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THE WIDER WORLD

The Walls Had Doors

By Diane Chido
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Last in a Series

This article is the third in an interrupted series on immigration. The [first](#) outlined why people leave their home countries and how much migration contributes to the global economy. The [second](#) described the “huddled masses” that are most recently attempting to immigrate to the United States.

All sides agree that our immigration system is “broken,” but what to do about it has become a political “hot potato.” With the Republican-controlled U.S. House of Representatives stalled on funding for Ukraine and Israel unless major changes are undertaken on border security,^[i] it seems like a good time to discuss what is “broken,” and what should be done to “fix” it.

In his January 1989 farewell speech, President Ronald Reagan spoke of America as “The Shining City on a Hill,” a beacon of hope and light to all the oppressed peoples of the world. There is much to unpack about this last part of his speech, in which Reagan refers to John Winthrop’s 1630 sermon that introduced the idea of America as a “city on a hill.” Winthrop, the fiery Protestant preacher who founded and served as the first governor of the Massachusetts Bay Colony, envisioned a bastion of radical Protestantism, seeing this new land as an eternal flame of Puritanism.

Reagan used this allusion with reverence and pride in our nation of immigrants. As he described his “shining city,” he said that it was “a tall, proud city built on rocks stronger than oceans, wind-swept, God-blessed, and teeming with people of all kinds living in harmony and peace.” Reagan further asserted that “if there had

to be city walls, the walls had doors that were open to anyone with the will and the heart to get here.”^[ii]

I play a video of this part of the speech for my Gannon University students of U.S. Government & Politics to illustrate classic American conservatism. When I ask them to recount what they heard, they are always struck by this idea communicated by a Republican politician.

Both parties have, of course, evolved over the years, sometimes completely flipping their script, as did Southern Democrats after the 1965 passage of the Voting Rights Act. Nearly 35 years after that speech was delivered, my students respond that today’s Republican Party no longer seems to value our immigrant heritage and critics allege that it is no longer a party interested in governing.

Many people say they do not resent immigrants *per se*, but say they should come here legally, as the typical speaker’s forebears did. This is likely true as the doors slammed shut on immigration in 1924 with 1965 reforms cracking it back open but not to historical levels as expounded upon in a previous [piece](#).

The majority Congressional perspective might then seem ironic, as a new Pew Research study indicates that at least 15% of the current 118th Congress are immigrants or are the children of immigrants. The study further notes that there are 18 foreign-born voting members of the House of Representatives and one senator. (There are non-voting members from American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the U.S. Virgin Islands, and Washington, D.C., who only have observer status as they do not represent states.) While this may feel to some like progress, this number represents a lower point in immigrant or first-generation members as indicated in the graphic.^[iii]

Foreign-born share of U.S. Congress remains below historical highs

Foreign-born members’ share of the House and Senate, by Congress



A look at the 118th Congress’ share of foreign-born members compared historically

Former President George W. Bush had a rude awakening after his second electoral victory when members of his own party in Congress balked when he announced his plans for broad immigration reform in his 2007 State of the Union address, leaving the initiative dead in the water. The Republican Party had completely shifted on the issue of immigration and Bush had not received the memo.

Bush's address provided clear intentions of what he felt were the keys to "address the problem of illegal immigration and deliver a system that is secure, productive, orderly, and fair," including the following:

- Secure the borders
- Hold employers accountable for the workers they hire
- Create a temporary worker program
- Bring undocumented workers already in the country out of the shadows
- Promote assimilation into our society by teaching new immigrants English and American values[iv]

In the 16 years since this speech was delivered, the same problems still plague our immigration system and both parties should be held accountable for their failure to solve them, as each have both held majorities in Congress in the intervening period. This address clearly laid out as its themes the precise issues we must address in the near term to our peril. Here, we will address the first item: secure the borders, as it is the key to enabling all the others.

The issue of border security has become even more contentious than it was in Bush's presidency after former President Donald Trump's key campaign slogan, "Build the Wall," oversimplified the issue to the extreme and made it politically impossible to discuss it with nuance.

What is wrong with a wall one might ask, after all it was highly effective when China built its Great Wall mainly during the Ming Dynasty from the 14th to the 17th centuries and it still stands today? While great sections of it are still standing, it was not built to resist invasions by today's warfighters with high-tech communications, transportation, and weapons systems. Nor was it intended solely to keep out immigrants. It was built to address 14th century problems, not 21st century challenges.

