

Border Security: Don't Forget the Judiciary

During the last several years, stepped up enforcement and prosecution efforts in Southwest border jurisdictions have resulted in a significant increase in the number of drug, immigration, and weapons cases being filed in courts along the border. Consequently, the current workload experienced by the five district courts along the Southwest border – which include Southern California, Arizona, New Mexico, Western Texas, and Southern Texas – is staggering.

When combined, border districts handled nearly 75 percent of criminal immigration cases in the nation's 94 districts in fiscal year 2009 and almost 40 percent of all the nation's federal criminal case filings. Here's just a brief snapshot of one Southwest district court:

Last year in the Tucson division of the district court for Arizona, felony cases and defendants increased by more than 65 percent from the previous year. Of those cases, a staggering 90 percent were drug and immigration related.

In addition, there were 300,000 apprehensions during the first six months of 2009 and 1.2 million pounds of marijuana were seized. What is worse, illegal immigrants found with less than 500 pounds of marijuana were released because the courts did not have the manpower to deal with the influx of cases. This is simply unacceptable.

Unfortunately, this anecdote is not an outlier. Rather, it demonstrates a systemic problem experienced by the district courts along the Southwest border. It is clear that the Judiciary's resources must continue to keep pace with these workload increases. Without additional resources, a bottleneck in the judicial system will occur because the courts will lack the resources necessary to process the additional criminal cases brought by the Department of Justice.

In June, the Judicial Conference of the United States wrote to the Obama administration requesting \$40 million for the Judiciary in order to ensure the federal government's stepped-up border security plan is full-circle. Because the Administration did not include these requested funds in their proposal to Congress, several of my colleagues and I urged Congressional Appropriators to make these funds available to the Judiciary.

In response, the House last month passed an emergency border security funding bill to provide a total of \$600 million for the remainder of the year. Spending in the bill includes critical funding for border patrol agents, Department of Justice programs, Customs and Border Protection, among other items. In addition, the bill also includes \$10 million for the Southwest district courts. While this is not the full amount requested, it is a step in the right direction.

As Congress continues to debate a comprehensive border security strategy to secure our border and protect our communities from escalating drug-related violence, we must consider the Judiciary. While the Judiciary needs increased funding at present, a long-term approach is also needed.

To this end, I am working on legislation that would add several new judges, both permanent and temporary, to the Southwest district courts in order to address the chronic backlog. As our nation is spending more money on border security, we need to make sure the Judiciary has the resources needed to deal with their increased workload. It would be a shame to spend so much money on border security only to let those who have broken our nation's immigration and drug laws go free.

Rep. Gary Miller represents California's 42nd Congressional District.