AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

THE IMPACT OF THE DRUG TRADE ON BORDER SECURITY

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

JUNE 29, 2004

Serial No. 108–250

Printed for the use of the Committee on Government Reform

Available via the World Wide Web: http://www.gpo.gov/congress/house
http://www.house.gov/reform

U.S. GOVERNMENT PRINTING OFFICE

97–998 PDF WASHINGTON : 2004

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON GOVERNMENT REFORM

TOM DAVIS, Virginia, *Chairman*

DAN BURTON, Indiana
CHRISTOPHER SHAYS, Connecticut
ILEANA ROS-LEHTINEN, Florida
JOHN M. MCHUGH, New York
JOHN L. MICA, Florida
MARK E. SOUDER, Indiana
STEVEN C. LATOURETTE, Ohio
DOUG OSE, California
RON LEWIS, Kentucky
JO ANN DAVIS, Virginia
TODD RUSSELL PLATTS, Pennsylvania
CHRIS CANNON, Utah
ADAM H. PUTNAM, Florida
EDWARD L. SCHROCK, Virginia
JOHN J. DUNCAN, JR., Tennessee
NATHAN DEAL, Georgia
CANDICE S. MILLER, Michigan
TIM MURPHY, Pennsylvania
MICHAEL R. TURNER, Ohio
JOHN R. CARTER, Texas
MARSHA BLACKBURN, Tennessee
PATRICK J. TIBERI, Ohio
KATHERINE HARRIS, Florida

HENRY A. WAXMAN, California
TOM LANTOS, California
MAJOR R. OWENS, New York
EDOLPHUS TOWNS, New York
PAUL E. KANJORSKI, Pennsylvania
CAROLYN B. MALONEY, New York
ELIJAH E. CUMMINGS, Maryland
DENNIS J. KUCINICH, Ohio
DANNY K. DAVIS, Illinois
JOHN F. TIERNEY, Massachusetts
WM. LACY CLAY, Missouri
DIANE E. WATSON, California
STEPHEN F. LYNCH, Massachusetts
CHRIS VAN HOLLEN, Maryland
LINDA T. SANCHEZ, California
C.A. "DUTCH" RUPPERSBERGER, Maryland
ELEANOR HOLMES NORTON, District of Columbia
JIM COOPER, Tennessee
BETTY MCCOLLUM, Minnesota

BERNARD SANDERS, Vermont (Independent)

MELISSA WOJCIAK, *Staff Director*
DAVID MARIN, *Deputy Staff Director/Communications Director*
ROB BORDEN, *Parliamentarian*
TERESA AUSTIN, *Chief Clerk*
PHIL BARNETT, *Minority Chief of Staff/Chief Counsel*

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

MARK E. SOUDER, Indiana, *Chairman*

NATHAN DEAL, Georgia
JOHN M. MCHUGH, New York
JOHN L. MICA, Florida
DOUG OSE, California
JO ANN DAVIS, Virginia
JOHN R. CARTER, Texas
MARSHA BLACKBURN, Tennessee
PATRICK J. TIBERI, Ohio

ELIJAH E. CUMMINGS, Maryland
DANNY K. DAVIS, Illinois
WM. LACY CLAY, Missouri
LINDA T. SANCHEZ, California
C.A. "DUTCH" RUPPERSBERGER, Maryland
ELEANOR HOLMES NORTON, District of Columbia

EX OFFICIO

TOM DAVIS, Virginia
HENRY A. WAXMAN, California

NICHOLAS COLEMAN, *Professional Staff Member and Counsel*
MALIA HOLST, *Clerk*

CONTENTS

Page

Hearing held on June 29, 2004 1

Statement of:

Barker, Luis E., Chief Patrol Agent, El Paso Sector Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security; Kenneth Cates, Associate Special Agent in Charge, El Paso, TX, Immigration and Customs Enforcement, Department of Homeland Security; Errol J. Chavez, Director, New Mexico High Intensity Drug Trafficking Area; Luis Garcia, Director of Field Operations, U.S. Customs and Border Protection, Department of Homeland Security; Sandalio Gonzalez, Special Agent in Charge, El Paso Field Division, Drug Enforcement Administration, U.S. Department of Justice; and Steve Swingle, Acting Aviation Group Supervisor, Albuquerque Air Branch Office of Air and Marine Operations, Immigration and Customs Enforcement, Department of Homeland Security 14

Williams, Captain Richard, commander, District 4 (Las Cruces), New Mexico State Police; and Sheriff Juan Hernandez, Dona Ana County Sheriff's Office 77

Letters, statements, etc., submitted for the record by:

Barker, Luis E., Chief Patrol Agent, El Paso Sector Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, prepared statement of 17

Cates, Kenneth, Associate Special Agent in Charge, El Paso, TX, Immigration and Customs Enforcement, Department of Homeland Security, prepared statement of 24

Chavez, Errol J., Director, New Mexico High Intensity Drug Trafficking Area, prepared statement of 32

Garcia, Luis, Director of Field Operations, U.S. Customs and Border Protection, Department of Homeland Security, prepared statement of ... 41

Gonzalez, Sandalio, Special Agent in Charge, El Paso Field Division, Drug Enforcement Administration, U.S. Department of Justice, prepared statement of 48

Pearce, Hon. Stevan, a Representative in Congress from the State of New Mexico, prepared statement of 9

Souder, Hon. Mark E., a Representative in Congress from the State of Indiana, prepared statement of 4

Swingle, Steve, Acting Aviation Group Supervisor, Albuquerque Air Branch Office of Air and Marine Operations, Immigration and Customs Enforcement, Department of Homeland Security, prepared statement of 55

Williams, Captain Richard, commander, District 4 (Las Cruces), New Mexico State Police, prepared statement of 80

THE IMPACT OF THE DRUG TRADE ON BORDER SECURITY

TUESDAY, JUNE 29, 2004

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES,
COMMITTEE ON GOVERNMENT REFORM,
Las Cruces, NM.

The subcommittee met, pursuant to notice, at 1:07 p.m., at the Las Cruces City Council Chambers, 200 North Church Street, Las Cruces, New Mexico, Hon. Mark E. Souder (chairman of the subcommittee) presiding.

Present: Representative Souder.

Also present: Representative Pearce.

Staff present: Nicholas Coleman, professional staff member; David Thomasson, congressional fellow; and Malia Holst, clerk.

Mr. SOUDER. Subcommittee will now come to order.

Good afternoon and thank you all for coming. I'd first like to thank Congressman Steve Pearce for inviting us to come back to this region to continue studying the problem of drug smuggling along the Texas and New Mexico border. I've appreciated Congressman Pearce's leadership and support on drug issues at the House of Representatives, and I look forward to meeting with him in the months ahead.

Since the summer of 2001, this subcommittee has been making a comprehensive study of law enforcement at our Nation's borders, including a field hearing last April in El Paso. There have been some major developments since that hearing in how our Federal Government approaches the drug trafficking threat, most notably the reorganization of the former Customs Service and the Immigration and Naturalization Service within the new Department of Homeland Security.

The Southwest Border remains the primary conduit of illegal drugs into our country, with up to three-quarters of narcotics coming across it. The Las Cruces-El Paso area in particular has been the site of some of the worst drug smuggling activity in the country for decades, and the problem is not going away. Drug seizures here have risen significantly during this decade, even as they fell in other parts of the country. It seems that almost every week, law enforcement agents discover huge quantities of drugs in this area, especially at the El Paso port of entry. Drug smuggling and the related crime have taken a toll on the environment and the quality of life for local residents, besides presenting a threat to the entire Nation.

Because of the very real threat posed by drug smuggling here and everywhere else in the Nation, Congress made stopping that smuggling one of the primary missions of the new Department of Homeland Security. Taken together, the Border Patrol agents, the former INS and Customs inspectors, the Customs special agents, and the former Customs pilots represented America's front line against drug traffickers. Without them, we will have little or no defense against smugglers. Thus, it is vitally important that these agencies remained focused on the narcotics threat.

Today's hearing is intended to focus on how the various Federal agencies with counternarcotics responsibility—including the Customs and Border Protection and Immigration and Customs Enforcement divisions of the Department of Homeland Security, and the Drug Enforcement Administration—are meeting the problem of illegal drug smuggling. In particular, we need to closely examine how well these agencies are coordinating their efforts with each other, and with their State and local law enforcement partners. It is my hope that at this hearing we will learn what steps DHS, DEA and other agencies are taking to improve coordination and cooperation in counternarcotics efforts. I also hope to hear about what new initiatives our Federal agencies have put in place to stay ahead of the traffickers. President Bush has made reducing drug trafficking and abuse of our country a top priority for his administration, and DHS and its partners are vital to achieving that goal over the long term.

These issues are all very important and extremely urgent, and we look forward to hearing from our witnesses today about ways to address them. I again thank Congressman Pearce for joining us today, and for the assistance that he and his staff have provided to us in setting up this hearing. We also welcome six representatives of the Federal agencies primarily responsible for dealing with drug smuggling in this region. We welcome Mr. Luis Barker, Chief Patrol Agent of the US Border Patrol's El Paso's Sector; Mr. Kenneth Cates, Associate Special Agent in Charge of ICE's El Paso Division; Mr. Errol Chavez, Regional Director of the New Mexico Regional Partnership of the Southwest Border High Intensity Drug Trafficking Area, a program with the Office of the National Drug Control Policy, i.e. the drug czar, intended to foster cooperation between Federal, State and local law enforcement; Mr. Luis Garcia, Director of Field Operations at CBP's El Paso Field Office; Mr. Sandalio Gonzalez, Special Agent in Charge of the Drug Enforcement Administration's El Paso Division Office; and Mr. Steve Swingle, Acting Aviation Group Supervisor of the Albuquerque Air Branch of the ICE Office of Air and Marine Operations.

When examining border policies we must of course also seek the input of representatives of the State and local agencies who also have to deal with the border drug threat. We welcome the Honorable Louise Peterson, Hidalgo County Commissioner; Captain Richard Williams, Commander of District 4 of the New Mexico State Police; Sheriff Robert E. Hall of Hidalgo County; and Sheriff Juan

Hernandez of Dona Ana County. We thank everyone for taking the time this afternoon to join us for this important hearing.

With that, I'd like to yield to my friend and colleague, Congressman Pearce.

[The prepared statement of Hon. Mark E. Souder follows:]

Opening Statement
Chairman Mark Souder

"The Impact of the Drug Trade on Border Security: Field Hearing in Las Cruces, New Mexico"

Subcommittee on Criminal Justice, Drug Policy, and Human Resources
Committee on Government Reform

June 29, 2004

Good morning and thank you all for coming. I would first like to thank Congressman Stevan Pearce for inviting us back to this region to continue studying the problem of drug smuggling along the Texas and New Mexico border. I have appreciated Congressman Pearce's leadership and support on drug issues at the House of Representatives, and I look forward to working with him in the months ahead.

Since the summer of 2001, this Subcommittee has been making a comprehensive study of law enforcement at our nation's borders, including a field hearing last April in El Paso.* There have been some major developments since that hearing in how our federal government approaches the drug trafficking threat, most notably the reorganization of the former Customs Service and the Immigration and Naturalization Service within the new Department of Homeland Security.

The Southwest border remains the primary conduit of illegal drugs into our country, with up to three-quarters of narcotics coming across it. The Las Cruces-El Paso area in particular has been the site of some of the worst drug smuggling activity in the country for decades, and the problem is not going away. Drug seizures here have risen significantly during this decade, even as they fell in other parts of the country. It seems that almost every week, law enforcement agents discover huge shipments of drugs in this area, especially at the El Paso port of entry. Drug smuggling and related crime have taken a toll on the environment and the quality of life for local residents, besides presenting a threat to the entire nation.

Because of the very real threat posed by drug smuggling here and everywhere else in the nation, Congress made stopping that smuggling one of the primary missions

---

* In 2002, the Subcommittee released a report on its ongoing study, *Federal Law Enforcement at the Borders and Ports of Entry: Challenges and Solutions* (H. Rprt. No. 107-794), which can be found on the Government Printing Office's website, at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_reports&docid=f:hr794.pdf.

of the new Department of Homeland Security. Taken together, the Border Patrol agents, the former INS and Customs inspectors, the Customs special agents, and the former Customs pilots represented America's front line against drug traffickers. Without them, we will have little or no defense against the smugglers. Thus, it is vitally important that these agencies remain focused on the narcotics threat.

Today's hearing is intended to focus on how the various federal agencies with counternarcotics responsibility – including the Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) divisions of the Department of Homeland Security, and the Drug Enforcement Administration (DEA) – are meeting the problem of illegal drug smuggling. In particular, we need to closely examine how well these agencies are coordinating their efforts with each other, and with their state and local law enforcement partners. It is my hope that at this hearing we will learn what steps DHS, DEA and other agencies are taking to improve coordination and cooperation in counternarcotics efforts. I also hope to hear about what new initiatives our federal agencies have put in place to stay ahead of the traffickers. President Bush has made reducing drug trafficking and abuse in our country a top priority for his Administration, and DHS and its partners are vital to achieving that goal over the long term.

These issues are all very important and extremely urgent, and we look forward to hearing from our witnesses today about ways to address them. I again thank Congressman Pearce for joining us today, and for the assistance that he and his staff provided to our Subcommittee in setting up this hearing. We also welcome six representatives of the federal agencies primarily responsible for dealing with drug smuggling in this region. We welcome Mr. Luis Barker, Chief Patrol Agent of the U.S. Border Patrol's El Paso Sector; Mr. Kenneth Cates, Associate Special Agent in Charge of ICE's El Paso division; Mr. Errol Chavez, Regional Director of the New Mexico Regional Partnership of the Southwest Border High Intensity Drug Trafficking Area, a program of the Office of National Drug Control Policy intended to foster cooperation between federal, state and local law enforcement; Mr. Luis Garcia, Director of Field Operations at CBP's El Paso Field Office; Mr. Sandalio Gonzalez, Special Agent in Charge of the Drug Enforcement Administration's El Paso Division Office; and Mr. Steve Swingle, Acting Aviation Group Supervisor of the Albuquerque Air Branch of the ICE Office of Air and Marine Operations.

When examining border policies, we must of course also seek the input of representatives of the state and local agencies who also have to deal with the border drug threat. We welcome the Honorable Louise Peterson, Hidalgo County Commissioner; Captain Richard Williams, Commander of District 4 of the New Mexico State Police; Sheriff Robert E. Hall of Hidalgo County; and Sheriff Juan Hernandez of Doña Ana County. We thank everyone for taking the time this morning to join us for this important hearing.

Mr. PEARCE. Good afternoon, Chairman Souder. I appreciate the subcommittee's interest in holding a public hearing in southern New Mexico about its border security problems here in Las Cruces, New Mexico, the Second Congressional District, which I represent. Your willingness to travel the long distance to the southern New Mexico border and assess its critical security situation demonstrates your understanding of the pressing challenges this area faces, as well as your leadership in seeking solutions to these problems. I'm also pleased the committee will hear from some of our Nation's finest, hardest working Federal, State, and local border law enforcement officials and community leaders.

Mr. Chairman, America's borders must provide a strong defense against all illegal activity including the trade of illegal drugs, the flow of illegal immigration, diseases and other forms of contraband. This country's current and future prosperity and security depend on a border that operates securely and effectively.

But at the same time that we establish security we must maintain a friendly border, one which allows commerce to travel freely with its legitimate commerce, one which recognizes that families have family members on both sides of the border and have desires and needs to be on both sides of the border frequently.

Much of that prosperity is shaped and built in large measure by international commerce, tourism and immigration. Immigration originates right here in the southern part of our district. Commerce and tourism add to our economy's vitality. Total annual trade with Mexico more than doubled through the 1990's to reach more than $248 million. In fact, Mexico has now surpassed Japan as a U.S. trading partner. This commerce is critical to business in Southern New Mexico. Moreover, immigration continues to keep our country demographically young and enriches our culture. That is why it's crucial trying to balance making our borders impermeable to activity that subverts our laws with accessibility for legal activity that positively contributes to the American economy and society.

President Bush's leadership in consolidating our border law enforcement agencies into the Department of Homeland Security was the first step in reaching this very important balance. Since the Border Patrol functions of the Immigration and Naturalization Service have been absorbed into the Department of Homeland Security's Bureau of Customs and Border Protection, our Nation's borders now have a 40,000-person bureau focusing exclusively on security at and in between ports of entry, a standardized inspection process, and a unified chain of command between existing operations.

Also, the incorporation of the investigative and intelligence resources of the U.S. Customs Service, the Immigration & Naturalization Service, the Federal Protective Service into the Department of Homeland Security's Immigration and Customs Enforcement Bureau unifies more than 20,000 employees who focus on the enforcement of immigration and customs laws within the United States.

The U.S. Congress has also risen to this challenge by ensuring that the new Department has the tools it needs to operate secure and efficient borders. The Fiscal Year 2005 Homeland Security Appropriations Act, which funds the Customs and Border Protection,

provides $9.6 billion for border protection and related activities, an increase of $630 million over fiscal year 2004 enacted levels. $74 million has been allocated for border security technology, including surveillance and unmanned aerial vehicles.

Notwithstanding these efforts, there remains a significant need for greater attention and additional resources to the Mexico-New Mexico border.

As Customs and Border Protection augments its efforts through additional money, agents and technology to the more high-profile southern Border States such as California, Arizona and Texas, New Mexico's border law enforcement agencies are left understaffed and under-prepared for the increased drug trafficking and human smuggling resulting from the crackdown in other States.

In 1994, INS announced a new Southern Border Strategy to combat activity by placing thousands of new Border Patrol agents in key high-migration centers. The problem was that the focus was placed on major population centers, so activity shifted away from the large cities to the rural, remote areas like what we see here in Southern New Mexico.

Today, after $19 billion spent for border security and technology in the last 2 years, DHS has increased its emphasis on Arizona border security through its Arizona Border Control Initiative. This Initiative invests $10 million in the Tucson Customs and Border Protection region to hire more border agents, improve technology and provide unmanned aerial vehicles, the UAVs. As a result, more than 2,000 Border Patrol agents will be assigned to that region. This makes an average of six agents for each mile of border in Arizona.

However, with only 425 agents in New Mexico, there are fewer than 2 agents per mile of border. Yet, increasing pressure against illegal activity on the Arizona border will result in increasing drug and human trafficking spilling over into New Mexico. In fiscal year 2004, that is just since October, agents in Lordsburg, New Mexico have made 141 percent more apprehensions than all of last year. Agents in Deming report a 15 percent increase. Border Patrol agents in the El Paso sector, which includes all of Southern New Mexico, have already confiscated 130,000 pounds of marijuana since October of last year.

The influx of illegal activity spurred by the stratified allocation of border security resources is not only creating a strain on Federal law enforcement agencies in New Mexico, but on local communities and the Federal judiciary system here in New Mexico as well. Our local governments' budgets are consistently strained by the disproportionate costs related to the incarceration of illegal immigrants held for drug and human smuggling. While 17 New Mexico counties have recently been awarded $679,000 from the Department of Justice's State Criminal Alien Assistance Program, the funds do not cover the entire cost of incarcerating these individuals.

Furthermore, illegal immigration and narcotics cases are almost exclusively driving the increase in caseload for the Federal court here in Las Cruces, which already has the fourth highest criminal caseload per judge in the Nation. In fact, illegal immigration prosecutions currently account for 85 percent of all criminal cases in

the Las Cruces District. Accordingly, I believe a proper examination of the impact of illegal activity on border security in Southern New Mexico should include the urgency for additional Federal judicial resources as well.

In conclusion, Mr. Chairman, I'm hopeful that the unique, pressing challenges to New Mexico's southern border security presented to the subcommittee today will encourage much more focused attention and a greater commitment of Federal resources to this region so that New Mexico's southern border is an equal partner in contributing to America's security and prosperity.

In short, we must succeed in creating a border that interdicts people engaged in illegal activity, while the same border must be friendly to the people who have legitimate reasons for coming and crossing to either side of the border—to visit family, to conduct commerce, or just engage in tourist activities.

Mr. Chairman, I thank you again for bringing this valuable subcommittee into New Mexico to look at this increasingly important problem for us.

[The prepared statement of Mr. Pearce follows:]

Opening Statement
For
House Government Reform Committee
Subcommittee on Criminal Justice, Drug Policy and Human Resources

Field Hearing on "The Impact of the Drug Trade on Border Security: Field Hearing in Las Cruces, New Mexico"

Good afternoon, Chairman Souder. I appreciate the Subcommittee's interest in holding a public hearing on southern New Mexico's border security here in Las Cruces, New Mexico, the Second Congressional District which I represent. Your willingness to travel the long distance to the southern New Mexico border and assess its critical security situation demonstrates your understanding of the pressing challenges this area faces, as well as your leadership in seeking solutions to these problems. I am also pleased the Committee will hear from some of our nation's finest, hardest working Federal, state, and local border law enforcement officials and community leaders.

Mr. Chairman, America's borders must provide a strong defense against all illegal activity including the trade of illegal drugs, the flow of illegal immigration, diseases and other forms of contraband. This country's current and future prosperity and security depend on a border that operates securely and effectively.

Much of that prosperity is shaped and built in large measure by international commerce, tourism and immigration. Commerce and tourism adds to our economy's vitality. Total annual trade with Mexico more than doubled through the 1990's to reach more than $248 million. In fact, Mexico has now surpassed Japan as a U.S. trading partner. This commerce is critical to businesses in southern New Mexico. Moreover, immigration continues to keep our country demographically young and enriches our culture. That is why it is crucial to balance making our borders impermeable to activity that subverts our laws with accessibility for legal activity that positively contributes to the American economy and society.

President Bush's leadership in consolidating our border law enforcement agencies in to the Department of Homeland Security was the first step in reaching this very important

balance. Since the border patrol functions of the Immigration and Naturalization Service have been absorbed into the Department of Homeland Security's Bureau of Customs and Border Protection (BCBP), our nation's borders now have a 40,000–person bureau focusing exclusively on security at and in-between ports-of- entry, a standardized inspection process, and a unified chain of command between existing operations. Also, the incorporation of the investigative and intelligence resources of the United States Customs Service, the Immigration and Naturalization Service, the Federal Protective Service in to the Department of Homeland Security's Immigration and Customs Enforcement Bureau unifies more than 20,000 employees who focus on the enforcement of immigration and customs laws within the United States.

The United States Congress has also risen to this challenge by ensuring that the new Department has the tools it needs to operate secure and efficient borders. The Fiscal Year 2005 Homeland Security Appropriations Act, which funds the Customs and Border Protection, provides $9.6 billion for border protection and related activities, an increase of $630 million over fiscal year 2004 enacted levels. $74 million has been allocated for border security technology, including surveillance and unmanned aerial vehicles.

Notwithstanding these efforts, there remains a significant need for greater attention and additional resources to the Mexico–New Mexico border.

As Customs and Border Protection augments its efforts through additional money, agents and technology to the more high–profiled southern Border States such as California, Arizona and Texas, New Mexico's border law enforcement agencies are left understaffed and unprepared for the increased drug trafficking and human smuggling resulting from the crackdown in other states.

In 1994, INS announced a new Southern Border Strategy to combat activity by placing thousands of new Border Patrol agents in key high migration centers. The problem was that the focus was placed on major population centers, so activity shifted away from large cities to the rural, remote areas like what we see in here southern New Mexico.

Today, after $19 billion spent for border security and technology in the last two years, DHS has increased its emphasis on Arizona border security through its Arizona Border Control Initiative. This Initiative invests $10 million in the Tucson Customs and Border Protection region to hire more border agents, improve technology and provide unmanned aerial vehicles (UAVs). As a result, more than 2,000 border patrol agents will be assigned to the region. This makes an average of six agents for each mile of border in Arizona. However, with only 425 agents in New Mexico, there are fewer than 2 agents per mile of border. Yet, increasing pressure against illegal activity on the Arizona border will result in increasing drug and human trafficking spilling over into New Mexico. In FY2004, that is just since October, agents in Lordsburg, New Mexico have made 141% percent more apprehensions than all of last year. Agents in Deming report a 15% increase. Border Patrol agents in the El Paso sector, which includes all of southern New Mexico, have already confiscated 130,000 pounds of marijuana since last October.