President Trump said his wall would be paid for by Mexico and would end illegal entry at the Southern border. This idea and its lack of detail were attacked as untenable for many reasons, including Mexico's unwillingness to assist, as well as the rugged terrain and other obstacles along the nearly 2,000-mile border (impediments also existing in China, I concede). Undeterred, President Trump attempted throughout his presidency to keep this campaign promise and the latest estimate, according to [FactCheck.org](https://www.factcheck.org) is:

Most of the wall constructed to date [February 2021] has been replacement for existing dilapidated or inadequate fencing, despite earlier plans to build new barriers where none existed before. In 2018, an administration official testified that his agency would build 316 miles of new pedestrian barriers “in addition to what is there now.” But to date only about 40 miles of such new fencing have been built.

Other border experts warn not to minimize the impact of the replacement fencing. In some cases, the new barriers erected replaced fencing made from Vietnam-era landing mats. U.S. Customs and Border Protection also has replaced nearly 200 miles of vehicle barriers – the type that people could walk right through – with 30-foot-high steel bollards, lighting, and other technology.[v]

Accompanying photos from the same source show the greater deterrent effect of the new fencing in some places.



Before and after photos of replacement fencing along the Southern border

At a 2019 Mercyhurst University Intelligence Studies Conference in Erie, Pennsylvania, first Homeland Security Secretary Tom Ridge was asked what he thought of Trump’s border wall. Ridge was adamant in his opposition. He noted that this was not only impossible but a bad idea, explaining the real need was to

expend resources on increased patrol personnel and technological solutions, and pointing out that walls can be tunneled under and if they block our view, we cannot see what trouble may lie on the other side.^[vi]

The issues of border *control* and border *security* are often conflated, especially after the 9/11 terrorist attacks and perhaps even more so today after the October 7, 2023 Hamas breach of Israel’s border wall system. While none of the 9/11 hijackers are believed to have entered the U.S. illegally, there are frequent unsubstantiated claims that President Joe Biden and the Democrats support “open border policies” that will allow more terrorists to enter the country and wreak havoc. As Deputy Chief and Chief Patrol Agent of the Tucson Sector Border Patrol (TSBP), Victor M. Manjarrez, Jr. stated in a 2015 article:

The aim is to reduce the vulnerability (chaos and clutter) of an uncontrolled border so as to improve the quality of life for the residents and legitimate businesses and reduce the risk to the nation’s economic vitality. And the way to accomplish this is by ensuring that the only way anyone can enter the U.S. is through legal channels and that those who violate our immigration laws are certain to face arrest. In essence, I deem border security to be successful in any area where threats and vulnerabilities have been mitigated by decreased levels of illegal immigration.^[vii]

The number of agents assigned to U.S. Border Patrol increased most significantly due to the Intelligence Reform and Terrorism Prevention Act of 2004 that essentially doubled the agency’s size by 2009. Manjarrez points out that “the density of Border Patrol agents along the 2,000-mile stretch of southwestern border increased from about 4.6 agents per mile in 2000 to 10.4 agents in 2014. This improved their situational awareness and, with it, their ability to deter criminal acts, thereby increasing the certainty of arrest among illegal immigrants as well as criminals.” This means that as the number of people attempting to cross the border at locations other than legal checkpoints has increased, so have apprehensions, indicated in the table as “enforcement actions.”^[viii]

Total CBP Enforcement Actions

Numbers below reflect Fiscal Year (FY) 2017 - FY 2024.

Fiscal Year 2024 runs October 1, 2023 - September 30, 2024.

	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24YTD
Office of Field Operations (OFO) Total Encounters¹	216,370	281,881	288,523	241,786	294,352	551,930	1,137,452	118,739
U.S. Border Patrol Total Encounters²	310,531	404,142	859,501	405,036	1,662,167	2,214,652	2,063,692	190,482
Total Enforcement Actions	526,901	683,178	1,148,024	646,822	1,956,519	2,766,582	3,201,144	309,221

Customs and Border Protection data, FY17-24

The second table shows the equally dramatic rise in rates of people attempting to illegally cross the border multiple times, referred to as the recidivism rate.^[ix] The figure is up from 14% in fiscal year (FY) 2015 to 27% of those apprehended in FY 2021. CBP data notes that recidivism percentages are updated at the end of each fiscal year, so it takes a bit longer to have the most current data.

