

## The Security and Prosperity Partnership Its Immigration Implications

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The North American Free Trade Agreement, or NAFTA, bound the United States, Canada, and Mexico into a trilateral “free trade” relationship among the three nations of the North American continent. Trade enthusiasts hailed NAFTA as holding great promise to elevate the economies of the three nations. Today, “NAFTA Plus,” or the so-called Security and Prosperity Partnership, is gaining more and more attention because it would move well beyond NAFTA and trade per se.

Importantly, “NAFTA was the first major trade pact signed by the United States to bring significant immigration consequences.”<sup>1</sup> It set a precedent that moved this country down the path of equating “free trade” with not only the free flow of goods across borders, but also trade in services and the borderless flow of people.

Such trade pacts carry huge implications for national sovereignty. While a “free trade agreement” (FTA) does not have the legally binding power of a treaty, which would require two-thirds approval of the U.S. Senate, an FTA does indeed subject participating nations to certain legal obligations to one another.

As officially characterized, the so-called Security and Prosperity Partnership (SPP) purports to advance “regional cooperation” toward the three NAFTA partners’ common interests. Primarily, this involves trade and commerce, including both goods and services. However, in addition to the free flow of goods, SPP involves the free flow of people within the three nations’ external borders. SPP also incorporates security and antiterrorism cooperation and integration.

The Security and Prosperity Partnership involves many things, from energy to transportation to customs standards, but this paper focuses primarily on its implications for immigration. Based on the experience of NAFTA and its progeny, the prospects under SPP do not bode well for American self-determination, economic and social stability, or sovereignty.

In short, many view the overarching, ultimate goal of SPP to be near-complete economic integration, similar to the European Common Market, the European Community, or the European Union models. Concerns have been raised about SPP’s implications for continued U.S. sovereignty over such critical policy areas as immigration and homeland security.

### Background of the Security and Prosperity Partnership

On March 23, 2005, President Bush joined the heads of Canada and Mexico at a summit in Waco, Texas. There the three leaders jointly launched the Security and Prosperity Partnership. This many-faceted initiative has led to the formation of numerous active “working groups” within the U.S. Department of Commerce, Department of Homeland Security, other agencies, and with the other two countries.

SPP represents the U.S., Canadian, and Mexican governments’ efforts at regulatory and other “harmonization” among the three SPP partner nations. These initiatives relate to such wide-ranging policies as trade, transportation, immigration, national security, law enforcement, and energy. SPP is said to be the further implementation of the North American Free Trade Agreement.

The March 23, 2005, joint statement of Presidents Bush and Fox and Prime Minister Martin indicated the SPP’s intent of liberalization in areas related to immigration. The statement said, in part, that the “trilateral effort” would “help consolidate our action into a North American framework” to “[i]mplement common border security and bioprotection strategies[,] . . . a border facilitation strategy to build capacity and improve the legitimate



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flow of people and cargo at our shared borders[, and] . . . [r]educe the costs of trade through the efficient movement of goods and people.”<sup>2</sup>

Three months later, trilateral SPP leaders had quickly begun to flesh out the SPP agenda. Among other things, cabinet-level leaders had already signed memoranda of understanding and other documents across a range of policy areas. These included:

*Temporary Work Entry. [sic] The three countries have forwarded a trilateral document setting out each country's domestic procedures to modify NAFTA's temporary entry appendix on professionals to the NAFTA Free Trade Commission for approval. This will clarify procedures in each country, thereby providing a mechanism for more North American professionals to be given temporary entry.*<sup>3</sup>

This report also claimed agreement on an American-Mexican alien-smuggler prosecutions program. Still, the true intention — prioritizing speed over security and commerce over common-sense national self-protection — became clear. The report boasted of working groups focused on improving “the cross-border movement of people and goods” and “detecting bottlenecks on the U.S.-Mexico border.”<sup>4</sup> SPP coordinators reported the placement of unfounded trust in Mexico, intending to “form intelligence sharing task force pilots to target cross border criminal activity, in particular criminal gang and trafficking organization networks, and thereby reduce violence along the border.”<sup>5</sup>

A March 15, 2006, Washington, D.C., meeting with U.S. Commerce Secretary Carlos Gutierrez, providing the priorities of corporate interests for SPP, included, “Work must continue to formalize a transnational labor force that could work in any North American country on a temporary basis.”<sup>6</sup> In other words, the “guestworker” concept would become more prevalent and possibly further undercut the wages and job security of American, Canadian, and Mexican natives.

On May 26, 2006, a subsequent U.S. body was launched, called the North American Competitiveness Council.<sup>7</sup> The NACC is largely the corporate counterpart to the governmental SPP efforts. The working groups and Competitiveness Council have recommended a range of measures to harmonize such things as regulatory standards, border issues, customs, energy, etc. Transnational businesses voiced support for border policies that serve the special interest over the national interest: “Ensuring the efficient and secure movement

of people and merchandise across the borders of North America is a key issue in maintaining and improving the economic competitiveness of the region.”<sup>8</sup>

The NACC's final recommendations proposed effectively making the continent's outermost perimeter the “borders” of all three nations, by “a Perimeter Clearance Strategy for goods and people that interdicts inadmissible people and non low-risk [sic] goods at their foreign point of origin before they reach North American soil.