The influx of illegal activity spurred by this stratified allocation of border security resources is not only creating a strain on Federal law enforcement agencies in New Mexico, but on local communities and the Federal judiciary system here in New Mexico as well. Our local governments' budgets are consistently strained by the disproportionate costs related to the incarceration of illegal immigrants held for drug and human smuggling. While seventeen New Mexico counties have recently been awarded $679,000 from the Department of Justice's State Criminal Alien Assistance Program, the funds do not cover the entire cost of incarcerating these individuals.

Furthermore, illegal immigration and narcotics cases are almost exclusively driving the increase in caseload for the Federal Court here in Las Cruces, which already has the fourth highest criminal caseload per judge in the nation. In fact, illegal immigration prosecutions currently account for 85 percent of all criminal cases in the Las Cruces District. Accordingly, I believe a proper examination of the impact of illegal activity on border security in southern New Mexico should include the urgency for additional Federal judicial resources as well.

In conclusion Mr. Chairman, I am hopeful that the unique pressing challenges to New Mexico's southern border security presented to the Subcommittee today will encourage much more focused attention and a greater commitment of Federal resources to this region so that New Mexico's southern border is an equal partner is contributing to America's security and prosperity.

In short, we must succeed in creating a border that interdicts people engaged in illegal activity. While the same border is friendly to the people who have legitimate reasons for crossing the border—to visit family, to conduct commerce or just engage in tourist activities.

Mr. SOUDER. Thank you very much.

For those of you who may not be familiar with this particular subcommittee and our mission, we're part of the Committee on Government Reform, which is historically called the Government Oversight Committee. I chair on the Subcommittee on Criminal Justice, Drug Policy and Human Resources and it has multiple missions, but historically spends somewhere between 50 and 65 percent of its time particularly on the drug problem, because 23 different committees in Congress have overlapping jurisdiction. And this was an attempt to consolidate in one committee the overall question of how you tackle the drug issue.

Therefore, increasingly, in addition to oversight, we've been given legislative jurisdiction and authorization jurisdiction. The biggest example is the drug czar's office at the Office of National Drug Control Policy, which would be the highest jurisdiction. Also, a national ad campaign and increasingly smaller bills where, rather than multiple jurisdiction, committees are putting it into one committee.

So we're unusual in the sense we're authorizing in the oversight, and that we've done a variety of different types of hearings, many very high-profile hearings, during the last administration, and even in this administration, which you'll be seeing more of in the next few weeks on Iraq, but also on Waco and everything from the Travel Office and Whitewater investigations.

Therefore, it's the tradition, and always has been of this committee, to swear in all witnesses. The truth is, we have had prosecutions in this committee for perjury because this is the way we track what the government is doing, so that's the reason you'll see a little bit different process in how the committee works.

So first let me take care of two procedural matters. I ask unanimous consent that all Members have 5 legislative days to submit written statements and questions and answers to questions provided also be included in the record. Without objection, so ordered. And second, I ask unanimous consent that all Members present be permitted to participate in the hearing. Without objection it is so ordered.

The first panel is composed of six representatives of the Federal Government. And it's the tradition of this committee, since it's a Federal oversight committee, to always have the Federal witnesses in the first panel: Mr. Barker of the Border Patrol; Mr. Cates of ICE; Mr. Chavez of HIDTA; Mr. Garcia of CBP; Mr. Gonzalez of DEA; and Mr. Swingle of AMO.

It's our standard practice to ask witnesses to testify under oath.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that each of the witnesses responded in the affirmative.

We thank you all and your agencies for your work, and we would like, when you start, if you could state your name and spell it for the public record, the court reporter. And we'll start with Mr. Barker.

STATEMENTS OF LUIS E. BARKER, CHIEF PATROL AGENT, EL PASO SECTOR BORDER PATROL, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY; KENNETH CATES, ASSOCIATE SPECIAL AGENT IN CHARGE, EL PASO, TX, IMMIGRATION AND CUSTOMS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY; ERROL J. CHAVEZ, DIRECTOR, NEW MEXICO HIGH INTENSITY DRUG TRAFFICKING AREA; LUIS GARCIA, DIRECTOR OF FIELD OPERATIONS, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY; SANDALIO GONZALEZ, SPECIAL AGENT IN CHARGE, EL PASO FIELD DIVISION, DRUG ENFORCEMENT ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE; AND STEVE SWINGLE, ACTING AVIATION GROUP SUPERVISOR, ALBUQUERQUE AIR BRANCH OFFICE OF AIR AND MARINE OPERATIONS, IMMIGRATION AND CUSTOMS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY

Mr. BARKER. Thank you, Mr. Chairman. My name is Luis E. Barker, B-A-R-K-E-R, first name L-U-I-S, Luis.

Mr. Chairman, distinguished committee members, I am pleased for the opportunity to appear before you today to discuss the El Paso Border Patrol Sector's law enforcement initiatives to secure the U.S. border in New Mexico and West Texas, with regards to the extent and the impact of narcotics trafficking, interdiction and our interaction with all the Federal, State and local agencies to address this concern. Again, my name is Luis Barker, I'm the Chief Patrol Agent for the El Paso Sector of the U.S. Border Patrol, a branch of the U.S. Customs and Border Protection within the Department of Homeland Security.

Let me begin by thanking you and your colleagues, on behalf of all CBP, for your continued support, as we pursue our primary mission of preventing the entry of terrorists and their weapons of terror; and enforce laws that protect America's homeland by the detection, interdiction and apprehension of those who attempt to illegally enter or smuggle persons or contraband across our Nation's sovereign borders. The challenges for securing our borders and protecting our homeland are many and ever changing. CBP's goal is to increase our operational effectiveness to the point where the likelihood of apprehension is high enough to be an effective deterrent. We continue to improve our capabilities by adding or shifting resources as required. Although the strategy of deterrence was developed with immigration issues in mind, it has equal effect on narcotics smuggling.

The El Paso Sector is responsible for securing the 289 miles of border between the ports of entry in Texas and New Mexico. To accomplish this, we have established four Border Patrol stations in the two westernmost counties in Texas, and eight stations in the State of New Mexico. This sector's vast area of operations is divided into three main corridors: The Deming Corridor, the El Paso Corridor, and the Fabens Corridor. Narcotics smuggling is active in all of these corridors.

The border area we secure is unique in that we must control both land borders across New Mexico, and a water border defined by the Rio Grande River. In many areas only a barbed wire fence, if anything, marks the border. As a deterrent, we continue to place light-

ing, fencing, and vehicle barriers in many areas such as Sunland Park, New Mexico and Deming. This has proven to be effective in controlling illegal entries, especially of vehicles carrying contraband, to include narcotics.

Although physical barriers and lighting assist in border control, additional technology has proven to be a great deterrent and a "force multiplier" for our Agents. Remote Video Surveillance Systems, sensors, radiation pagers, night vision equipment, density meters, and other tools are a great asset. In addition, better data on criminals, or wanted subjects assists us in locating subjects and in determining their true identity.

Large population centers on both sides of the border helps make the El Paso area ideal as a major hub for smuggling of people, narcotics and other contraband. Highways, hotels and other infrastructure attract both legitimate trade and travel, and unfortunately those adept in illicit activities. To maintain control of the border, we use both forward deployment—that is patrolling immediate border—and secondary operations such as traffic checkpoints and task force initiatives with other agencies. We have agents that liaison with the DEA; the FBI; Joint Terrorism Task Force; the High Intensity Drug Trafficking Area, HIDTA office; U.S. Marshal's Task Force; U.S. Attorney's Office; and State and local law enforcement, including the Sheriff's Office.

Furthermore, we work daily with officials from the Mexican Government through our Mexican liaison Unit to address our concerns of the border. We have been very successful in identifying, apprehending and prosecuting law violators through these efforts.

We continue to employ every available means at our disposal to combat illegal activity which occurs in this area. Besides coverage on the border, we maintain six permanent traffic checkpoints, five of which are in the State of New Mexico. Checkpoint operations are an essential component of our enforcement strategy, and from fiscal year 2002 to the present they have accounted for 18 percent of our narcotics seizures, and virtually all seizures involving cocaine and heroin.

The purpose of these checkpoints is to detect and interdict, terrorists, undocumented immigrants, contraband and weapons of mass effect. As a result of these checkpoint operations, we frequently encounter violators of law and persons wanted for crimes such as narcotics smuggling, murder, and assault. Improvements in information access and the expansion of the Integrated Automated Fingerprint Identification System, or AAFES have assisted us greatly in this regard. With these resources, we have identified 2,613 criminal aliens in fiscal year 2004, some 300 of which were wanted for various crimes ranging from assault to weapons violations.

Over the past three fiscal years, 2002, 2003 and 2004, we have interdicted large quantities of narcotics. Historically, this has been the norm and we anticipate that this will continue, as efforts to dismantle cartels such as the Carrillo-Fuentes cartel continue. The principal narcotic seized has been marijuana. Since October 2003, agents have seized approximately 156,777 pounds of marijuana, 511,000 pounds since fiscal year 2002. We have also seized approximately 1,521 pounds of cocaine, 3,505 pounds since fiscal year

2002. And 22.5 pounds of heroin, 22.5 pounds since fiscal year 2002. Cocaine and heroin seizures have been on the rise and have more than doubled since fiscal year 2002.

As I've stated, cocaine and heroin are mainly interdicted at our checkpoint operation. Most narcotic cases are prosecuted federally, and those that fall below the Federal threshold are prosecuted by State and local authorities. This is possible because of the close working relationship developed in our counternarcotic efforts.

A key component of our counternarcotics effort is our canines. We have 57 canine teams assigned to the stations and checkpoints. They are on call 24 hours a day to assist agents in the field and other agencies as requested. These teams have been highly effective in both detecting people and narcotics. With regards to narcotics, during the same time periods previously mentioned, fiscal years 2002, 2003 and 2004, our canine teams have assisted in the seizures of approximately 299,000 pounds of marijuana, 3,348 pounds of cocaine, and 23 pounds of heroin. In May 2004 alone, one canine handler assisted three local and one Federal law enforcement agency in separate callouts. This resulted in the seizure of 1,285 pounds of marijuana, 89 pounds of cocaine, and $5,678 in currency.

Interdiction efforts often cause smugglers to resort to extraordinary measures to avoid apprehension. They are more likely to flee from agents and use violence, by using their vehicles as weapons, or use of firearms to protect their cargo. On October 12, 2002, a female agent assigned to the Fort Hancock Station was shot in the leg while attempting to interdict a narcotics load. She survived and has returned to full duty. Despite the desperation of the smugglers, our agents continue to be vigilant in protecting our borders.

I would like to add that the men and women of the El Paso Sector are committed to the safety and security of the Nation's borders, no matter the threat—whether from terrorists, undocumented immigrants or narcotics smugglers. I'm extremely proud of the commitment and professionalism of these men and women and the important role they play in our national security. And I also assure you that this degree of dedication and vigilance will continue, despite operational challenges.

I am confident also of your continued support, and I thank the subcommittee for this opportunity to be present to provide my testimony today. I would be pleased to respond to any questions that you might have at this time.

[The prepared statement of Mr. Barker follows:]

Statement of
Luis E. Barker
Chief Patrol Agent, El Paso Sector Border Patrol
U.S. Customs and Border Protection
Department of Homeland Security
Before the House Committee on Government Reform
Subcommittee on Criminal Justice Drug Policy and Human Resources
Field Hearing - Las Cruces New Mexico
June 29, 2004

Mr. Chairman, distinguished committee members, I am pleased for this opportunity to appear before you today to discuss the El Paso Border Patrol Sector's law enforcement initiatives to secure the U.S. border in New Mexico and West Texas, with regards to the extent and impact of narcotics trafficking, interdiction, and our interaction with other agencies, federal, state and local, to address this concern. My name is Luis E. Barker, and I am the Chief Patrol Agent for the El Paso Sector of the U.S. Border Patrol, a branch of U.S. Customs and Border Protection (CBP) within the Department of Homeland Security.

Let me begin by thanking you and your colleagues, on behalf of all of CBP, for your continued support, as we pursue our primary mission of preventing the entry of terrorists and their weapons of terror; and enforce the laws that protect America's homeland by the detection, interdiction, and apprehension of those who attempt to illegally enter or smuggle any person or contraband across our Nation's sovereign borders.

The challenges for securing our borders and protecting our homeland are many and ever-changing. CBP's goal is to increase our operational effectiveness to the point where the

likelihood of apprehension is high enough to be an effective deterrent. We continue to improve our capabilities by adding or shifting resources as required. Although this strategy of deterrence was developed with immigration issues in mind, it has equal effect on narcotics smuggling.

The El Paso Sector is responsible for securing the 289 miles of border between the ports of entry in Texas and New Mexico. To accomplish this, we have established four Border Patrol stations in the two westernmost counties of Texas, and eight stations in the State of New Mexico. This sector's vast area of operations is divided into three main corridors: the Deming Corridor, the El Paso Corridor, and the Fabens Corridor. Narcotic smuggling is active in all of these corridors.

The border area we secure is unique in that we must control both a land border across New Mexico, and a water border defined by the Rio Grande River. In many areas only a barbed-wire fence, if anything, marks the border. As a deterrent, we continue to place lighting, fencing, and vehicle barriers in many areas such as Sunland Park, New Mexico and Deming. This has proven to be effective in controlling illegal entries, especially of vehicles carrying contraband, to include narcotics.

Although physical barriers and lighting assist in border control, additional technology has proven to be a great deterrent and a "force multiplier" for our Agents. Remote Video Surveillance Systems, sensors, radiation pagers, night vision equipment, density meters,

and other tools are a great asset. In addition, better data on criminals, or wanted subjects assists us in locating subjects and in determining their true identity.

Large population centers on both sides of the border helps make the El Paso area ideal as a major hub for the smuggling of people, narcotics and other contraband. Highways, hotels and other infrastructure attract both legitimate trade and travel, and unfortunately those adept in illicit activities. To maintain control of the border, we use both forward deployment – that is patrolling the immediate border -- and secondary operations such as traffic checkpoints and task force initiatives with other agencies. We have agents that liaison with the Drug Enforcement Administration (DEA); Federal Bureau of Investigation (FBI); Joint Terrorism Task Force; the High Intensity Drug Trafficking Area (HIDTA) Office; the U.S. Marshall's Task Force; the U.S. Attorney's Office; and state and local law enforcement entities. Furthermore, we work daily with officials from the Government of Mexico through our Mexican Liaison Unit (MLU) to address our concerns of the border area. We have been very successful in identifying, apprehending and prosecuting law violators through these efforts.

We continue to employ every available means at our disposal to combat illegal activity which occurs in this area. Besides coverage on the border, we maintain six permanent traffic checkpoints, five of which are in New Mexico. Checkpoint operations are an essential component of our enforcement strategy, and from fiscal year 2002 to the present they have accounted for 18% of our narcotic seizures, and virtually all seizures involving cocaine and heroin. The purpose of these checkpoints is to detect and interdict terrorists,

undocumented immigrants, contraband and weapons of mass effect. As a result of these checkpoint operations, we frequently encounter violators of law and persons wanted for crimes such as narcotics smuggling, murder, and assault. Improvements in information access and the expansion of the Integrated Automated Fingerprint Identification System (IAFIS), have assisted us greatly in this regard. With these resources, we have identified 2,613 criminal aliens in fiscal year 2004, some 300 of which were wanted for various crimes ranging from assault to weapons violations.

Interdiction efforts often cause smugglers to resort to extraordinary measures to avoid apprehension. They are more likely to flee from agents and use violence, by using their vehicles as a weapon, or use firearms to protect their cargo. On October 12, 2002, a female agent assigned to the Fort Hancock Station was shot in the leg while attempting to interdict a narcotics load. She survived and has returned to full duty. Despite the desperation of the smugglers, our agents continue to be vigilant in protecting our borders.

In conclusion, I would like to add that the men and women of the El Paso Sector are committed to the safety and security of our nation's borders, no matter the threat – whether from terrorists, undocumented immigrants or narcotics smugglers. I am extremely proud of the commitment and professionalism of these men and women and the important role they play in our national security. I can also assure you that this degree of dedication and vigilance will continue, despite operational challenges. I am confident also of your continued support and I thank the Subcommittee for this

opportunity to present my testimony to you today. I would be pleased to respond to any questions that you may have at this time.

Mr. SOUDER. Thank you. Our second witness is Mr. Cates, Special Agent in Charge, El Paso ICE division of Customs Enforcement.

Mr. CATES. My name is Kenneth Cates, C-A-T-E-S. Good afternoon, Chairman Souder and distinguished members of the subcommittee. I am honored to appear before you to discuss the "Impact of the Drug Trade on Border Security." My name, as I said before, is Kenneth Cates. I'm the Deputy SAC of the El Paso District, and I represent U.S. Immigration and Customs Enforcement, which is the largest investigative arm of the Department of Homeland Security. ICE is charged with the mission of preventing terrorist and criminal activity by targeting the people, money, and materials that support terrorist and criminal organizations. One of our key goals within that larger mission is to detect and address vulnerabilities in our border security. These vulnerabilities include the threats posed by criminal organizations engaged in the smuggling of illegal narcotics and other contraband across our Nation's borders.

ICE's combined capabilities, bringing together the expertise and the authorities of the former U.S. Customs Service and the former Immigration and Naturalization Service, make it a powerful weapon in the fight against smuggling and narco-trafficking organizations. This expertise is further augmented by the assets and the abilities of the ICE Air and Marine Operations. With these newly combined investigative authorities and expertise, ICE is uniquely positioned to address the threats posed by criminal smuggling organizations.

Consider, for example, ICE's creation of a unified smuggling division. Prior to our reorganization into DHS, enforcement authorities for drug and contraband smuggling and enforcement authorities for human smuggling were the exclusive province of separate agencies. Unfortunately, criminal smuggling organizations do not observe the same careful divisions of labor. Motivated by profit, they may smuggle narcotics 1 day and human "cargo" the next, shifting their tactics in response to demand, profit margins, and enforcement patterns. By combining these authorities and investigative expertise, we can now target these organizations much more effectively, whether they are trafficking in drugs, weapons, illegal aliens, or even terrorists.

Moreover, with its financial investigations capabilities, ICE is able to follow the money trails that support these criminal smuggling organizations. Under Operation Cornerstone, our comprehensive economic security initiative, ICE has the ability to follow the money trails that support smuggling, criminal, and terrorist organizations. With Cornerstone, ICE brings to bear one of the most sophisticated financial investigations Divisions in law enforcement to detect these financial schemes, disrupt the flow of money, and dismantle these criminal organizations.

In coordination with our counterparts from U.S. Customs and Border Protection and the DEA, we are utilizing these newly combined law enforcement capabilities as a part of a focused and integrated strategy to combat the flow of illegal narcotics and contraband across our Nation's borders—particularly here along the Southwest Border.

For many years, the Southwest Border region has been a preferred point of entry for many drug smuggling organizations, and a result of this has been a major focus for drug interdiction. The ease with which narcotics can be smuggled into the United States underscores the seriousness of this vulnerability. The U.S. Southwest Border stretches across 3300 kilometers and boasts an extensive network of Ports of Entry and border crossings, as well as a number of documented areas where unofficial crossings occur. Established routes, organizations, and methods used to smuggle one commodity, such as narcotics, could easily be exploited to smuggle others, such as people, bulk cash, small arms, contraband, or even weapons of mass destruction.

I would emphasize that these smuggling and narco-trafficking organizations are flexible and adaptive. When we increase seizures at one point, they frequently shift their operations elsewhere, where there is less perceived resistance from law enforcement. I will emphasize also these criminal smuggling organizations are often highly sophisticated. Along with their criminal experience, they have developed an acute knowledge and awareness of U.S. border security and enforcement operations, so that they can change their tactics in response to new enforcement patterns.

One particular area of concern is the increase of methamphetamine usage and investigations along the Southwest Border. It is believed that due to the increased seizures and enforcement operations along the Northern Border, as well as pressure being placed by Canadian law enforcement on importation of pre-cursor chemicals, we may be seeing more methamphetamine smuggling investigations along the Southwest United States. ICE investigators, working in cooperation with Federal, State, and local law enforcement, will continue to track trends and developments in the methamphetamine trade.

Despite the decrease in reported seizure numbers from fiscal year 2003 to currently in 2004, we must not be complacent in believing that drug smuggling organizations will not continue to probe our Nation's borders for easier methods and routes to smuggle narcotics into the United States. I can assure you that we will continue to carry on our mission of securing our Nation's borders and protecting our homeland from threats posed by criminal and terrorist organizations.

In conclusion, I would like to thank you, Mr. Chairman, and the members of the subcommittee for the privilege to testify before you today. It's my pleasure to answer any questions that the committee may have at this time.

[The prepared statement of Mr. Cates follows:]

U.S. Immigration and Customs Enforcement

Statement

of

Kenneth Cates
Associate Special Agent in Charge
El Paso, Texas

Immigration and Customs Enforcement
Department of Homeland Security

Before

House Government Reform Committee
Subcommittee on Criminal Justice, Drug Policy and Human Resources

"Impact of the Drug Trade and Border Security"

June 29, 2004 at 1:00 p.m.
Las Cruces, New Mexico

Statement of
Kenneth Cates
Associate Special Agent in Charge
Immigration and Customs Enforcement
Department of Homeland Security
Special Agent in Charge
El Paso, Texas

Good morning, Chairman Souder and distinguished Members of the Subcommittee. I am honored to appear before you to discuss the "Impact of the Drug Trade on Border Security." My name is Kenneth Cates, and I represent U.S. Immigration and Customs Enforcement (ICE), the largest investigative arm of the Department of Homeland Security (DHS). ICE is charged with the mission of preventing terrorist and criminal activity by targeting the people, money, and materials that support terrorist and criminal organizations. One of our key goals within that larger mission is to detect and address vulnerabilities in our border security. These vulnerabilities include the threats posed by criminal organizations engaged in the smuggling of illegal narcotics and contraband across our nation's borders.

ICE's combined capabilities – bringing together the expertise and authorities of the former U.S. Customs Service and the former Immigration and Naturalization Service – make-it a powerful weapon in the fight against smuggling and narco-trafficking organizations. This expertise is further augmented by the assets and abilities of the ICE Air and Marine Operations. With these newly combined investigative authorities and expertise, ICE is uniquely positioned to address the threats posed by criminal smuggling organizations.

Consider, for example, ICE's creation of a unified smuggling division. Prior to our reorganization into DHS, enforcement authorities for drug and contraband smuggling and enforcement authorities for human smuggling were the exclusive province of separate agencies. Unfortunately, criminal smuggling organizations do not observe the same careful divisions of labor. Motivated by profit, they may smuggle narcotics one day and human "cargo" the next – shifting their tactics in response to demand, profit margins, and enforcement patterns. By combining these authorities and investigative expertise, we can now target these organizations much more effectively, whether they are trafficking in drugs, weapons, illegal aliens, or even terrorists.

Moreover, with its financial investigations capabilities, ICE is able to follow the money trails that support these criminal smuggling organizations. Under Cornerstone, our comprehensive economic security initiative, ICE has the ability to follow the money trails that support smuggling, criminal, and terrorist organizations. With Cornerstone, ICE brings to bear one of the most sophisticated financial investigations Divisions in law enforcement to detect these financial schemes, disrupt the flow of money, and dismantle these criminal organizations.

In coordination with our counterparts from U.S. Customs and Border Protection (CBP) and the Drug Enforcement Administration (DEA), we are utilizing these newly combined law enforcement capabilities as part of a focused and integrated strategy to combat the flow of illegal narcotics and contraband across our nation's borders – particularly here along the Southwest border.

