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OUTGUNNED AND OUTMANNED: LOCAL LAW ENFORCEMENT CONFRONTS VIOLENCE ALONG THE SOUTHERN BORDER

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS

AND THE

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

MARCH 2, 2006

Serial No. 109–85

Printed for the use of the Committee on the Judiciary

Available via the World Wide Web: http://judiciary.house.gov

U.S. GOVERNMENT PRINTING OFFICE

26–291 PDF WASHINGTON : 2006

For sale by the Superintendent of Documents, U.S. Government Printing Office
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OUTGUNNED AND OUTMANNED: LOCAL LAW ENFORCEMENT CONFRONTS VIOLENCE ALONG THE SOUTHERN BORDER

THURSDAY, MARCH 2, 2006

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION,
BORDER SECURITY, AND CLAIMS,

AND

SUBCOMMITTEE ON CRIME, TERRORISM,
AND HOMELAND SECURITY
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittees met, pursuant to notice, at 12:04 p.m., in Room 2237, Rayburn House Office Building, the Honorable John Hostettler (Chairman of the Subcommittee on Immigration, Border Security, and Claims) presiding.

Mr. HOSTETTLER. The Subcommittees will come to order.

Good afternoon. At the outset, I want to thank Chairman Coble, Ranking Member Scott, and the Members of the Subcommittee on Crime, Terrorism, and Homeland Security for joining the Immigration, Border Security, and Claims Subcommittee for this important hearing.

Today's four witnesses represent the three States that together span most of the southern border with Mexico. Each witness is an experienced sheriff and each is faced with the growing difficulty of enforcing the law in communities that are being subjected to a growing level of violent crime by illegal aliens. Some of these illegal aliens are just moving through on their way to richer pastures further into the interior of the United States. Others are professional criminals who reside south of the border and operate criminal enterprises that exploit the weak security all along the southern borders of these three States.

In the past year, there has been a growing threat from military-type units providing armed escorts to criminal drug-smuggling gangs across the border from Mexico. In the past 3 months, there have been at least two incidents where heavily armed and uniformed units have appeared on the banks of the Rio Grande River east of El Paso with the apparent goal of intimidating U.S., local, and Federal law enforcement officials from pursuing narcotics smugglers fleeing back home across the border. In both instances, U.S. law enforcement had to back away to protect their lives because they were outgunned and outmanned. The good news is that

no one was killed in these incidents. The bad news is that no one in these criminal gangs has been apprehended in Mexico, and they have learned from experience that they can win the day by using intimidating force.

In the face of photographs taken by local sheriff's deputies at the Hudspeth County incident on January 23rd, the Mexican Government launched an investigation as to whether there had been local Mexican military units involved in providing the muscle. The Mexican Secretary of Defense released a report on the investigation on February 3, which identified the primary narcotics smugglers by name and stated that there were no Mexican military units involved.

Chihuahua State has at least one battalion-strength unit garrisoned near Juarez in the immediate vicinity of the Rio Grande Valley. Military units regularly carry out field maneuvers and training exercises throughout the State and, especially, in-country along the border. Consequently, the local citizenry are used to seeing men in uniform carrying automatic weapons, riding in Humvees to and from field exercises. So it is certainly within the realm of reason that narcotics smugglers could use local thugs as armed escorts, equip them to appear as soldiers, and transport them in camouflaged Humvees so they would not look like bandits. That is essentially what the Mexican Secretary of Defense reported, stating that Jose Rodolfo Escajeda, identified in the photos taken by the U.S. deputies, may own six Humvee automobiles.

I remain puzzled as to how a desperado can live in the vicinity of Juarez with six Hummers, several equipped as patrol cars, and not be immediately located and apprehended. Juarez has a substantial municipal police force. There is an office of the Mexican drug enforcement agency, an office of the Mexican equivalent of the FBI known as the OFI. And, of course, I have already noted that there is a sizable military presence in the vicinity. Mexico allows the military to conduct police operations, and President Fox used the military forces several years ago to arrest crooked Mexican drug enforcement officials. How could there have been no apprehensions in Mexico with so many law enforcement organizations available?

Besides the obvious narcotics charges for which there is clear photographic evidence, there should be substantial weapons charges the Mexican authorities could use to prosecute Mr. Escajeda. Mexico has among the most restrictive gun ownership and registration laws in the Western Hemisphere. So the presence of heavily armed men in support of smugglers from south of the border means one of three things: One, Mexican law enforcement is incapable of enforcing these gun laws or their narcotics laws. Two, Mexican authorities have other priorities than investigating, capturing, and prosecuting renegade border smugglers. Or three, renegades from the Mexican army were in fact moonlighting from their regular duties by guarding Mr. Escajeda and his haul of marijuana and there are those in authority in Mexico who do not want this revealed.