*Since 9/11 most requirements and costs have been exerted at the internal U.S. borders to the benefit of non North American [sic] manufacturers to the point where it is severely negatively affecting North American companies [sic] global competitiveness. Perimeter Clearance would initially be Canada and US (Mexico would be a later participant when other current problems have been addressed).*<sup>9</sup>

The self-serving NACC recommendations also sought to merge several credentialing programs with the US-VISIT entry-exit system, effectively removing any chance of fail-safes catching human threats to national security once someone is on the continent. It would rob the American taxpayer of revenues from user fees that foreigners presently pay for various credentials to enter and transit the United States. Further, the NACC would gut the Western Hemisphere Travel Initiative by allowing Mexicans, Canadians, and other international travelers to use “low-cost and easily obtainable federally issued documents” which could be easier to falsify and get than a passport.<sup>10</sup>

At the same time during 2005 and 2006, the Traveler Screening Systems Working Group met regularly to determine SPP-oriented policies. The Departments of Commerce, Homeland Security, State, and Transportation had people in this group, which the US-VISIT Office heads. Materials obtained under the Freedom of Information Act by the public interest watchdog group Judicial Watch unveil such “deliverables” as technical standards for international travel documents, biometrics and traveler screening “enhancements,” and a method to screen for third-country visa overstayers. This working group also coordinated talks with Canada and Mexico for a “One Card,” which would amount to an international identification card for easily crossing the borders of the United States, Canada, and Mexico.<sup>11</sup>

The trilateral “North American Forum,” jointly chaired by former high officials from Mexico, Canada, and Reagan's Secretary of State George Shultz, met in Banff, Alberta, Canada, September 12-14, 2006.

Then-Secretary of Defense Donald Rumsfeld and U.S. Northern Command head Timothy Keating numbered among attendees, along with other government officials and corporate elites.

Conference notes (again disclosed under FOIA compliance forced by Judicial Watch) show that attendees considered the Mexican view advocating a change to where the three North American nations “are focused on the best interests of North America” — not national interest.<sup>12</sup> The direction of Mexico’s influence over SPP was clear: “Troops on [the] border send an enormously powerful negative message;” “North America needs to be more competitive and yet security goals seem to interfere with this outcome[;] [c]losing borders with troops seems to be counter to a continental vision.”<sup>13</sup>

Notes from Banff include those of a session on “demographic and social dimensions of North American integration.” They discussed the immigration issue as the “[p]roblem is defined the wrong way — as illegal immigration.” They asserted the United States “needs immigration to address aging workforce and demographics of population.”<sup>14</sup>

The documents from the Banff conference showed the goals of the events’ sponsors: “Labor mobility is a key to addressing the immigration and economic issues.”<sup>15</sup> The North American Forum further tipped its hand as to its purpose: “Most people [are] not compelled by North American integration — need to identify steps that demonstrate [the] concept and success.”<sup>16</sup>

In many ways, the SPP follows the contours of broad integration of the three North American nations as outlined in a 2001 book, *Toward a North American Community*.<sup>17</sup> Some fear the SPP is paving the way for a full-scale North American Union, modeled after the European Union. SPP’s general direction tracks a 2005 plan put forth by the Council on Foreign Relations called “Creating a North American Community” and advocated by CFR member and American University Professor Robert Pastor.<sup>18</sup> Pastor outlined his vision in June 9, 2005, testimony before the U.S. Senate Committee on Foreign Relations.<sup>19</sup> He has been involved throughout SPP’s efforts, including participation at the Banff conference and serving on the CFR task force.

Related issues prompt further concern about SPP. These include several states and localities granting foreign companies long-term leases to manage U.S. highways and to operate them as toll roads;<sup>20</sup> the formation of coalitions advocating huge highway projects such as the Trans-Texas Corridor;<sup>21</sup> and Chinese ownership interest in key trade and transportation enterprises.<sup>22</sup>

## A Familiar Pattern?

Some of the SPP’s goals and objectives may be desirable and mutually beneficial. However, the manner in which SPP is being pushed — with secretiveness by both government and private sector interests, the lack of congressional oversight, and without the accountability ensured by the regular legislative process, policies pushed and public policy decisions made through administrative initiative with heavy influence by private corporate interests and foreign governments — has raised concerns among some federal lawmakers and the public.

Indeed, many of the corollary activities, such as secretive meetings of elites, state and local pushes for monstrous-sized highways, inland “ports” complete with Mexican customs stations in the heart of the United States, academic initiatives to indoctrinate American students to consider themselves by a “North American” identity rather than as Americans, Canadians, or Mexicans, and the like, have justifiably given rise to public skepticism, healthy scrutiny, publicity of the heretofore secret activities, and grassroots opposition efforts.

### “Evolution by Stealth”

A key cause of concern relates to the procedure being pursued. For example, it is unclear under what legal authority the Bush administration is taking actions through SPP to harmonize U.S. regulations, policies, and standards with those of Canada and Mexico. No legislation has been enacted authorizing the SPP. No congressional hearings, bills, amendments, or normal legislative process has occurred to grant legal authority specifically approving SPP’s goals, in any public forum or fashion.

Congressional offices that have inquired say the administration claims it is acting under authority granted by NAFTA. But administrative divisions acting through SPP “working groups” have signed memoranda of understanding and entered other agreements with their Canadian and Mexican counterparts to implement SPP initiatives — with no congressional oversight, public notice or comment, or accountability through constitutionally ordained checks and balances.<sup>23</sup>

And to the extent the public and private sector arms of SPP are intertwined, reasonable skepticism leads many to question SPP’s goals and the process for achieving them. The SPP-related documents obtained by Judicial Watch through the Freedom of Information Act shed light on this secretive project and give further reason for skepticism toward and scrutiny of SPP.