For many years, the Southwest border region has been a preferred point of entry for many drug smuggling organizations, and as a result has been a major focus for drug interdiction. The ease with which narcotics can be smuggled into the United States underscores the seriousness of this vulnerability. The U.S. Southwest border stretches across 3,300 kilometers and boasts an extensive network of Ports of Entry (POEs) and border crossings, as well as a number of documented areas where unofficial crossings occur. Established routes, organizations, and methods used to smuggle one commodity – such as narcotics – could easily be exploited to smuggle others – such as people, bulk cash, small arms, contraband, or even weapons of mass destruction.

I would emphasize that these smuggling and narco-trafficking organizations are flexible and adaptive. When we increase seizures at one point, they frequently shift their operations elsewhere, where there is less perceived resistance from law enforcement. I will emphasize also these criminal smuggling organizations are often highly sophisticated. Along with their criminal experience, they have developed an acute knowledge and awareness of U.S. border security and enforcement operations, so that they can change their tactics in response to new enforcement patterns.

One particular area of concern is the increase of methamphetamine usage and investigations along the Southwest border. It is believed that due to the increased seizures and enforcement operations along the Northern Border, as well as pressure being placed by Canadian law enforcement on importation of pre-cursor chemicals, we may be seeing more methamphetamine smuggling

investigations along the Southwest United States. ICE investigators, working in cooperation with Federal, State, and local law enforcement, will continue to track trends and developments in the methamphetamine trade.

Despite the decrease in seizure numbers from Fiscal Year 2003 to 2004, we must not be complacent in believing that drug smuggling organizations will not continue to probe our nation's borders for easier methods and routes to smuggle narcotics into the United States. I can assure you that we will continue to carry out the mission of securing our Nation's borders and protecting our homeland from threats posed by criminal and terrorist organizations. In conclusion, I would like to thank you, Mr. Chairman, and the Members of the Subcommittee for the privilege to testify before you today. It would be my pleasure to answer any questions that the committee may have at this time.

Mr. SOUDER. I thank you for your testimony.

Next is Mr. Chavez, regional director of the New Mexico partnership of the HIDTA.

Mr. CHAVEZ. It's Errol Chavez, E-R-R-O-L, C-H-A-V-E-Z. Chairman Souder, Congressman Pearce and distinguished members of the subcommittee and honored guests, it is indeed my distinct pleasure to appear before you today. Again, my name is Errol Chavez, the Director of New Mexico High Intensity Drug Trafficking Area, HIDTA. On behalf of the members of the New Mexico HIDTA, I would like to thank this subcommittee for your continued support of the HIDTA and its mission.

There is a notable increase in the amount of narcotics entering into the United States through New Mexico. Recent narcotic seizures are directly linked to the impact that the Mexican and the U.S. Governments are having on the heads of the Mexican cartels. The results of our enforcement efforts have lowered the level of control of at least two Mexican cartels, while increasing the level of control of two Mexican cartel leaders, Ismael "Mayo" Zambada Garcia and Vicente Carrillo Fuentes, thus increasing the amount of narcotics entering the United States through New Mexico.

While the amount of marijuana entering into the United States remains constant, other narcotics trafficking is on the rise. This is evidence that a growing amount of cocaine is being funneled through New Mexico for distribution throughout the United States. Methamphetamine production in Mexico is also increasing and is entering through New Mexico for the U.S. market. Heroin continues to be readily available. In New Mexico, the impact of narcotics trafficking has become increasingly significant.

The entire State of New Mexico is affected by these Mexican cartels and each of the drugs they traffic through the State. Marijuana seizures continue to be made around the State. The marijuana market is dominated primarily by Mexican traffickers, but there is also evidence that marijuana is being grown in New Mexico. Marijuana is also being grown in California and Arizona and does cross New Mexico's borders, but is usually destined for the northeastern coast of the U.S. multi-ton marijuana seizures occur annually along the Southern New Mexican Border and the three interstate arteries, I–40, I–25 and I–10.

Marijuana is smuggled into New Mexico at the ports of entry and between the ports of entry. The exact location of the smuggling varies depending on the enforcement efforts of the Border Patrol Agents and the Customs and Border Protection Inspectors. In comparison to the other Southwestern Border States, New Mexico has fewer Border Patrol agents assigned to patrol the border between New Mexico and Mexico and fewer CBP inspectors to man the ports of entry, thus allowing smugglers more opportunities to smuggle narcotics into New Mexico, and therefore increasing the threat to New Mexico.

Cocaine seizures are on the rise in New Mexico. The noticeable increase in cocaine-related activity is directly related to increases in law enforcement efforts in California and Arizona.

Methamphetamine is of major concern to New Mexico as it is still the most favored drug for abuse. In general, methamphetamine is produced in Mexico in its purest form and then smuggled

into the United States in bulk quantities, where it passes through New Mexico for distribution into other parts of the United States. Methamphetamine also comes into New Mexico for personal use from mid-level distributors from Arizona and California.

Additionally, methamphetamine is produced in small quantities in New Mexico by users, but in such small amounts it only reaches the personal use level. The number of methamphetamine laboratories has more than doubled from 1998 through 2002. Most of these laboratories were small operations designed to produce two ounces or less at a time, making methamphetamine more available. Nevertheless, the growing threat of small clandestine laboratories cannot be overlooked, especially given the environmental and health-related issues associated with methamphetamine lab byproducts, the high costs and manpower requirements involved in each cleanup, and the increasing number of residential fires associated with methamphetamine laboratories.

While a significant amount of narcotics simply passes through the State for distribution elsewhere, a reasonable amount remains in New Mexico for local distribution and consumption. Two counties in Northern New Mexico, Rio Arriba County and Santa Fe County rank one and two in the Nation for heroin overdoses per capita. Heroin abuse has been a persistent problem for generations, but the addict population continues to grow steadily as a result of the location of the main supplier. The primary source of supply for heroin is located in Nayarit, Mexico.

The magnitude of the heroin problem was best described in 1999 at the culmination of the Drug Enforcement Administration's Operation Tar Pit. Over 200 heroin distributors were arrested in 17 States, all of which were linked to the Nayarit source of supply. Since the arrests, statistics clearly show that the overdose rate in New Mexico dropped for a short period of time, but is now approaching peak levels despite valiant efforts to address the heroin problem. In order to adequately combat the heroin dilemma in New Mexico, added personnel and funding resources are desperately needed.

As a result of the implementation of North American Free Trade Agreement, known drug traffickers are exploiting commercial trade to facilitate their drug smuggling activities. Drug traffickers are now directly involved with well-known legitimate trucking firms that are less likely to be targets of law enforcement scrutiny. They are using trade consultants to determine what merchandise moves most quickly across the border under NAFTA regulations. They are also owners or controlling parties in commercial trade-related businesses within the Mexican transportation infrastructure.

Once an international drug smuggler succeeds in importing contraband into the United States, the Southwest Border becomes a gateway for narcotics destined for major metropolitan areas. Drug traffickers obtain warehouses in Texas and Southern New Mexico to "stash" the drugs and then recruit drivers from these areas to transport the drugs to various destinations throughout the United States.

The response from my Federal law enforcement agencies——

Mr. SOUDER. Wait, Mr. Chavez, we're going to need to have you summarize this last section.

Mr. CHAVEZ. Yes. I was going to skip a page, as a matter of fact. My emphasis, if I may, is to discuss the lack of staffing by Federal agencies on the Southwest Border. The Drug Enforcement Administration does maintain a presence along the border, but because of the number of newly identified investigations, the work that is being done by the Border Patrol and the increased flow of narcotics has resulted in the Drug Enforcement Administration being understaffed and not capable, and experiencing difficulty in responding to all of the requests. Therefore, the HIDTA's trying to create these task forces so we can have a multiple effect in force—in developing these investigations.

If I may, as a matter of conclusion, New Mexico is expecting a shift in the smuggling patterns of the Mexican cartels operating along the U.S. Southwestern Border with Mexico. More drugs are expected to pass through New Mexico for distribution throughout the United States. This does not mean that more drugs will be smuggled into the United States, but it does mean that more drugs than ever will be funneled through New Mexico.

To address the increase in drug smuggling and the rise in criminal activity in New Mexico, the Federal Government should continue to emphasize the importance of enforcing the narcotics laws and provide the necessary staffing and resources desperately needed along the entire Southwest Border. Federal, State and local police agencies in New Mexico are performing and coordinating their duties well, but are all severely understaffed and lack resources to adequately contribute in the Nation's effort to stop the narcotics from entering the United States.

[The prepared statement of Mr. Chavez follows:]

Statement of
Errol J. Chavez
Director
New Mexico High Intensity Drug Trafficking Area

Before the

Government Reform Committee's
Subcommittee on Criminal Justice
Drug Policy and Human Resources

June 29, 2004

"The Extent and Impact of Narcotics Trafficking on the International Border, The Response of Federal Law Enforcement Agencies in Deterring Drug Smuggling, and The Coordination Between Federal, State, and Local Agencies: Field Hearing in Las Cruces, New Mexico"

Executive Summary

The State of New Mexico law enforcement agencies are responsible for the interdiction and investigation of illegal drugs that are smuggled through a common border that is shared with the Republic of Mexico and contiguous with the West Texas/Northern Mexico border. Its proximity to these areas makes it a preferred location for smuggling narcotics, undocumented aliens and other contraband and presents a vulnerability to our national security.

New Mexico has been a major transshipment zone for illegal drugs that are smuggled and transported into the United States from Mexico. The quantities of illegal drugs transported through New Mexico, but destined to locations outside of New Mexico, far exceed the consumption rate within the state. New Mexico is now anticipating that more drugs will be funneled through the state because of the increase in enforcement activity in California and Arizona. Major Mexican Drug Trafficking Organizations control the transportation and wholesale distribution of drugs that are transshipped throughout the State of New Mexico.

Combined law enforcement cooperative efforts in New Mexico over the past years have proven to be effective and produced many positive statistical results. However, with the limited state and local law enforcement resources, a dire need exists for the Federal Government to provide enhanced personnel and funding resources in order to adequately address the drug threat that exists in New Mexico and severely impacts the national security.

Introduction

Chairman Souder, Congressman Pearce and distinguished members of the Subcommittee, and honored guests; it is indeed my distinct pleasure to appear before you today. My name is Errol J. Chavez, the Director of the New Mexico High Intensity Drug Trafficking Area (NM

HIDTA). On behalf of the members of NM HIDTA, I would like to thank this subcommittee for your continued support of the HIDTA and its mission.

The Extent and Impact of Narcotics Trafficking on the International Border

There is a notable increase in the amount of narcotics entering into the United States through New Mexico. Recent narcotic seizures are directly linked to the impact that the Mexican and the United States Governments are having on the heads of the Mexican Cartels. The results of our enforcement efforts have lowered the level of control of at least two Mexican Cartels, while increasing the level of control of two Mexican Cartel leaders, Ismael "Mayo" Zambada Garcia and Vicente Carrillo Fuentes, thus increasing the amount of narcotics entering the United States through New Mexico.

While the amount of Marijuana entering into the US remains constant, other narcotics trafficking is on the rise. There is evidence that a growing amount of cocaine is being funneled through New Mexico for distribution throughout the United States. Methamphetamine production in Mexico is also increasing and is entering through New Mexico for the US market. Heroin continues to be readily available. In New Mexico, the impact of narcotics trafficking has become increasingly significant.

The entire State of New Mexico is affected by these Mexican Cartels and each of the drugs they traffic through the state. Marijuana seizures continue to be made around the state. The marijuana market is dominated primarily by Mexican traffickers, but there is also evidence that marijuana is being grown in New Mexico. Marijuana is also being grown in California and Arizona and does cross New Mexico's borders, but is usually destined for the northeastern coast of the US. Multi-ton Marijuana seizures occur annually along the southern New Mexican borders and the three Interstate arteries, I-40, I-25, and I-10. Marijuana is smuggled into New Mexico at the Ports of Entry (POE) and between the POEs. The exact location of the smuggling varies depending on the enforcement efforts of the Border Patrol Agents (BP) and the Customs and Border Protection Inspectors (CBP). In comparison to the other Southwestern Border States, New Mexico has fewer BP agents assigned to patrol the border between New Mexico and Mexico and fewer CBP Inspectors to man the POEs, thus allowing smugglers more opportunities to smuggle narcotics into New Mexico and therefore increasing the threat to New Mexico.

Cocaine Seizures are on the rise in New Mexico. The noticeable increase in cocaine related activity is directly related to increases in law enforcement efforts in California and Arizona. Mexican Cartel leaders are reacting to the pressures placed on them by these law enforcement efforts and are adjusting their smuggling routes and practices to areas with fewer law enforcement capabilities, like New Mexico. The increase in cocaine seizures was first noted in early 2004 and is expected to continue to grow as the Mexican Cartels respond to the law enforcement efforts of California and Arizona.

Methamphetamine is of major concern to New Mexico as it is still the most favored drug for abuse. In general, Methamphetamine is produced in Mexico in its purest form and then smuggled into the United States in bulk quantities where it passes through New Mexico for distribution in other parts of the United States. Methamphetamine also comes into New Mexico

for personal use from mid-level distributors from Arizona and California. Additionally, methamphetamine is produced in small quantities in New Mexico by users, but in such small amounts, it only usually reaches the personal use level. The number of methamphetamine laboratories has more than doubled from 1998 through 2002. According to the El Paso Intelligence Center (EPIC) National Clandestine Laboratory Seizures System (NCLSS), 29 methamphetamine laboratories were seized in 1998, 47 in 1999, 48 in 2000, 74 in 2001, 109 in 2002, and 157 in 2003. Most of these laboratories were small operations designed to produce two ounces or less at a time, making methamphetamine more available. Nevertheless, the growing threat of small clandestine laboratories cannot be overlooked; especially given the environmental and health related issues associated with methamphetamine lab by-products, the high costs and manpower requirements involved in each cleanup, and the increasing number of residential fires associated with methamphetamine labs.

While a significant amount of narcotics simply passes through the state for distribution elsewhere, a reasonable amount remains in New Mexico for local distribution and consumption. Two counties in northern New Mexico, Rio Arriba County and Santa Fe County, rank number one and two in the nation for heroin overdoses per capita. Heroin abuse has been a persistent problem for generations, but the addict population continues to grow steadily as a result of the location of the main supplier. The primary source of supply for heroin is located in Nayarit, Mexico. The magnitude of the Heroin problem was best described in 1999 at the culmination of the Drug Enforcement Administration's Operation Tar Pit. Over 200 Heroin distributors were arrested in seventeen states, all of which were linked to the Nayarit source of supply. Since the arrests, statistics clearly show that the overdose rate in New Mexico dropped for a short period of time, but is now approaching peak levels despite valiant efforts to address the Heroin problem. In order to adequately combat the Heroin dilemma in New Mexico, added personnel and funding resources are desperately needed.

Pharmaceutical drugs produced in Mexico have also become a major concern in the United States. Prescription drugs are regularly purchased in Mexico by US citizens who cannot afford to pay the high costs of the drugs in the US. The underlying cause of the difficulties associated with pharmaceutical drugs purchased across the border is the lack of Mexican governmental control on the industry. Without the government controlling the industry, Mexican Cartels have assumed the control and operation of many Mexican pharmacies along the northern Mexican border. Drugs can be purchased without prescriptions. There is no quality control for pharmaceutical drugs; therefore, resulting in counterfeit drugs. There is no guarantee that the drugs consumers are purchasing have the same ingredients for what they were prescribed, thus jeopardizing the health of many underprivileged US citizens.

Mexican narcotic traffickers still launder their money in the US. There is evidence that some Mexican traffickers are purchasing properties under the names of family members or business "fronts" in order to conceal their profits; however, intelligence information indicates that it is quite apparent that the majority of the money is being driven across the border concealed in vehicles. Surrounding states have reported numerous bulk cash seizures in the millions of dollars that were destined for Mexico.

As a result of the implementation of the North American Free Trade Agreement (NAFTA), known drug traffickers are exploiting commercial trade to facilitate their drug smuggling activities. Drug traffickers are now directly involved with well-known legitimate trucking firms that are less likely to be targets of law enforcement scrutiny. They are using trade consultants to determine what merchandise moves most quickly across the border under NAFTA regulations. They are also owners or controlling parties in commercial trade-related businesses within the Mexican transportation infrastructure. Once an international drug smuggler succeeds in importing contraband into the US, the Southwest Border becomes a gateway for narcotics destined for major metropolitan areas. Drug traffickers obtain warehouses in West Texas and Southern New Mexico to "stash" their drugs and then recruit drivers from these areas to transport the drugs to various destinations throughout the US.

The BP is reporting an increase in the number of undocumented aliens entering the US through New Mexico. The increase of illegal drug seizures is congruent to the increase of undocumented aliens in the areas where these aliens travel. Undoubtedly, the Mexican narcotic traffickers are still using this method to smuggle their narcotics, but are now funneling the narcotics more frequently through New Mexico than other border states.

Response by Federal Law Enforcement Agencies

The shift in narcotic patterns from the country of Mexico has a serious impact within the State of New Mexico. The disruption of certain Mexican Cartels, specifically within Western and Eastern Mexico, has significantly increased the power of two Cartel leaders operating in Central Mexico. The shift in power has a direct effect on the amount of drugs entering the United States through New Mexico and West Texas. The leadership of these Mexican Cartels take the line of least resistance to smuggle their narcotics by choosing areas with fewer law enforcement personnel available to enforce the narcotic laws. New Mexico does not have enough Federal law enforcement presence to deter Mexican Cartels from smuggling their narcotics into the United States through New Mexico.

As Arizona continues to apply efforts on securing its border with Mexico, New Mexico must respond. Much of the land bordering Mexico in New Mexico is under the jurisdiction of the Bureau of Land Management (BLM). At present, there is only one BLM law enforcement ranger for the entire area and is based out of Las Cruces. A second ranger is expected to be placed in Deming in the near future. This should be noted because the public is at risk when they visit federal land. With the increase in the use of public land to smuggle drugs and illegal aliens, comes an increase in the level of damage to public land, which elevates the risk for many visitors and residents. We often hear comments from local citizens that they are fast losing confidence in the US Government's ability to keep them safe while on federal land in New Mexico.

The CBP enforcement efforts in other states to clamp down on drug and alien smuggling through the international border have created a balloon effect, which New Mexico is presently experiencing. The pressure applied during Operation Gate Keeper in Southern California in the late 1990s and now during Operation Arizona Border Control (ABC) has forced the Mexican criminal organizations to funnel their drugs through New Mexico in order to avoid detection. The CBP does not have enough Border Patrol Agents between the POEs in New Mexico to

continue the enforcement efforts started in California and Arizona; thus, the CBP must rely on support from State and Local police agencies in a losing attempt to hold the line.

The Santa Teresa, New Mexico POE is the official crossing point for commercial traffic and is near a highway system that provides easy access to routes that can reach every major city in the United States. NAFTA has a major impact on this area. The openness of the NAFTA agreement curtails what would be normal inspections. International commercial truck traffic continues to increase, resulting in increases of the number of inspections at the POE. The CBP Inspectors' efforts and capabilities to thoroughly inspect each vehicle are compromised by time constraints imposed by the increased commercial traffic without an increase in the number of CBP Inspectors. The lack of a thorough inspection for each vehicle has increased the threat of contraband entering the US. Along with the CBP, the New Mexico State Motor Transportation Division (MTD) has five POEs in the state that intercept commercial traffic which results in drug seizures. A sixth POE is scheduled to open on Highway 54 in Oro Grande, New Mexico in 2004. It will capture commercial traffic coming into the State of New Mexico from El Paso, Texas.

The Drug Enforcement Administration (DEA) maintains a presence in New Mexico, but in their gallant effort to meet the demands from other Federal, State and Local law enforcement agencies, we find that they are overburdened and understaffed. The DEA needs more Special Agents and Intelligence Analysts in Albuquerque and Las Cruces in order to have a meaningful impact on the narcotic trafficking organizations operating in these areas. In addition to these offices, we find strong support within the New Mexico law enforcement community for the DEA to open Resident Offices in Deming, Roswell, Santa Fe and Farmington, New Mexico.

The change in the investigative priorities of the remaining Federal agencies with the authority to enforce the Federal Controlled Substance Laws has strained the DEA. Any change in priorities should take into account that the DEA is an investigative agency, not an interdiction agency. While investigative agencies such as the Federal Bureau of Investigation (FBI) and the Immigration and Customs Enforcement (ICE) continue to play a significant role in enforcing Federal narcotic laws in New Mexico, other priorities such as immigration and anti-terrorism reduce the time and personnel dedicated to narcotic investigations. More changes are expected at ICE which includes a realignment of personnel to the international border. The realignment is viewed as an improvement for our national security, but may not improve the US domestic drug problem. History clearly demonstrates that criminals will continue to provide drugs for abuse. If the priorities of the investigative agencies shift from enforcing the narcotic laws, then the DEA must be reinforced.

Another significant problem created by the shift in power of the Mexican Cartels is the current status of the Federal Judicial Court System in New Mexico. The US District Court in Albuquerque and the US District Court in Las Cruces have the highest caseload per judgeship in the nation. These Federal Judges need help to keep up with the pace set by the New Mexico law enforcement community.

The unchecked growth in the caseload of the Courts speaks volumes about the increased workload at the United States Attorney's Office (USAO) and the United States Marshals Service

(USMS). Like the Courts, DEA and BCP, the demand placed on the USAO and the USMS has not been addressed with much needed additional resources required to successfully accomplish their missions. The New Mexico State District Court has similar backlog issues. Increased drug and immigration enforcement along the Mexican borders with California and Arizona continue to displace the criminal element to the New Mexican border.

The lack of prison space is also a problem in New Mexico. There is not enough room to house all Federal or State prisoners. The state is considering releasing non-violent drug traffickers to make room for more violent drug traffickers. If this should happen, there is a real threat that the number of street dealers and drug users in New Mexico will increase significantly, thus creating a substantial opportunity for the Mexican Cartels. The Federal prison population has grown over 410% in the past four years. After a detainee is sentenced, the USMS removes the Federal prisoners from the county jail to the only Federal Bureau of Prison facility in New Mexico, a prison that is at maximum capacity.

How Well These Federal Agencies Are Coordinating Their Efforts With Each Other and With State and Local Agencies

The NM HIDTA has been able to bring all narcotic enforcement agencies together to work in task forces with a defined mission and focus in order to dismantle or disrupt significant targets for maximum impact. Coordination amongst the Federal agencies along the Southwest Border is outstanding. State and Local law enforcement agencies support the efforts of the Federal Government with the limited resources available to them. The HIDTA plays an important role in bringing additional resources and vital training to all of New Mexico's enforcement and intelligence programs and initiatives. Simply put, there is too much work for any one person or agency to be independent. In New Mexico, cooperation is a must for any successful operation.

The NM HIDTA Investigative Support Center (NMISC) is the centerpiece of all law enforcement agencies within the State of New Mexico. The NMISC provides for the collection and commingling of vital Federal, State and Local law enforcement personnel and databases that are available to assist in counterdrug investigations and interdiction. The NMISC provides event and case deconfliction for officer safety and enhanced intelligence; strategic intelligence for refined targeting and officer resource allocation; and operational analytical support for ongoing initiative-driven case activity through access to criminal and commercial databases. This support is available to every law enforcement agency in the state and is the investigative link to all other HIDTAs located throughout the US.

Conclusion

New Mexico is expecting a shift in the smuggling patterns of the Mexican Cartels operating along the US Southwestern border with Mexico. More drugs are expected to pass through New Mexico for distribution throughout the US. This does not mean that more drugs will be smuggled into the United States, but it does mean that more drugs than ever before will be funneled through New Mexico. To address the increase in drug smuggling and the rise in criminal activity in New Mexico, the Federal Government should continue to emphasize the

importance of enforcing the narcotics laws and provide the necessary staffing and resources desperately needed along the entire Southwest Border. Federal, State and Local police agencies in New Mexico are performing and coordinating their duties well, but are all severely understaffed and lack the resources to adequately contribute in the nation's efforts to stop narcotics from entering the United States.