I want to introduce a few facts that shed further light on this situation. There have been around 200 military incursions by Mexican military units into the United States since 1996. While many

of these have been accidental, some of the incursions appear to have been in support of narcotics and/or human smuggling activities. Although the Mexican army is required by law to remain at least 5 kilometers south of the actual border, army units are located in the precise region where narcotics and human smugglers stage their border crossing activities. The low wages of Mexican soldiers make them susceptible to being recruited to facilitate and even guard contraband shipments. And the Mexican Government has demonstrated that it is increasingly unable to protect its own officials from assassinations and intimidation by border smugglers.

How will we protect our law enforcement officials? That is the basis for our hearing today.

At this time, I would like to yield to the Chairman of the Subcommittee on Crime, Terrorism, and Homeland Security, Mr. Coble, for an opening statement.

Mr. COBLE. I thank the distinguished gentleman from Indiana, Mr. Hostettler, his Ranking Member, the distinguished lady from Texas, and our distinguished Ranking Member Mr. Scott, I think, will be along. I appreciate, John, your agreeing to convene today's hearing.

I am very concerned about the nexus between illegal immigration, drugs, and crime along the United States-Mexico border. It is impacting communities and law enforcement along the southwest border and could very well pose threats to national security.

At our previous joint hearing, Mr. Chairman, on this topic, you will recall—which I had the privilege of chairing—we received testimony from several Federal law enforcement agencies having jurisdiction on the border. Today I am pleased to learn that we will receive testimony from local law enforcement who can provide another perspective on this situation.

As a nation, it seems to me that we must embrace the fact that in order to successfully confront and defeat this scourge of violence, our Federal agencies must cooperate and coordinate with their respective State and local partners. We are all sensitive to the challenges facing local law enforcement, but those along our southwest border are dealing with an overwhelming situation. They are often confronted with a criminal element that presents a far superior force. And when I say "superior force," I'm not suggesting a lack of dedication or a lack of bravery on our side or on your side, because we all know that our law enforcement people are second to none.

On the border, our locals are routinely, I am told, Mr. Chairman, outmanned and outgunned. The ruthlessness and brazenness of these cartels and their enforcement arms, such as the Zetas and the MS-13, is appalling. I'm alarmed by the stories of Americans being kidnapped and taken across the border, indiscriminate and brutal killings where bodies are disposed of in oil barrels, and what appear to be units of the Mexican military aiding the drug cartels in some instances, I am told. I daresay this is a dire situation that may threaten our national security.

At our previous hearing, Mr. Chairman and Ms. Jackson Lee, I noted, "a very dangerous criminal element is at our doorstep and knocking." Now, it's bad enough to have a dangerous element imminently nearby. But when he's knocking on your door, that has

a way of making your coffee taste real bad in a hurry. It now appears as if this criminal element is being joined by units of the Mexican military to aid in these operations. Just as we would not dispatch a sheriff's office to engage in a foreign military campaign, neither should we expect our local law enforcement to stand alone when confronting elements of the Mexican military, if in fact this is the case.

I have been told that the Mexican Government is investigating the incursion that took place on January 23rd this year in Hudspeth County, and I hope they'll take this investigation seriously and take steps to ensure that this type of activity never happens again.

In conclusion, Mr. Chairman, we may well be served by requiring our own Government agencies to conduct independent investigation to help corroborate the record and to get to the bottom of what has become routine practice and institute measures to prevent future occurrences. This is a concern of national sovereignty and territorial integrity that should not be delegated to another nation.

Sheriffs, I join the Chairman in expressing thanks to you all for being here. I applaud your dedication and sacrifice to protecting your counties and the Nation. And I welcome you and look forward to the testimony, Mr. Chairman.

Mr. HOSTETTLER. At this time, the chair recognizes the gentlelady from Texas, the Ranking Member of the Subcommittee on Immigration, Border Security, and Claims, Ms. Jackson Lee, for an opening statement.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. Let me thank the Chairman of the Crime Subcommittee and my Ranking Member, Mr. Scott, for your indulgence and cooperation, collaboration on this hearing.

