006.

³¹ Ibid

³² "Police, Business, Civic Groups Partner To Promote Safety Of Immigrants," City of Austin, May 2, 2001 (news release)

³³ Ibid

³³ Federal Reserve Bank of Dallas, *Banking on Safety Banks Accept Alternative ID to Fight Crime and Reach New Markets*, vol. 2, issue 1 (2002). Online. Available: http://www.dallasfed.org/ca/epersp/2002/1_2.html. Accessed: November 14, 2006.

³⁴ NEED TO CITE

³⁵ NEED TO CITE

³⁶ Standard & Poor's Ratings. "Econ 101 on Illegal Immigrants." *BusinessWeek Online*. April 7, 2006. Online Available: http://www.businessweek.com/investor/content/apr2006/pi20060407_072803.htm. Accessed: April 20, 2006.

³⁷ Eduardo Porter. "Illegal Immigrants Are Bolstering Social Security With Billions," *The New York Times*, April 5, 2005. Online Available: <http://www.nytimes.com/2005/04/05/business/05immigration.html?ei=5090&en=78c87ac4641dc383&ex=1270353600&adxnlnl=1&partner=kmarx&adxnlnx=1156539984-8LeD2Z0vyIN6Do5Mo/ymXw>. Accessed: July 17, 2006.

³⁸ Randy Capps, Everett Henderson, *The Urban Institute*; Jeffrey S. Passel, *Pew Hispanic Center*; Michael Fix, *Migration Policy Institute* "Civic Contributions: Taxes Paid by Immigrants in the Washington, DC, Metropolitan Area," *The Community Foundation*. Online. Available: http://www.urban.org/UploadedPDF/411338_civic_contributions.pdf. Accessed: August 14, 2006.

³⁹ Jenny Jarvie, "Georgia Law Chills Latino Home-Buying Market" *Los Angeles Times* (June 19, 2006)

⁴⁰ NEED TO CITE

⁴¹ NEED TO CITE

⁴² Jeffrey S. Pasel, Roberto Suro, "Rise Peak, and Decline: Trends in U.S. Immigration 1992-2004," *Pew Hispanic Center*, (September 27, 2005). Online Available: <http://pewhispanic.org/files/reports/53.pdf#search=%22rise%20peak%20and%20decline%20trends%20in%20us%20immigration%201992%202004%22>. Accessed: August 14, 2006.

⁴³ Rakesh Kochhar, "Growth in the Foreign-Born Workforce and Employment of the Native Born" *Pew Hispanic Center* (August 10, 2006). Online Available: <http://pewhispanic.org/files/reports/69.pdf>. Accessed: August 28, 2006.

⁴⁴ PBS, OnlineNewsHour, Fire Policy, http://www.pbs.org/newshour/bb/environment/july-dec02/fire2_8-09.html. Accessed: October 31, 2006.

⁴⁵ Kirk Johnson, "With Illegal Immigrants Fighting Wildfires, West Faces a Dilemma" *The New York Times* (May 28, 2006)

⁴⁶ Press Release from Tulane University, June 7, 2006. Online. Available: http://www.hrcberkeley.org/download/pressrelease_katrina.pdf. Accessed: October 24, 2006.

⁴⁷ Ibid,

⁴⁸ Leslie Eaton, "Study Sees Increase in Illegal Hispanic Workers in New Orleans" *The New York Times* (June 8, 2006)

⁴⁹ U.S. Department of Justice, *Fact Sheet Illegal Immigration Reform and Immigrant Responsibility Act of 1996* (March 24, 1997). Online. Available: <http://www.uscis.gov/graphics/exec/prfriendly.asp>. Accessed: October 16, 2006.

⁵⁰ Ibid, p 18.

⁵¹ Sarita A. Mohanty, MD., M.P.H., "Unequal Access: Immigrants and U.S. Health Care," *Immigration Policy Center*, vol. 5, Issue 5 (July 2006), p. 2.

⁵² Ibid, p 3.

⁵³ "Immigrants & Welfare," *Research Perspectives on Migration*, vol. 1, no. 1 (September/October 1996), p3.

⁵⁴ "Health Care Expenditures of Immigrants in the United States: A Nationally Representative Analysis," *American Journal of Public Health*, vol. 95, no. 8 (August 2005), p. 1431.

