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Smugglers Ignore Wilderness Label

By Tom Cooper*People for Preserving Our Western Heritage*

Will Sen. Jeff Bingaman welcome drug and human smugglers to New Mexico?

New Mexico needs to raise its voice against a bill that will make a 25-mile-wide stretch of Doña Ana County borderlands a haven for the Mexican drug cartels.

Bingaman, who still controls the Senate's Energy and Natural Resources Committee, is seeking to designate federal lands as wilderness in his bill, S. 1689, the Organ Mountains-Desert Peaks Wilderness Act.

It's reported that he's trying to get yet another huge omnibus bill passed that could include S. 1689 before his constituents learn that their once quiet lands are the new corridor of choice for dangerous alien and drug smugglers.

Why is a legal designation of the lands a big deal? Wilderness designations like that sought for Doña Ana County make it near impossible for federal law enforcement to operate on the land because the 40-year-old wilderness laws apply to everyone, even federal law enforcement.

Border Patrol has to be "in hot pursuit" for use of vehicles to be allowed in a wilderness area. Otherwise, the only access is by foot or horseback.

Then, after the pursuit, Border Patrol is required to report back to the land's owner, the Department of Interior, to report on the activity and pay mitigation fees for harm to the land. None of this exactly gives the Border Patrol the ability or a good reason to pursue illegal activity.

The U.S. Drug Enforcement Agency has warned that currently more aggressive enforcement on the border in Arizona will cause greater cartel activity in New Mexico. Creation of new corridors under S. 1689 will assure that.

The Border Patrol, in a 2009 letter signed by Secretary of Homeland Security Janet Napolitano, outlines the harm to their mission and the cost to them and the

environment of wilderness designations on borderlands.

In short, even though the Department of Interior knows that the fires, tons of trash, trails, human waste, vehicle damages and attending illegal activity and violence are not caused by the Border Patrol but by the illegal activity, they still demand the Border Patrol pay up while the cartels get away with — everything (in these circumstances).

In a detailed memo on the Bingaman bill by former 9/11 Commission counsel and border security expert Janice Kephart, she uses hidden camera footage from her recent mini-documentary series, "Hidden Cameras on the Arizona Border," to show just what happens to public lands when the smugglers seize control of them. She also outlines the legal ramifications of the proposed law to the environment, public safety and national security.

According to proponents, "the bill would change the land from a wilderness testing area, which has many of the same limitations for Border Patrol, to a wilderness area," and "the bill includes provisions that expand the land that Border Patrol can easily access for patrolling and surveillance."

These are gross misstatements of fact.

Some, but not all, areas in the proposed designations are Wilderness Study Areas, and there are over 350 square miles in which the Border Patrol currently has full access but will lose access for routine patrol under the Bingaman bill.

That number does not include the measly five-mile border swath where Interior will still permit the Border Patrol full access under the Bingaman change.

Those that strongly oppose Bingaman's proposed legislation include: National Association of Former Border Patrol Officers, whose members collectively served thousands of man years on the border; the Greater Las Cruces and Hatch Valley Chambers of Commerce; Building Industry Association of Southern N.M.; Las Cruces Association of Realtors; all major county and statewide agricultural business organizations and many other organizations; a coalition of 800 businesses; and a petition of 2,250 individuals.

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