Let me also acknowledge the number of witnesses from Texas and let me take a moment of personal privilege to say how proud I am that out the pressing forward of this lonely journey, that in the effort to speak not only for the southern border in Texas, that you're speaking for America. Let me thank the Sheriffs Association as well and the leadership there.

Let me acknowledge that although Secretary Chertoff was down with other Members of Congress, whom you met first, let it be known that others of us have walked along the border a way long time ago, along the El Paso border down in the area where you are, the New Mexico border, and seen some of the stress that was perpetrated. And we obviously believe that this is an important step forward that you're making.

Let me also acknowledge my fellow Texas Members as well as—I knew that Mr. Cuellar was here in the room; I'm not sure if he still is. But we have been focused on this issue and we are delighted with your presence.

Let me also say, as we are going off to vote, I am headed off to the Gulf region. I'm hoping that I'll be able to return. We are taking a bipartisan delegation down to Mississippi, Alabama, and Louisiana in a few minutes.

But this challenge that we have before us is really to address the two concepts of this hearing, outgunned and outmanned—but not without integrity and determination. According to the Border Pa-

trol statistics from fiscal year 2001 through the end of fiscal year 2005, there have been 144 documented incursions into the United States. The Border Patrol's definition of an incursion is an unauthorized crossing of the international border by individuals who are or appear to be Mexican Government personnel, whether intentional or not.

So this is not, if you will, a myth. A well-publicized incident occurred last month in Hudspeth County, Texas. On January 23, 2006, deputy sheriffs from Hudspeth County encountered three vehicles thought to be carrying marijuana in the vicinity of the border with Mexico. They pursued the vehicles to the Rio Grande River, where one of them got stuck in the river. As they approached the river, they observed a military-style Humvee with a machine gun and what the deputies believed to be Mexican soldiers armed with military weapons. A second Humvee arrived and uniformed men were observed getting out and taking positions east and west along the Mexican side of the river, hiding behind heavy, thick brush. Then 10 to 15 men dressed in civilian clothes appeared.

Let me just by way of summary say that—Mr. Chairman, I'm going to ask that my entire statement be put in the record.

Mr. HOSTETTLER. Without objection.

Ms. JACKSON LEE. And I am going to try and summarize it.

This incident, as I said, was an example of already 144 responding. I think it should be noted that those of you who are here who are sheriffs have said, in meetings that I've been in, that you've worked extensively without Border Patrol agents and would like and hope that we will have a collaborative effort. I hope this hearing—of which I'm very proud to have instigated after we met and I promised you that we would have a meeting and should have a meeting in Judiciary, and let me thank all of my colleagues for consenting to such—will be a collaboration between homeland security, the issues of immigration, the issues of drug smuggling, the issues of gun running, the issues of money laundering, and the issues of violence. That's what you've been contending with.

We need all energies of the United States Congress on the Senate side, Judiciary Committee that you had a hearing before—Judiciary, Homeland Security, to converge on these issues and begin to respond and build up the necessities.

Now, let me just note that the Government of Mexico has deployed more than 300 Mexican State Police officers to target criminal organizations, human smugglers, and transnational gangs along the border in order to support a cooperative effort to reduce violence along the border. I will be meeting with them to determine the effect of that utilization. And until we determine the effect, we want to hear from you, we want to work with you, and we're very, very pleased that you're here this afternoon.

Thank you very much. I yield back my time.

[The prepared statement of Ms. Jackson Lee follows:]

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, AND RANKING MEMBER, SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS

According to Border Patrol statistics, from FY 2001 through the end of FY 2005, there have been 144 documented incursions into the United States. The Border Pa-

trol's definition of "an incursion" is an unauthorized crossing of the international border by individuals who are, or appear to be, Mexican government personnel, whether intentional or not.

A well-publicized incident occurred last month in Hudspeth County, Texas. On January 23, 2006, Deputy Sheriffs from Hudspeth County encountered 3 vehicles thought to be carrying marihuana in the vicinity of the border with Mexico. They pursued the vehicles to the Rio Grande River where one them got stuck in the river. As they approached the river, they observed a military-style hummvee with a machine gun and what the deputies believed to be Mexican soldiers armed with military weapons. A second hummvee arrived and uniformed men were observed getting out and taking positions east and west along the Mexican side of the river, hiding behind heavy thick brush. Then 10 to 15 men dressed in civilian clothes appeared. Some of these men were armed with automatic long rifles. The contraband was loaded on another pick up truck on the Mexican side and then the vehicles drove off.