⁵⁵ Ibid, p. 1437.

⁵⁶ Peter J. Cunningham, "What Accounts For Differences In The Use Of Hospital Emergency Departments Across U.S. Communities?," *Health Affairs, The Policy Journal of the Health Sphere*, (July 2006), p.324. Online. Available: <http://content.healthaffairs.org/cgi/content/full/hlthaff.25.w324v1/DC1>. Accessed: October 26, 2006.

⁵⁷ Ibid, p. 333

⁵⁸ Physicians for a National Health Program, Immigrant's Health Care Costs are Low. http://www.pnhp.org/news/2005/july/immigrants_health_c.php. Accessed: October 30, 2006.

⁵⁹ Ibid

⁶⁰ Human Rights First (Asylum Legal Representation Program), *H.R. 4437 - Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 An Overview of Provision that Harm Refugees and Asylum Seekers*. Online. Available: <http://www.humanrightsfirst.info/pdf/06301-asy-hrf-analysis-hr4437.pdf#search=%22refugee%20convention%20protocol%20of%201951%20hr%204437%22>. Accessed: August 14, 2006.

⁶¹ U.S. Bureau of the Census, 1990 Census, 1980-1990.

⁶² Jeffrey S. Passel, "The Size and Characteristics of the Unauthorized Migrant Population in the U.S.," *Pew Hispanic Center* March 7, 2006. Online. Available: <http://pewhispanic.org/files/reports/61.pdf>. Accessed: July 10, 2006.

⁶³ Pew Hispanic Center, *Estimates of the Unauthorized Migrant Population for States based on the March 2005 CPS*, (April 26, 2006). Online. Available: <http://pewhispanic.org/files/factsheets/17.pdf#search=%22estimates%20of%20the%20unauthorized%20migrant%20population%20for%20states%20based%20on%20the%20march%202005%20cps%22>. Accessed: September 26, 2006.

⁶⁴ Peter Beinart, "The Wrong Place to Stop Terrorists" *Washington Post* (May 4, 2006).

⁶⁵ John Pomfret, "Border fence meets wall of skepticism" *The Washington Post* (October 10, 2006)

⁶⁶ MSNBC, The Cost of That Border Fence, <http://firstread.msnbc.msn.com/archive/2006/10/26/8879.aspx>. Accessed: October 31, 2006.

⁶⁷ *Washington Post*, Fence Meet Wall of Skepticism, <http://www.washingtonpost.com/wp-dyn/content/article/2006/10/09/AR2006100901006.html>. Accessed: October 11, 2006.

-
- ⁶² Newspaper Tree, *Groups United to Fight Border Wall*(March 3, 2008) Online available: <http://newspapertree.com/news/2148-groups-united-to-fight-border-wall> Accessed: January 7, 2007.
- ⁶⁸ Randy Capps and Michael Fix, "undocumented Immigrants: Myths and Reality," The Urban Institute. Online. Available: http://www.urban.org/uploadedPDF/900898_undocumented_immigrants.pdf. Accessed: October 31, 2006.
- ⁶⁹ FreeRepublic.com, Powell says border walls won't work, <http://www.freerepublic.com/focus/f-news/1646234/posts>. Accessed: November 25, 2006.
- ⁷⁰ International Relations Center, Americas Program, Fear and Loathing in the North, <http://americas-irc-online.org/updater/3646>. Accessed: November 6, 2006.
- ⁷¹ Ibid
- ⁷² SAME AS 65
- ⁷³ Midland Reporter-Telegram, Gorbachev compares proposed U.S. border wall to Berlin Wall, http://www.mywesttexas.com/site/printerFriendly.cfm?brd=2288&dept_id=475626&newsid=17342695. Accessed: October 25, 2006.
- ⁷⁴ Office of Trade and Industry Information, Texas: Exports, Jobs, and Foreign Investment, http://www.ita.doc.gov/td/industry/otea/state_reports/texas.html. Accessed: April 10, 2006.
- ⁷⁵ Ibid
- ⁷⁶ Ibid.
- ⁷⁷ Major General John T. Coyne USMC, *Investigation to Inquire Into the Circumstances Surrounding the Joint Task Force-6 (JTF-6) Shooting Incident That Occurred on 20 May 1997 Near the Border Between the United States and Mexico*, United States Marine Corps, April 07, 1998. Online Available: http://shapleigh.org/files/focus_documents142.pdf Accessed: August 28, 2006.
- ⁷⁸ XIII Border Legislative Conference, (May 11-13, 2006 Monterrey, Nuevo Leon), (Policy Statement to encourage U.S. & Mexico Federal Governments to pursue comprehensive immigration reform) Online. Available: <http://www.borderlegislators.org/Meetings/XIII%20Monterrey/Immigration%20Policy%20Statement.pdf>. Accessed: July 24, 2006.
- ⁷⁹ *Murillo, et. al. v. Musegades, et. al.*, 809 F. Supp. 487 (West. Dist. Tex. 1992) Available online at: http://shapleigh.org/files/focus_documents141.pdf Accessed: August 28, 2006.
- ⁸⁰ Office of the Governor Rick Perry, Perry Authorizes More Border Security Funding, Virtual Border Watch Program, <http://www.governor.state.tx.us/divisions/press/pressreleases/PressRelease.2006-06-01.1612/view>. Accessed: July 10, 2006.
- ^{lxxxi} Migration Policy Institute, From Horseback to High-Tech: US Border Enforcement, <http://www.migrationinformation.org/USfocus/display.cfm?ID=370>. Accessed: August 12, 2006.
- ^{lxxxii} Douglas S. Massey, Ph.D., "Beyond the Border Buildup: Towards a New Approach to Mexico-U.S. Migration," *Immigration Policy Center*, vol. 4, issue 7 (2005), p. 7. Online. Available: http://www.aifl.org/ipc/infocus/2005_beyondborder.pdf. Accessed: October 16, 2006.
- ^{lxxxiii} United States Government Accountability Office, *INS' Southwest Border Strategy, Resource and Impact Issues Remain After Seven Years* (August 2001). Online. Available:

