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COMPARING THE SOUTHERN BORDER  
TO THE NORTHERN BORDER  
AND THE ISSUES TO BE DEALT WITH AT EACH

*Aureliano González Baz*<sup>†</sup>  
Mexican Speaker

Good morning. I would figure that about now you have been hearing for several days a lot of lawyers. So, I am not going to speak to you as a lawyer, but am going to try to present to you what really happens in the southern border of the United States. Now, let me have a show of hands, who has gone to the Canadian/U.S. border? All of you have gone to it. How many of you have gone to a Mexican border? Okay. Now, I think we have to point out that there are some significant differences between one and the other. It is important that we try to put the perspective on one versus the other.

First of all, is the border with U.S. and Mexico open? The answer is no. What is the border? Well, what we have is 1,900 miles from California down to the Gulf of Mexico, which has a total combined population on both sides of approximately 14 million people.<sup>1</sup> The U.S.-Mexican border states have the highest amount of U.S. investment in the world.<sup>2</sup> The only foreign office of the CIA to monitor U.S. investment outside Germany is in the U.S. Consulate in Coatzacoalcos because of the amount of investment. Equal to the United States, the border is unique. If you were to close it down in approximately 16 hours you would stop the top five automotive

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<sup>1</sup> *DHS Organization: Border & Transportation Security - Sharing Our Borders*, DEPARTMENT OF HOMELAND SECURITY, available at [www.dhs.gov/dhspublic/interapp/editorial/editorial\\_0089.xml](http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0089.xml)

<sup>2</sup> Hale E. Sheppard, *The International Monetary Stability Act: Recognizing the "Ripeness" of this Economic Legislation's Benefits for the United States and Mexico*, 32 U. MIAMI INTER-AM. L. REV. 375, 422; Patrick W. Martin, *Comparative Analysis of U.S. vs Mexican Commercial Real Estate Transactions*, 7 L. & BUS. REV. AM. 507, 509 (2001).

manufacturing companies in the world in the United States.<sup>3</sup> That tells you on one side that the border, the trade, and the relationships are very important.

You have been hearing for the last three days what happens, but it is not working with Mexico. Now, I do not have a solution to how it can be made to work. What I want to do, is highlight the things that do not make it work. First of all, the Canadians and the Americans have a friendly relationship. Mexicans and Americans do not have a friendly relationship. To begin with we are different. Canadians are very much English and French. Mexicans are very much Spanish. They are dark. There is a distrust of the Mexican vis-a-vis the Canadians when he goes into the United States. There is a picture taken of every single automobile that comes from Mexico into the United States, every single one of the millions of cars that go over the border every year. One picture. Every time you cross on the dedicated commuter lane, which is a wonderful invention to cross over the borders quickly, they will sight your car.<sup>4</sup> They have complete control over when, how many times, and how many people in your car pass every day.

We believe that there are really three issues impacting why it principally does not work. First of all, there is a drug issue. Second, there is illegal immigration. Third, there is the transportation. There is a fourth issue, the government. Now, if you were to look a map, you would think that we have 1,900 mile border versus 5,500 miles with Canada. If they do close the border off to the illegal drugs, it is very clear where they will start coming from next.<sup>5</sup> Not only from the north, but if you look to the east and the west of the United States, you have I do not know how many miles of water. So, why the United States stresses to close the Mexican border, aggravating the 12 million people living on both sides of the border seems rather ridiculous to us.

Let me give you an example. About four months ago I was painting a house in Coatzacoalcos. I told the painter I wanted him to use A, B, and C colors. My wife was telling him what she wanted. He went into the shop and he said he would have to go into El Paso, Texas to have it mixed. She said, "Have it mixed in El Paso, Texas." The paint was cheaper in El Paso than it was in Juarez, but that is a different issue. She said I have to have it mixed. He said that is going to cost you. Why? He said it is going to cost you five

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<sup>3</sup> See, *Mexican Truckers Consider Closing Borders, Interfering with Maquiladoras*, CORP. MEX.: EL UNIVERSAL, Dec. 13, 2001, available at 2001 WL 26761234.