According to the Mexican government, the uniforms, insignia, armament, and vehicles that appeared on a video of this incident do not correspond to those utilized by the Armed Forces of Mexico. The Mexican government also determined that the people involved were criminals linked to the Rodolfo Escajeda drug-trafficking organization.

In any case, the potential for high-level violence along the border is increasing at an alarming rate. It has reached the point where Border Patrol agents and Deputy Sheriffs are shot at on a routine basis, and they are encountering traffickers who appear to have military training and are armed with automatic pistols, rifles, machine guns, grenades, grenade launchers, and other military type equipment. It is apparent that local Deputy Sheriffs are not equipped for combat with such heavily armed opponents and that they do not have the manpower for such confrontations in any event. In addition to its own work along the border, the Border Patrol participates in joint programs with the Mexican government. For instance, the Border Patrol has a liaison program to share information on terrorist threats and special interest aliens with their counterparts in the Government of Mexico. The Border Patrol is working with the Government of Mexico to pursue the Operation Against Smugglers Initiative on Safety and Security (OASISS). This is a bilateral alien smuggler prosecutions program that includes efforts to identify and prosecute violent human smugglers and save the lives of migrants who are put at risk by smuggling organizations.

I also want to note that the Government of Mexico has deployed more than 300 Mexican state police officers to target criminal organizations, human smugglers, and transnational gangs along the border in order to support a cooperative effort to reduce violence along the border.

Nevertheless, the Administration has not done enough to secure the border. The Border Patrol needs more agents and more resources. My Rapid Response Border Protection Act, H.R. 4044, would meet these needs by providing critical resources and support for the men and women who enforce our immigration, customs, and other laws.

This would include adding 15,000 Border Patrol agents over the next 5 years, increasing the number of agents from 11,000 to 26,000. It would require the Secretary of the Department of Homeland Security (DHS) to respond rapidly to border crises by deploying up to 1,000 additional Border Patrol agents to a State when a border security emergency is declared by the governor. It would add 100,000 more detention beds to ensure that those who are apprehended entering the United States unlawfully are sent home instead of being released into our communities. And, it would provide critical equipment and infrastructure improvements, including additional helicopters, power boats, police-type vehicles, portable computers, reliable radio communications, hand-held GPS devices, body armor, and night-vision equipment.

We will not have a secure border until we provide the Border Patrol with the equipment and resources it needs.

Thank you.

Mr. HOSTETTLER. Thank the gentlelady.

The chair now recognizes the distinguished gentleman from Virginia, the Ranking Member of the Subcommittee on Crime, Terrorism, Homeland Security, for purposes of an opening statement. Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman. Thank you and Mr. Coble and Ranking Member Jackson Lee for holding this joint oversight

hearing titled "Outgunned and Outmanned: Local Law Enforcement Confronts Violence Along the Southern Border." This is the second in our series of joint Subcommittee hearings on violence and other law enforcement challenges along our southwest border, and it is evident from the title of the hearing that we're reviewing another serious aspect of this problem.

At our last hearing we heard shocking reports of sensational crime and violence at the southwest border near Laredo, Texas, including attacks on law enforcement personnel, kidnappings of both Mexican and American citizens, drug and human smuggling for drug cartels, and international gangs and more. Today we'll hear about numerous incidents of incursions into the United States by heavily armed groups dressed in military-style uniforms in support of illegal activities. Some reports have indicated that these are Mexican military personnel, though both Mexican and United States officials have said that this is not the case. Whoever they are, the implications are serious for the safety of our local as well as Federal law enforcement officials.

Mr. Chairman, I look forward to the testimony of our witnesses regarding what they're experiencing and what needs to be done by Congress to help get a handle on these disturbing developments along our southwest border.

Thank you, Mr. Chairman. I yield back the balance of my time.

Mr. HOSTETTLER. I thank the gentleman from Virginia.

The chair now recognizes the distinguished gentleman from Texas, the former Chairman of the Subcommittee on Immigration, Border Security, and Claims, for purposes of an opening statement.

Mr. SMITH. Thank you, Mr. Chairman. I don't have time for an opening statement, as we know, or we will miss this next vote. But I just had to personally welcome, with the indulgence of the other Members, the two Texas sheriffs who are here and say to them how much I appreciate their making this effort and their testimony—which unfortunately won't be able to begin now, I think, for a few minutes. But we appreciate the effort and I welcome you all as far as that goes. It's a credit to the Chairman, his having a hearing on this subject, and it's a credit to you all that you're taking such an interest in such an important issue.

