



ADVANCING AMERICAN FREEDOM

Reality at the Southern Border: A Crisis of Our Own Making

AAF's Trip to the Southern Border | July 31 – August 2, 2023

"In any moment of decision, the best thing you can do is the right thing, the next best thing is the wrong thing, and the worst thing you can do is nothing." –Theodore Roosevelt

| Background

On August 3, Truthout columnist Mike Ludwig penned an article lambasting AAF for “dangerous rhetoric about an ‘invasion’ at the border”. The article was entitled *4 Years After El Paso Massacre, Republicans Use Same Rhetoric as Mass Shooters*. In his article, Ludwig accuses AAF of engaging with “dangerous conspiracy theor[ies],” embracing “dehumanizing rhetoric,” and “fearmongering about migrants.” Particular attention is drawn to AAF’s proposal that Congress must pass legislation declaring an invasion at the southern border. Ludwig devotes much of his time to decrying this proposal, claiming that the word invasion itself is “inexorably linked to the ‘Great Replacement’ theory” and is merely a “dog whistle for nativist fears about white ‘replacement’.” Throughout the piece, Ludwig attempts to draw a straight line from requests to protect our southern border to instances of racially-motivated mass shootings. As one reads Ludwig’s article, it is difficult to come away without a feeling that the piece has been written by someone who has never been to our southern border; never spoken to the men and women defending our nation from Mexican cartels at the banks of the Rio Grande River; never seen firsthand the pain and suffering wrought on American ranchers, business owners, and families due to the failure of the Biden administration to protect them.

While Ludwig’s article was being published, AAF’s Paul Teller and Ben Crosby were flying back to DC from a three-day trip to south Texas (from McAllen to Laredo). Along the way, we listened to the stories of U.S. Border Patrol and Texas Department of Public Safety agents. We visited the homes of ranchers who have been directly affected by threats to their physical safety, destruction of their property, and much more. We traveled by boat along the Rio Grande River and saw with our own eyes how illegal aliens cross the water under the watch of the Mexican cartels. Throughout a deeply impactful trip, we confronted over and over again what those we met with constantly reminded us is simply **the reality** of life at our southern border. This is a reality that may not align with the narrative Mike Ludwig and those in the left-wing media wish to convey, but for those who are confronted by it daily, it is a reality that is as unavoidable as it is disturbing.

Our trip was jointly organized and executed with the Texas Public Policy Foundation (TPPF), and we are incredibly grateful to all those who contributed to our trip and to this memo.

| Invasion at the Border

AAF's Future of Freedom on *Securing the Border and Ending Illegal Immigration* calls upon Congress to declare an invasion at the border. It was this proposal that Ludwig's article claims should be condemned as conspiratorial and bigoted rhetoric. The offending passage states, "*The United States Constitution declares that the federal government shall protect states from invasion. So long as the Biden administration refuses to do this job, Congress should officially declare an invasion so that states have the legal authority to secure the border for themselves.*"

The argument that the United States is under invasion at our border with Mexico is neither new nor conspiratorial. Our nation's Constitution contemplates the concept of a U.S. state's appeal to invasion in Article I, Section 10, Clause 3 (also known as the Compact Clause), invoked by Governor Greg Abbott when he declared an invasion at the southern border of Texas late last year. Our colleagues at TPPF have done great work to illustrate how precisely what is going on at our border is not just an immigration crisis, but an invasion crisis. Below are some key points from a phenomenal article on this subject by TPPF's Josh Treviño (*The Meaning of Invasion Under the Compact Clause of the U.S. Constitution, 2022*):

- The American history of the term "invasion" reveals that its literal meaning is entry plus enmity: Entry alone, which is trespass, is not sufficient to constitute an invasion.
- Although the Framers occasionally used "invade" in a metaphorical sense, we know that in the Compact Clause they used the word in its literal sense, because that clause's ancestor text in the Articles of Confederation refers to invasion "by enemies."
- Past non-state actors, like pirates and barbarians, fell under the category of "invaders" in the opinion of certain American statesmen, such as Madison.
- Present-day non-state actors, like cartel-affiliated gangs operating within the territory of a U.S. state, may fall under the category of invaders, provided their criminal activity reaches a scale or degree of organization that deliberately overthrows or curtails the lawful sovereignty of the state.