Mr. SOUDER. Thank you. And all of your full statements will be in the record. And we'll probably have some more questions about the Santa Teresa area, and a few other areas.

Next witness is Mr. Luis Garcia, Director of Field Operations, El Paso Office, U.S. Customs and Border Protection, DHS.

Mr. GARCIA. Good afternoon. My name is Luis Garcia, spelling L-U-I-S, G-A-R-C-I-A, and I am the Director of Field Operations for Customs and Border Protection in El Paso, TX.

Mr. Chairman, distinguished members of the committee, thank you for this opportunity to appear today to discuss the efforts of the Customs and Border Protection Officers under the El Paso Field Office in interdicting narcotics arriving in the United States through the various ports of entry in Western Texas and New Mexico.

The CBP's El Paso Field Office is responsible for the management of five ports of entry, encompassing 10 border crossings, spread along more than 550 miles of border with Mexico. These five ports of entry are staffed by nearly 1,000 inspection officers, including 86 canine enforcement officers. During fiscal year 2003, these officers seized more than 223,000 pounds of marijuana, 3,100 pounds of cocaine, and 200 pounds of heroin. These figures represent 24 percent of all the marijuana, 4 percent of all the cocaine, and 5 percent of the entire heroin seized at all the ports of entry nationwide last fiscal year.

This fiscal year, approximately 40 percent of the marijuana seized at the ports of entry under the El Paso Field Office has been found in commercial trucks. This method of smuggling has been a growing threat for several years now and we have introduced several forms of non-intrusive inspection technology to address the threat.

Every port in western Texas and New Mexico through which commercial trucks enter the United States has at least one large-scale unit capable of inspecting complete trucks at a minimum rate of six trucks per hour. Obviously, this does not permit us to examine all trucks with this technology, but additional units are being added. At this time, approximately one of every five trucks arriving through the port of El Paso is processed through this non-intrusive inspection technology. Inspection rates at the smaller ports are much higher.

We have entered into partnerships with shippers, importers and transporters in an effort to more effectively address both the terrorist threat and the smuggling of narcotics through our ports of entry. One of the latest forms of these partnerships is called Free and Secure Trade, or FAST. Under the FAST program, the shipper, importer, transporter and driver are all vetted before program participation is allowed. We know with whom we are working and they know what is expected of them. And as a further means of ensuring compliance, non-intrusive inspection units are dedicated to the FAST program so the arriving FAST trucks can be inspected at a much higher rate than non-FAST carriers.

Currently in El Paso, 60 percent of all arriving FAST shipments are x-rayed upon arrival. We want to be very sure this program is not compromised. With dedicated equipment, we are able to inspect at a much higher rate and still process and release the shipments

much faster than we do those shipments that are not part of the program.

The port of El Paso also receives commercial shipments by rail across two bridges from Ciudad Juarez. We now have non-intrusive inspection technology installed at each of these bridges and are inspecting all arriving trains as they cross the bridges.

If we find 40 percent of the marijuana in the commercial trucks, where do we find the balance of the marijuana, along with the cocaine and heroin? Nearly all of it has been found in private vehicles. The five ports of entry under my Field Office process—on average—more than 45,000 private vehicles every day. From this, we average 4.5 narcotic seizures per day, or one seizure for every 10,000 private vehicles that we process.

Since our non-intrusive inspection technology is aimed toward the large loads in commercial trucks where the average seizure is 2,400 pounds, nearly all loads in the private vehicle environment are found due to the hard work of individual inspectors and canine officers working with our highly trained narcotic detector dogs.

I don't want to give you the impression that we work alone, ignoring the valuable contributions of other agencies with whom we work in our counter-drug activities. Our ICAT dedicated intelligence unit has elements from both Immigration and Customs Enforcement and, from within the CBP, the Border Patrol, working alongside our inspectional personnel.

We know that technology alone will not stop drug smuggling. It never has. It never will. The hardworking, dedicated men and women that I am proud to lead are our best means for interdicting drugs and for deterring the smuggling organizations. Were it not for the efforts of these motivated public servants, an additional 113 tons of marijuana, cocaine and heroin would have been on the streets of the United States last year. The men and women of Customs and Border Protection's Office of Field Operations, assigned to the ports of entry in western Texas and New Mexico, working in cooperation with CBP's Border Patrol between the ports of entry, as well as with ICE agents, have made a difference. And they will continue to do so. Thank you again for this opportunity to testify.

[The prepared statement of Mr. Garcia follows:]

Statement of Luis Garcia
Director of Field Operations
U.S. Customs and Border Protection
Department of Homeland Security
Before the House Committee on Government Reform
Subcommittee on Criminal Justice Drug Policy and Human Resources
Field Hearing - Las Cruces New Mexico
June 29, 2004

Mr. Chairman, distinguished members of the committee, thank you for this opportunity to appear today to discuss the efforts of the Customs and Border Protection (CBP) Officers under the El Paso Field Office in interdicting narcotics arriving in the United States through the various ports of entry in western Texas and New Mexico. My name is Luis Garcia and I am the Director of Field Operations for Customs and Border Protection in El Paso, Texas.

The CBP's El Paso Field Office is responsible for the management of five ports of entry, encompassing 10 border crossings, spread along more than 550 miles of border with Mexico. These five ports of entry are staffed by nearly 1000 inspectional officers, including 86 canine enforcement officers. During FY2003, these officers seized more than 223,000 pounds of marijuana, 3,100 pounds of cocaine and 200 pounds of heroin. These figures represent 24% of all the marijuana, 4% of all the cocaine, and 5% of the entire heroin seized at all the ports of entry nationwide last fiscal year.

This fiscal year, approximately 40% of the marijuana seized at the ports of entry under the El Paso Field Office has been found in commercial trucks. This method of smuggling has been a growing threat for several years now and we have introduced

several forms of non-intrusive inspection technology to address the threat. Every port in western Texas and New Mexico through which commercial trucks enter the United States has at least one large-scale unit capable of inspecting complete trucks at a minimum rate of six trucks per hour. Obviously, this does not permit us to examine all trucks with this technology, but additional units are being added. At this time, approximately one out of every five trucks arriving through the Port of El Paso is processed through this non-intrusive inspection technology. Inspection rates at the smaller ports are much higher.

We have entered into partnership with shippers, importers and transporters in an effort to more effectively address both the terrorist threat and the smuggling of narcotics through our ports of entry. One of the latest forms of these partnerships is called Free and Secure Trade, or FAST. Under the FAST program, the shipper, importer, transporter and driver are all vetted before program participation is allowed. We know with whom we are working and they know what is expected of them. And as a further means of ensuring compliance, non-intrusive inspection units are dedicated to the FAST program so the arriving FAST trucks can be inspected at a rate much higher than the non-FAST carriers. Currently in El Paso, 60% of all arriving FAST shipments are x-rayed upon arrival. We want to be very sure that this program is not compromised. With dedicated equipment, we are able to inspect at a much higher rate and still process and release the shipments much faster than we do those shipments that are not part of the program.

The Port of El Paso also receives commercial shipments by rail across two bridges from *Ciudad Juarez.* We now have non-intrusive inspection technology installed at each of these bridges and are inspecting all arriving trains as they cross the bridges.

If we find 40% of the marijuana in the commercial trucks, where do we find the balance of the marijuana, along with the cocaine and heroin? Nearly all of it has been found in private vehicles. The five ports of entry under my Field Office process – on average – more than 45,000 private vehicles every day. From these, we average 4.5 narcotic seizures per day or one seizure for every 10,000 private vehicles that we process. Since our non-intrusive inspection technology is aimed toward the large loads in commercial trucks where the average seizure is 2,400 pounds, nearly all loads in the private vehicle environment are found due to the hard work of individual inspectors and canine officers working with our highly trained narcotic detector dogs.

I don't want you to get the impression that we work alone – ignoring the valuable contributions of the other agencies with whom we work in our counter-drug activities. Our dedicated intelligence unit has elements from both Immigration and Customs Enforcement (ICE) and, from within the CBP, the Border Patrol, working alongside our inspectional personnel.

We know that technology alone will not stop drug smuggling. It never has. It never will. The hard working, dedicated men and women that I am proud to lead are our best means for interdicting drugs and for deterring the smuggling organizations. Were it not

for the efforts of these motivated public servants, an additional 113 tons of marijuana, cocaine and heroin would have been on the streets of the United States last year. The men and women of Customs and Border Protection's Office of Field Operations, assigned to the ports of entry in western Texas and New Mexico, working in cooperation with CBP's Border Patrol between the ports of entry, as well as with ICE agents, have made a difference. And they will continue to do so. Thank you again for this opportunity to testify.

Mr. SOUDER. Thank you very much.

Our next witness is Mr. Sandy Gonzalez, Special Agent in Charge for DEA El Paso Field Division. It's good to have you in front of our subcommittee.

Mr. GONZALEZ. Mr. Chairman, members of the subcommittee, it is my pleasure to again appear before you. My name is Sandalio Gonzalez. That's S-A-N-D-A-L-I-O, G-O-N-Z-A-L-E-Z, and I am the Special Agent in Charge of the El Paso Field Division of the Drug Enforcement Administration. On behalf of DEA Administrator Tandy and the men and women of the DEA, I thank the subcommittee for your continuous support of the DEA mission.

Throughout our 30-year history, the DEA has taken a leadership role in fostering cooperation among law enforcement agencies combating this scourge of drug trafficking. The drug trafficking threat facing Southern New Mexico far exceeds the capabilities of the DEA or any other single law enforcement agency. Effectively targeting drug trafficking organizations and successfully disrupting their organizations requires partnerships among government agencies at all levels. DEA promotes these partnerships in order to establish effective mechanisms to bring about this cooperation.

Our Las Cruces resident office is a HIDTA-designated task force, and it is responsible for the 12 southernmost counties in New Mexico. One of its primary missions is response to the Bureau of Customs and Border Protection checkpoint seizures and arrests, as well as significant seizures made at the two New Mexico Department of Motor Vehicles ports of entry is Southern New Mexico. This mission alone consumes about 60 percent of our agents' time. The DEA also focuses significant resources toward identifying, targeting and dismantling priority drug trafficking organizations at the local, regional and international level.

In order to accomplish this mission, we depend upon significant contributions from our local, State and Federal counterparts in terms of intelligence, manpower, and resources.

DEA continues to foster cooperative investigative endeavors throughout Southern New Mexico, and has been especially successful in conducting long-term investigations with HIDTA task forces in Southern New Mexico. We all want to cooperate and share intelligence. The challenge is how best to promote cooperation and intelligence sharing in our unique environment in an efficient and cost-effective manner.

All Federal, State and local law enforcement agencies in Southern New Mexico are faced with the same challenges. Geography, limited law enforcement presence, a support system that is currently overwhelmed as a result of the substantial increase in immigration and drug trafficking prosecutions, and a multi-faceted nature of the drug trafficking threat in the region. Our Las Cruces office operates both under the auspices of the HIDTA program, as well as on an agency-to-agency basis.

Las Cruces is comprised of a cross-section of local, State and Federal task force officers. The multi-agency staffing lays a solid foundation for enhanced cooperation. Were it not for the enhanced resources and manpower provided by all local, State and Federal agencies, the DEA would be hard pressed to effectively conduct

both this border referral and major conspiracy investigative mission.

An example of cooperation between the DEA Las Cruces Office and its law enforcement counterparts in Southern New Mexico is the investigation and severe disruption of a local cocaine trafficking and distribution organization operating in Las Cruces and Dona Ana County.

In the fall of 2002, the DEA, FBI, New Mexico State Police and the Las Cruces-Dona Ana Metro Narcotics Unit, identified a significant cocaine trafficking organization based in Michoacan, Mexico. We realized that we were targeting the same organization, and HIDTA, through enhanced liaison and intelligence sharing, pooled our intelligence and investigative resources to target this organization. Utilizing HIDTA, OCDETF, and Special Operations Division resources, we were able to obtain 37 Federal and 71 State level indictments against this organization. The impact of this operation remains evident to this day, as the current purity level of cocaine being sold in Las Cruces and Dona Ana County is now nearly half of what it was prior to the onset of this operation. None of the participating agencies could have achieved this success on their own.

The Las Cruces office also leverages border referral investigations by conducting controlled deliveries of seized narcotic loads to their destination cities. These controlled deliveries are time-sensitive and require extensive coordination, both within DEA as well as other law enforcement agencies.

An example of such coordination was a controlled delivery of cocaine conducted by the Las Cruces Office to Colorado Springs, Colorado. An integral part of this controlled delivery was the effective coordination and use of ICE Airwing assets to transport our agents and the cooperating defendant to Colorado. This operation resulted in the arrest of two additional subjects and the seizure of over $300,000 in cash.

The long-term effects of this controlled delivery continue to pay dividends for our DEA counterparts in Colorado, and none of this would have been possible without effective coordination and the participation of the ICE Airwing. DEA fully supports the mission goals and objectives of the New Mexico HIDTA program to enhance and coordinate New Mexico's drug control.

We are an active participant in the New Mexico HIDTA and its Intelligence Center. We support the New Mexico HIDTA Intelligence Center's mission of fully integrating New Mexico's counterdrug law enforcement information architecture and the sharing of intelligence, not only in New Mexico, but throughout other jurisdictions in the United States.

While law enforcement in Southern New Mexico has improved over the past years, we can do better. We fully support the ongoing efforts of the New Mexico HIDTA to increase cooperation and intelligence sharing in its comprehensive strategy for increasing intelligence collection and dissemination capabilities. Our citizens deserve nothing less than our ongoing efforts to combat drug traffick-

ing.

I thank you again for the opportunity to testify before the subcommittee today, and I'll be able to answer your questions. Thank you.

[The prepared statement of Mr. Gonzalez follows:]

Remarks by

Sandalio Gonzalez
Special Agent in Charge
El Paso Field Division
Drug Enforcement Administration
United States Department of Justice

Before the

House Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy
& Human Resources

Regarding

"The Impact of the Drug Trade on Border Security:
Field Hearing in Las Cruces, New Mexico"

June 29, 2004

Note: This is prepared text and may not reflect changes in actual delivery.

Statement of
Sandalio Gonzalez
Special Agent in Charge
El Paso Field Division
Drug Enforcement Administration

Before the

House Committee on Government Reform
Subcommittee on Criminal Justice
Drug Policy, and Human Resources

June 29, 2004

"The Impact of the Drug Trade on Border Security: Field Hearing in Las Cruces, New Mexico"

Introduction

Chairman Souder and members of the Subcommittee, thank you for the invitation to testify today. My name is Sandalio Gonzalez, and I am the Special Agent in Charge of the El Paso Field Division. On behalf of Drug Enforcement Administration (DEA) Administrator Karen P. Tandy and the men and women of the DEA, thank you for your continued support of our mission.

The Scope of Drug Trafficking in New Mexico

The DEA El Paso Division has 132 agents to cover 778 miles in west Texas and New Mexico, roughly 40% of the United States and Mexico border. This territory has 18 ports of entry and a minimum of 80 illegal crossing points.

In New Mexico, the DEA Las Cruces Resident Office is responsible for 180 miles of the international border from New Mexico to Texas. We do this with only 17 Special Agents, supported by 7 state and local Task Force Officers, 2 Customs and Border Protection (CBP) Agents, 6 administrative personnel, a National Guard analyst, and one DEA Intelligence Analyst.

The Las Cruces office concentrates on border response and investigations of priority drug trafficking organizations. We also respond to Customs and Border Protection (CBP) checkpoint seizures and arrests, as well as New Mexico Department of Motor Vehicle Port seizures. These referrals arise from drugs seized during vehicle inspections at checkpoint sites and abandoned at ports of entry. DEA agents responding to abandoned drug referrals can spend anywhere from 14 to 48 hours processing the drugs, while checkpoint seizures take an average of 110 hours each.

In fiscal year 2003, DEA agents in Las Cruces responded to 52 abandoned drug referrals and 219 checkpoint drug seizures, which consumed approximately 60% of their time. Heightened border security will continue to increase the number of drug seizures and arrests, even while we must maintain attention to our primary mission of identifying, targeting, and dismantling priority drug trafficking organizations.

The New Mexico geography and the border itself are the biggest factors in importing drug trafficking. The open border areas between multiple ports of entry, the Boot Heel area of southwest New Mexico, and easy border access to major road networks all combine to make this area highly vulnerable to drug smugglers. The Deming/Palomas Point of Entry requires special attention because of the volume of vehicular traffic traveling through it, and the open terrain on both sides of the border around it. Highways I-10 and I-40 are critical east-west lines of communication that connect New Mexico to both Arizona and West Texas. They provide passageways for traffickers smuggling drugs into New Mexico or moving drug proceeds through the state.

Law Enforcement Cooperation

In New Mexico, the DEA works closely and energetically with our local law enforcement partners. Building strong interagency partnerships is central to Administrator Tandy's vision. One of the cornerstones of that cooperation is intelligence sharing, and it has brought us terrific results. In addition to our individual partnerships, the Las Cruces office actively participates in the New Mexico Southwest Border HIDTA and its Intelligence Center. The Intelligence Center is a local forum for the interagency exchange of information that influences not only New Mexico, but also other jurisdictions across the United States. We consider this to be so important that I have assigned our only intelligence analyst there full time.

A recent example of successful cooperation between the DEA Las Cruces Office and its law enforcement counterparts in southern New Mexico was the recent investigation and disruption of a local cocaine trafficking organization operating in Las Cruces and Dona Ana County. In the fall of 2002, the DEA, the Federal Bureau of Investigation, the New Mexico State Police, and the Las Cruces-Dona Ana Metro Narcotics Unit, identified a significant cocaine trafficking organization based in Michoacan, Mexico. This group was responsible for providing the majority of cocaine to Las Cruces and Dona Ana County. We quickly realized that we were targeting the same organization through our shared intelligence, and we immediately pooled all our resources. Using HIDTA, OCDETF, and Special Operations Division resources, law enforcement collectively targeted the organization, and six months later 37 federal and 71 state indictments were filed. This operation had a demonstrable local impact. In the months following the takedown, cocaine availability and purity dropped significantly. A recent analysis of cocaine purity levels in Dona Ana County showed the average purity level to be just below 20% - half of what it was before the arrests. None of the participating agencies would have achieved this success on their own.

The DEA also passes intelligence information gleaned from border referrals to our offices throughout the United States to further other investigations, often facilitating controlled deliveries of seized narcotics shipments. For example, the DEA and

Immigration and Customs Enforcement recently conducted a controlled delivery of cocaine to Colorado Springs, Colorado that resulted in the arrest of several defendants and the seizure of $300,000. ICE's participation and the use of its Airwing was instrumental to the case's success and has also helped identify a nexus to a different border investigation within the past month.

We also share information that may have value to other agencies outside of drug investigations, including terrorism and border security threats. DEA has established protocols to ensure that time-sensitive information is forwarded to other law enforcement agencies immediately. Working with other agencies makes us all stronger and more effective than working individually.

The primary conduit for intelligence sharing within the region is the New Mexico Investigative Support Center (NMISC). The NMISC is a HIDTA-funded initiative, and its most important function is case deconfliction for southern New Mexico. All DEA operational activities, from surveillance to execution of search and arrest warrants, must be entered into its "Safe-T-Net" deconfliction system. This system provides immediate feedback to the participating agencies regarding potential operational conflicts. If a conflict arises, the system provides a point of contact for coordination. Use of this system is mandatory for all participating HIDTA agencies. The NMISC also serves as the central depository for all drug seizure intelligence in Southern New Mexico. Once a drug seizure is made, the seizing agency provides the NMISC with seizure information for the NMISC's internal database. The data is compared with other state, local, and federal databases, and puts investigations with common objectives together.

The DEA also uses a significant amount of evidence developed from individuals arrested at Border Patrol checkpoints such as copies of vehicle registrations, telephone numbers, log books, pocket trash, and post-arrest statements made by defendants. Previously, this information was retrievable only in DEA's Narcotics and Dangerous Drugs Information System (NADDIS). We now provide copies of evidence to the NMISC for analysis and inclusion into the HIDTA database, allowing it to be checked against other state, local, and federal databases as well as the NMISC's internal database. It also helps law enforcement to take investigations a step further by following up on links to other cases as provided in post-seizure analysis.

The NMISC is presently in the process of gaining more robust connectivity to other HIDTA Intelligence Centers throughout the United States. The Office of National Drug Control Policy has spearheaded an effort to connect the internal databases of HIDTA Intelligence Centers throughout the U.S. in accordance with the General Counterdrug Intelligence Plan. The DEA has been working with the El Paso Intelligence Center (EPIC) to establish protocols to receive and share information on drug movement developed by the HIDTA ISCs and ensure that relevant EPIC database inquiries become a standard part of appropriate HIDTA operational protocols. The current NMISC internal database provides a platform which should seamlessly integrate this process.

CONCLUSION

Drug trafficking in New Mexico is not merely a local concern. It clearly impacts the rest of the United States. An overwhelming majority of the border referral and conspiracy investigations I described are linked to distribution organizations throughout the United States and Mexico. The national and international impact of these investigations demands enhanced cooperation and intelligence sharing within southern New Mexico and more broadly across the United States and the Republic of Mexico.

Mr. SOUDER. Thank you.

Our last witness on the first panel is Mr. Steven Swingle, Acting Aviation Group Supervisor of the Albuquerque Air Branch Office of Air and Marine Operations, ICE Division of the DHS.

Mr. SWINGLE. Thank you. My name is Steve Swingle, S-W-I-N-G-L-E, U.S. Immigration and Customs Enforcement Office of Air and Marine Operations.

Good afternoon Mr. Chairman, Mr. Pearce, distinguished subcommittee members. It's a pleasure to appear before you today and to share an operational view of the U.S. Immigration and Customs Enforcement Office of Air and Marine Operations on "The Impact of the Drug Trade on Border Security." Let me begin by expressing my appreciation for your interest in this critical national security matter and for your continued support of the men and women of the Department of Homeland Security who put their lives on the line daily to secure our borders against smuggling organizations and potential terrorists.

ICE's Office of Air and Marine Operations protects our Nation's people and critical infrastructure by using an integrated and coordinated air and marine force to deter, interdict, and prevent potential acts of terrorism arising from the unlawful movement of people and goods across the borders of the United States.

AMO's three core competencies—air and marine interdiction, air and marine law enforcement, and airspace security—provide critical, rapid, and flexible support to the Department of Homeland Security's counter-terrorism, law enforcement, and counter-smuggling operations at sea, on our borders, over our cities, and across our Nation's interior.

As an air and marine law enforcement agency, AMO employs 133 aircraft and 72 marine assets to meet many of the Nation's critical homeland security needs. The majority of AMO's 1,000 personnel are operationally deployed—primarily along the southern border. Major AMO facilities are located in Texas, Florida, New Mexico, Arizona, Louisiana, California and Puerto Rico. In addition, the first two of five planned Northern Border Branches are being launched in Bellingham, Washington, and Plattsburgh, New York this year. Currently, AMO branches across the country provide personnel and assets on temporary duty to enforce airspace security over Washington, DC, and for other sensitive locations and events throughout the Nation as designated.

Also, in support of Presidential Decision Directive–14, AMO routinely deploys internationally to conduct counter-drug missions in source and transit zones.

The focus of today's hearing is drug trafficking on the southern border. I would like to highlight how AMO contributes to the fight against narcotics trafficking. In fact, AMO's legacy mission was born in the fight against illegal movement of drugs and people by air and sea—mainly across our Southwest Border.

While AMO has been tasked with new missions in the post-September 11, 2001 strategic environment, the agency remains dedicated to our legacy missions because those threats remain as urgent as ever.

In particular, existing smuggling routes and networks represent a new threat. As the United States continues to harden legal points

of entry against potential terrorists, there are very serious risks that traditional smuggling routes and networks are vulnerable to exploitation by terrorists who seek to covertly move operatives and weapons into this country.