<sup>4</sup> See, *Smart Border: Attorney General Ashcroft visits Otay Mesa crossings to tout expansion of the SENTRI high-tech security plan that expedites some crossings*, ORANGE COUNTY (CAL.) REG., Jan. 15, 2003, available at 2003 WL 6983649.

<sup>5</sup> See, *More than 65 people in Canada and the US have been arrested in connection with a massive drug smuggling ring*, CAN. PRESS, April 16, 2003, available at 2003 WL 18622387.

dollars extra because that is what I have to pay to cross into the United States to buy paint. That is one issue.

The border really does not work and they know it. They cannot stop it. The borders are unnatural borders. It is impossible to keep people out if, because of economics they have to either leave their country of Mexico or they have a good working opportunity in the United States. You cannot close it. You cannot police the 1,900 miles of border or 5,500 miles of border in the U.S. and Canada. It is impossible, but they are trying to do it. So, there is a friction there.

### ILLEGAL DRUGS

Yes, are there drugs crossing. Without any question, there are drugs crossing. It must be cheaper for the drug dealers to do it through Mexico than to take it by sea into California or Oregon. Probably, too cold. If they want to bring it in through Canada, they would freeze to death. That is a natural border. Imagine the Columbians, where it is nice and warm, coming in to try to bring something through the railroad in Montreal. Forget it. They would never have a chance. They would freeze to death. So, there is a natural border there. Mexico's warmer than this part of the world. But there is a friction.

We believe what is happening is that in Mexico, we look at the drug problem differently. We look at the problem of why should they penalize me when it goes through Mexico, when they do not penalize the consumption in the United States. The United States has decided that they cannot fight the consumption, so they try to block it coming in. We are like two trains going on a parallel road. There is no way to talk. When the two governments sit down and talk, one says apple and the other says oranges. They cannot understand each other.

Remember that not everybody that talks English speaks English. You have to remember that when you are dealing not only with Mexico. Imagine somebody from California trying to understand somebody from New York. It is exactly the same thing. You say the same words, but they do not mean the same thing.

### ILLEGAL IMMIGRATION

How do we perceive illegal immigration? We fully agree that NAFTA should not cover immigration.<sup>6</sup> We believe that as Mexico, we should resolve our economic problems. But the truth of the matter is that the

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<sup>6</sup> American Free Trade Agreement, Dec. 17, 1992, Can.-Mex.- U.S., 32 I.L.M. 289 (entered into force Jan. 1, 1993).

Mexicans come to the United States, and it was mentioned earlier, they come to do the jobs that other people do not want to do. There is a great deal of control over immigration, but if any of you were to go into any restaurants in Manhattan, you would find out that 50 or 80 percent of all the busboys in Manhattan restaurants today come from the State of Puebla in Mexico, which has been severely affected by the economic problems in the last two years.<sup>7</sup> The Mexican Consulate in New York tells me that there are 300,000 people in Manhattan from Puebla. They cannot stop them. At least in New York there is not the friction. It is a very friendly environment for everybody.

The illegal immigration issue has to be worked out. It has to be a controlled system. They have to pay taxes.<sup>8</sup> There is an enormous economy of Mexicans illegally in the United States. The Mexican government estimates that there are close to 20 million and the number is growing. They come in illegally. They have children here. Their children are born in the United States. They are U.S. citizens. The children can claim the parents, so eventually they will get in. Meanwhile, nobody is taxing them and that is not resolving the problem.

### TRANSPORTATION

Marcella mentioned it very clearly, the United States and Mexico cannot transport. It is more expensive to send a shipment from Mexico City or Torreon, which is halfway from Mexico City to the border, El Paso or Laredo, Texas. There is more of a risk getting it to El Paso then all the way through the United States to Canada. The reason is that you need three shippers. You need a mule, one on the Mexican side and one on the American side. That is because the two countries, even with NAFTA, have Teamsters pressures on both sides of the border. They have agreed not to let a foreigner ship freight. Here we have a treaty, which under Mexican law is, after the Constitution, the most important set of laws. They are far more important than any other statutes. We have a treaty that allows foreigners to come in. There is only one foreign carrier legally in. That company is Schneider trucking. That took enormous changes, but there is still nobody on the U.S. side. It is affecting them. We have to recognize that sooner or later they have to talk to each other.