When publicizing its FOIA documents from the Banff conference, Judicial Watch questioned the goals and procedural machinations being taken to advance SPP:

*The notes for the presentations document the need to overcome popular opposition to North American integration: “To what degree does a concept of North America help/hinder solving problems between the three countries? . . . While a vision is appealing[,] working on the infrastructure might yield more benefit and bring more people on board (‘evolution by stealth’).”*

“It is not encouraging to see the phrase ‘evolution by stealth’ in reference to important policy debates such as North American integration and cooperation,” said Judicial Watch President Tom Fitton. “These documents provide more information to Americans concerned about the Security and Prosperity Partnership. The more transparency, the better.”<sup>24</sup>

The use of a phrase like “evolution by stealth” to describe the modus operandi for achieving any public policy change — particularly something as fundamental and sweeping as the SPP or a North American Union — is disturbing in the extreme. To close observers, that troubling approach is all too familiar.

In the 1970s, globalist thinker Richard N. Gardner laid out an approach to eroding national sovereignty, one pursued by elites ever since. Advocating the creation of “institutions of limited jurisdiction and selected membership,” he thought entities like the Security and Prosperity Partnership “will have a better chance of doing what must be done to make a ‘rule of law’ possible among nations — providing methods for changing the law and enforcing it as it changes and developing the *perception of common interests* that is the prerequisite for successful cooperation.” Gardner characterized this, interestingly, as “*an end run around national sovereignty, eroding it piece by piece*” to “accomplish much more than the old-fashioned frontal assault” of constructing U.N.-style, omnibus mechanisms.<sup>25</sup> (emphasis added)

Trying to integrate three distinct nations, sets of laws, cultures, and historical contexts by “stealth” or “end run” clearly does not serve the public interest or any member of any national government or official who may be party to this illicit undertaking. Such a strategy tacitly admits that the goals would fail to prevail in the marketplace of ideas and a fair political fight. At a minimum, the secretive process like that of the Bush administration and its SPP collaborators gives the appearance of trying to pull something over on the American people.

### ***Ties That Bind to Unaccountable Bureaucrats***

Of further serious concern is the fact that the SPP follows the precedents of NAFTA and the trade regime to which the United States has increasingly adhered. As Jessica Vaughan reported, NAFTA provided “temporary” visas for Canadians and Mexicans. Those visas effectively have served as a back door to permanent immigration, while having an adverse “noticeable effect on employment prospects and salaries for Americans in health care and computer-related fields.”<sup>26</sup>

Furthermore, the World Trade Organization has dictated to the United States in many cases — an unelected, unaccountable, supranational body telling sovereign nations what they must do. Vaughan cited a General Accounting Office report that found the United States a defendant in about half the cases brought to the WTO, the WTO coercing the United States to change its policy in several instances (while at the same time “no other country’s laws or regulations were affected”) including steel tariffs in 2003, and WTO “generally unsympathetic to its members’ domestic determinations.”<sup>27</sup>

Clearly, any appreciable escalation of trilateral integration through SPP will require some third party with the power to adjudicate disputes among SPP members. Professor Robert Pastor has contemplated this need and facilitated its conceptualization. Pastor put on a conference focusing on the development of a continental legal system. Proposals discussed at Pastor’s conference included a North American Court of Justice, a North American Trade Tribunal, and a North American Social Charter.<sup>28</sup> Such a body would likely be constituted by equal membership of the three nations in the SPP. As in the case of other international bodies, the U.S. representative would very likely be outvoted 2-to-1 in most disputes, regardless of the law and the facts. This could very well result in an unelected, unaccountable international tribunal dictating U.S. immigration, trade, tax, transportation, environmental, energy, safety, and social and economic policy to the United States.

National security expert Frank Gaffney has noted the ultimate effects of an SPP regime that supersedes national sovereignty:

*Such rules are intended to govern trinational trade, transportation, immigration, social security, education and virtually every other aspect of life in North America. There are new institutions being proposed, too, such as a North American Tribunal with authority to trump rulings of the U.S. Supreme Court.*

*If Congress persists in paying no attention to the emerging SPP/NAU — which seems likely, given that most in the Democratic leadership are sympathetic to transnational progressivism, if not rabid Transies themselves — it will soon find itself effectively out of a job.*

*Think that unimaginable? Consider this fact: By some estimates, as much as 85 percent of the rules, regulations and laws that govern everyday life in the U.K. have never been considered, let alone enacted, by the British Parliament. Instead, they have been handed down as edicts by the unelected, unaccountable Transies who run the European Union from Brussels.<sup>29</sup>*

In fact, the 50<sup>th</sup> anniversary of the European Union shows what could well be in store for Americans should the U.S. government continue to force the SPP and mass amnesty-guestworker legislation. The EU began as a six-nation Common Market under the Treaty of Rome. It evolved through stages, such as a European Economic Community, into the 27-nation European Union, complete with a common currency, the Euro. This despite popular opposition at every step. FT/Harris polls cited by the *Christian Science Monitor* found 44 percent of citizens in the EU's five largest states believe their country has not improved by joining the union. Critics cite too-quick expansion of the EU, lack of public input, and that "bureaucrats at EU headquarters in Brussels had become answerable to no one as they issued more and more regulations governing everyday life, from cheese production to environmental protection."<sup>30</sup>

The EU bureaucrats and EU backers continue to prod for the next step at integration, a constitution. Already rejected by the French and Dutch in 2005, Germany is pushing the Berlin Declaration to call for an EU constitution by 2009; a constitution would cede more national sovereignty and empower further the very supranational institutions that increasingly dictate to member states and regulate their citizens' lives.<sup>31</sup>

Without a doubt, the initiation of any tribunal that gives Canada and Mexico the ability to outvote America could lead only one direction. That direction is the further diminution of American sovereignty, and with it the unfavorable position in politicized rulings, loss of control over immigration and border security, the redistribution of American wealth, the undermining and erosion of the American standard of living, and the eventual loss of American exceptionalism to a blended North American "culture" that forsakes many aspects of American life taken for granted today.