Mr. HOSTETTLER. Thank the gentleman.

Gentleman, members of the witness panel, we will recess for a short period of time in order to vote in the House of Representatives. Thank you for your indulgence. I apologize for the break in the action, but we look forward to hearing from you shortly.

Thank you.

[Recess.]

Mr. HOSTETTLER. The Subcommittees will come to order.

At this point I would like to introduce members of our witness panel. Leo Samaniego has served as Sheriff of El Paso County in Texas since he was first elected in 1984. Prior to his election as sheriff, Sheriff Samaniego served in the El Paso Police Department for 28 years. He is a 1972 graduate of the FBI National Academy and he serves as a member of the Texas Crime Prevention Association, American Legion Post 74, and is chairman of the El Paso Area Community Justice Council. Sheriff Samaniego has been the recipi-

ent of numerous awards, including the League of Women Voters Bravo Award and the City of El Paso Conquistador Award.

Larry Dever has been the sheriff of Cochise County in Arizona since being elected to that position in 1996. He is a 20-year veteran of the department who previously served as chief of field operations under Sheriff Jimmy Judd and then as head of support services under his predecessor, Sheriff John Pintek. He has appeared on CNN and his quotes have appeared many times in national media, as Cochise County has the largest traffic of illegal aliens of any county along the entire southern border, based on apprehensions by the Border Patrol and other indicators.

Todd Garrison was appointed by the Dona Ana County Commissioners in 2005 as the sheriff of Dona Ana County. Sheriff Garrison began his law enforcement career in 1985 with the Las Cruces Police Department, where he worked until September 1999. In 1999, he left the Las Cruces Police Department and began working for the New Mexico Motor Transportation Department as a Highway Patrol officer. In 2000, he became a patrol sergeant with the department, supervising officers in five area counties. In addition to serving as sheriff of Dona Ana County, Sheriff Garrison is currently a member of the Mesilla Valley Regional Dispatch Board and is the vice chair on the Metro Narcotics Board.

In 1994, Sigifredo Gonzalez—is that right, Sheriff?

Sheriff GONZALEZ. Yes.

Mr. HOSTETTLER [continuing]. Was appointed and then elected sheriff—It's like Hostettler; it's just—you have to work on it.—elected sheriff of Zapata County, Texas. He has since been reelected in 1996, 2000, 2004. Sheriff Gonzalez began his career in law enforcement 29 years ago as a deputy sheriff in Zapata County, at the age of 20. In 1981, Sheriff Gonzalez served with the Zapata County Attorney's Office, becoming the first investigator for that office in the history of Zapata County. In addition to serving as sheriff of Zapata County, Sigifredo Gonzalez serves as the chairman of the newly formed Texas Border Sheriff's Coalition and as the chairman of the Public Protection Advisory Committee of the South Texas Development Council.

Gentlemen, thank you for being here. In keeping with policy of the Committee, we swear in witnesses. If you will please rise and raise your right hand.

[Witnesses sworn.]

Mr. HOSTETTLER. Thank you very much. You may be seated. Let the record reflect that each answered in the affirmative.

Gentlemen, we have a lighting system here and a time limit for opening statements. Without objection, your written statements will be made a part of the record. We're somewhat lenient, especially with our witnesses, on that 5 minutes, but if you can hold your testimony to as close to 5 minutes as possible, we would appreciate it. We will try to hold our questions to as close to 5 minutes as possible.

Thank you very much. Sheriff Samaniego, you are welcome to begin.

STATEMENT OF SHERIFF SAMANIEGO, EL PASO COUNTY SHERIFF'S OFFICE, EL PASO, TEXAS

Sheriff SAMANIEGO. Chairman Hostettler, Chairman Coble, Ranking Members Jackson Lee and Scott, and Members of the Subcommittees, on behalf of the Texas Border Sheriff's Coalition, I want to thank you for allowing me to testify today before these two Committees on the violence along the U.S.-Mexican border and the impact it has on local law enforcement. Failure to stop drug and alien traffic on the border will affect every State and city in our county. The very routes, methods of concealment, and human resources used by these traffickers are also a threat to our Nation's security.

On November 2, 2005, Homeland Security Secretary Michael Chertoff was quoted in the El Paso Times saying we are not in control of our border. And I'd like to—the Border Patrol does an outstanding job. But they don't have the manpower necessary to handle what I call a planned, well organized invasion of undocumented aliens and the increase in drug trafficking. I'll give you a few examples of what we have been finding just in the last few days.