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<sup>7</sup> S. Mitra Kalita, *Even After 9/11, New York Still Attracts Puebla's Main Export to U.S. Immigrants*, NEWSDAY.COM, available at [www.newsday.com/business/ny-nextny-mexside0630,0,5081965.story?coll=ny-business-specials-features](http://www.newsday.com/business/ny-nextny-mexside0630,0,5081965.story?coll=ny-business-specials-features)

<sup>8</sup> *Labor Laws May Not Always Apply to Illegal Worker*, THE ECONOMIST, April 6, 2002, at 29 (pointing out that illegal aliens in the United States must pay taxes and contribute to Social Security, but cannot receive a refund or receive retirement benefits).

The main reason it is not working is politics. Now, Canada has what eight million people, the whole population?<sup>9</sup>

MS. SZEL: 28 million.

MR. SMITH: Over 30.

MR. GONZÁLEZ BAZ: Okay. There are 30 million Canadians. Mexico City has 20 million. It gives ten million for the rest of the country. Imagine the size. That is mind-boggling. Whereas, we have 100 million people and a dire economic problem.<sup>10</sup> We have illegal aliens to the north, but we also have our share of illegal aliens from Central America into southern Mexico, which is becoming a severe problem. The United States comes in and says, what you do in the north you are going to get in the south. It is working, but the politicians are not talking to each other.

You have a border with which you talk about as a border to control. It is a border to be informed. It is a border that is friendly. Our border is to keep people out. Now, I am not saying that that is a U.S. problem. I am saying that certainly it is a problem of both countries. You have to recognize, all of you that have operations in Mexico, that when you keep people out, you keep trade out. It is a problem.

Yes, the x-ray machines work. But when you have 20,000 tractors in a week that have to go through two x-ray machines, it does not work. It still does not work. Imagine if you were a Columbian smuggler. Would I have to worry about putting something into a truck when I have 1,900 miles that I can fly it in or send it in? You can send it by Fed Ex now. You can do anything. Why would I have to worry about these trucks?

Do they find drugs? Yes, they do. I am convinced that they plant the drugs to be found so that they can continue to work on the other side. You know, you have got to feed them. It is the bureaucrat. You have got to give them paper. If you do not give them a shipment of drugs a week, they are going to start looking for them. They are really going to have to go out and live where these people in Arizona die at a rate of one a day. Really. It is unbelievable.

Do we believe that what they catch in the border, if you total it up of drugs, Canadian border and Mexican border, is that a significant dent? Absolutely not. It is all show. I do believe that it keeps the business people from doing business and taking advantage of the two countries. You have to

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<sup>9</sup> *Canada*, CIA WORLD FACT BOOK, July 2003, available at [www.cia.gov/cia/publications/factbook/geos/ca.html](http://www.cia.gov/cia/publications/factbook/geos/ca.html) (estimating Canada's population at 32,207,113).

<sup>10</sup> *Mexico*, CIA WORLD FACT BOOK, July 2003, available at [www.cia.gov/cia/publications/factbook/geos/mx.html](http://www.cia.gov/cia/publications/factbook/geos/mx.html) (estimating Mexico's population at 104,907,991); Robert M. Kossick, Jr. and Julian Fernandez Neckelmann, *Structuring Private Equity Transactions in Mexico*, 6 NAFTA: L. & BUS. REV. AM. 105, 161 (2000); See generally, Guillermo Emiliano Del Toro, *Foreign Direct Investment in Mexico and the 1994 Crisis: A Legal Perspective*, 20 HOUS. J. INT'L L. 1 (1997).

be aware that there is this hostility between Mexico and the United States. There is no clear understanding. There have been some tremendous efforts made. Now, if you are carrying out shipments on behalf of a reputable company, you are publicly traded, or you are one of the Fortune 1,000 we are going to be assuming that you are going to be policing yourself. But against everything else, it does not exist.