### ***Foreign Workers Unlimited and American Entitlements Drained***

For immigration, SPP has serious implications. Documents from the Commerce Department disclose that SPP advocates intend to dramatically expand the inflow of foreign workers. "Work must continue to formalize a transnational technical labor force that could work in any North American country on a temporary basis."<sup>32</sup>

At the same time, the SPP working groups within and among U.S. government and private sector collaborators have pursued a goal, to "facilitate legitimate travel to and within North America."<sup>33</sup> The Bush administration has worked to fashion a mass legalization plan, including a "guestworker" program as the mechanism to amnesty nearly all 12 million illegal aliens — the majority of whom are Mexicans.<sup>34</sup> Legalized aliens would receive a perpetually renewable "Z" visa, while new foreign workers would obtain a "Y" visa. No existing temporary visa categories, such as H2A or H1B, would be eliminated under the Bush plan. The Senate immigration bill of 2007, S. 1348's substitute language, has this structure as its crux.

And given the mindset reflected in the SPP documents, a North American "guestworker" visa should be anticipated. The Council on Foreign Relations task force recommended just such liberalization of continental migration:

*Experience with the NAFTA visa system suggests that its procedures need to be simplified, and such visas should be made available to a wider range of occupations and to additional categories of individuals such as students, professors, bona fide frequent visitors, and retirees.*

*. . . A long-term goal should be to create a "North American preference" — new rules that would make it much easier for employees to move and for employers to recruit across national boundaries within the continent.*

*. . . Canada and the United States should consider eliminating restrictions on labor mobility altogether and work toward solutions that, in the long run, could enable the extension of full labor mobility to Mexico as well.<sup>35</sup>*

The CFR's short-term recommendations urged the United States to expand temporary worker programs for Mexicans' benefit and implementation of the U.S.-Mexico Social Security totalization agreement.<sup>36</sup> The Bush administration began negotiating a totalization agreement with Mexico early on. The U.S. Social Security

Commissioner signed an agreement in 2003, but it has not cleared the White House because of public attention and controversy.

The United States has some 20 such agreements with other nations, including Canada. Totalization allows a wage earner from one nation who lives in another country during part of his career to get retirement earnings credit for the time spent abroad. In general, such arrangements amount to a reciprocity agreement between two nations, whereby retirement taxes are reconciled for the benefit of a noncitizen worker with his home country's government retirement system.

However, the Bush administration's deal with Mexico has drawn extensive criticism. A congressional hearing in 2003 revealed that the Mexican totalization agreement vastly underestimated the costs to U.S. taxpayers. Mexicans who worked in the United States, their dependents, and survivors could draw Social Security benefits after only six quarters of U.S. work (compared with 40 quarters for an American worker to qualify), and Mexican illegal aliens could get Social Security credit for unlawful U.S. work.<sup>37</sup>

Given that other U.S. totalization agreements are with developed countries, and involve relatively few workers and minimal illegal immigration, the Mexico agreement, if implemented, would pose a tremendously expensive, unfunded liability on American taxpayers. It would hasten the insolvency of U.S. Social Security. The U.S. General Accounting Office called the Social Security Administration's exceedingly low cost estimates of this agreement "highly uncertain" and found SSA's projections of previous totalizations often fell far below actual costs — "usually by more than 25 percent," if not by "several orders of magnitude."<sup>38</sup> Therefore, a totalization agreement with Mexico would unfairly advantage Mexico and disadvantage the United States. Considering it in the context of the SPP, totalization makes a bad package even worse.

To the extent the United States might retain the ability to set its own immigration policies under an SPP or a North American Union regime, experience shows that the greatest flow of persons would occur from the poorest country (Mexico) to the richest (United States). Making it easier for more Mexicans to treat the United States as a "cash cow" where they may live and work without assimilating or attaching themselves psychologically and politically will only serve to further diminish American national identity, sovereignty, and self-government — not to mention leave America economically worse off.

In addition, the ramifications of Mexico's stated intention to expand its own agricultural guestworker

program, which imports other Latin Americans, especially Guatemalans, are uncertain.<sup>39</sup> More Latinos crossing into Mexico would mean more aliens admitted into a "North American Union" party. Would those aliens be able to more easily exploit that opportunity and abscond to the United States? Would Mexico's endemic corruption represent another way for criminals to deal in fake IDs and identity fraud for these new "willing workers" from Latin America?

Existing U.S. visa policies already serve the cause of continental integration, SPP's goal. For example, the Border Crossing Cards that the United States issues to Mexicans include biometrics, but inspectors often do not authenticate the card bearer's identity or record entries. Because this is a "secure" ID, the administration exempts card holders from the US-VISIT entry-exit program.