Last Friday, my deputies stopped a speeding Ford Bronco and found 11 undocumented aliens stuffed into the back portion of it. During an investigation and with the assistance of the Border Patrol, they rounded up a total of 232 aliens in a matter of a few hours at various hotels, motels, and private residences.

A few days before, deputies stopped a tractor trailer rig for speeding. The driver had an outstanding warrant, and he was arrested. A drug canine unit was called and the dog alerted on a box found inside that contained 68 pounds of cocaine.

A few days before that, deputies found five undocumented aliens hiding in a house, one in possession of cocaine and marijuana and a loaded handgun with 34 extra rounds of ammunition.

In order for the Nation to understand the southwest border, sometimes you have to take bold steps and identify the truth. The truth is Mexico is a neighbor to the south with some practices very few in Government wish to recognize. The term "madrina," which means bridesmaid or godmother, is associated with individuals who are not official Government employees, but they have been given the authority by a police agency or individual officer to act on their behalf; in other words, to do the dirty work. Madrinas draw no salary, get no benefits, but they have the authority to act as officials of whatever agency they have been appointed by. They make their money from bribes, offering protection in kidnappings and even executions. If implications arise, they are considered expendable because the Mexican Government doesn't officially recognize them, but by turning a blind eye, allows this system to exist.

I'd like to talk a little bit about what's happening on the other side of the border. It's important that we know what's going on not only on the U.S. side, but the Mexican side. And I will refer to an incident that happened in Hudspeth County the last week of November, involving a dump truck that crossed the border loaded with bundles of marijuana. They managed to make it all the way to the Interstate, where they were spotted and a chase began. The individual made a U-turn, managed to find an exit, and made a bee-line for the border. He made it, but the truck got stuck right

in the middle. The driver jumped out, took off running. U.S. officials were able to unload 95 large bundles of marijuana before the driver reappeared, this time with a Caterpillar and a bunch of individuals dressed in black BDUs and armed with AK-47s.

The truck was pulled back to Mexico with half of the load still in it. Mexican authorities were notified, but there was no response. A few days later, Mexico did send a group of AFI agents. AFI is a combination of DEA-, FBI-type of organization that was formed in 2002. It is financed by the United States and trained by the United States. On December 7, at about 7:30 p.m., in Tornillo, near Fabens in El Paso County, 16 AFI agents ran into some elements of the 20th Infantry Regiment out of Juarez and a shootout broke out. Two AFI agents were wounded. A military commander was detained by the PGR, which is the Attorney General's Office. There is no further information as to what happened to anybody. There are rumors that a second encounter took place and a soldier was killed by AFI agents, but I have not been able to verify that information.

On the 23rd of January, 2006, everyone has mentioned that incident, the three SUVs that crossed into the U.S. loaded with marijuana. They were spotted, they retreated to the border. One got stuck, one made it across. The other one had a blowout and the officers recovered the drug. The officers took photos and a video. The Mexican Government released the name of 11 individuals that were identified as drug traffickers, but the Government denied that the army took part. They're trying to say that 11 individuals was the total number of personnel on the Mexican side, and this is not a fact.

In closing, I would like to close by describing how the Texas Border Sheriff's Coalition has organized to share information. We have developed an operation to help one another deal with the Federal Government's failure to take control of the border. Operation Linebacker is a program designed by locals, by the 16 sheriffs on the border to solve our problems. Extra patrols already operate under this plan, thanks to Governor Rick Perry, who has stated on numerous occasions, "Although the border security is a Federal responsibility, we have no choice but to take aggressive steps at the State and local level to secure our borders and protect Texans." Operation Linebacker is making life more difficult for those trying to smuggle drugs, weapons, and people into Texas.

It is imperative that we increase security along our southern border. It is a matter of public safety. Without border security you don't have, or you won't have, national or homeland security.

Thank you very much. I will be happy to answer any questions you might have.

[The prepared statement of Sheriff Samaniego follows:]

PREPARED STATEMENT OF LEO SAMANIEGO

Chairman Hostettler and Coble, Ranking Members Jackson-Lee and Scott, and Members of the Subcommittees, I would like to thank you for the opportunity to testify today on the violence along the southern border and its impact on Local law enforcement. As I have stated previously in other hearings, my only regret is that the hearing wasn't held on the border, where the rubber meets the road in border violence, drug and human trafficking, incursions and national security.