What we observed during our trip put this last key point into picture in an incredibly unsettling manner. The degree to which the Mexican cartels control the southern bank of the Rio Grande River (and the illegal immigration that flows from it) is astonishing. We were told repeatedly during our trip that the bulk of illegal immigrants that cross into our country right underneath the legal ports of entry do so only at the direction and permission of the cartel. The fact of the matter is, the sympathetic and heartrending stories we are often told—stories of droves of migrants simply seeking a life of freedom and work to provide for their families—are not the realities of 2023. For far too many, crossing into the United States is the midpoint of the trafficking journey—not the end. Many who cross the river illegally do so with debts to the cartel—debts they must pay off once across. The flow of migrants is strictly regulated by cartels all along the river, and those who wish to cross must pay first and then later.

| A Tale of Two Banks

During our trip, we had the opportunity to visit the Hidalgo Water Improvement District and take a boat tour of the Rio Grande River. This was perhaps the single most impactful event of our trip: the amount of human suffering we saw in just around an hour on the water was sobering. There was a stark difference between the American and Mexican banks of the Rio Grande—the former was mostly nondescript, while the latter included large swaths of land that looked like they had been constructed as part of the set of a post-apocalyptic film. There was even an old abandoned zoo, taken over years ago by the cartel. The animals which once were featured attractions were now all gone—some taken by cartel members who desired them, others dead. The sole survivor was a llama indigenous to South America, who wandered the river bank in search of food as we passed by. At the top of the bank, a building face displayed a grand mural featuring a fearsome hippopotamus—remnants of another time. All along the river were scenes of abject poverty, where mountains of trash cascaded down slopes of mud and dirt some 20 or 30 feet high. At the top of these slopes we could often see encampments where groups of people apparently made their homes. Herds of pigs rooted through the trash at the bottom of these garbage pits, while women and young children picked their way through to bathe at the water's edge or find some articles of any use. Scarcely a stone's throw from these impoverished few was freedom in the form of American soil—and yet we never saw any go more than a few feet into the water. When we asked why, we were told that to make that crossing without the explicit permission of and instructions from the cartel would mean certain death. This knowledge, along with the hellish presentation of gaunt faces and clothes streaked with mud and feces left little to the imagination: these people are prisoners of the cartel, who control the south bank of the Rio Grande.

The degree to which the south bank is controlled by the cartels became apparent from the moment we arrived at the water's edge. When we arrived and first looked out across the river, the scene appeared a rather unremarkable one—water, trees, dirt, bushes. And yet, we were told that the southern flora hid what we could not see: cartel lookouts, who were watching us at that very moment. Though we scoured the riverbank, we could not catch a glimpse of watchful eyes—yet we felt their presence almost immediately upon entering the water. Less than 10 minutes into our boat tour, we followed a bend in the river that revealed an open stretch of the riverbank. Here we observed 4 trucks and a small group of armed men—some in uniform—who stood silently watching us pass by. We waved, and they waved back, then got into their trucks and drove away. 15 minutes later after having continued on our journey, we saw the trucks and men again. Our guide quietly confirmed that they were cartel, and we carried on—now painfully aware that our movements were being closely tracked and our boat followed.

This tracking served a clear purpose, as activity alongside the bank was kept to a minimum as we passed. Aside from the aforementioned cartel members and encampment residents, the only people we saw were the occasional fisherman, sitting on the rocks with a line in the water—though we never saw any of them with tackle or bait. Our guide told us that these were cartel lookouts, whose job it was to report about the activity of boats in the river. When we passed sections of the river where stash houses could be seen, they always appeared abandoned. We never saw any activity around these houses, though we could hear dogs barking in and around the houses: an indication that there was life in the area despite appearances to the contrary.

| The Mexican Government's Faustian Bargain

Any illusion that the Mexican government is an ally of the United States in the quest to end illegal immigration and the trafficking of human lives at the southern border was quickly dashed by what we learned on our trip to the region. We have long known that corruption exists in the Mexican bureaucracy, but the extent to which that corruption goes appears to be sorely underestimated. There are those in the Mexican police force near the border who are good and decent people and try to do the right thing, but folks told us that these good agents are often killed or eventually paid off. We were told that the Mexican president (Andrés Manuel López Obrador) openly supports the cartels, long having utilized informal deals with them. The President recently has said that he wishes to formalize deals with the cartels and, stunningly, has even apparently expressed his willingness to support the cartels in any war against the United States.

It is impossible for the Mexican government to claim either that they are ignorant of what is going on at the banks of the Rio Grande or that they have taken any meaningful steps to stop it. At times they have acted with nonchalance, other times with inefficiency, but by far the most unconscionable have been the times when the government has acted in active collusion with the cartels. Sadly, we appear to be in these latter times. Reports and evidence of corruption at the highest levels of the Mexican government flood in daily, and it becomes harder by the day to ignore the increase in activity and violence in the Mexican drug trade which takes place openly.

If the Mexican government (or some within it) have made a deal with the devil out of economic self-interest, it is perhaps unsurprising that it has only been when America has hit Mexico where it matters that illegal crossings have gone down. People universally told us that things were far better under the Trump-Pence administration, a fact many attributed to the threat of tariffs during those four years. When the Mexican government was being financially threatened, any economic incentive they had to turn a blind eye to cartel operations vanished.