Border Crossing Cards were originally good for 72 hours in the United States, but now card holders may stay for up to 30 days. This sort of laxity in standards and processes has translated into a growing problem with imposters and card-bearers using the document "as a de facto work permit or residence permit." The effect is "a handy tool for encouraging and increasing the essentially unregulated cross-border flow of people under the guise of a 'secure' document."<sup>40</sup>

Other indications of where the administration would seek to go using its SPP "discretion" are the TN visa, which was created under NAFTA. NAFTA listed qualifying professions for this visa, which has no cap or prevailing wage requirement and may be renewed indefinitely. But subsequent trade agreements have listed only those occupations not qualifying for a similar visa. Also, the scope of activities permitted under the B-1 (business traveler) visa was expanded for Mexicans and Canadians under NAFTA. Many "services" that come very close to "employment" in any other context are now allowed.<sup>41</sup>

Further, alien commuters, who live in Mexico or Canada and work in the United States, may gain special status to commute. These aliens must qualify for permanent residency and prove employment. However, even third-country nationals living in either country may qualify for this special treatment. Such a "guestworker" model under SPP would vastly expand the pool of foreign workers and America's loss of control over its borders.

A related instance of "blurring the lines" is the many accommodations the United States has made at ports of entry. By America's making it more convenient for cross-border commuting, the United States aids and abets "individuals who are essentially committing

economic and social arbitrage by living on one side and working on the other.”<sup>42</sup> This “neighborliness” on America’s part has led to vast resources expended on inspection. And at no fee to border crossers, border crossings represent a hidden tax on U.S. taxpayers. Crossers, especially international commuters, are an untapped revenue source of people who pose a direct cost to the United States, as well as needles in a vastly increasing haystack of traffic, in which smugglers of narcotics and illegal aliens blend.

At a minimum, the people whose cars, and businesses whose tractor-trailer trucks, clog land crossing points entering the United States should pay a user fee. Those imposing the costs of border security and inspections should have to pick up the actual costs they impose on this nation. Many Americans never leave this country. The same is true of many Canadians and Mexicans. These taxpayers should not be forced to provide what amounts to a form of individual or corporate welfare, especially to foreigners. Such a step toward fairness and equity should be taken regardless.

But in light of the SPP and its encouragement of exponentially greater border crossing volume, those private parties who derive the benefit of this privilege of entry into the United States should bear the actual cost they impose, starting with entry into this country. Market incentives would quickly work, and many would decide to make other arrangements, adopt different business practices, and the end result would be decreased volume of crossers and more revenue to the U.S. treasury.

## A Good Deal or a Pig in a Poke?

President George Washington warned the nation against foreign entanglements: “‘Tis our true policy to steer clear of permanent Alliances, with any portion of the foreign world.”<sup>43</sup> Washington, who had invested blood, sweat, and tears in winning independence and establishing the United States, counseled:

*So likewise, a passionate attachment of one Nation for another produces a variety of evils . . . facilitating the illusion of an imaginary common interest, . . . unnecessarily parting with what ought to have been retained[,] . . . it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favourite nation) facility to betray, or sacrifice the interests of their own country. . . .*

*. . . The Great rule of conduct for us, in regard to foreign Nations is in extending our commercial relations to have with them as little political connection as possible.*<sup>44</sup> (emphasis in original)

With regard to SPP, NAFTA, and other “free trade” deals of the sort, in which immigration and the ceding of national sovereignty have increased, the Bush administration would do well to heed the wisdom of the first U.S. president.

## Marriage to Mexico?

Beyond the core threat to national sovereignty that SPP poses to each of the member states, Mexico presents its own set of problems in the prospect of greater integration with the United States and Canada. By far, Mexico is the chief sending country of immigration to the United States, both legal and illegal. Mexicans make up some 30 percent of the foreign-born U.S. population, with more than half of Mexican immigrants being illegal aliens.<sup>45</sup> Canada sends only a fraction of the immigrants to the United States that Mexico does — both legal and illegal. Mexico is a Third World nation sharing a 2,000-mile land border with the pre-eminent First World nation.

Harvard’s Samuel Huntington has chronicled how Latin American and Western, in this case Mexican and American, cultures differ fundamentally, as well as Latino, especially Mexican, stubborn resistance to assimilation here.<sup>46</sup> Latin American civilization is characterized as “corporatist, authoritarian.”<sup>47</sup> Pursuing a significantly different historical path than its northern neighbors, Mexico derives from “superstitious enthusiasms of Spain and Portugal[,] . . . discontents in the Spanish and Portuguese dominions.”<sup>48</sup>

Sadly for Mexico and its Latino cohort, those nations developed a society of “insecurity, bad government, corruption, and economic retardation. . . . At the top, a small group of rascals, well taught by their earlier colonial masters, looted freely. Below, the masses squatted and scraped.”<sup>49</sup> No agreement signed by elites can sweep away such long-ingrained, integral characteristics of corruption in a society. SPP cannot. Nor could any United Nations-style bureaucracy.

The Heritage Foundation ranks nations by their degree of economic freedom. The United States is the fourth most free nation in the world; Canada is 10th; Mexico lags far behind at 49th.<sup>50</sup> Not exactly a match made in Heaven on the compatibility scale.