I realize that our nation's homeland security is our number one priority. Establishing that priority does not diminish the continuing problems we have with the

recent front page headline grabbing problems border incursions, drug/human trafficking and violence. In many ways, all of these issues go hand in hand. The very routes, methods of concealment, and human resources used by illicit organizations for drug trafficking and alien smuggling are also a threat to our nation's security. On this border, counter-narcotics and national security efforts tap into the same law enforcement resources.

THE PROBLEM

My hometown of El Paso, Texas, unfortunately is one of the leading gateway cities for the transshipment of narcotics. I want to emphasize that the drugs flowing across this border, are, by and large, not staying here. Drug trafficking is not a local problem, it is a national problem, and requires the attention of our Federal government. While there is a drug abuse problem in El Paso, the demand does not compare to the high demand for drugs in the rest of the nation. The problem for El Paso is the transshipment of drugs through the region, and the illegal activities associated with it. Drug traffickers do not stop for long once they have entered El Paso. They continue with their shipments on to cities throughout the country. The failure to stop drug smuggling here today could mean 1,000 kilograms of marijuana will end up on the streets of Evansville, Indiana, Greensboro, North Carolina, Houston, Texas, Richmond, Virginia or tomorrow - you name the city, and state.

To illustrate my point as I was preparing to leave Texas for Washington D.C. the El Paso County Sheriff's Office was completing its field investigation into a traffic stop in the far west end of the county. The traffic stop was for speeding . . . big deal. However, in the vehicle were eleven (11) undocumented immigrants. The traffic stop led to a house in the county with fifteen (15) more undocumented immigrants and then a motel with thirty-nine (39) more undocumented immigrants, and a hotel in Downtown El Paso with 126 more and then a couple of more motels with 38 more undocumented immigrants.

In the middle of this simple traffic stop our agency was informed that many of those brought into the country illegally across the river in an isolated area east of the county, had not eaten for more than three days. One woman made an outcry that she had not seen her 7 year-old child or husband because they became separated in the desert.

This resulted in our agency activating a massive law enforcement effort to locate the missing child and husband. As I testify today we are just finishing all of the paperwork in reference to this simple traffic case which resulted in the discovery of almost 229 undocumented immigrants. The missing child case appears to have a happy ending; however our agency protocol forces us to await some additional paperwork before we officially close this case. This traffic stop has resulted in our agency passing along some information to our Criminal Enterprise unit which is charged with investigating the type of criminal nexus.

Everyone believes violence is associated with the sound of a gun. I'm here to tell you this is not the only sound you'll hear. Violence along the border also includes the loud gasp of farmers and ranchers who find dead bodies in the desert from the illegal entry, bodies recovered in the river on the U.S. side from individual victims who have been killed by smugglers or river bandits.

The violence also translates into the screeching sound of tires traveling at a high rate of speed as drivers who literally crossed into the United States over a dry river bed attempt to elude law enforcement with a vehicle loaded with narcotics.

One such incident occurred on Wednesday, December 14, 2005. Deputies in Hudspeth County and Border Patrol Agents working in Hudspeth County identified a pick-up truck suspected of engaging in narcotics trafficking. Based on physical evidence; the vehicle crossed a low water point in the Rio Grande in Hudspeth County, Texas. The vehicle illegally crossed into the United States from Mexico.

Border Patrol Agents and Hudspeth County deputies spotted the 1992 Ford (Black and Grey) extended cab 4X4. The driver of the vehicle failed to pull over and eventually crossed into El Paso County. El Paso County Sheriff's Deputies were notified of the fleeing vehicle.

The driver traveling west on Interstate 10 exited the highway at the Tornillo exit and headed south toward the river. El Paso County Sheriff's Deputies (Drug Interdiction Unit) spotted the vehicle and attempted to pull the driver over.

The driver traveling south on Feed Penn (Approximately 55 mph in a residential area & School Zone) thought he was crossing the river near the intersection of Chamizo. In reality the driver was crossing the Franklin Canal when his truck got stuck. He was not injured as a result of driving into the canal. The driver exited the vehicle. Deputies caught him in a foot pursuit.

The driver is identified as Ricardo Roman Padilla (26 years old) from Guadalupe, Chihuahua, Mexico. Padilla is charged with possession of marijuana (over 50 pounds under 2,000 pounds). This is a second-degree felony. His bond is $75,000.00.