Across our many conversations throughout this trip, sheriffs, DPS and Border Patrol Agents, ranchers, and policymakers all were united in their firm belief that the Mexican government cannot be trusted. TPPF has begun to describe the unholy symbiotic relationship as what it is: the Mexican state-cartel nexus. As Josh Treviño remarked, *“Criminal organizations continue to commit brazen acts of violence, threaten citizen security, and undermine governance in both Mexico and, increasingly, the United States. Moreover, they increasingly supplant the legitimate sovereignty of the Mexican state with their own—often in cooperation with major elements of that state. The qualitative difference since 2018 has been the near-open role of the current Mexican president in allowing, and perhaps even participating in, that cooperation. It is a new scenario that demands new solutions from U.S.-side policymakers, who must understand that the Mexican state as a meaningful partner against criminal cartels is likely a thing of the past.”*

The exposure, murder, and abandonment of migrants at the southern border all goes on without the Mexican government lifting a finger to stop it—despite having the resources and power to do so. The sad reality is that the process is currently working as intended: the cartels operate the river banks, and the Mexican government and elected officials share in the profits. While unconscionable to those with

American sensitivities, this corrupt and loathsome partnership is—once again—simply reality. Though one will never get the impression from our left-wing American media, the Texas DPS and U.S. Border Patrol have done far more to save migrant lives than the Mexican government ever has. The Mexican people and migrants who travel under cartel jurisdiction do not deserve the fate they are being subjected to by the cartels—it is unforgivable that the cartels’ betters in the Mexican government might willingly share culpability.

| Trafficking in Inhumanity

The trafficking of human lives across the border is an evil that is executed with greater efficiency due to the feckless policies of a Biden-Harris administration, which focuses more on moving people through than ensuring safety for them and for those citizens already within our country. We heard stories that put this truth into a particularly painful perspective when we spoke with members of the Texas DPS and U.S. Border Patrol, who told us that there is a particular market for children. Thanks to the (not entirely unfair) perception that if one brings a child across the border they will be more likely to be granted access to our country, children are a prized commodity for illegals crossing over the border with ill intent. It is not at all uncommon for children to be kidnapped from their homes by the cartels, then brought into the U.S. by illegals who claim to be those children’s parents. Sadly, there is often no way for Border Patrol to tell whether a child is truly a family member of the adult who claims him or her, and once processed these children are lost—sometimes forever. We were told that many children are trafficked here, then once their purpose is served, some are abandoned and die, others are sold, and still others end up in the American foster care system, never to find their true families again.

One story that inspires true anger was told to us by a Texas DPS agent, who described a man who was discovered in Jim Hogg County with not one, not two, but **seven** children. The man was a convicted sex offender who had been in America before, but had been able to pass back through the border again despite his record. Along the way, he was able to pick up seven children and remain undetected for a while. What ended up happening to those children remains unknown to us.

Another anecdote came from a Border Patrol agent, who told us that he interacted with a man during the processing stage who told him that the child with him was his son. The agent noticed signs that the child might not in fact be a relative and began to ask probing questions. Soon, the man changed his story and said that he was actually the boy’s uncle. The agent reported his concerns but was told that he should just process the man and child, because that was the priority. Frustrated, the agent pushed back and questioned the man even more, who angrily pointed at a group of men and children already processed and told the agent, “Those aren’t their kids either, but you’re processing them.” The agent stressed his concern, and was once again told to just process the man and child, and that there was nothing to do but move on.

There is little doubt that what is happening at our southern border is inhumane. But that inhumanity is not exacted by the men and women protecting our southern border. It is incredibly clear that the U.S. Border Patrol and Texas DPS are doing everything they can. It would require pages more to list out the

heartwrenching stories we heard from exhausted agents, heartbroken by what they have seen and ostracized by their own fellow Americans for evils not of their making.

It is good and right that we should stress the inhumanity of our border crisis. But a true reflection on this crisis must lead to an acknowledgement that the most humane thing to do is not to open our borders, continuing to dangle a carrot in front of the cartels who see an opportunity to profit off of human lives. The most humane thing to do—indeed the only humane thing to do—is to shut down the trafficking, secure our border, and protect citizens on both sides of the river. To allow human suffering to continue as it has been would indeed be the most inhumane act of all.

We would be remiss if we did not repeat something about the trafficking industry that we heard often on our trip—while uniquely tragic, lives are not uniquely trafficked by the cartels into our country. Drugs and guns flow along with people, comprising an unholy trinity of “product” moved from Mexico into the United States. Ironically, we were told that the Mexican government makes a lot of noise about guns being moved from the US into Mexico, and there are signs all over the Mexican side of the border about how guns are not permitted to be brought into the country. In reality, cartel members roam the country with guns (and much of the violence in the area is cartel-on-cartel warfare that makes use of these guns), and the Mexican government does nothing to stop them from owning or using their weapons, nor do they attempt to stop the cartels from sending weapons across the US border.

| Abandonment

Just as the Mexican government’s apparent collusion with the cartels is unforgivable, so too is the steadfastly blind eye that our own government turns to the crisis at our own border. The Biden-Harris administration is putting the agents at our border in a position where they are isolated and lack either the support or the resources to do their jobs. Our agents are not alone in feeling abandoned—so too the ranchers, business owners, and families who make south Texas their home feel that they have been left by our government to figure things out on their own, no matter what that may mean.