Smuggling networks are in the business of moving people and goods. These are multi-million-dollar criminal enterprises dedicated to the illegal movement of tens of thousands of illegal immigrants and tons of illicit cargo into our country without detection.

It takes little imagination to understand how easily such mature delivery systems could facilitate the movement of terrorists and their weapons into this country.

In order to continue providing AMO personnel with the best tools, training, safety and equipment, AMO has approved a new modernization plan. It is a comprehensive capability-based systems acquisition strategy designed to improve AMO operational effectiveness and to reduce overall life cycle cost in the most effective manner and in the minimum amount of time.

It is a strategic plan that provides an overview of the current state of AMO infrastructure and outlines the necessary acquisition of platforms, sensors and logistic support to meet new and legacy missions and responsibilities of AMO.

In conclusion, I would like to thank you, Mr. Chairman, again for the opportunity to highlight the Office of Air and Marine Operations within Immigration and Customs Enforcement. AMO remains a critical tool in the national effort to secure our borders against smuggling networks and potential terrorists. It would be my pleasure at this time to answer any questions that you may have.

[The prepared statement of Mr. Swingle follows:]

U.S. Immigration and Customs Enforcement

Statement

of

Steve Swingle
Acting Aviation Group Supervisor
Albuquerque Air Branch
Office of Air and Marine Operations

Immigration and Customs Enforcement
Department of Homeland Security

Before

House Government Reform Committee
Subcommittee on Criminal Justice, Drug Policy and Human Resources

"Impact of the Drug Trade and Border Security"

June 29, 2004 at 1:00 p.m.
Las Cruces, New Mexico

INTRODUCTION

Good Afternoon Mr. Chairman, it is a pleasure to appear before you today and share an operational view of the U.S. Immigration and Customs Enforcement (ICE) Office of Air and Marine Operations (AMO) on "The Impact of the Drug Trade on Border Security." Let me begin by expressing my appreciation for your interest in this critical national security matter and for your continued support of the men and women of the Department of Homeland Security (DHS) who put their lives on the line daily to secure our borders against smuggling organizations and potential terrorists.

ICE's Office of Air and Marine Operations protects our Nation's people and critical infrastructure by using an integrated and coordinated air and marine force to deter, interdict, and prevent potential acts of terrorism arising from the unlawful movement of people and goods across the borders of the United States.

AMO's three core competencies -- air and marine interdiction, air and marine law enforcement, and airspace security -- provide critical, rapid, and flexible support to the Department of Homeland Security's counter-terrorism, law enforcement, and counter-smuggling operations at sea, on our borders, over our cities, and across this Nation's interior.

As an air and marine law enforcement agency, AMO employs 133 aircraft and 72 marine assets to meet many of the Nation's critical homeland security needs.

The majority of AMO's 1,000 personnel are operationally deployed – primarily along the Southern border. Major AMO facilities are located in Texas, Florida, New Mexico, Arizona, Louisiana, California, and Puerto Rico. In, addition, the first two of five planned Northern Border Branches are being launched in Bellingham, Washington, and Plattsburgh, New York, this year. Currently, AMO branches across the country provide personnel and assets on temporary duty to enforce airspace security over Washington, D.C. and for other sensitive locations and events throughout the nation as designated.

Also, in support of Presidential Decision Directive-14, AMO routinely deploys internationally to conduct counter-drug missions in source and transit zones.

A key component of AMO's integration capabilities, the Air and Marine Operations Center (AMOC) at March Air Reserve Base in Riverside, California, integrates military and civilian radar tracking data to provide actionable real-time intelligence to AMO aircraft and vessels throughout the Western Hemisphere. Other customers include the National Capital Region Coordination Center (NCRCC), NORAD, the U.S. Secret Service Operations Center, and the Transportation Security Operations Center. To ensure the highest and safest operational standards, AMO also has a Training and Standardization Branch in Oklahoma City, Oklahoma.

DRUG TRADE IMPACT ON BORDER SECURITY

The focus of today's hearing is drug trafficking at the Southern border. I would like to highlight how AMO contributes to the fight against narcotic trafficking. In fact, AMO's legacy mission was born in the fight against illegal movement of drugs and people by air and sea -- mainly across our Southwest border.

While AMO has been tasked with new missions in the post-September 11, 2001, strategic environment, the agency remains dedicated to our legacy missions because those threats remain as urgent as ever.

In particular, existing smuggling routes and networks represent a new threat. As the U.S. continues to harden legal points of entry against potential terrorists, there are very serious risks that traditional smuggling routes and networks are vulnerable to exploitation by terrorists who seek to covertly move operatives and weapons into this country.

Smuggling networks are in the business of moving people and goods. These are multi-million-dollar criminal enterprises dedicated to the illegal movement of tens of thousands of illegal immigrants and tons of illicit cargo into our country without detection.

It takes little imagination to understand how easily such mature delivery systems could facilitate the movement of terrorists and their weapons into this country.

OVERSEAS MISSIONS

For AMO, border security is much more than the linear boundary on the map. Instead, AMO focuses on the smuggling networks, conveyances, and individuals who illegally move goods and people across the border. Often, that requires investigations and intelligence collection far beyond our borders.

The U.S. benefits by receiving the results of intelligence and investigative leads that are needed to refine the operation against an ever-evolving and dynamic drug-smuggling threat. AMO also deploys surveillance and interception aircraft to South and Central America to fly interdiction missions in the source and transit zones and air bridge denial missions over Colombian airspace.

With a unique investigative and intelligence capability, AMO seeks to adjust in real-time its operational strategy against the threat before those threats reach the United States borders.

TETHERED AEROSTAT RADAR SYSTEM

The TARS is the only fixed-site system able to provide radar coverage of low-level targets (100-500 feet above ground level) with information on speed,

heading, altitude and Identification Friend or (not sure) Foe (IFF) IFF capability. The system is capable of being modified to provide surveillance of maritime targets in the coastal regions. It is a vital system for the acquisition of intelligence on air trafficking trends within Mexico and throughout the Caribbean. TARS provides unique surveillance, detection and targeting information for action by AMO marine assets along the maritime Southern tier.

While the Department of Defense (DoD) runs the TARS program, the Department of Homeland Security is a strong supporter and, through the AMOC, the largest customer for the operational products the system produces.

MODERNIZATION/RECAPITALIZATION

The Department is currently studying the aviation missions, programs and assets of Customs and Border Protection, Immigration and Custom Enforcement, and the Coast Guard. The purpose of this analysis is to identify overlaps in aviation capability, assets, training, maintenance, logistics, facilities and acquisition that can be leveraged in the near term to recognize efficiencies in response time and operating expense. The Department has chartered an Aviation Management Council to provide leadership and oversight on joint DHS Aviation policy, operations, procedures, requirements, sourcing strategies and asset management to support the needs of the Department. This group is currently engaged in drafting a Department-wide Aviation Concept of Operations for review by the DHS Joint Requirements Council.

These review processes will help examine AMO in view of the post-9/11 and post-DHS creation strategic environment, which includes new requirements such as airspace security over cities such as Washington, D.C., and during designated National Security Special Events, as well as Continuity of Government operations and the launch of five new Northern Border Aviation branches. AMO covers the most pressing tasks and missions today by surging its personnel, resources and force structures that are still mainly sized against the pre-9/11 legacy missions. Supplemental appropriations have met some of the additional costs associated with the expansion in AMO missions and responsibilities. This is a significant and rapid expansion of operations and responsibilities so AMO is presently revalidating requirements and identifying the force structure and capital equipment needed to complete its transition into a force enabled to cover fully all of the new air and marine missions beyond its legacy Customs interdiction role.

CONCLUSION

In conclusion, I would like to thank you Mr. Chairman again for the opportunity to highlight the Office of Air and Marine Operations within Immigration and Customs Enforcement. AMO remains a critical tool in the national effort to secure our borders against smuggling networks and potential terrorists. It would be my pleasure to answer any questions you may have.

Mr. SOUDER. Thank you. Before I start the questioning, I should have noted at the beginning that this subcommittee held hearings in San Diego, multiple times actually; Arizona, Nogales and over in El Paso. We've been down from Laredo to McAllen. And this is our first time into New Mexico, which is partly because it is closely related to El Paso, but, as you clearly stated, has its own problems. In the kind of open zone, when you squeeze one part you move problems around. And we felt it was important to get that.

But this is also part of an ongoing investigation that we continue to look at in the Southwest Border, because there's no question the Southwest Border is our primary transit zone for narcotics, overwhelmingly our primary transit zone for narcotics, and we're trying to integrate that.

I also serve on the Committee on Homeland Security and on the subcommittee on Border there. And we've been having some very tense questioning about integration questions and how narcotics is fitting into the mission, including just 2 weeks ago at a subcommittee hearing there.

So I have a series of questions that I want to try to sort through today that won't be as New Mexico-focused here, but first on some general policies and how you're approaching it in this section of the border.

A number of these are directed first to DHS divisions. And I'll start with Mr. Barker. For your division and your agents, where does drug trafficking stand in the priorities? Is it a high priority? Do you view your primary mission as to stop terrorists, to stop illegal immigration, to stop drugs? How do you handle that?

Mr. BARKER. The primary mission is preventing the entry of terrorists and weapons of mass destruction. But as we see it in the Border Patrol, our missions, really, and how we perform these functions have not really changed much in terms of our deployment since September 11. We look at all our enforcement strategies as one that's capable to stop all of them.

Our secondary mission before the creation of the Department of Homeland Security, was drugs. That's still a very high priority. We feel that our deployment, as we say, will take care of anything that comes across the border, whether it's a terrorist, weapons smuggler, narcotics smuggler, and the like.

It is a very high priority, and you can see by the statistics it's being doggedly pursued. Considering the fact that we have seen the shift, especially in the Fabens Corridor and the Deming Corridor, we see that as a very high priority. That cannot be separated from that priority that we put to the terrorists and weapons of mass destruction.

Mr. SOUDER. Mr. Garcia, when you're checking a vehicle, if you put a bomb-sniffing dog on the drug, can you also put a drug-sniffing dog on the same one, or does it tend to be mutually exclusive?

Mr. GARCIA. Our canines are trained for different types of processes. We have chemical detection dogs as well as bomb detection dogs and narcotics detection dogs.

Additionally, all our officers that are on the front lines carry a personal radiation detector device on their person.

Mr. SOUDER. So when dealing with the psychology of how your individual agents are working with this, when they're seeing a

truck and they have a radiation device, and then if—do you have bomb-sniffing dogs at your border crossings?

Mr. GARCIA. We have them assigned to El Paso. At the moment the two positions are vacant, but we do have two.

Mr. SOUDER. Wouldn't you see a subtle change occurring in what your agents view as their priority if each one is carrying radiation devices and you have the bomb-sniffing dogs, as opposed to what was historically a much more drug-oriented mission.

Mr. GARCIA. Our priority, top priority, is terrorists and their weapons coming across our borders, realizing that terrorists are people, of course. Immigration and the narcotic detection enforcement efforts kick in secondary to our primary mission.

Mr. SOUDER. The ranking member of the subcommittee, Mr. Cummings, points out that we have 20,000 deaths annually—since September 11 we've had over 45,000 deaths in the United States because of narcotics and zero because of terrorism. And we have to make sure that in this mission we don't wind up switching over hunting for weapons of mass destruction, which may or may not ever occur at the Southwest Border, not to mention other types of things.

I don't think there's any one of us who wants to see any atomic materials come across or borders that could wipe out 2 million people, but somewhere we've got to make sure that we don't play what all of you who have been in this service know, and that is, when the Federal Government says, "X is a priority," everybody goes running toward that priority. And for 2 to 5 or 6 years, we reorient toward missing children, we reorient toward this, whatever the thrust is, and then go back and say, "Whoops, we missed this big problem over here."

And we need to know at the Federal level what kind of pressure we're actually putting on when we say, "Oh, everybody's going to be checking for this." What was dropped as well? Because if we don't see these, often in political terms it is a mutually exclusive choice.

Now, yes, the machines you have are going to pick up both, and you're going to be able to see that. But there are some choices, and we need to understand what, A, is happening at the grassroots level with those choices; and secondarily, psychologically, what it does with the individuals if they think that the pressure is on one item and that there's not as much focus on the other.

You look like you wanted to respond.

Mr. GARCIA. At our ports of entry, it's a natural funnel for people coming directly into the ports of entry. We don't see a conflict between our terrorist priorities with the narcotics, with our trade, everything that funnels into one particular mode into the other. We look for terrorism, we look for narcotics, we look for legitimate trade coming across, make sure that people are documented to be entering the United States. So we don't see a conflict at all at our ports of entry.

Mr. SOUDER. OK. Let me ask either Mr. Barker or Mr. Cates or Mr. Garcia or Mr. Swingle, have any of you had any interaction with Roger Mackin.

Mr. SWINGLE. No, sir.

Mr. BARKER. No, sir.

Mr. CATES. No, sir.

Mr. GARCIA. No, sir.

Mr. SOUDER. Have you seen any memos in your organization from Mr. Mackin?

Mr. GARCIA. I don't recall seeing a memo with his name, sir.

Mr. SOUDER. Do you know who he is.

Mr. CATES. Yes, sir.

Mr. BARKER. No, sir.

Mr. GARCIA. No, sir.

Mr. SOUDER. His policy was created in the Department of Homeland Security coordinating narcotics efforts inside the Department of Homeland Security. And we're trying to sort out why that isn't getting through in the Department of Homeland Security. And how that's handled. So you answered my question.

Next, I wanted to ask one more question before yielding to Mr. Pearce. One of the concerns is how you're coordinating the operations inside the Department of Homeland Security as it relates to narcotics.

So let me ask the first question of both ICE and CBP. And maybe you can start with this, Mr. Cates. Do you still report drug seizures differently in the different divisions of Homeland Security?

Mr. CATES. No, sir. The way we report drug seizures has not changed. We still have a unified statistical collection system that both ICE and CBP utilize.

Mr. SOUDER. So if the Border Patrol seizes it, or whether ICE seizes it, or whether Air and Marine seizes it, there wouldn't be any kind of way, if I wanted to find out who was doing what to find it?

Mr. CATES. I'm not sure I understand your question.

Mr. SOUDER. One of our concerns is whether there is—we know for a fact there's a competition between your different agencies. The question is that you need to justify your budgets and your purposes. At the same time, particularly after you see the 9–11 commission report that is coming out and other things, there is going to be an outcry about our lack of integration inside the department.

And in the area, to what degree is your reporting system? Do you still have the ability for your superiors or for Congress to figure out who is making the seizures inside the Department of Homeland Security, or is it seamless inside your own organization? I know you have a joint report as Department of Homeland Security, but, in fact, if I were to boost one of the agencies over another, can I figure out who's making the seizure, which indirectly gives you an incentive to keep it separated?

Mr. CATES. I would tell you that I believe that the reporting, since the mergers actually are far more accurate—we still utilize in ICE, as do our counterparts in CBP, the former Treasury Communications Enforcement Network, which is the initial documentation of all seizure actions and all follow-on actions.

And now, with the advent of the Border Patrol joining in DHS, they also have adopted that system and are now also engaged in their reporting through that one unified system.

So the system itself is very, very reliable and very accurate in showing the origin of every individual seizure, and then every fol-

low-on action, you know, that might add to it or enhance it in some way.

So the merger of these agencies and the transition to that one unified reporting system, I think, actually significantly enhances the accuracy of reporting and prevents, in most instances, any sort of duplicitous reporting and claiming of seizures.

Mr. SOUDER. Mr. Swingle, is that right.

Mr. SWINGLE. Yes, sir.

Mr. SOUDER. When the Border Patrol Agency or the ICE agency or your agency initiates a drug process, do the other subparts get immediately notified so you-all know you're working a case?

Mr. SWINGLE. On a local level, we do. We do share intelligence. We have an intelligence officer that is responsible for working with the other agencies, CBP, OI, our own investigation arm, and we do attempt to coordinate that information.

Mr. SOUDER. Mr. Barker, is it mandatory if any of your agents come into a drug case that it's immediately notified inside the other agencies in the Department of Homeland Security, so you can see whether it's part off an ongoing case?

Mr. BARKER. Our immediate notification is to turn it over. Depending on the memorandum of agreement we either turn it over to the counterparts within DHS or through DEA. It all depends on where the seizure occurred.

But it's not for any follow-on investigation, because we do not have the investigative authority. It has to be turned over for that follow-on. And we rely on the agency to who it's turned over to determine whether the case ends there, whether there's going to be controlled delivery, or whatever follow-on investigation comes. But our notification is strictly to turn it over.

Mr. SOUDER. Mr. Gonzalez, if anybody in DHS initiates a drug bust, does DEA get notified so you know whether it's part of an ongoing case?

Mr. GONZALEZ. We are notified if the seizure occurs at a checkpoint, and we respond. Depending on whether it meets the Federal guidelines for Federal prosecution, we take the seizure and try to develop the case, or we turn it over to the local authorities.

Mr. SOUDER. But not if it's an ICE or Marine.

Mr. GONZALEZ. Correct. We only respond to the Border Patrol checkpoint.

Mr. SOUDER. Do you tell ICE and Air and Marine if you're working on a drug case? In other words, there are lots of concerns about whether things are going to be compromised? But you're all Federal agencies, and as we have more and more agents—terrorism questions, for example, most of the FBI, it means we have fewer people working narcotics. Mr. Cates, did you——

Mr. CATES. Mr. Chairman, there are mechanisms involved. Both DEA and ICE have interfaces between our national computer systems so that, for instance, were a CBP inspector to make a narcotic seizure on one of the bridges, an ICE agent would respond and initiate that investigation.

Through our mandatory protocols for computer and intelligence query, if that particular suspect was somehow on record with DEA, we would be notified principally through the offices of the El Paso Intelligence Center, that DEA has some interest or some history.

And, conversely, the DEA agents in any active investigation get a notification that there has been activity on that subject. Now, it's not always exactly realtime, but it does take place.

Mr. SOUDER. Mr. Chavez, I know that's one of the purposes in the HIDTAs, that you're trying to do an Intelligence Center. And let me broaden that. In addition, in New Mexico and working with El Paso, one of our frustrations has been that the Southwest Border HIDTA has also, let's say, had a few conflicts between the States, and approximately between Douglas and Deming and El Paso. We can't afford to have those kind of things. So do you want to add to how you see the seamless——

Mr. CHAVEZ. Yes. The Investigative Support Center in Las Cruces is designed to do exactly what you're asking. If there is an agency working on a particular investigation, we do have a deconfliction purpose in which all participating agencies of the HIDTA and nonparticipating agencies can call to the Investigative Support Center to deconflict.

Mr. SOUDER. Can call, or is it mandatory?

Mr. CHAVEZ. It's mandatory for members. And for non-members, they can call. We are encouraging all members of the law enforcement community, and nonmembers, to use the Investigative Support Center to deconflict their investigation and allow us to conduct a pointer system that will point them to other agencies working on investigations that they are inquiring about from an intelligence perspective.

We are also linked to the other HIDTAs along the Southwest Border, and we're establishing programs that will allow us to query their data directly from New Mexico, whether it's in Arizona or California or in Texas, that would allow us to deconflict with their investigations so that there would be a complete coordination.

We're in the process now of getting new programs in place that will allow us to do that, a new system in place for a Watch Center, new equipment. And we're at a stage, the first step, in linking the entire Southwest Border for investigative purposes and interdiction.

Another point to be made is that the agencies are given credit not only for seizures, but referrals. If they have an investigation and they are not working to develop that investigation, they can refer that information to another agency. And HIDTA does keep count of—because of our interest to have an impact on our investigation, so we are more attuned to looking at outcomes and not productivity.

Mr. SOUDER. Your statement that you just made is eminently logical. I've been in Congress for 10 years and on this subcommittee for 10 years and I remember Barry McCaffery saying years ago that this was his goal in front of our committee 8 years ago, that this is what we've been spending tens of millions of dollars on the Southwest Border with Federal agents and State and local. And you're saying we're trying to integrate through the HIDTAs on the Southwest Border.

You've been in this business for a long time as well. Would you like to editorialize a little bit on what you think the problems have been and how we can make it actually happen?

Mr. CHAVEZ. With my 31 years with drug enforcement, having been assigned to offices in Mexico City for 3 years and the Agent in Charge in San Diego, the Special Agent in Charge in Phoenix for a year and a half, as well as working within the State of New Mexico, and particularly now with the HIDTA, I see a desperate need to open up the doors so that we can be linked to other agencies throughout the Southwest Border. And by opening up the doors, I mean to have direct access to the intelligence that is available.

For too long there have been agencies who have been trying to hold on to that information because they were going to be given credit for their efforts, but now with this new design of how we're going to give credit—we will feel its impact, because we want to be focused in our efforts to target the most significant violators that will bring in the drugs into the United States.

It's clearly a question of whether we are going to work together as a task force or work independently. And we are pushing to work as a task force jointly, openly, and have the confidence in our fellow law enforcement agents.

Mr. SOUDER. Mr. Pearce.

Mr. PEARCE. Thank you, Mr. Chairman. First of all, I'd like to request unanimous consent that Mr. Hall and Ms. Peterson's testimony would be added. They were not able to make it in to testify on the second panel.

Mr. SOUDER. No objection. So ordered.

Mr. PEARCE. Mr. Barker, last year I wrote to Mr. Hutchison requesting additional resources on the Southern New Mexico border. He wrote back saying 570 new patrol agents would be deployed this year. How many of those have actually been deployed, and how many actually came to New Mexico.

Mr. BARKER. We have not gotten the resources this year. We have not heard of the deployment for fiscal year 2004.

Mr. PEARCE. How many of the 570 that he promised have actually been deployed anywhere.

Mr. BARKER. I know of no deployment.

Mr. PEARCE. Could you find out and let me know? We shouldn't have had to ask for it twice, but we will.

Mr. Cates, and I don't know if you're the right one to answer, just if any of you know the answer, the functions that you-all represent, how much of those function's dollars actually are spent along the border of New Mexico, and what percent does the border comprise of the entire border? I'm just wanting to compare our border mileage compared to the dollars spent. Does anyone know that relationship?

Mr. CATES. No, sir, I do not.

Mr. GARCIA. No, sir, I do not.

Mr. PEARCE. Can we find that out? Mr. Cates, on page 46 of your testimony, you describe an acute knowledge and awareness of the processes by the drug cartels. Just makes it harder, makes them more effective. What processes do you have to actually change that so that they don't understand exactly how you operate and when you're going to do things that you're going to do.

Mr. CATES. Well, both us and the Customs and Border Protection officers are constantly working to vary our routines, to apply changing investigative techniques or inspectional techniques.

We are often limited by the fact that our operations are fixed. You know, our ports of entry do not move. They are susceptible to visual observation, how many lanes are open, that sort of thing. There have been significant investment in screening and deterrent activities such as that.

Mr. PEARCE. How much would it take to put motion detectors, Mr. Cates, all along the border—I mean, we are hearing tremendous testimony about motion detectors and high-resolution cameras. And how much would it cost to equip the border to where we could see the border all at one time.

Mr. CATES. We in ICE don't perform that function. That is probably addressed by the Chief.

Mr. PEARCE. Chomping at the bit.

Mr. BARKER. Yes, sir, that is technology that would impact, you know, drug smuggling severely. In fact, if you look at New Mexico, and especially in the Deming area, we have camera sites. And unfortunately, the cost of the cameras, it's pretty high.

Mr. PEARCE. How high is the cost, just roughly.

Mr. BARKER. I think it's somewhere in the range of 200,000.

Mr. PEARCE. Per camera.

Mr. BARKER. Half a million per pole.

Mr. PEARCE. Half a million.

Mr. BARKER. Yes, sir. And the reason it's that expensive, you have two cameras per pole, 2 days, 2 nights looking in each direction. But I think if you get an opportunity to go to the Deming station, or even El Paso, you'll see the effectiveness of these cameras. And, in fact, what it does, it channels the traffic in locations where they think the camera cannot see.