The U.S. ranking is first of 29 countries in the Americas, with a much higher score than the region’s average: “The United States enjoys high levels of investment freedom, trade freedom, financial freedom, property rights, business freedom, and freedom from corruption.”<sup>51</sup> Canada ranks second in the region, also earning an above-average score for the Americas: “A

strong rule of law ensures property rights, a low level of corruption, and transparent application of the country's admittedly thorough commercial code."<sup>52</sup>

By contrast, Mexico pales beside its northern neighbors. An endemic ineffectiveness in its civil government, coupled with ingrained corruption, and monopolistic and socialistic elements equal a national economy better than much of the region, but not by much on average. "Freedom from corruption [in Mexico] is weak and is the only factor worse than the world average. . . . A weak judicial system produces slow resolution of cases and is subject to fairly significant corruption."<sup>53</sup> In fact, the Heritage report cites Mexico's "freedom from corruption" rating at 35 percent, placing that country 65<sup>th</sup> of 158 nations. Both investment freedom and private property rights rate no better than 50 percent.<sup>54</sup>

Because of Mexico's endemic corruption, putting American and Canadian hopes in Mexico securing its southern border amounts to a leap of blind faith. Mexico's lax, corrupt security perimeter today leaks badly. Chances of Mexican border security improving appreciably, even with American and Canadian help, are slim. *The New York Times* reported that, even with 170,000 deportations last year, thousands of illegal Central American aliens slip across Mexico's southern border (the one that, under the SPP, would become America's and Canada's de facto border). "Corruption is rampant," and corrupt Mexican soldiers and police officers means that "a majority [of illegal aliens] gets through."<sup>55</sup> Mexico's track record of ferreting out corruption, faithfully cooperating with its neighbors on stopping drug and human traffickers, or getting real, sustained results has been meager, to put it mildly.

To American highways and roads, Mexican trucks will soon have full access, despite American concerns regarding public safety, fairness, and the various unintended consequences, especially on American truckers' livelihoods. The Bush administration has forced a "pilot project" involving 100 Mexican trucking companies. Yet American truckers will have to wait at least six months later before gaining access to Mexican roads.<sup>56</sup>

Liberalizing cross-border trucking with Mexico does much, much more than further trade. It expands the opportunity to smuggle illegal aliens, international sex slaves, drugs, and firearms into the United States. Moreover, criminal enterprises in Mexico will gain yet another means of laundering their illicit activities, profiting from them, and expanding them (or simply making it easier for them to conduct current criminal

activity) that encroaches on the United States and threatens American public safety.<sup>57</sup>

Similarly, public health threats will increase and be exacerbated by SPP's erasure of controlled national borders. Mexico is among many Third World countries where exotic diseases proliferate. For instance, the "deadly hemorrhagic form of dengue fever is increasing dramatically in Mexico, and experts predict a surge throughout Latin America."<sup>58</sup> Latin American migration helps spread this disease, where migrants take new strains of this and other viruses with them into other nations, abetting resistance to medicines. In the instance of dengue fever, no drug treatment exists.

SPP will increase the likelihood that diseases previously uncommon or eradicated in the United States will enter and infect Americans and Canadians. With its much more sophisticated (and expensive) health care system, the United States will see even more Mexican patients arriving at its clinics and emergency rooms seeking charity care. This surge in demand will present even harsher financial strains on an already stressed health care system; privately insured Americans will see even more health care costs shifted onto their wallets. The result assuredly will be less health care for Americans at greater costs (both public and private).

### *Oh, Canada, Indeed*

Certainly, Canada shares much more in common with the United States than does Mexico. Its economy is developed, much of its culture, history, and system of government are similar to those of America's, and its people predominantly speak English. But even Canada has its own set of significant differences with the mores, standards, and norms of Americans, and these can have significant consequences for American immigration policy.<sup>59</sup>

For instance, despite some reforms following the 9/11 terrorist attacks, Canada's asylum policy operates under some of the most liberal standards in the world. Canada's lax asylum and refugee policies have enabled terrorists and other foreign extremists to put down roots.<sup>60</sup> An Algerian terrorist exploited Canada's lax humanitarian immigration standards to apply for asylum, remain there seven years after denial, and try to sneak explosives into the United States on New Year's Eve 1999.<sup>61</sup> With SPP, Canada could attempt to force its refugee and asylum policies on the United States.

Another area of potential problems under SPP is health care. SPP would provide greater means for Canadian patients to seek health care in the United States, and for Canadian health care workers to move



to the U.S. Canada maintains a socialized health system. It imposes government price controls on all aspects of health care. It rations care. It restricts private care efforts.<sup>62</sup>

SPP would provide further incentives for Canadian flow from its socialized medicine system to the freer market United States. “Even a substandard U.S. salary would be appealing to Canadians” in health fields.<sup>63</sup> This could lead to depression of the wages of American health care providers, as well as place strains on limited health care resources and throw U.S. health care into chaos, jeopardizing patient safety. As Vaughan noted, NAFTA opened the door for Canadians to challenge American professional credentialing requirements, claiming they are a trade barrier.<sup>64</sup> SPP would likely widen the risk of such unintended consequences.

In short, Canada may be a good neighbor, but the United States should be cautious in seeking deeper and deeper integration with any nation, including Canada. Its social policies, outlook on public policy issues, and approach to governance indicate that Americans stand to lose a great deal of freedom and self-determination should SPP advance.

### *Open Door for EU-Style Bureaucracy?*

Indeed, advancement of immigration “harmonization” along the lines of the SPP and its guiding sources seem to be a goal of those pushing mass amnesty-“guestworker” legislation. For example, the Senate-passed Comprehensive Immigration Reform Act of 2006 (S. 2611) contained identical language to provisions in the STRIVE Act of 2007 (H.R. 1645). These amnesty bills would require yearly reports on information exchange toward “the security of North America,” including trilateral cooperation “on visa policy,” coordination of “visitor visa processing,” “exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries” (i.e., the trilateralization of the visa waiver program), and “developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter . . . .”<sup>65</sup>

The clear implication from the international cooperation with Canada and Mexico for an exterior border and liberalized flow of people within the continent is shared decision-making in immigration policy — which may result in serving one nation’s interests but hurting at least one of its neighbor country’s interests. In any event, the liberal bills for legalization and new “guestworker” programs would do much to advance the goals of the SPP and North American union.