Border Patrol agents desperately need help with recruitment and retention. Texas DPS needs resources. Ranchers and property owners need manpower and financial assistance. Right now, none of these are provided by a federal government that insists that there is no crisis to speak of. In an insulting twist of irony, self-proclaimed “sanctuary cities” like New York City angrily complain that they are being overwhelmed by unmanageable influxes of immigrants—preferring to engage in grandiose rhetoric about giving immigrants a home while laying the actual burden on small border towns and ranchers. Ignorance may be bliss—but it is a bliss that the people who live and work at our southern border cannot afford.

When we visited the home of a rancher in Roma, we had the opportunity to sit down with a group of ranchers, sheriffs, and property rights association members. This conversation illustrated to us both the gravity of life in a border community and the depth to which individuals living there feel abandoned. We heard story after story that indicated just how far-reaching the cartel’s grasp on illegal

migration is; we were told, for instance, that it is not an uncommon occurrence for a rancher to be approached while on his own land by cartel members and told to stay in his house while they moved people, drugs, and guns across his land.

The people with whom we spent time weren't just desperate or exhausted—they were angry. There is real anger and frustration stemming from the fact that folks feel abandoned, with no feedback or help from federal “partners.” We were even told by the ranchers we met with that they'd had this very same conversation multiple times with other groups, including federal legislators and their staff—but that not one single time had they ever heard back from anyone after these meetings and photoshoots.

We heard a variety of views on the border wall; some folks strongly supported the wall and said that finishing it must be a high priority. We often heard “where the wall exists, the wall works.” Some of the people we spoke with agreed that with this sentiment, but stressed that if people want to get around a wall they will. The higher priority for this latter group of people was personnel and federal support on the ground.

| By the Numbers

The extent to which the situation at our southern border has ballooned into a crisis is clear. In 2018, the illegal smuggling of humans over the border was a \$500 million dollar industry—today, it is an over \$13 billion dollar one. The State Department's own numbers estimate that 14,500 to 17,500 human beings are trafficked within the US each year, and that a stunning 72% of these are immigrants.

The current presidential administration has been setting all the wrong sorts of records when it comes to border security. The first year of Biden's presidency brought record highs in the number of unaccompanied migrant children entering the United States (147,000), 122,000 of which were taken into custody (another record high—the previous being 69,000). “Encounters” at the U.S.-Mexico border increased to their highest recorded level in 2021 (1.97 million)...and then again in 2022 (a whopping 2.4 million). When we have a federal government who is waving a carrot at illegal migration through open border policies, we can't be surprised when the cartels take advantage of the offer.

We could go on and on listing statistics and raw numbers that quantify the gravity of the situation, but perhaps just as disturbing are the numbers we don't have about the ways in which China has taken advantage of the crisis at the southern border. As President John F. Kennedy once said, *“When written in Chinese, the word ‘crisis’ is composed of two characters. One represents danger and the other represents opportunity.”* Our own government may profess to be ignorant of the crisis burgeoning at the U.S.-Mexico border, but the Chinese government has no such blind spot.

During our visit, we asked each person with whom we met whether Chinese nationals might be surreptitiously crossing the border. Not a single person brought up the issue until we asked—but every single person affirmed that this is very real and happening daily. Most people said either that they'd heard it's a growing issue or that they knew it happened and didn't have specific numbers. The most shocking interaction we had on the issue was during our discussion with Texas DPS in Stark County,

who told us that there are around 100 Chinese nationals crossing every single day there. We were told that every single national is interviewed and then released, **even if he or she admits that their purpose in entering our country is to spy upon American citizens.** When we pressed on this issue and asked how it could possibly make sense to release into the country people who are unabashedly serving the Chinese Communist Party as spies, the agents shrugged and told us that this is just the policy under the Biden administration, and that there's nothing they can do.

Our trip to Texas dramatically reinforced a belief that AAF has long held and publicized: what is happening at our southern border is a crisis with extraordinarily dangerous implications, not only for the communities who are at "ground zero," but for our nation as a whole. Every state is now a border state, thanks to the Biden-Harris policies which have made a bad situation worse. Continuing to deny that there is a crisis—continuing to do nothing to help those weathering the storm—is not just unwise, it is unacceptable.

Action at our southern border is desperately needed—and time is a luxury we can ill afford.

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