<http://www.gao.gov/new.items/d01842.pdf#search=%22southwest%20border%20strategy%22>. Accessed: October 02, 2006.

^{lxxxiv} United States Government Accountability Office, *ILLEGAL IMMIGRATION Border-Crossing Deaths Have Doubled Since 1995; Border Patrol's Efforts to Prevent Deaths Have Not Been Fully Evaluated* (August 2006). Online. Available: <http://www.gao.gov/new.items/d06770.pdf>. Accessed: September 25, 2006.

⁸⁵ Cari Hammerstrom, "Sheriff Changes Policy Regarding Citizenship Questioning" *The Monitor* (May 27, 2006). Online. Available: <http://www.themonitor.com/SiteProcessor.cfm?Template=/GlobalTemplates/Details.cfm&StoryID=13420&Section=Valley>. Accessed: June 6, 2006.

⁸⁶ Federation for American Immigration Reform, *Immigration Impact: Texas*. Online. Available: http://www.fairus.org/site/PageServer?pagename=research_research79e6 Accessed: September 5, 2006.

⁸⁷ Letter from a coalition of Texas employers published on Viewpoints, August 28, 2006. Online. Available: http://www.dallasnews.com/sharedcontent/dws/dn/opinion/viewpoints/stories/DN-ceoviewpoints_28edi.ART.State.Edition1.3e0cd43.html. Accessed: August 11, 2006.

⁸⁸ Juan Castillo, "U.S. Payday is Something to Write Home About." *Austin American Statesman*. (December 14, 2003), p. J-1.

⁸⁹ Griswold, Willing Workers, p. 6.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ibid

⁹³ Dilip Ratha, "Workers' Remittances: An Important and Stable Source of External Development Finance," *Global Development Finance 2003: Analysis and Summary* (2003). Online. Available: <http://siteresources.worldbank.org/INTRGDF/Resources/GDF2003-Chapter7.pdf>. Accessed: October 16, 2006.

⁹⁴ Xóchitl Bada. "Mexican Hometown Associations" Americas Program, (2003). Online Available: http://americas.irc-online.org/citizen-action/series/05-hta_body.html Accessed: August 28, 2006.

⁹⁵ Ayon, David. "US and Mexico Towards a Strategic Partnership" Woodrow Wilson International Center for Scholars Mexico Institute, (2009). Online Available: http://www.wilsoncenter.org/index.cfm?topic_id=5949&fuseaction=topics.publications&group_id=11722 Accessed: February 10, 2009.

⁹⁶ Same as 95