The STRIVE Act, introduced by Reps. Jeff Flake and Luis Gutierrez, is the latest amnesty-open borders bill in the House of Representatives. Immigration expert Juan Mann views it as not only laying the groundwork for continentalization, but also as a diversionary tactic to keep the public’s focus off SPP itself. “The true horror of H.R. 1645 is that it is the most explicit expression yet of the globalist elite’s ambition to destroy United States sovereignty in favor of a European Union-style subcontinental government, including, of course, marriage with Mexico.”<sup>66</sup> Strong words, but on target. Mann points to the bill’s Section 121, which would address border security; not America’s, but Mexico’s — it is titled “Improving the Security of Mexico’s Southern Border.”

This year’s Senate bill, S. 1348 as amended, includes a section less sweeping than the 2006 Senate legislation with respect to SPP. Section 413 gives the sense of Congress, rather than outright prescription. In its “findings,” the measure, which relates to bilateral efforts to work with Mexico to relieve migration pressures and costs, cites the launching of the Security and Prosperity Partnership. Most of the findings and sense of Congress statement relate to a bilateral 2001 initiative between the United States and Mexico called the Partnership for Prosperity. However, the SPP is presented as an iterative step from the earlier partnership, and both imply legitimacy of such initiatives, despite their lack of congressional authorization. The sense of Congress gives the appearance of its approval of SPP.

Amnesty of current illegal aliens and liberal new “guestworker” programs apparently serve as the lynchpin for the SPP and moving closer to a North American union. That is why the complicity of Republican Senators who have negotiated with the Bush administration to fashion their own amnesty-guestworker bill is so harmful and troubling. Senate Republicans may have negotiated in good faith, looking for a compromise on the contentious immigration issue. But given the magnitude of effort the Bush administration has put into pushing forward the Security and Prosperity Partnership and mass amnesty, taking Bush officials (in fact, the same ones charged with implementing SPP) at their word requires a giant leap of blind faith. Any legalization or “guestworker” programs will be co-opted and ultimately serve to erode U.S. sovereignty.

The Council on Foreign Relations’ report urged the United States, Canada, and Mexico to set as a “long-range goal a common security perimeter for North America.” Using terrorism as the supposed common enemy, CFR stated that such a goal would require “[h]armonization of visa and asylum regulations,

including convergence of the list of ‘visa waiver’ countries; [h]armonization of entry screening and tracking procedures for people, goods, and vessels . . . ; [and] [f]ull sharing of data about the exit and entry of foreign nationals . . . .”<sup>67</sup> The SPP appears to be following this plan closely.

While the CFR task force report said it was recommending a model different from the European Union, it would seem that, where three sovereign nations are involved, some international body would be needed to adjudicate disputes among the countries and enforce the pact’s standards. Otherwise, how would differences be resolved and “harmonization” of the standards of “North American regulations” be ultimately enforced should one or more of the SPP parties not comply with part of the agreement? Presumably, any pseudo-judicial entity, as was earlier mentioned as already being contemplated, would be comprised of arbiters from each SPP country. This would mean that a three-judge panel of this supranational body, one judge from each of Mexico, Canada, and the United States, would determine cases SPP parties might bring against one another. That means a 2-to-1 makeup of such judges, stacked against the United States and 2-to-1 rulings against this nation.

Mexico already pursues a troubling strategy of entangling the United States in supranational bureaucracy, process, and red tape. Former foreign minister Jorge Casteneda was very open with the Mexican press about this strategy: “I like very much the metaphor of Gulliver, of ensnaring the giant. Tying it up, with nails, with thread, with 20,000 nets that bog it down: these nets being norms, principles, resolutions, agreements, and bilateral, regional and international covenants.”<sup>68</sup> SPP fits this strategy precisely.

Canada’s threatened challenge against the United States over nurse visas and American credentialing as a supposed trade barrier does not bode well with respect to a supposedly friendly northern neighbor.<sup>69</sup> With these brands of “neighborliness” south and north, it should be clear that SPP will entangle the United States, diminish its sovereignty, and curtail self-determination on the altar of “free trade” and “international cooperation.”

## ***Is Unchecked Immigration Really “Free Trade?”***

The very premise upon which SPP and a larger continent-wide economic union are based deserves skepticism and scrutiny. SPP treats free flows of labor and goods within the continent as necessarily connected, as if equal parts of a formula to yield prosperity. Yet, that theory flies in the face of classical economics.<sup>70</sup>

University of Chicago economist Henry Simons warns that trade and immigration bring about different

effects and should not be combined, if economic success is the goal:

*Wholly free immigration, however, is neither attainable nor desirable. To insist that a free trade program is logically or practically incomplete without free migration is either disingenuous or stupid. Free trade may and should raise living standards everywhere . . . . Free immigration would level standards, perhaps without raising them anywhere.*<sup>71</sup>

Another Chicago economic scholar, Melvin Reder, writes, “[F]ree immigration would cause rapid equalization of per capita income across countries accomplished mainly by leveling downward the income of the more affluent . . . . I resist this proposal.”<sup>72</sup> A third Chicago economist, Nobel laureate Gary Becker, has written, “These days open immigration would merely induce people in poorer countries to emigrate to the United States and other developed countries to collect generous transfer payments.”<sup>73</sup> This sounds like what SPP is designed to do, to America’s detriment.