We are in the process of getting further deployment. I think there are 16 additional sites that were scheduled for 2004 and we understand that they're going to come early 2005.

Mr. PEARCE. How many of those would it take to cover the entire border, from Texas to—just roughly.

Mr. BARKER. Geez. I think we have sites in New Mexico—I think in this sector, I think we have——

Mr. PEARCE. How far can they see? Just basically, how far can a camera see.

Mr. BARKER. Somewhere between mile and a half, 2 miles.

Mr. PEARCE. OK. So every 4 miles, you'd have to have one, at the extreme.

Mr. BARKER. Yes.

Mr. PEARCE. Mr. Swingle, what's your operating budget for 133 aircraft.

Mr. SWINGLE. Actually, I'm not certain. That's a national level thing. I'm not exactly sure what our budget is. I can get the answer for you, though.

Mr. PEARCE. What kind of aircraft do you fly.

Mr. SWINGLE. We operate civilian type jets, corporate jets, citation jets, UH–60 Black Hawk.

Mr. PEARCE. If you've got 133 of them, each a couple thousand dollars, how many hours do you fly a month in your fleet.

Mr. SWINGLE. In our area of responsibility here, approximately 300 hours.

Mr. PEARCE. How many.

Mr. SWINGLE. 300 hours.

Mr. PEARCE. Per aircraft.

Mr. SWINGLE. Not per aircraft.

Mr. PEARCE. How many aircraft do you have assigned to you.

Mr. SWINGLE. In Albuquerque we have five aircraft. And in El Paso we have five as well.

Mr. PEARCE. You get about 10 aircraft, you get about 30 hours per month per aircraft? Runs about $5 million, that Citation that you're flying.

Mr. SWINGLE. When we equip them, probably a little more than that.

Mr. PEARCE. Sure. So you're looking at the operational cost of a couple of thousand dollars per hour for 300 hours. 133 aircraft flying up and down, we should be able to have somebody over the border all the time over every inch of the border. Why do we still have the problems that we do.

Mr. SWINGLE. Well, we do a significant amount of patrol. One of the problems that we have now is our commitment to Washington, DC, for airspace security. That's kind of tapped the resources, both in the Albuquerque and El Paso office, which are sister offices of each other.

Mr. PEARCE. How many aircraft do you have flying in Washington.

Mr. SWINGLE. Well, more important than the aircraft are the crews. We have at any one time two UH–60 Black Hawks and two Citations that are stationed in Washington, DC. The problem is the personnel that we take from this area to man those aircraft. When we send them up there, we send them for an 8 or 9-day rotation, but with days off at the beginning, days off at the end of that.

Mr. PEARCE. Is one philosophy to use your people rather than military people to fly combat air patrol over the capitol? Seems like the function would be more military when you're trying to defend the perimeter. And if we're cutting down, if we're taking away resources and parking aircraft on the ground because crews are somewhere else, it just——

Mr. SWINGLE. Right. Well, we do carry one unique thing with us that the military doesn't have, and that's the law enforcement authority. And when these aircraft are kind of escorted out of that secure airspace, then there needs to be some sort of action taken on the ground when they land. And the military does not have that capability.

Mr. PEARCE. It would be interesting if you could get me that 133 aircraft and what it costs to fly them per year, both in operational cost and then in purchase cost.

Mr. SWINGLE. Yes.

Mr. PEARCE. Because myself, I'm not sure if you'd be as effective as these motion detectors set up and down the corridor.

Mr. SWINGLE. We do a completely different mission. I mean, we're a multi-role unit, the Air and Marine Program. I mean, we don't just detect and interdict people that are walking across the

border, or driving across. We still have our Air and Marine interdiction mission, which is one of our core——

Mr. PEARCE. The testimony here today, Cates, is that the increase of drug trafficking and the increase of illegal activities is going up. And at some point we have to ask if our primary mission is actually—I'm not directing this at you, it's far different from your role—but somewhere we need to start asking if what we're doing is effective and if we should change what we're doing. And then what we would change.

My last question, Mr. Chairman, would be, if any one of you can tell me about where the total combined operational costs were 10 years ago versus today in the total amount of narcotics that—I don't guess you can measure what gets through, but just narcotics and illegal activity that's interdicted. How much more resources are we spending 10 years later versus what we were 10 years ago, and how much more effective is it? Can you give me a read on that, any one of you?

Mr. CHAVEZ. If I may, I can attempt to answer that question.

Mr. PEARCE. OK.

Mr. CHAVEZ. For the amount of money that's given to law enforcement, it has not kept up with the amount of drugs that have been coming into the United States, particularly for New Mexico. We know that the cartel leaders are funneling their narcotics through New Mexico. It creates a bigger problem for us in the State.

But if you compare that to the budget that the traffickers have, we're far, far behind, since they are dealing with billions of dollars and we in law enforcement try to do our work in the millions of dollars.

So to get an accurate count, it would be practically impossible. To get a true reading of what's happening in different States throughout the Southwest Border would be impossible. We have to look at it from the bigger picture, look at who the cartel leaders are, how big is their organization, and how much control they have in smuggling their narcotics into the United States.

A general statement would be that law enforcement is far behind when dealing with cartel leaders that control Mexico, control the narcotics.

Mr. PEARCE. Mr. Chairman, I will ask one more question. If we're going to adopt a policy that would succeed, do any of you have a recommendation? Because I think we can definitely say that the policies that we have right now are falling further and further behind. And if we're going to take some strategic step that would really ratchet up our effectiveness, what would it be.

You seem to be chomping at the bit again.

Mr. BARKER. Because I also wanted to say something about the question that you asked previously about sensors, and then I'll come back to the last one.

The motion detectors, you can say we have some of that right now, because we've got sensors arrayed on the border. I think we have, like, 900 sensors, which is nowhere close to what we should have right now. The only problem with a motion detector is it tells you that there has been an event. It doesn't tell you exactly what

you have. So an animal can go across it and it would prompt a response. And that's one of the issues that we have with sensors.

In fact, I was looking at the figures. We have monthly an average of somewhere between 40,000 and 50,000 tickets, events, that these agents have to respond to because of sensor activity. What we are looking for as an agency is integrating sensors and cameras, which is the ISIS system that started that. If we're going to have motion detectors, they're going to have to be integrated with something else to tell us it is a legitimate hit or something we should not worry about.

So we do have that technology in the sense, right now, with our sensors. And if we do that, we need to make sure that—or else we're going to have agents responding to things that don't deserve a response.

Mr. PEARCE. OK. Thank you, Mr. Chairman.

Mr. SOUDER. My understanding from staff is that Air Division is $257 million? Let me do a brief comment on Mr. Pearce's last question, and then that sets up—I want to do a couple more followup on how we collect the data.

Part of the problem, which you all know, is drug funding. Like I mentioned with missing children or other things, we go through fads. In Congress, in 1992, 1995, 70 percent of the interdiction budget was cut by the last president. And to get back to where we were in 1992, we'd have to take a 50 percent reduction in drug use. So it isn't like there's a straight line to track. It went down like that. Drug use soared, then we worked the last 2 years—3 years.

We have had 3 years of 5 percent reduction. In the last 2 years of President Clinton, when they reorganized, we had some reduction. We wiped out about half of what went up under Clinton. But it's going like this, is our problem, because when it reaches crisis stage, Congress runs toward it. But, unless we have a stable approach—and one of our problems on the Southwest Border, much like any other—which we're having in Iraq, too, by the way—is that when you secure one zone, you put all that money into one zone, then you've got to maintain that and move to the next zone.

And what's happening is in places like Sells, Arizona, where they're running through the Barry Goldwater in the cactus, and east of Douglas and in New Mexico. And in parks like Big Bend National Park, where the testimony is, it's overrun. Padre Island, where we haven't had traditional protection to the same rate. It funnels into those gaps.

At Sells, Arizona, while we were holding one of these hearings, they had 1500 pounds of marijuana the previous year, they had 1500 in the first 3 months of 2003, and during our hearing they picked up about 1700 pounds. It's just kept trying to run. Even though we had the whole law enforcement agency one load of 500, one of 300, one at 400, one at 500 right there. And it just became a question of how many people are you going to stop? Because it was just pouring through. Now, we have those same fears in this part of the border.

Now, Mr. Swingle, I just want to make sure, you testified about TARS. We know we've given you a difficult task, because in addition to trying to stop an almost unmanageable flow of illegal immigrants, because we don't have a work permit system that reflects

the demand for work force in the United States, therefore, you have all these people pouring through, mostly for jobs, who have jobs already in the United States to some degree, and therefore it's an unmanageable flow coming across the border that's unseparated.

So you have that immigration question, which is sensors, our flow and everything. And then the TARS, which are the aerostats, are supposed to be able to catch the planes, low-flying planes that are coming in. Because if we are successful, which we are, but if we are successful in sealing more parts of the border, then they're going to find gaps around it, particularly if you're a drug dealer smuggling Arab terrorists apart and unless we have some systems that can also catch low-flying aircraft underneath it. Are there any aerostats in New Mexico right now?

Mr. SWINGLE. Yes, sir, in Deming. Actually, we have the southern land border pretty much covered, from Yuma, Arizona, to Laredo.

Mr. SOUDER. And, yeah, the place that we were just at, in New Orleans, they said basically from Corpus Christi to New Orleans are basically——

Mr. SWINGLE. I think Congress intended to pursue that and give us that radar net back in 1988 or so. But for some reason, that got kind of sidetracked.

Mr. SOUDER. But they are working and functioning in this section of the border.

Mr. SWINGLE. Yes, sir, they are. And Mr. Chairman, if I could, you hit a very pointed point, in that it seems like a lot of times that we do intend to kind of like chase rabbits. If they get up over here, this is where we go, and then kind of let our guard down with what we just stopped. And I, like Mr. Chavez, have been in narcotics enforcement for almost 30 years, and in New Mexico, and I've seen—it's very cyclic. And I've seen it come full circle many times.

I think the approach is to keep the pressure on all facets of it. If we were to let the TAR program, for example, go tomorrow, the cartels and smuggling organizations are savvy enough and structured enough that they would just exploit that in a matter of seconds. I mean, it would take them 2 weeks to start exploiting that. So we have to keep our guard up at every area.

Mr. SOUDER. Mr. Pearce.

Mr. PEARCE. Thank you, Mr. Chairman. You commented that Congress gets active as the problem reaches crisis stage, and I would say that, from Mr. Chavez's testimony, we've reached crisis stage. We've got two counties in New Mexico out of our 33 No. 1 and two in the Nation per capita in overdose on heroin use. And for us, I think it's epidemic, and it's time for us to get some attention.

Mr. SOUDER. Thank you. I want to ask a question. Are any of you familiar with this proposal that we heard at EPIC this morning, Border Interdiction Support Center? Have you seen this proposal circulating? That would be under DHS.

Mr. BARKER. Yes, sir.

Mr. SOUDER. It's to be supported at EPIC.

Mr. BARKER. I've heard of it.

Mr. CATES. We've heard of it.

Mr. SOUDER. Mr. Barker, have you seen this.

Mr. PEARCE. No, sir.

Mr. BARKER. Mr. Cates.

Mr. CATES. I haven't seen that document. I'm aware of the document.

Mr. SOUDER. Have you inputted into the program proposal your agency.

Mr. CATES. No.

Mr. SOUDER. Mr. Chavez.

Mr. CHAVEZ. Likewise, I'm aware of the program, but I did not have any input into the design of the program.

Mr. SOUDER. Mr. Garcia.

Mr. GARCIA. Ditto.

Mr. SOUDER. Mr. Gonzalez.

Mr. GONZALEZ. I haven't seen that, but I am aware.

Mr. SOUDER. Mr. Swingle.

Mr. SWINGLE. I have not seen it.

Mr. SOUDER. This is a proposed fusion center for the Southwest Border that would be under DHS, and it would pull together working groups to try to coordinate Southwest Border information.

Now, my first question would be is, Mr. Chavez, if you've seen this, how does this differ from what the HIDTAs are trying to do and what the national drug czar is trying to do?

Mr. CHAVEZ. I believe that program is structured for an interdiction program, similar to Operation Cobija. And, as I understand, all intelligence and operations of law enforcement along the border would be coordinated through that center to fuse the intelligence that is obtained from interdiction programs.

The HIDTAs are involved also in investigations; so, therefore, interdiction is just a part of HIDTA, but in investigations where we focus on the major traffickers, the cartel leaders, and further hold people accountable for what they're doing so that we have an impact along the border. It takes it a step further than what this program is designed to do, as I understand it.

Mr. SOUDER. How do you see that as being different from what EPIC does now?

Mr. CHAVEZ. Well, within the State of New Mexico, the HIDTA Investigative Support Center takes into account all of the investigative activities from the task forces and is clearly focused on New Mexico, but does share its intelligence outside of the State so that it can expand on the investigations.

I hate to take it a step further, but I think there needs to be better coordination with EPIC with everybody along the Southwest Border.

Mr. SOUDER. Well, what gets confusing to us, and what's scary is, I spend more time with this, and I'm confused, and my staff is a little confused. I mean, we're not completely confused as what we see is the Riverside Center tracking the track. And they have certain functions. We see EPIC there, you said in your testimony, which I agree with.

Director Waldridge is trying to figure out how to get everything connected. There's a proposal here for another subagency. You have drug intelligence centers in Johnstown, PA, which interprets the data. We have the Laughlin, the local agency, to tap into. And you

start to get the feeling that we're probably spending about, I don't know, sometimes 25 percent of our time calling up to the different agencies and swapping information, when, theoretically, we ought to be integrated enough that you can tap in and get the information without having to go five different places, or input into five different places.

Mr. CHAVEZ. That's correct. And from the HIDTA, that is exactly what we're trying to do, through the Investigative Support Center, is bring all of the Federal agencies into the center with their data, their base, and so, therefore, we can access all of that data and focus on our problem, or our program.

Mr. SOUDER. Mr. Gonzalez.

Mr. GONZALEZ. I just want to make an observation. Of all the centers that you mentioned, EPIC was the first one. All the others came afterward.

Mr. SOUDER. Yeah. In trying to sort this through, one of the advantages at this particular moment in time, and why we're trying to plunge into this very aggressively, is that when narcotics are the No. 1 focus, then everybody goes after narcotics money. But right now, Homeland Security is the No. 1 focus, so every agency, even in EPIC—what they said this morning is, 40 percent of their inquiries were terrorist inquiries from the Coast Guard at EPIC, which is supposed to be the Drug Intelligence Center.

And those of us who work with narcotics want to make sure that there's some kind of firewall that's here, where we're going to focus on drugs, and additionally is going to focus on Homeland Security and terrorism. There are certain overlaps, because the terrorist groups are funded by narcotic moneys. And that's going to increase. And the groups are getting more and more integrated as we look around. And every agent in the country needs to understand that. But, as FBI moves more toward other roles than narcotics and DEA emerges with that, clearly we have merged a whole bunch of agencies inside the Department of Homeland Security.

In narcotics, there are basically two major players on the table right now, and has fused a lot more players than we had before. So when we look at these different agencies, in my opinion, there shouldn't be a proliferation of new things. What we ought to be able to do is to figure out how to hammer the existing ones we have together, or the rule that when a new one's added, two go out. We don't have a bunch of money, extra money, to throw at this, when we're having all sorts of holes on the border, questions on how your agencies are going to be able to obtain and bring new people in. And payroll questions are nearly overwhelming the system.

Do any of you want to add anything, comments?

Mr. GONZALEZ. If I may, I think it speaks to the effectiveness of EPIC as to how it's being used after September 11. That should send a signal that, rather than bring on new centers, that maybe what needs to be done is maybe expand EPIC, or something along those lines.

Mr. SOUDER. Terrorism separated out. Mr. Swingle, could you tell me a little bit what Air and Marine is looking at doing on the New Mexico border from your Albuquerque center?

Mr. SWINGLE. Yes, Mr. Chairman. We continue to conduct our patrols with UH–60's along the border, and our C–550 interceptor tracker jets.

But I believe, if I'm not mistaken, you're going to be briefed this afternoon after this hearing on one of the new initiatives that we have that we've discovered a way to exploit some of this smuggling to identify and exploit some smuggling rings. As I understand, it's at least a sensitive, if not a classified issue. But I believe you're being briefed on it after this hearing.

Mr. SOUDER. Are you proposing to move your headquarters to the border? What is the reason for that?

Mr. SWINGLE. Of course, that is a national issue, and I believe that there is a move afoot to do that, to bring it back to the border. It was here at one time.

Mr. SOUDER. Why would you propose to do that?

Mr. SWINGLE. I suppose to get our reactionary time to the border back down. But one would have to understand the purpose of its move in the first place to see that. I did see that cycle.

Mr. SOUDER. And what——

Mr. SWINGLE. Well, before the aerostats, quite frankly we relied on the FAA radar in this area to detect targets. And, as you know, before the aerostats there was a true air threat that was real. And as a State police narcotics agent, air smuggling investigator, we made at least one or two cases a week. That's how rampant it was.

The radar environment was such, though, that we could not detect these targets as they crossed the border until they were many, many miles north of the border. So the El Paso Air Branch at that time was always playing a catch-up game, if you will. They were always having to chase the target, as opposed to being able to come down from the north and intercept it.

There was a decision made to move the office up there, which at the time was a very viable option and a good idea. They did essentially the same thing in San Angelo and San Antonio, moved the branch further north. But then shortly thereafter, the aerostats came, and that changed the entire complexion.

Mr. SOUDER. So now the planes are flying down from Albuquerque to the border.

Mr. SWINGLE. We have a Citation stationed here, but, because of our lack of staffing, we can't man them 7–by–24. So, between the two offices, we crew our aircraft.

Mr. SOUDER. Let me yield to Mr. Pearce. Let me ask one other question on the record, on the unmanned aerial vehicles. The Senate Appropriations Subcommittee of Homeland Security has recommended that money be appropriated to the Border Patrol and Customs to develop unmanned aerial vehicles.

So that would be Mr. Cates. Is that who would have that? Mr. Barker. It's my understanding that, even though you're both in the Department of Homeland Security, your vehicles aren't the same. Is there a reason for that?

Mr. BARKER. We talking about aircraft.

Mr. SOUDER. Unmanned, UAVs.

Mr. BARKER. They are new to us, and right now they're deployed in Tucson. And it is something that Director Ridge has made a

commitment to. And we think it's a pretty good addition to our air operations to have the UAVs.

Mr. SOUDER. Why are we paying for development of two systems? Do we know of any reason?

Mr. BARKER. I'm not aware.

Mr. SWINGLE. And I'm not certain at all. We do have some of my colleagues from Tucson, Arizona that are going to brief you on the UAV program, since it's operated out of Arizona. To be honest about it, I'm not up to speed on it.

Mr. SOUDER. The Coast Guard is developing one as well, so we'll followup. We're having a Washington hearing in about 2 weeks. We'll followup on that question. But, just so you know, at our level we're getting increasingly concerned in what we want to know. And we'll come back to you at some point and say, "Look, is there an operational reason for this? Is your function different than their function? It's different than the Coast Guard, but can't you have one basic model that might have some alterations? Do we really need to fund," quite frankly, maybe at the congressional level.

I'm not saying it's not. Three centers have companies in their districts that are developing these different things. But we don't have time for this stuff anymore in this country, or the money to do it when we're short in grassroots things, and then we're winding up in the same department. Put Coast Guard, Air and Marine on board, probably, then, all in the same department, all developing similar type programs. We saw this also on the FAST pass systems, which is getting much better organized now that DHS is in one agency.

Mr. Pearce.

Mr. PEARCE. Mr. Chairman, I would ask anyone on the panel, as we're looking at alternatives, again to look and watch the border all the time, how much would it cost to use low-altitude radar capabilities? In other words, that would be far more effective, and I think you could cover a broader scope, you wouldn't have to have as many sites for low-altitude radar. It wouldn't measure the driving traffic. But in some of the remote areas, it might pick up some of those targets. But any comments about that.

Mr. BARKER. A comment from the Border Patrol perspective. Our mission is on the ground. How that would affect our mission is unknown to me, because we would have to be able to see things that are on the ground. Cameras, those are some of the things that would be of interest and benefit to us, because, you know, most of the things that we're going to be dealing with are on the ground.

Mr. PEARCE. Mr. Chairman, I would just recommend that we ask that question, too. Rather than airborne aircraft to pick up the tracks of other aircraft, I think if you look at the $257 million it takes annually to run 133 aircraft, that you can put in a lot of radar, low-altitude radar for that, and at least find your targets as they're crossing the border, and probably can pick up the targets back into Mexico as you're crossing that. Thank you.

Mr. SOUDER. Thank you. With that, the first panel is dismissed. And thank you all for your work. And if you'll thank all the people working in your agencies and daily take risks for the rest of us, we appreciate it.

Two of our witnesses on the next panel have submitted their testimony because things have come up. So we have Captain Richard Williams, Commander of District 4, Las Cruces, New Mexico State Police; and Sheriff Juan Hernandez of the Dona Ana County Sheriff's Office. Earlier I butchered that county name, but I think most people here knew where I was talking about. Just remain standing I'll swear you in.

Subcommittee stands in recess for 5 minutes.

[Recess.]

Mr. SOUDER. We'll reconvene the subcommittee. Subcommittee's reconvened. Back to order, whatever the correct terminology is. Captain Williams and Sheriff Hernandez, if you'll raise your right hands.

[Witnesses sworn.]

Mr. SOUDER. Thank you. Let the record show both responded in the affirmative. I don't think we've ever held a hearing where we looked at the Federal issues without trying to talk to our State and local people, figure out how this integrates.

After we've heard your testimony we'll have some questions for you, so Captain Williams, if you'll start.

STATEMENTS OF CAPTAIN RICHARD WILLIAMS, COMMANDER, DISTRICT 4 (LAS CRUCES), NEW MEXICO STATE POLICE; AND SHERIFF JUAN HERNANDEZ, DONA ANA COUNTY SHERIFF'S OFFICE

Captain WILLIAMS. My name is Richard Williams, W-I-L-L-I-A-M-S, I'm the district commander for the New Mexico State Police here in Las Cruces. I would like to thank you for the opportunity of testifying before you today, Mr. Chairman and this committee.

On behalf of New Mexico Governor Bill Richardson, Department of Public Safety Secretary John Denko, and New Mexico State Police Chief Carlos Maldonado, I would like to convey our appreciation for the Federal support and leadership provided by New Mexico Congressman Pearce regarding this issue.

Allow me first to discuss the nature of the problem. The Southwest Border continues to be a focal point for narcotics smuggling operations. Albuquerque, Las Cruces, El Paso, TX, and many other communities in New Mexico, have seen an increase in drug smuggling operations as this region of the country is a primary shipment point for drug trafficking organizations.

Contributing to the security problems are the inadequate barrier or fencing systems which physically keep offenders and vehicles from entering our country. Of the 180 miles of international border of New Mexico, approximately 160 are not properly fenced or protected. Additionally, there is a lack of surveillance, monitoring technology, deployed along the border. Even if the technology was in place, there is a lack of sufficient law enforcement personnel and resources to respond to incursionsites rapidly.

In 2000, New Mexico ranked 36th in population, yet third in the crime index. A contributing factor to this disparity is the abuse and trafficking of narcotics, along with the associated crimes most commonly linked to illegal narcotics.

It is well documented that drug trafficking organizations utilize the three ports of entry in New Mexico and the vast geographical

land area to bring vehicles and people across into the United States carrying illegal drugs or undocumented aliens.

The alarming reality is that other criminal organizations can utilize the same tactics as the drug smugglers to bring across terrorists who are willing and waiting to attack our country. The entire Southwest region is at risk due to unsecure nature and enormous geographical area to be protected. The task of securing our international border is monumental, and cannot be undertaken by one agency alone.

There are thousands of miles of highways in the State near the Mexican border. New Mexico has three major interstate highways traveling through the State that lead to numerous destinations throughout the entire country.