When my kids were growing up we were living in Juarez, but they were going to school in El Paso, Texas.<sup>11</sup> They would open up their lunch box for customs as they crossed the border everyday. They still do it today. But imagine what happens when you have got 20,000 kids going to school on the U.S. side. How much time does that take? It does not take an hour. It takes close to two hours in the morning to cross unless you have a dedicated commuter lane available every single day for people to go into school. It would take two hours to get back in the afternoon for a Plant Manager in Montemorelos or Tijuana until they had a dedicated commuter lane. In the summer months, people would have two cars, one on the U.S. side one on the Mexican side then cross over on foot. The difficulty is that the dedicated lanes close at ten o'clock Monday through Friday and at six o'clock on weekends. What they have done is help, but also polarizes it even more.

#### POLITICAL ISSUES EFFECTING BORDER COOPERATION

The prognosis that we feel for the United States-Mexico border is not good. We do not think it is going to be resolved favorably soon. Why? Because other than the border issues, the relationship works. There are no serious problems between Mexico and the United States, other than the political problems that we Mexicans have gotten into. Why the government of Mexico wanted to be in the United Nations Security Committee now, at this time. I would have quit so fast. I would have left the resignation letter on the table. There is no way that I would have been caught with my hand in the till with the war. Why does Mexico not support the United States? I would have said if it were not for Mexicans, you would not be able to fight a war. Of course we will support you. It is ridiculous. I would have said yes. You know, what are we going to send submarines? We do not have any. Airplane carriers, I think we have one that Hernando Cortez left over in 1542. Jet planes; we are going to send jet planes over to Iran? Ridiculous! Of course, I would have said yes. Use our military bases, all of five planes that we have

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<sup>11</sup> See, Melissa Heinz Bennett and David Bennett, *Border Tradition on the Line: Community Rallies Behind Mexican Students*, RETHINKING SCHOOLS, Vol. 11 No. 3 (1997), available at [www.rethinkingschools.org/archive/11\\_03/bennett.shtml](http://www.rethinkingschools.org/archive/11_03/bennett.shtml)

coming in and you can launch them from here to Iraq.<sup>12</sup> I would have made it a condition that they come in to Mexico. These are foolish things that we cannot understand why our politicians do not work on. It is a joke.

It is serious, because Mexico for 80 years had a policy. It is called the Estrada policy, where Mexico would say I do not get involved in anything else outside my borders. You do not come inside my borders. That was very good for politics to keep people out of Mexico, but it is something that right now was changed by the bond. Now they are becoming the talk all over the world. Not only are people coming into Mexico, but we wish we had a policy right now that we would not get involved. We should be involved and that is very severe.

I got very concerned two weeks ago when for whatever reason President Fox called President Bush. A very reliable source we have reported that it took him four days to answer his call. Presidents seldom talk to each other, however friendly they might be, because the time of the President and the Prime Minister is very valuable. So, when a neighboring President calls another one and it takes four days to answer the call, it shows you that there is a benign neglect in that relationship.

#### CONCLUSION

What I really want to say is that after hearing all of these issues, the border problems between Mexico and the United States have not yet begun to be resolved. With all these programs that you have been learning about for two days, which are fantastic programs, there to help American companies do business in Mexico, it is important to note that they are not really intended for the people of Mexico. We have to get our people to continue to talk. We have to recognize that in spite of all of this, Mexico is the second or third largest trading partner with the United States. There is business to be held by both. On the southern border with the United States, we have everything to do, everything to learn, and everything to hope for. Thank you very much.

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<sup>12</sup> See, Lt. Col. Stephen J. Wager, *The Mexican Military Approaches the 21<sup>st</sup> Century: Coping with a New World Order*, U.S. ARMY WAR COLLEGE STRATEGIC STUDIES INSTITUTE, Feb. 21, 1994, available at [www.carlisle.army.mil/ssi/pubs/1994/mexican/mexican.pdf](http://www.carlisle.army.mil/ssi/pubs/1994/mexican/mexican.pdf)