	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	FY 21
Recidivism⁵	14%	12%	10%	11%	7%	26%	27%

Rate of repeated illegal crossing attempts by the same individuals, FY 2017-21

Thus, the rate of apprehension has increased dramatically in the past eight years even as the rate of attempted crossings has increased. Important issues to be addressed include how to reduce the need for apprehensions by reducing illegal crossings and what to do with people once they are apprehended.

In Congressional testimony by the Office of the Inspector General (OIG) on June 6, 2023, the agency that serves as the watchdog over executive operations asserted:

CBP and ICE workloads have grown significantly due to factors beyond DHS' control, namely increasing border encounters and travel volume. Despite greater workloads, staffing levels have remained the same, with CBP and ICE using details and overtime to temporarily surge staffing along the Southwest border. Interviews and survey responses indicate that the details and overtime have negatively impacted the health and morale of law enforcement personnel.

Our physical observations and interviews at 31 sites, coupled with our survey results, showed that law enforcement personnel feel overworked and are assigned to duties not germane to their primary mission. Although CBP and ICE annually assess their staffing needs, neither has assessed how using details and overtime has affected the workforce and operations. Unless CBP and ICE assess and strategically change their current staffing management at the border, heavier workloads and low morale may exacerbate their staffing challenges and degrade CBP's and ICE's capacity to perform their mission.^[x]

At the risk of data overload, the third table taken from the OIG's report demonstrates the staffing problem at CBP at which personnel levels remain nearly constant as border encounters have increased three-fold. The OIG has reported

drastic increases in resignations, divorces, and suicides among CBP and Immigration and Customs Enforcement (ICE) personnel in recent years.

Fiscal Year	Border Patrol Agents	Average Monthly Encounters
FY 2019	16,731	70,959
FY 2020	16,878	33,388
FY 2021	16,726	138,267
FY 2022*	16,654	183,870

CBP and ICE staffing shortages with increased workload, FY2019-2022

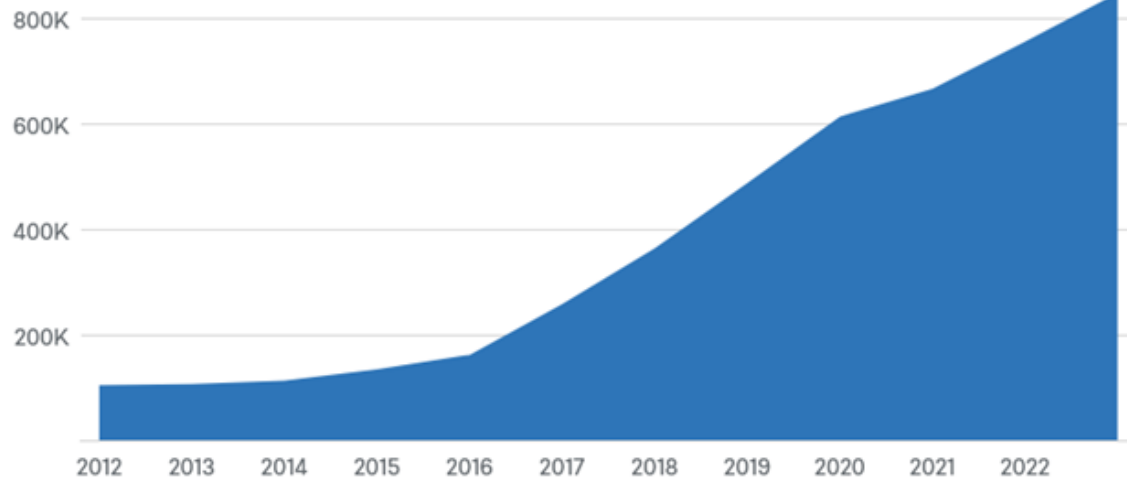
Beyond the fact that people attempt to cross the border illegally for their own reasons, the rules for entering makes crossing at non-checkpoints more attractive than if we simply change our own rules. The antiquated U.S. asylum process was developed to deal with World War II refugees seeking safety from the danger of death at home due to political persecution. The majority of people seeking asylum today are leaving for economic, political, and personal safety reasons and their requests are overwhelming the system. This is what legislation clarifying who is eligible to seek asylum and who is not should be a priority. Most recent legislation and political debates have been about hardening the physical border and not about reforming the asylum system so it can function as intended.

