

**Testimony of Lavoyger Durham
to the Senate Judiciary Subcommittees on
Immigration, Border Security, and Citizenship
and
Terrorism, Technology and Homeland Security**

March 1, 2006

Good morning ladies and gentlemen.

My name is Lavoyger Durham. I am the manager of El Tule Ranch in South Texas, located about 75 miles north of the Mexican border.

I would like to thank Senator Cornyn, Senator Kyl, and the members of your subcommittees for allowing me to appear before you this morning. I would also like to recognize the people in the audience who have traveled here from Texas in support of my testimony.

My purpose in being here today is simple: to try to convince you that federal law enforcement agencies, with the assistance of their state and local counterparts, must control illegal immigration along the Mexican border.

Every day, I see the reality of what is being reported on a regular basis in the news media. While most of those reports are fairly accurate, none give a complete picture of what is really happening in South Texas, and consequently, our entire country.

South Texas has been my family's home for three generations. Both my mother, who was of Mexican descent, and my father, who was of Irish ancestry, were steeped in ranching tradition. I have been very fortunate to have been able to carry on this legacy for the past 45 years.

But now things have changed. My neighbors and I are facing circumstances that can best be described as deplorable. We now must live with the constant possibility that we could be attacked or killed on our own properties.

Literally thousands of illegal immigrants cross through South Texas on a daily basis, mostly by foot. The Border Patrol has told me that within just a five-mile radius of my ranch, two to three hundred illegal immigrants move through every night.

Most are coming to fill labor shortages throughout our nation. Many, however, have less noble ambitions. And many of those are "other than Mexicans", or "OTMs", who are entering this country from all over the world.

Some are drug runners who cut our fences so they can carry their backpacks full of contraband north for nation-wide distribution. Others are members of what the news media have described as the most violent crime organization in the United States, the El Salvadoran gang known as Mara Salvatrucha or MS 13. Still others might well be terrorists, who are infiltrating for no other purpose than to cause death and destruction.

I do not know how to adequately describe the consequences of our unmanaged border in South Texas. The stories are endless and are only getting worse. I can provide accounts of ranchers being fired upon, ranch security guards being beaten and held at gunpoint, women being threatened near their own homes by belligerent aliens, and youth being confronted by gangs dressed in dark camouflage clothing at night. These types of occurrences are all too common and are entirely unacceptable in a civilized society.

It is also sad to report that we often find immigrants on our properties that are dead or dying. Whenever possible, we take them for medical care, but often, it is too late. I hesitate to share photographs of deceased victims whom I have personally found on my property, but I think that it is important to communicate this reality to you.

In my county alone, over 40 illegal immigrants are known to have died last year. These unfortunate and ill-prepared people die not only because of exposure to the harsh elements of blazing heat and bitter cold, but also because of encounters with diamondback rattlesnakes and other dangers of the vast, rugged terrain. Sometimes, however, these people die at the hands of human smugglers, or as they are called along the border, "Coyotes".

"Coyotes" are criminals who deal in human misery. They charge very large fees of thousands of dollars to smuggle unsuspecting immigrants across the U.S - Mexican border, often deserting them far short of the destinations that they had promised. In performing their so-called services, "Coyotes" will leave behind the weak, sick, or injured to die if they cannot keep up with the group. Sometimes, the "Coyotes" will even kill their impaired clients outright so that they will not be able to alert authorities.

"Coyotes" now control a huge percentage of all illegal immigration along the Mexican border, especially among illegal immigrants who want to come to this country for the first time. They are part of crime syndicates that have become big business. Some of the other witnesses today can testify to that fact. As inconceivable as it may be, "Coyotes" are often equipped with technological devices that are equivalent or superior to those available to our own Border Patrol.

What, then, can be done to manage the border with Mexico and provide for the safety and security of American citizens? First and foremost, the Border Patrol must be given the manpower to enforce the laws of the land. They must also be provided with the technological equipment that they need to stay ahead of their adversaries.

Secondly, Congress must re-evaluate existing immigration laws to determine realistically whether or not they are enforceable. In my opinion, the Border Patrol will never be able

to control illegal immigration until some sort of strictly enforced guest worker program is implemented. Until immigrants who are entering this country for a productive purpose are distinguished from those who are entering for a destructive purpose, I cannot imagine how the Border Patrol could ever have enough resources to effectively enforce immigration laws.

Last spring, I helped organize a meeting of South Texans, including law enforcement officials and policy-makers from all levels of government, who were concerned about illegal immigration and border security. At that meeting, our distinguished friend, Tobin Armstrong, who we lost to cancer this fall, provided us with the benefit of his wisdom on these subjects. I would like to conclude my testimony by quoting some of Mr. Armstrong's remarks.

And I quote, "You are not going to build a wall around the United States to keep these people out. There is only one way to do this job and that is to pass legislation that provides for the people that you need to stay here and provides for the return of all the criminals, the terrorists, the deadbeats, and people carrying communicable diseases. That is the only way it is going to work.

And then give the ones that do stay here some kind of forge-proof identification card. And then anybody who employs somebody who does not have that card would be committing a felony and would be sanctioned heavily.

Now you say, 'Well, how do we get that done?' Well, it isn't a question of how you get it done. You've got to get it done!'", end of quote.

I would like to again thank Senator Cornyn, Senator Kyl, and the members of your subcommittees for allowing me to address you this morning. I trust that you all agree that federal inaction is no longer an option. We will help any way we can, but ultimately, we are counting on your leadership to get this job done.

Respectfully submitted,

Lavoyger Durham