The impact of drug-related and/or violent crime in New Mexico has many aspects. Like the criminal drug trafficking groups from South America that preceded them, organized crime syndicates in New Mexico are extremely violent and routinely employ intimidation and violence while conducting drug transactions in New Mexico. There have been numerous incidents that illustrate the ruthlessness of these organizations. Much of the drug-related brutality that has become commonplace in Mexico has spilled over to communities within our State.

Allow me to quickly discuss some of the methods of operations used by drug smugglers. Backpacking is a common method utilized by drug trafficking organizations along the international border. A significant concern is that these offenders are walking through rough terrain, quite often in extreme heat with limited supplies of food and water.

A very recent concern is drugs like ephedra, which was recently banned in the United States, are given to these backpackers to enhance their performance as they journey across the border into the United States. Backpacking smuggling operations are just one method of transportation, and law enforcement throughout the entire Southwest Border is still interdicting narcotics shipments and commercial vehicles, private vehicles, buses, airplanes, trains, and through the postal and shipping industries.

Let me discuss some of the law enforcement's response to drug trafficking problems in New Mexico. The State of New Mexico has developed a statewide coordinated strategy utilizing seven regional task forces to combat violations of the Federal and State Controlled Substance Act.

Each one of the regional task forces experience drug-related and social problems unique to their area of responsibility. The New Mexico State Police Narcotics Section is an active member in each of the regional task forces and assists the regions with resources and personnel on a statewide level.

The New Mexico State Police Uniform Bureau and the New Mexico Motor Transportation Division diligently work interdiction operations on a statewide level, and participate in Operation Cobija. In Spanish, the word "cobija" translates to blanket, and this operational name symbolizes the extensive amount of resources deployed during operational periods.

On the local level, communication and coordination between the Federal, State and local law enforcement is exceptional, primarily due to the coordination of the regional task force concept.

The New Mexico State Police Narcotics Section conducts undercover operations that generally start at the local and State level, and pursues the investigation to the regional and international level. Many of the undercover cases are eventually developed into Federal cases, as they are adopted by our Federal partners and prosecuted in Federal court.

Coordination is the key to successful management of case operations, and the New Mexico Investigative Support Center is crucial to all law enforcement operations throughout the entire Southwest Border. The services provided by the Investigative Support Center are immeasurable and provide law enforcement officers with critical information that facilitates furthering the investigation to the source of supply level.

It is apparent that the U.S./Mexico border is an area of concern for all law enforcement agencies in New Mexico and Texas. The lack of resources, communication technology, surveillance technology and barrier systems all contribute to the problem. As California and Arizona take monumental steps to secure their portion of the border, New Mexico and Texas cannot be overlooked.

Mr. Chairman, I would like to conclude my testimony to this committee by quoting a retired New Mexico State Police sergeant on his assessment of the struggle regarding narcotics trafficking. He said, The problems associated with narcotics trafficking and the response of law enforcement is like rushing the gates of hell with a few fire extinguishers and a water hose. We just don't have enough personnel and resources to impact this enormous problem. I'd like to thank you for the opportunity to testify before you today.

[The prepared statement of Captain Williams follows:]

TESTIMONY OF RICHARD S. WILLIAMS BEFORE THE GOVERNMENT REFORM COMMITTEE SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

RICHARD S. WILLIAMS
New Mexico State Police
District Four, Commander
Tuesday June 29, 2004
Las Cruces, New Mexico

The extent and impact of narcotics trafficking on the international border in Texas and New Mexico, and the response of the various federal law enforcement agencies entrusted with deterring drug smuggling activities.

Good afternoon, and thank you for the honor of testifying today before Chairman Mark Souder of the Government Reform Committee, Subcommittee on Criminal Justice, Drug Policy and Human Resources. On behalf of New Mexico Governor Bill Richardson, Department of Public Safety Secretary John Denko, and New Mexico State Police Chief Carlos Maldonado and the many federal, state, and local law enforcement organizations and community leaders, I am appreciative of the federal support and leadership provided by New Mexico Congressman Steve Pearce. Thank you for your time, attention and support regarding this critical issue that significantly impacts the southwest region along with the entire country.

NATURE OF THE PROBLEM

The southwestern border continues to be a focal point for narcotics smuggling operations. Albuquerque, Las Cruces and El Paso, TX, have seen an increase in drug smuggling operations as this region of the country is a primary trans-shipment point for drug trafficking organizations.

According to the Drug Enforcement Administration, an estimated 60% of all illegal narcotics smuggled into the United States come in through Mexico into the southwest border with a large percentage coming in through New Mexico and Texas.

The barrier or fencing system which physically keeps offenders and vehicles from entering the country is inadequate and there is a lack of surveillance or monitoring technologies deployed along the border. Even if the technology was in place there is a lack of sufficient law enforcement personnel to respond to incursion sites rapidly.

Contributing to the problem is a lack of a common communications capacity along the border to facilitate the information sharing capabilities between law enforcement and the civilian population. On several occasions civilian ranchers have witnessed criminal activity but they are unable to contact law enforcement immediately because of a lack of cell phone towers and coverage. By the time they get to a conventional phone from these remote areas, several hours have passed and the criminal activity has moved from the area.

Local Problems

In 2000, New Mexico had an estimated population of 1,819,046, which ranked the state 36th in population for the entire country. For this same year, New Mexico had a total Crime Index of 5,518.9 reported incidents per 100,000 population and ranked our state third highest in the country for the Crime Index. Many of these reported crimes were for violent crimes including domestic violence, aggravated assaults, murder and property crimes. These crimes have a direct impact on the citizens and visitors of our state that we are sworn to protect. A significant contributing factor to this disparity is the influx of narcotics that are transported through our state.

The State of New Mexico is the fifth largest state in land area, and is geographically located along the southwest border with Republic of Mexico. New Mexico maintains a "Rural State" designation due to the size of the state and the sparse population. New Mexico has three land Ports of Entry on its 180-mile border with Mexico.

From west to east, they are Antelope Wells, Columbus and Santa Teresa. The Antelope Wells, Port of Entry is located in the "Boot Heel" region of New Mexico and is operational from 8:00 a.m. to 4:00 p.m. Vehicular traffic is most common as commuters search for ways to reduce travel time to primary destinations in the western portion of the United States.

The Columbus Port of Entry is located approximately thirty miles South of Deming along State Road 11 and is near Palomas, Mexico. The Columbus Port of Entry is the busiest port in New Mexico for pedestrians traffic and non-commercial vehicular traffic. The Columbus Port of Entry is the State's only crossing that is operational twenty-four hours a day, seven days a week.

The Santa Teresa Port of Entry is designated as the official crossing point for commercial traffic and is located approximately ten miles from El Paso, Texas. The commercial products that are commonly entered into our country include cattle, lumber, iron, clothing and most any other commercial product. The Santa Teresa Port of Entry is operational from 6:00 a.m. to 10:00 p.m.

A priority of the New Mexico State Police, District Four Las Cruces, is to work with the United States Customs and Border Protection Agency along with the New Mexico Motor Transportation Division and the New Mexico Border Authority in enhancing trade opportunities with Mexico, while not compromising the security of our citizens. A reformation of the Santa Teresa Port of Entry is in the planning stages and we are working with these agencies in the development of this port.

Undoubtedly drug trafficking organizations utilize these ports of entry to bring vehicles across into the United States packed with illegal drugs or undocumented aliens. The alarming reality is that other criminal organizations can utilize the same tactics as drug smugglers to bring across terrorists who are willing and waiting to attack our country or use Weapons of Mass Destruction.

Additionally, the remaining southern border with Texas has approximately 1,000 miles of international border and twenty-six ports of entry all in close proximity to the State of New Mexico. Any of these border crossings can be used to reach major highways to destinations throughout the country. The entire southwest border region is at risk due to the unsecured nature and enormous geographical land area to be covered. The task of securing our international border is monumental and cannot be undertaken by one agency alone. It will take an extensive amount of resources, personnel and commitment from all law enforcement if we are going to secure the border.

ADDITIONAL GEOGRAPHIC CONCERNS

The specific geography of our state provides ideal conditions for drug smuggling and drug manufacturing activities. There are thousands of miles of primary and secondary roadways in the state and along the Mexican border. New Mexico has three major interstate highways traveling through the state. There are 63,900 miles of highway in New Mexico including the state's interstates. The states main vehicular arteries are Interstates Forty, Twenty-five, and Ten.

Interstate Ten extends from Santa Monica, California, through the southwest portion of New Mexico and along the border with Mexico, to Interstate Ninety-five in Jacksonville, Florida. This provides an ideal route for drug smugglers to transport illegal narcotics east toward Florida and to the eastern portion of the United States and west toward California and the western United States.

Interstate Twenty-five extends from Las Cruces, New Mexico, and intersects with Interstate Forty in Albuquerque, New Mexico, and several main arteries in Colorado including Denver. The Interstate connects with Interstate Ninety in Buffalo, Wyoming. This is another ideal route for drug smugglers to transport illegal narcotics toward the northern and northwest portion of the United States.

Interstate Forty extends from Barstow, California, through central New Mexico to the Virginia/Tennessee state line. This is another ideal route for drug smugglers to transport illegal narcotics from California and Arizona toward the eastern and northeastern portion of the United States.

IMPACT ON LAW ENFORCEMENT

The impact of drug related and/or violent crime in New Mexico has many aspects. The first and most important aspect is the violence associated with drug trafficking organizations. Like the criminal drug trafficking groups from Columbia that preceded them, organized crime syndicates from Mexico are extremely violent and routinely employ intimidation and violence while conducting drug transactions in New Mexico. There have been numerous incidents that illustrate the ruthlessness of these organizations. Much of the drug-related violence that has become common place in Mexico has spilled over to communities within New Mexico and this has a direct impact on the citizens of our State.

An example of the violence associated with illegal narcotics and the impact of the drug problem in New Mexico is that drug abusers/traffickers have not hesitated to direct violence at New Mexico Law Enforcement.

This problem directly impacted the New Mexico State Police in August of 2001, when Officer Lloyd Aragon was murdered. Officer Aragon was attempting to stop a vehicle that was fleeing from a municipal police department as they traveled down Interstate 40 in Cibola County.

Officer Aragon was traveling to Albuquerque, New Mexico for narcotics interdiction case in Federal court when he overheard the pursuit that was traveling in his direction. Officer Aragon attempted to assist the pursuing officers by placing stop sticks onto the roadway in an attempt to deflate the offender's vehicle tires.

The offender intentionally swerved at Officer Aragon striking him at a high rate of speed and killing him instantly. The investigation revealed that the offender was fleeing police as he had just committed a theft of methamphetamine precursors at a local discount store.

In addition to Officer Aragon's murder, law enforcement officers are being assaulted as they encounter drug smugglers backpacking narcotics across the international border. In April of 2004, United States Border Patrol Agents working along the border in Hildago County were attacked as they investigated a trail of illegal smugglers. The smugglers attacked the agents as they attempted to secure the offenders and conduct further investigation. The Agents were forced to defend themselves and later determined that the offenders were backpacking the drugs in our Country.

METHODS OF OPERATION

Backpacking is a common method utilized by the drug trafficking organizations along the international border. Generally the narcotics are walked across the border then placed in a predetermined location. A cell phone is utilized and other conspirators remove the product and begin the journey to destinations in and outside of New Mexico. Drug Smuggling operations have become more and more aggressive as these drug trafficking organizations employ counter surveillance in an attempt to reduce the probability of being apprehended.

According to the United States Border Patrol, the offenders who generally walk the narcotics into the United States are males between fifteen and forty years of age. They typically transport a backpack of fifty pounds of Marijuana for several miles. The offenders usually transport the drugs in groups of five or six and they walk single file across the border. The offenders are generally paid between $750.00 to $1,500.00 each load they successfully cross into the country.

A significant concern is that these offenders are walking through rough terrain quite often in extreme heat with limited supplies of food and water. Intelligence gathered from these smugglers indicates that they are taking a large amount of vitamins and supplements prior to their journey across the border. A very recent concern is that drugs like Ephedra, which is banned in the U.S., are being given to the backpackers to enhance their performance and hasten the journey as they illegally cross into the country.

Backpacking smuggling operations are just one method of transportation and law enforcement throughout the southwest border are still interdicting narcotics shipments in commercial vehicles, private vehicles, busses, trains, and through the postal and shipping industries.

Another common method of transportation utilized by drug smugglers is that of vehicular traffic across the desert or on secondary dirt roads or paths. Mexican drug smugglers have been known to alter vehicles in order to carry large narcotics loads across the border and drop off the load at a predetermined location then quickly return across the border to safety. Several of these smugglers are using narcotics or alcohol prior to their journey in an effort to reduce the anxiety associated with drug trafficking. The term "Chemical Courage" has been adopted by law enforcement along the border that describes the potential offenders that may be encountered by law enforcement officers. These offenders have attempted to evade law enforcement, run over law enforcement and are an extreme danger to the safety of all involved.

Common predetermined locations include hiding narcotics in a field near the brush, in culverts or arroyos, or near specific mile markers. Generally a telephone call is made once the narcotics have arrived and another member of the organization will pick up the narcotics for the trip to the final destination.

RESPONSE OF LAW ENFORCEMENT

Federal, state and local law enforcement are committed to reducing the impact that illegal narcotics have on our community. The State of New Mexico has developed a statewide coordinated strategy utilizing seven (7) Regional Task Forces to combat violations of the State and Federal Controlled Substance Act.

Each one of the Regional Task Forces experience drug related and social problems unique to their area of responsibility. These Regional Task Forces are funded through Drug Control and Systems Improvement (DCSI) formula grant and the High Intensity Drug Trafficking Area (HIDTA) federal grant. These funding sources provide financial support to enhance task force operations in a joint effort to reduce the negative impacts of narcotics at the source of supply and the street level. These efforts are designed to strictly improve the quality of life for the citizens and visitors of New Mexico.

The New Mexico State Police, Narcotic Section, is an active member of each Regional Task Force and assists the regions with resources on a statewide level. The federal funds provide payment of investigative expenses that state, city, county and tribal agencies incur during Regional Task Force narcotic investigations.

The New Mexico State Police and the New Mexico Motor Transportation Division diligently work interdiction operations on a statewide level and participate in operation "Cobija". In Spanish the word "Cobija" translates to blanket or covering and this operational name symbolizes the extensive amount of resources deployed during the operational periods. Operation Cobija is designed to provide a coordinated response from all levels of law enforcement during specific operational periods. This operation has been extremely successful in the past at interdicting large quantities of narcotics and apprehending drug smugglers.

Once a road case seizure has occurred, our Narcotics Section is called in to further the investigation in an attempt to identify the source, destination and other conspirators. Interviews with the offenders are conducted and the case agent works closely with the prosecuting authority (federal or state) regarding the filing of charges and the prosecution of the case.

Controlled deliveries have been completed to other areas of the country in cooperation with other state and federal law enforcement agencies. These cases have been successful at apprehending offenders and identifying drug trafficking organizations throughout the United States as well as the exterior boundaries of our country.

COMMUNICATION AND COORDINATION AMONG LAW ENFORCEMENT

On the local level communication and coordination among federal, state, and local law enforcement is exceptional primarily due to the coordination of the regional task force concept. These agencies work closely at targeting drug offenders at the local, state, regional, and international level. According to the Southwest New Mexico Border Security Task Force there is a lack of Memorandums of Understanding and formal agreement between government agencies delineating responsibilities and working relationships to address border security issues. The goal is to reduce duplication of efforts and increase efficiency and effectiveness.

The New Mexico State Police conducts undercover operations that generally start at the local and state level and pursues the investigation to the regional and international level. Many of the undercover cases are eventually developed into federal cases as they are adopted by the federal agencies and prosecuted in federal court. It is not unusual for a street level operation to generate several large drug distributor apprehensions.

Coordination is the key to successful management of case operations. The New Mexico Investigative Support Center (NMISC) funded by HIDTA, is crucial to law enforcement operations throughout the southwest border. The NMISC provides a collection center for all drug seizures and arrest information.

The center also distributes the collected intelligence not only to local law enforcement agencies throughout the state, but to other law enforcement agencies throughout the nation. The data is analyzed and entered into various intelligence databases for information sharing among all law enforcement conducting narcotics enforcement operations.

Additionally, the NMISC provides case and operational de-confliction that is critical for officer safety among law enforcement agencies. This basically informs a law enforcement jurisdiction if they are operating on the same target as another jurisdiction. The law enforcement agencies then decide who will work the specific target or organization and reduce duplication of efforts and increase safety for law enforcement personnel.

An example of the case support offered by the NMISC includes link analyses, phone toll analyses, pen registers and document preparation for court presentations. Case analysts travel throughout New Mexico to assist with raid preparation and seizure information. The services provided by the NMISC are immeasurable and provide law enforcement officers with critical information that facilitates furthering the investigation to the source of supply.

The Department of Public Safety co-manages the NMISC with the Federal Bureau of Investigation and we have two commissioned supervisors and two commissioned agents assigned to the unit. Additionally, the Department of Public Safety provides one civilian supervisor and two civilian analysts to the NMISC.

SUMMARY

It is apparent that the United States/Mexico border is an area of concern for all law enforcement organization in New Mexico and Texas. The lack of resources, communication technology, surveillance technology and barrier systems all contribute to the problem.

As California and Arizona take monumental efforts to secure their portion of the border, New Mexico and Texas cannot be overlooked. Moving criminal activity from one location to another is not the answer and we must look for ways to deter criminal activity and enhance law enforcement capabilities.

It will take a collective effort from all federal, state and local law enforcement organizations along with community leaders to enhance our border security and safety. Speaking for the Department of Public Safety, I assure you that our organization is willing to contribute resources on a statewide level to this critical issue.

I has been both an honor and privilege to present this information to the committee. Chairmen Souder this will conclude my presentation and I will be open to take any questions from the committee.

Mr. SOUDER. Thank you for your testimony.

Sheriff Hernandez.

Sheriff HERNANDEZ. Chairman, thank you, and Congressman Pearce, thank you for being here, and also for inviting us to here to speak to you-all today. Like Captain Williams and everybody else has been telling you today, I mean, definitely, there's a shortage of manpower here along the border for us and stuff.

Another problem we encounter is, like with my agency along the border here, our radio communication systems, there are areas along the border down there where our radios won't even work at all. We definitely need to get some more equipment that will help us along the border.

My agency, we do have an excellent working relationship with State Police. Also with Customs, Border Patrol, and DEA and the FBI. You know, I do have personnel assigned to DEA. I'm getting ready to give the FBI Task Force two more, and I also have two assigned to the U.S. Customs Task Force, also, which, you know, they do work issues with drugs and related issues, and stuff like that.

Just this year alone, I do have four canine units, and—well, actually, five, because I still work with mine. I still get out there and work every once in a while with mine. We do have canine units out there doing drug interdiction. So far this year we have taken down over 4,000 pounds of dope here in Dona Ana County itself, and a lot of that is turned over either to DEA or Customs so that, you know, they can develop some information from them. And a lot of them will do controlled deliveries. Some have been going up to New York and Chicago, you know.

But, actually, the Federal agencies, we also need a lot more equipment here, like to do the wire taps and stuff like that, also to help out. The Intelligence Center here in Las Cruces, actually, is more supportive of the local law enforcement projects than what we get from EPIC there in El Paso, really. We get more information from them here than we do from EPIC over in El Paso.

And Customs, for instance, you know, with their aircrafts, I mean, they've always been very cooperative with me. I've even had their home phone numbers and stuff, to where we need a helicopter in the air to work something along the border, or even do a surveillance and take aerial photographs of some homes that are doing meth labs and all that, and all I call them, and 15 minutes later they'll call me back, "OK, we're taking off. We'll meet you at the airport here in Las Cruces." They'll pick us up and we'll show them where we need the photographs, or they'll track some subjects for us.

And I would like for them to get more support from the Federal Government so they can buy a few more of the A-Star helicopters, because those are the ones that have really been the most helpful here to us, because, you know, they fly at a certain height where you can't even hear them on the ground. And then with a flare camera and everything else, I mean, it's really helped us out a lot on getting us information, you know, that we need to get when we're going to be doing some operations and stuff, going after some dope dealers or going into some homes that are being utilized making meth, and stuff like that.

We also, you know, have an excellent working relationship with Border Patrol, you know. We have done a lot of operations with them along the border, and then also along the east mesa over here. I do have some of my deputies, also, in ATVs and stuff. And along with Border Patrol's ATVers, too, we've done some operations along the border so we can start taking care of some of the issues.

It's just going to get worse now, like everybody's saying, with the operations going on in Arizona, to where, you know, definitely the use of more personnel is going to be needed down here. And that's it.

Mr. SOUDER. Thank you for your testimony. Can I ask you a couple of questions, Sheriff, about Dona Ana County? Does that county cover the whole New Mexico/Mexico border?

Sheriff HERNANDEZ. No, sir, Luna County and Hidalgo County cover the western part over there, also.

Mr. SOUDER. So is Santa Teresa in your country?

Sheriff HERNANDEZ. Yes, sir, Santa Teresa is in my county. And we have been helping Customs out there also, at the Santa Teresa port of entry. I have been assigning my personnel to help them out, also, on inspecting vehicles and, you know, coming across.

Mr. SOUDER. How many people live in your county?

Sheriff HERNANDEZ. Pardon me.

Mr. SOUDER. How many people live in your county?

Sheriff HERNANDEZ. We have well over 180,000.

Mr. SOUDER. So is Las Cruces in the county, also? So it goes from where to where?

Sheriff HERNANDEZ. It goes all the way from Las Cruces north.

Mr. SOUDER. Even farther north, then.

Sheriff HERNANDEZ. Yes, sir. It's 50 miles north of here, still.

Mr. SOUDER. And the counties to your west, they're the ones that border Arizona, then.

Sheriff HERNANDEZ. Well, Hidalgo County borders Arizona, and Luna County is between Dona Ana and Hidalgo County.

Mr. SOUDER. In those counties, I assume there's a lot less population, and they don't have as many local sheriff resources to tackle it. Do you help them? What is your relationship with them?

Sheriff HERNANDEZ. Yes, sir, I was going to bring that up. See, they're pretty short on personnel. Also, those counties are, well, pretty poor also, so they don't have enough personnel. So what I have done is, I got with the sheriffs from not only Hidalgo County and Luna County, but also Otero County, which is a county over here to the east of us, and we signed that Memorandum of Understanding to where we have cross-deputized all of our people.

So that if my guys are along the border over there and, say, Border Patrol runs into some problems there at Luna County and they're requesting assistance, Luna County doesn't have the personnel to send them, then my guys can just go ahead and respond without us having to go through all of the procedure of them having to contact the sheriff in Luna County, then him having to contact me, and then giving them the authorization for them to go.

So with the Memorandum of Understanding that we have now on cross-deputizing everybody, it's like, you know, Border Patrol or Customs or whoever, State Police might call us, you know, also,

and my guys can just go ahead and go into the next county and assist them with whatever is going on.

Mr. SOUDER. You said you had two of your officers currently in the FBI Task Force. Is that a particular case type thing, or is it a category like certain types of crimes, or is it tracking a certain group?

Sheriff HERNANDEZ. The FBI is looking at, you know, certain things and everything else. DEA, they handle the narcotics stuff. And Customs, they do a lot of the narcotics, also. The ones that I have assigned to those task forces.

Mr. SOUDER. So you have two with the Customs Task Force. Is that correct?

Sheriff HERNANDEZ. Yes, sir.

Mr. SOUDER. And two with FBI?

Sheriff HERNANDEZ. Yes.

Mr. SOUDER. And you've got some with DEA, too?

Sheriff HERNANDEZ. I have three with DEA. I've got two regular deputies, and then also one canine officer assigned to them over there, also.

Mr. SOUDER. And the two with Customs, are they doing narcotics as well?

Sheriff HERNANDEZ. Yes, sir.

Mr. SOUDER. With the State Police, with Captain Williams, how far does your zone go north?