The Council on Foreign Relations succinctly notes, “Those seeking asylum in the United States must apply for it from within the country or at one of its 328 official ports of entry rather than from abroad.” This means that they must come to the U.S. and cannot, as other types of eligible entrants can, apply through an embassy or consulate in their home country or from another country to which they have already fled. There is currently no limit on the number of people who can claim this reason for entry. However, because desperate people arrive in huge numbers daily (see Venezuela), and because the asylum system is completely overwhelmed, increasingly so as illustrated by the second graph,^[xi] there are not enough immigration courts to handle all the cases, which can often take years to get through court hearings and appeals.

[xi] “Seeking Protection: How the U.S. Asylum Process Works,” *Council on Foreign Relations*, May 10, 2023 available [here](#), accessed on November 29, 2023

U.S. Asylum Backlog Is Growing

Pending cases by fiscal year



A look at the drastically increasing asylum case backlog from 2012 to 2023

This is a prime reason CPB engages in a process often called “catch-and-release,” in which those seeking asylum claim it at a border checkpoint and once processed into the backlogged system, are free to live in the country on a temporary status. These people are not exactly “caught,” but rather are processed legally. They do not receive the support to which other classes of refugees and parolees who have already obtained that status in another country are entitled. If they do not have a social network that can help them, such as family or fellow immigrants from countries without established communities in the U.S., like Venezuelans, they end up on the streets or transported across the country to cities that are becoming equally overwhelmed.

To clarify, the people that have been inundating shelters around the country are not those who have been apprehended for crossing the border illegally. Those are detained and most often imprisoned for recidivism or deported. These are people who have legally sought asylum at legal crossings with varying eligibility for ultimate asylum due to the currently broad interpretation of that term.

The solution to reducing illegal immigration, therefore, is to reform the asylum process to prevent people clogging up the legal points of entry and then the legal system or waiting to be apprehended and overwhelming the border patrol, to attempt to claim asylum once they reach the United States. Various efforts to work with other countries to stem migration from their home countries before people make the often-arduous trip through many countries to reach the U.S. border have largely been unsuccessful or had mixed results over the past several years. Handling emergency housing and dealing with detention issues at the border have caused further chaos.

First, the eligibility requirement for obtaining asylum must be more clearly defined and limited to political persecution and numerical restrictions placed upon applications. Then, the current backlog must be addressed with more legal resources allocated to it. This could reduce the “chaos and clutter” at the borders and enable CPB to really focus on border control, rather than security. In this way, President Reagan’s city walls really can “have doors” and not moats that keep people floating in legal limbo indefinitely.

[i] “Sen Marshall urges GOP to say 'Hell no' to supplemental funding request without tighter border security,” Fox News, November 28, 2023, available [here](#) accessed on November 29, 2023

[ii] “Farewell Address to the Nation” Ronald Reagan Library, speech given January 11, 1989 available [here](#), accessed on September 27, 2023.

[iii] Immigrants and children of immigrants make up at least 15% of the 118th Congress, *Pew Research Center*, February 29, 2023, available [here](#), accessed on November 29, 2023

[iv] “President Bush’s Plan For Comprehensive Immigration Reform” *2007 State of the Union Address* available [here](#), accessed on September 27, 2023.

[v] “Trump’s Border Wall: Where Does It Stand?” *FactCheck.org*, February 16, 2021 update available [here](#), accessed on November 29, 2023

[vi] “Ridge: Terrorism 'fact of life,’” *Erie Times News*, latest update June 19, 2019 available [here](#), accessed on September 27, 2023. This source only confirms Secretary Ridge’s presence at the conference, unfortunately, the author based the story on an interview conducted before Mr. Ridge’s remarks and did not remain to hear his speech nor the responses to audience questions. Readers must rely on my notes on the occasion when Mr. Ridge responded to the question of his view of the proposed border “fence” as he called it.

[vii] “Border Security: Defining it is the Real Challenge,” Victor M. Manjarrez, Jr. *Homeland Security & Emergency Management*, University of Texas at El Paso, 2015 available [here](#), accessed on November 29, 2023

[viii] CBP Enforcement Statistics, U.S. Customs and Border Protection, current data, available [here](#), accessed on November 29, 2023

[ix] CBP Enforcement Statistics, U.S. Customs and Border Protection, current data, available [here](#), accessed on November 29, 2023

[x] “Testimony of Inspector General, Dr. Joseph V. Cuffari Before the Subcommittee on National Security, the Border, and Foreign Affairs Committee on Oversight and Accountability,” United States House of Representatives, June 6, 2023, available [here](#), accessed on November 29, 2023

[xi] “Seeking Protection: How the U.S. Asylum Process Works,” *Council on Foreign Relations*, May 10, 2023 available [here](#), accessed on November 29, 2023

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