In the SPP instance, this would mean drawing Mexicans, who on average earn one-12th the wages of the average American, northward, while diminishing American and Canadian income levels. Indeed, SPP’s immigration implications would certainly mean economic leveling by way of flooding wealthier labor markets with swollen labor pools.

## **Conclusion**

If NAFTA and its progeny are any indication, advocates of SPP promise a lot more benefits than it can deliver. Liberalizing migration, especially in the context of eroded national sovereignty, will lead to the enrichment of elites and further impoverishment of the middle and lower classes. As one analysis puts it:

*Twelve years later, it is clear that the costs to workers outweighed the benefits in all three nations. The process differed from country to country, and given the greater size and wealth of the United States, the impact there has not been as great as it was in Mexico and Canada. But the overall pattern was similar. In each nation, workers’ share of the gains from rising productivity fell and the proportion of income and wealth going to those at the very top of the economic pyramid grew.*<sup>74</sup>

No one should be under any illusions that the Security and Prosperity Partnership will curb illegal immigration. SPP will result in vastly increased legal

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migration, and increases in legal immigration are always accompanied by increases in illegal immigration.<sup>75</sup>

Nor did NAFTA curtail illegal immigration. Why did NAFTA fail to reduce illegal Mexican immigration? *The New York Times* said “a major factor lies in the assumptions made in drafting the trade agreement.”<sup>76</sup> Governments, markets, and people acted in ways opposite what the policymaking elites predicted. Mexico did not keep its promise to invest in its own infrastructure and civic necessities, such as housing and schools. NAFTA removed protective tariffs while putting many Mexicans (and working Americans and Canadians) at severe economic disadvantage and extreme exposure to competition, including with rock-bottom wage countries like China. The result was more, not less, migration, both illegal and legal.

Coupled with liberalized immigration in the United States, NAFTA and historically high immigration levels (plus expanded foreign guestworker programs) left most Americans worse off than they otherwise might have been, were they not forced through this government policy of inordinately competing with

foreigners for jobs, better salaries, and better working conditions.

This outcome gives further evidence backing the Chicago School’s assessment cited above. Free trade and mass immigration don’t mix. Free flow of labor undermines the achievement of comparative advantage, instead driving absolute advantage — displacing a win-win scenario of economic optimization with a lose-lose scenario of a race to the bottom.

SPP will deliver no better than did NAFTA. Indeed, SPP will further diminish American self-government and well-being. Nor should anyone be under any illusions that trilateral integration would stop at the SPP’s borders. Indeed, the SPP takes the next logical step, from globalism’s perspective, beyond NAFTA. Any supranational bodies that grow out of the SPP will only grow in size and power, at the expense of national sovereignty and individual rights and liberties. This has been the course of the European Union. The United States, with the greatest achievements of wealth, liberty, order, and culture, stands to lose the most among the SPP partners.

## End Notes

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- <sup>4</sup> “Report to Leaders,” June 27, 2005.
- <sup>5</sup> “Report to Leaders,” June 27, 2005.
- <sup>6</sup> Security and Prosperity Partnership Meeting with U.S. Secretary of Commerce Carlos Gutierrez, Washington, D.C., March 15, 2006, information paper, p. 3 (Judicial Watch Freedom of Information Act request, September 25, 2006).
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- <sup>9</sup> Final Recommendations of NACC, pp. 15-16.
- <sup>10</sup> Final Recommendations of NACC, pp. 18-20. It should be noted that many of the same special interest groups, such as the U.S. Chamber of Commerce, that have central roles in influencing the NACC’s positions also have aggressively lobbied to undo the REAL ID Act, which establishes federal security and anti-counterfeit standards for state-issued ID documents, including driver’s licenses. REAL ID was enacted pursuant to the recommendations of the 9/11 Commission, which noted the ease with which the 9/11 terrorists obtained state-issued driver’s licenses and used them to carry out their crimes.
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- <sup>14</sup> Banff conference notes, p. 5. For a debunking of such demographic claims, see Steven Camarota, CIS *Backgrounders*, “Immigration in an Aging Society: Workers, Birth Rates, and Social Security,” April 2005.
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- <sup>16</sup> Banff conference notes, p. 6.
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# The Security and Prosperity Partnership Its Immigration Implications

By James R. Edwards, Jr., Ph.D.

The North American Free Trade Agreement, or NAFTA, bound the United States, Canada, and Mexico into a trilateral “free trade” relationship among the three nations of the North American continent. Trade enthusiasts hailed NAFTA as holding great promise to elevate the economies of the three nations. Today, “NAFTA Plus,” or the so-called Security and Prosperity Partnership, is gaining more and more attention because it would move well beyond NAFTA and trade per se.

Importantly, “NAFTA was the first major trade pact signed by the United States to bring significant immigration consequences.”<sup>21</sup> It set a precedent that moved this country down the path of equating “free trade” with not only the free flow of goods across borders, but also trade in services and the borderless flow of people.

Such trade pacts carry huge implications for national sovereignty. While a “free trade agreement” (FTA) does not have the legally binding power of a treaty, which would require two-thirds approval of the U.S. Senate, an FTA does indeed subject participating nations to certain legal obligations to one another.

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