Captain WILLIAMS. My area is District 4, and it encompasses all of Dona Ana County, a very small portion of Otero County, which is in the Chaparral County, which is a small little community. And then also we take parts of Sierra County, about 5 miles into Sierra County. And that's primarily our area. It's about 4,500 miles.

Mr. SOUDER. So the State Police are split at the border as well? You have a different district that takes you west?

Captain WILLIAMS. Yes, there's another district to the west of us, and that's Captain King's district, and he's seated right here.

Mr. SOUDER. And are the two of you integrated.

Captain WILLIAMS. Yes. It's kind of interesting. If you'll give me a few minutes, let me tell you. What we have is, we have a uniformed bureau, narcotics section and criminal section. Each one of the uniformed bureau is broken down into 12 districts throughout the entire State. We work with District 12, which is the Deming area. And then, of course, there's a Las Cruces area, we're District 4. And then on the other side of us is the Alamogordo area, which is another district in and of itself. So we have the uniform responsibilities, so we have the responsibility of investigating car crashes, handling domestic violence. And we also help out with some of the border operations and some of the interdiction operations throughout the State.

We also have units that are specialized, though, and that's the Criminal Investigations Unit that handles major felony type homicides and major felony cases.

We have a Narcotics Bureau here as well, and the narcotics section is based—there's a portion here out of Las Cruces. And we have agents assigned to a DEA Task Force. We also have agents assigned to the local Regional Task Force. And then we also have

agents that work regular primary New Mexico State Police cases as well.

Mr. SOUDER. I'm going to yield to Congressman Pearce for some questions, and I'll come back.

Mr. PEARCE. Thank you.

Captain Williams, on the Cobijas, that's where you pretty well would interdict a lot more things than you would on a regular routine day-to-day basis. Is that correct?

Captain WILLIAMS. We really try to enhance our enforcement operations during the operational periods, and really try and saturate the area with saturation patrols.

Mr. PEARCE. So you would interdict more things than normal?

Captain WILLIAMS. That's the attempt, yes, sir.

Mr. PEARCE. Do you do any forecast out of that, of how much is actually getting through on your best estimates using the maximum that you interdict in a Cobija?

Captain WILLIAMS. What we've utilized to help us forecast this is the Investigative Support Center, and they've told us what some of the prime days are. Focus-based on that intelligence. As far as tracking, the statistical data that we gather from them, we do enter all that information with the Investigative Support Center. What we'll do is, our narcotics agents aren't even allowed to draw a case number unless they've already contacted the Investigative Support Center and notified them as to what they're doing.

Mr. PEARCE. So, based on the interdictions during these high-intensity periods, how many narcotics get through every day that we don't interdict, and low periods of low activity?

Captain WILLIAMS. I think that would be very difficult to measure, because there are some times where we're very successful at interdicting narcotics, and there's days where we're out there and we're stopping a lot of vehicles and we're writing a lot of tickets, but we don't get anything. So I think that would be very difficult to measure, as to what gets through and what we don't get.

Mr. PEARCE. What's the extreme difference between a regular intensity day and a Cobija?

Captain WILLIAMS. What we'll generally do, as far as manpower.

Mr. PEARCE. No, as far as the interdiction. I'm just trying to get some feel to what gets through that we don't interdict on a daily basis.

Captain WILLIAMS. You know, I don't have the exact numbers.

Mr. PEARCE. Just approximately.

Captain WILLIAMS. What comes through? I would imagine that we may interdict 5 percent of what comes through.

Mr. PEARCE. OK. That gives me closer than any number I could get. I appreciate that, and I understand that it's really a rough guess.

Sheriff Hernandez, you know, we met with law enforcement officials way back last year, and I got a letter shortly after that from one of the sheriffs, I think, in Hidalgo County, and he was saying that the people were becoming more brazen. They pull them over and threaten them, "If you keep trying to do your job, we're just going to rub you out."

If there were one thing we could do from this committee to change the threats and the risk that you face out of here on the local level, what would that thing be?

Sheriff HERNANDEZ. Well, you know, probably if you could change the laws, as far as us being able to enforce immigration laws. That would probably help us out, you know. Because right now, basically, you know, we run across illegal immigrants or something, we have to bother the Border Patrol for them to come and take care of them and stuff, you know.

Mr. PEARCE. OK.

Mr. SOUDER. Has that ever been looked at.

Mr. PEARCE. I'm not sure. We've had the question about using law enforcement officers anywhere or picking up or detaining illegal immigrants, and that's been, I think, routinely rejected. But I'm not sure what the status is.

Sheriff HERNANDEZ. Just the other night, Congressman, I had two of my canine guys on State Road 9 along the border, and they spotted a vehicle coming across, you know, through the desert out there. When they tried to pull it over, they got into a pursuit, but they did put out the stop stick, flattened the tires. It turned out it was a vehicle full of illegal aliens that were being smuggled across the border. It's another thing that we are encountering down there on that highway quite a bit.

Mr. PEARCE. And for either one of you, when Federal border law enforcement officials, any of the ones on the panel previously, get information from you-all about local illegal activity, how long does it take them to respond? In other words, you call them for help, for their assistance, how long does it take them to actually get involved?

Sheriff HERNANDEZ. The Border Patrol?

Mr. PEARCE. Any one of them, Customs, Border Patrol, any of them.

Sheriff HERNANDEZ. It doesn't really take them really long, because one thing we have done, Congressman Pearce, they have our radio frequencies, and not only in their units, but also in the aircraft, to where we can just go ahead and directly follow them. And they also monitor us. And one thing I like about Customs and Border Patrol, they see my guys on a traffic stop and whatever, they'll hover right over the top of them with the helicopter, you know. They'll shine the lights on them and stuff to make sure everything is OK.

Mr. PEARCE. Do either of you have any requests or suggestions as far as the coordination between State, local and Federal border enforcement officials? Is there something that we could do that would enhance that, or assist you in any way.

Captain WILLIAMS. Can I answer that? I would imagine that the Investigative Support Center is a very good tool. I would like to see that, personally, enhanced. Our officers have been able to use that for deconfliction purposes. And in addition to that, we also see information intelligence sharing bulletins that they give to us quite frequently, and that helps us enhance our enforcement operations. And we know it gives us recent trends and gives us knowledge on what's going on in the current drug organization. So it's been very helpful.

Mr. PEARCE. That's all my questions, Mr. Chairman. I appreciate the opportunity.

Sheriff HERNANDEZ. I concur with Captain Williams there, Congressman. Like I said, from our local Intelligence Center here, it's like I was telling you earlier, we get more cooperation from them than we do from EPIC over in El Paso. A day doesn't go by that I do not get, you know, information from our center here as far as, you know, certain things to be on the lookout for and stuff and officer safety issues and stuff like that, you know.

And we also get information from them here as to what sort of consignment methods these drug smugglers are using nowadays and everything else. So it has really been very beneficial to us out here.

Mr. SOUDER. Captain Williams, did you say that the other superintendent, or the other person from the State is here as well?

Captain WILLIAMS. Yes.

Mr. SOUDER. Can you come forward? I need to swear you in. Will you state and spell your name for the record?

Mr. KEENE. Richard Keene, R-I-C-H-A-R-D, K-E-E-N-E.

[Witness sworn.]

Mr. SOUDER. Again, you represent the whole section, right?

Captain WILLIAMS. Yes, the whole section of the border.

Mr. SOUDER. And you are the one——

Sheriff HERNANDEZ. I'm in the middle.

Mr. SOUDER. I asked a question at the Department of Homeland Security, and DHS responded that it was true and gave a little bit more detail. I wonder whether any of you are familiar with this and how it's coordinated and what we can do to address this question? There are packages that are sold to immigrant groups that range from $4,000 to $15,000, currently more like $8,000 to $15,000. In 7 days you're guaranteed entry into the United States or you get all your money back. There is a section in New Mexico that it is $40,000 for an Arab to get in. And that's testified under oath by the Department of Homeland Security. Are you familiar with that?

Captain WILLIAMS. I'm not familiar with that, no, sir.

Mr. KEENE. No, sir.

Sheriff HERNANDEZ. I'm not, either.

Mr. KEENE. I haven't heard about that.

Mr. SOUDER. Never heard of that at all.

Mr. KEENE. No.

Mr. SOUDER. Have you been involved in any cases or seen where Middle Eastern immigrants have come across your border in New Mexico?

Captain WILLIAMS. We have not interdicted any cases where there's Middle Eastern immigrants coming across, no, sir. We have interdicted cases, though, where there's undocumented aliens from Mexico coming across, but nothing from the Arab countries.

Mr. SOUDER. It's not your primary responsibility, it's the Border Patrol's primary responsibility, but we have a hole in our system if for $40,000 anybody from the Middle East can get in or get their money back. And you're partly the hole. And the fact that it's on the record, it's something that's been known for some time, but I'm

not sure precisely where it is. We wouldn't want to announce exactly, although if we announce it, we can moderate it.

Mr. PEARCE. Just following up with that, I guess Captain Keene, we've had information in discussion with the officials that run the hospital in Luna County at Deming, and they tell us that, routinely, there will be—Federal law requires that if we have an immigrant come to the border, present themselves with a medical condition of any kind, the local hospital or local county has to pick them up at the border and transport them to the nearest facility that does what they need. If they need heart surgery, they go to Denver or Albuquerque or whatever.

And we're understanding that more and more people are asking for that medical assistance and getting in the planes, being transported somewhere, and they're getting out and running the last two or three blocks; they've got somebody waiting to pick them up. So they're using our own system against us. Have you encountered cases like that and feel it is as persistent as the Deming hospital tells us it is?

Mr. KEENE. Congressman, I've been in Deming since 1995, and I have seen and heard of that going on.

Mr. PEARCE. Thank you, Mr. Chairman.

Mr. SOUDER. When you pick up somebody on a narcotics charge, either State Police or local, does that go on—and let me just say up front, I'm basically more moderate on immigration questions. I favor legal work. I actually favor amnesty to a certain degree, which is very controversial. I get flak in my district. Nevertheless, we have to have control of our border or we're not safe, and we need to figure out how to have immigration laws that are workable. But then we have to enforce the laws that we have. And one of the ways you abuse your rights, whether you're an illegal or a legal, is if you bring in narcotics.

When you make an arrest for somebody on narcotics, does that get into our system so that it shows up when they get picked up again? Basically we have testimony—we also have jurisdiction over the Justice Department—that last year, that—and we had it again in Washington from Mr. Aguilar, and from east, that I think they said in El Paso—trying to remember—do you remember what the number was? I think it was 14 times somebody has to be picked up before they're held in El Paso, if it's 14 times. But if they have a drug charge, you assume that it would be different than if you would just be picked up and released. But part of the question is, when you pick somebody up on a drug charge, does that get into the system?

Captain WILLIAMS. Generally what we do with interdiction cases, it depends on the size of the case and whether it meets the threshold or not. If it's a smaller amount, we will typically handle that at the State level with State Police narcotics agents. That information is turned over to the Investigative Support Center. And my understanding is that they are the ones who share that information with the Federal agencies.

If it is a larger amount of narcotics, generally we try and turn that over to the Federal agencies, DEA or someone like that, to adopt the case and prosecute it federally. And that information is as well turned over to the Investigative Support Center.

So we put a lot of faith in the Investigative Support Center to disseminate intelligence for us, and all seizure data and arrest data is handed over to the ISC.

Mr. SOUDER. We had testimony, again this morning, that illegals are—we do a good job of checking when we pick them up whether they have a criminal record, although apparently breaking immigration laws isn't considered a criminal record. But the question is, what level are the drug laws? What if it's a misdemeanor, felony, dealing? And how does that get into the record as far as detaining?

Captain WILLIAMS. I don't believe you're going to see very much of a record for misdemeanor type offense. Now, the majority of the backpacking type operations, to just use those, those are the majority of the felony weights, anyway. So those are large enough to be dealt with.

Mr. SOUDER. Do you have a ballpark guideline? Because we had testimony in El Paso that it takes a major load, their prison's full, they don't prosecute. How are your prisons? Are they full and is that impacting who you pick up?

Captain WILLIAMS. That's not impacting on who we pick up. I mean, if we come across a load, we're going to pick it up regardless of what's going on in the prisons system.

Mr. SOUDER. Even knowing that they wouldn't prosecute?

Captain WILLIAMS. We'll push—every load we get, we try and get that prosecuted. Generally our District Attorney's office, our local District Attorney's office, works very well with us on prosecuting these cases. Now, that doesn't mean, though, that they won't try and plea bargain it or come up with a different solution afterwards. But we do send everybody in for prosecution.

There would be one exception, and that would be if we were trying to further the investigation or to take the investigation to the next level, we may hold prosecution at that point. But for the majority of the cases they are prosecuted, yes, sir.

Mr. SOUDER. Sheriff Hernandez, how full is your jail?

Sheriff HERNANDEZ. We have quite a few inmates there, yes. But one thing I was going to tell you, Mr. Chairman, is that, like last year, I did bring in the U.S. Consulate down here to—and we gave our deputies a training as far as what the immigration laws are and what we were required to do as far as, say we did pick up somebody, you know, doing something illegal here in the United States. And, you know, we've been following those guidelines and stuff, the laws that are set, you know the U.S. Consulate told us we had to follow and stuff as far as, you know, having to notify. Like if, you know, we arrest them, we have to actually give them the opportunity to—ask them, "Do you want us to notify your Mexican Consulate or not?" You know, if they tell us no, then we don't. But if they say yes, of course we have to notify the Mexican Consulate that we have picked them up.

Mr. SOUDER. It's one of our measures to try and figure out, when we squeeze one area, where is it moving? And I don't mean when I was asking questions—are your jails full is one way you tell whether it's moved, whether an area has been flooded, and whether or not they have nowhere to put people and whether the prosecutors will prosecute them.

And it's suggested the focus is still, it's so easy to get across at El Paso they haven't quite hit the desert as hard as going across El Paso, because their jail's full. And they testified twice that they don't basically go after anybody under 200 pounds. 200 pounds is a big load, so that means it's easy enough to run through there, that they aren't putting as much pressure. But, the reason I ask the question about the Middle Eastern immigration, is suggesting the more isolated areas we may have, in effect, bigger loads moving through or terrorist groups moving through, because it's much harder to find them.

Now, you mentioned, of course, Sheriff Hernandez, that you had two ATV vehicles.

Sheriff HERNANDEZ. No, I've got more than that.

Mr. SOUDER. OK. Two that are dedicated for——

Sheriff HERNANDEZ. No, we deal with some ATV operations with Border Patrol along the border.

Mr. SOUDER. OK. And did you get those through a Federal grant? Do we assist in the border with that kind of equipment? Because we have all kinds of equipment.

Sheriff HERNANDEZ. No, sir, actually, we might call it Federal funds, because it was actually moneys that I gathered from seized assets from these dope dealers that we were busting and everything else, and then selling, you know, their vehicles that were given to us by the Federal Government.

Mr. SOUDER. I see.

Captain WILLIAMS. If I can, Mr. Chairman, my understanding is, the New Mexico State Police Narcotics Section has just purchased, I believe it's three or four ATVs, and they were purchased through Federal funds. I believe it was through HIDTA. And those are going to be used for interdiction operations along the border as well.

Mr. SOUDER. I just want to make sure it's flexible enough for different areas to accommodate that.

Do you have any additional questions?

Mr. PEARCE. No questions, but I would like to make some closing comments when you arrive at that point.

Mr. SOUDER. Well, thank you all for your work. Clearly, we're watching very closely, because when we push one area—and clearly, as we push Arizona more, we're watching New Mexico very closely, in addition to huge gaps in the Texas area. Because focus has been more California and Arizona for the last few years. And continue to work through Congressman Pearce and others, your senators, to gain attention to make sure it's there. I know they've been active in the Senate side as well, and we thank you for your efforts in your local law enforcement and taking the risks that you described in your testimony.

Sheriff Hernandez.

Sheriff HERNANDEZ. Well, one thing I was going to say, Mr. Chairman, is that if you-all would really support our Intelligence Center here, we would really appreciate it, because, like I said, we do get a lot of information from them, and it's really been helpful to us.

Mr. SOUDER. That's the HIDTA Intelligence Center.

Sheriff HERNANDEZ. Yes, sir, uh-huh.

Mr. SOUDER. And you don't have a RISS program here where you put—are you part of a RISS—you know, R-I-S-S network? Are you part of that?

Sheriff HERNANDEZ. I believe the Intel Center is.

Mr. SOUDER. So that feeds into the HIDTA center.

Captain WILLIAMS. Right.

Mr. SOUDER. One of the major functions, and why we funded the HIDTAs, is to have them coordinate. And most are increasingly putting in an Intelligence Center that then interacts with EPIC. As you can hear from the first panel, we're having a little bit of discussion as we get this proliferation of these agencies on how many we need, does each agency need their own, which ones work. HIDTA was supposed to be an interaction between Federal, State and local, and that's its purpose. Now, it may interact with EPIC and RISS as opposed to you then directly interacting with EPIC and RISS. But we need to make sure garbage in, garbage out. Getting information in and out.

Southwest Border HIDTA, in particular, is—we have tried to make even further adjustments in the latest DCP, Drug Czar's Office, because the Southwest Border, as you mentioned, has 60 percent, which may be low, as far as the drugs went.

Let me ask one other question. Any of you know anything about the heroin up in Santa Fe? Is that Colombian heroin or Mexican heroin?

Captain WILLIAMS. My understanding, that was Mexican heroin.

Sheriff HERNANDEZ. Mexican heroin.

Mr. SOUDER. And how many deaths are we talking there, do you know?

Captain WILLIAMS. One year when I worked narcotics up there, they had 26, I believe, in Rio Arriba County, and that was in a year span. That's been a few years back, so I don't have recent statistics, but that's quite a significant amount, because that county itself is not populated.

Mr. SOUDER. Seattle has more, but, I mean, Seattle's a lot bigger, and it's not that many more.

Captain WILLIAMS. I tell you what, Rio Arriba County has had some significant problems with their heroin problems, and they've taken steps in local law enforcement and at Federal and State law enforcement to attack that problem through undercover operations. And it just continually seems to stay there and fester in that area.

Mr. SOUDER. One other question. We just did a meth hearing over in Arkansas, and while you're having the growth, Arkansas is having an absolute explosion, as we are. I think we're up in the 1400 labs, versus 29 just a few years ago.

And we had written testimony from the HIDTA director that showed clearly that the most potent stuff is Mexican, and California superlab stuff coming in. But at the local police level, Sheriff Hernandez, have you had any local lab cleanups that you've had to deal with?

Sheriff HERNANDEZ. When we have meth lab stuff like that, we turn it over to the State Police, because they have a meth lab unit and stuff. So they go ahead and take care of that for us.

Mr. SOUDER. Because you have a meth lab—is it——

Captain WILLIAMS. Statewide unit.

Mr. SOUDER. How long did it take? How long are your officers at the scene?

Sheriff HERNANDEZ. Usually when we go after a meth lab, see, we already know that it's there, so we already have the warrant and everything else to go hit that residence and stuff. And the State Police is notified already before that. So they are already responding there with us.

Mr. SOUDER. At this point you have roughly the number of lab cleanups you need to be able to handle the flow so that you don't have—in Arkansas we were hearing 8 hours until the lab could get there.

Captain WILLIAMS. What it's also doing, going out in a proactive manner. So they may already be there when they're getting ready to start the cleanup. And they may have been the ones who interdicted, along with the local police and the local sheriffs.

One of the things that we have, though, is we have had, and maybe it's not an explosion, but we have had a significant increase in our meth lab operations here in New Mexico as an entire State.

Mr. SOUDER. Crippled your local police department is what happened, because it takes so many people. The cost of cleaning up if it's a small methamphetamine lab, total, are only 8 percent of our national problem, and even in the big States where it's exploding, it's not the majority of the drug problem. But the problem is it's like 90 to 100 percent of the local law enforcement problem and the State Police, because it takes so long to clean them up and prosecution.

And we heard from prosecuting attorneys how it takes, even just to try, the prosecuting attorneys take twice as long to prosecute the cases, that labs trying to identify the stuff have to have more chemicals to try to prove what it is. It is a much harder process, although it's not the major drug problem, it is an exploding problem. If we ever do control the border, we're going to wind up producing more meth.

Captain WILLIAMS. Sure. One of the things that's most alarming about methamphetamine is what it does to the individual, the person who's hooked on it, because they can go four, 5 days without sleeping. They can be high anxiety. They can become extremely nervous and paranoid to that point. And, actually, I brought it up in my written statement. We've even had law enforcement officers killed by people who were what we call tweaking, where they've been up for several hours and they were highly anxious and they're panicking.

So that's the most scary part to us as local law enforcement, along with all the other concerns, including the environment and the property values and what it does to a neighborhood and things like that.

Mr. SOUDER. Have you seen it in Albuquerque and the bigger cities?

Captain WILLIAMS. We're seeing it just about everywhere in the State.

Mr. SOUDER. Well, thank you all for your testimony. I yield to Mr. Pearce.

Mr. PEARCE. In closing, I, of course, would like to thank the city of Las Cruces and Mayor Bill Mattiace for having us in the facility here.

And as far as some of the things that have come up, Mr. Chairman, if we're going to look at the border expansion of Santa Teresa and expanding the capabilities, maybe moving part of the El Paso Field Office functions out there, like has been discussed, I would be very supportive of that. I feel like that border could be used to handle much more traffic and stop some of the congestion that we're finding right there in the middle of El Paso. Possibly give us a better chance to look at more of the packages coming across.

As far as the UAVs, we've got some of the research occurring here in Las Cruces. Of course, we would like to accommodate anything that we can do there.

My office has secured funding for airport expansion at Santa Teresa. We feel like, if the branch of Air and Marine activities decided to relocate there, that some of the expansions that we're causing to occur would give it even greater capability and it would be a more suitable spot, and certainly provide more access and quicker access to the border.

So, after listening to the testimony today, I would encourage any of those things that you can oversee or cause to happen, that we would move that to the next step and see if it's actually plausible and feasible.

So thank you, Mr. Chairman, again, for coming to the district and having a discussion that I think is extremely critical to all of New Mexicans, as well as all of America. Thank you.

Mr. SOUDER. Well, thank you for your leadership. I look forward to working with you on those projects, because we're certainly going to be focusing increasingly on that section of the border that you have in your district.

With that, the subcommittee stands adjourned.

[Whereupon, at 3:43 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

HIDALGO COUNTY
SHERIFF'S DEPARTMENT
213 E. 2ND ST., LORDSBURG, NM 88045
Phone:(505) 542-3833 Fax:(505) 542-3143

JUN 29 2004

JUN 30 2004

Robert E. Hall
Sheriff

Saturnino "Nino" Madero
Chief Deputy

THE IMPACT OF DRUG TRAFFICKING
June 29, 2004

The impact of drug trafficking in Hidalgo County is undoubtedly one of the most severe growing problem we face.

We are a small force of eight officers trying to deter drug trafficking the best we can while still taking care of the citizens of Hidalgo County.

We have 80 mi of rural Mexican border within our jurisdiction. We engage with Border Patrol and our Border Operation Task Force to help combat this growing liability.

Not only is the quantity of loads growing (avg lbs 620) and influx of illegal aliens, but the trafficker has become much more aggressive with full intentions of great bodily harm to any officer that stands in their way, including but not limited to being armed and ramming law enforcement units.

Two of our officers units have been rammed during pursuits in the past year.

Some of their tactics have also escalated as far as to make runs during our school bus pick-up and drop off times in hopes that any confrontations and/or high speed pursuits will be aborted in lieu of endangering the children.

Along with the danger of high speed pursuits, comes the possibility of auto crashes resulting in county ambulance personal being deployed, and thus resulting in a rise in the medical field invoicing.

In short the impact is critical in these areas:

-Manpower
-Officer safety
-Children/citizen safety
-Funding responsibility

The Hidalgo County Sheriff's Department has had 10 seizures with over 6,000 lbs of Marijuana confiscated this year.

Respectfully,

REH

Robert E. Hall
Sheriff

REH:gnm