This is an incursion that demonstrates how porous the Texas/Mexico Border is. Imagine if this chase had occurred about 20 minutes early when school children would have been walking home from school along Feed Penn Rd.

He was caught because Governor Rick Perry provided the Texas Border Sheriff's Coalition grant money that allows us to increase patrols in the hot spots. This grant pays officers overtime to work these danger zones. This is a program we call "Operation Linebacker."

NATIONAL LAW ENFORCEMENT EFFORT

The enforcement efforts in other major cities are being increased because we are not stopping the drugs here. Efforts to secure our border against narco-terrorism have not curbed the use of the Southwest border as the most significant gateway of drugs being smuggled into the United States. Federal resources have been expanded in cities to our north to combat drug use and distribution, yet most of the drugs have originated from this border.

If illicit organizations can bring in tons of narcotics through this region and work a distribution network that spans the entire country, then they can bring in the resources for terrorism as well. If illegal aliens can be smuggled through here in truck loads (and they are) then terrorist organizations can also covertly smuggle the people to carry out their plans. On the Southwest Border, the same organizations involved in smuggling drugs have also been found to smuggle illegal aliens. Their motive is profit, regardless of the negative impact on our country. Smuggling terrorists, weapons, or weapons components would not be a far reach for these established organizations.

There are two issues that plague this area. First, the Federal government is expecting local agencies to assist with addressing the national drug problem, and now with increased national security efforts, but at the same time has been reducing law enforcement resources, such as federal law enforcement grants and prison reimbursement funds (SCAAP). Secondly, the Federal government is expecting more of its Federal agencies on the Southwest Border without providing adequate resources.

UNDERSTANDING BORDER SECURITY FROM THE FIELD.

While the city of El Paso is a safe community, the nation's third safest; approximately 3,000 automobiles a year are stolen in El Paso and taken to Mexico. Literally a stone's throw away, the City of Juarez, Mexico has been plagued with over 500 drug related homicides in the last ten years. Many of those were gang-style executions, and in addition there were approximately 200 unsolved murders of young women.

I have been accused of having an agenda in terms of my testimony. My agenda is simple: "Border Security, National Security, and Homeland Security." If one of these elements is missing the other two don't exist.

In order for the nation to understand the southern border sometimes you have to take bold steps and identify the truth. The truth is Mexico, our neighbor to the south, continues with some corrupt legal practices very few in that government wish to recognize. In fact, some in our own government have turned a blind eye to this reality.

One such phenomena of corruption is the "Madrina" - a reality I've seen through my own eyes as a law enforcement professional along the border for almost 50 years this month. The term "Madrina" is associated with individuals who are not official government employees, but they have been given authority by "Funcionarios" recognized government employees. The "Madrinas" draw no salary and get no benefits, yet they are allowed to act as officials of whatever agency they have been appointed by. In some cases they'll wear a uniform, sometimes carry an official Identification, and will be authorized to use equipment (weapons & vehicles). The identification in the United States is generally marked "Honorary." In Mexico that I.D. represents the ability to carry out the full force of whatever agency that has issued the card.

Many of the "Madrinas" are paid through "Mordida"—a bribe, or percentage of the take. Some "Madrinas" give a large percentage of what they collect to those who have afforded them the identification to operate. It is my experience in dealing with them, they admit to no payroll, no benefits, no records kept. If a complication arises they are expendable, because the Mexican government officially doesn't recognize them, but by turning a blind eye allows this practice to exist. "Madrinas" are unaccountable middle men who can negotiate with the drug cartels on behalf of whoever

has appointed them and wants his or her government agency to thrive under this practice.

No records, no photos, no phone calls, no witnesses can ever be found to connect a Madrina with a government official or a high ranking criminal member. When one is found they generally are found dead. I know they exist because of my own experience as a street cop. I have narcotics officers tell me that the practice and traditions of the "Madrinas" is still alive.

BORDER SHERIFF'S

I would like to close by describing how the Texas Border Sheriff's Coalition has organized to share information. We have developed an operation to help one another deal with the federal government's policies that doesn't allow federal law enforcement to control the border. Operation Linebacker is a program designed by locals to solve local problems.

Extra patrols already operate under this plan thanks in large part to Texas Governor Rick Perry who has stated on numerous occasions, "Although border security is a federal responsibility, we have no choice but to take aggressive steps at the state and local level to secure our borders and protect Texans."

In October 2005 Governor Perry released a comprehensive, six-point border security plan that featured Operation Linebacker. Again this program was designed by the Coalition to increase local law enforcement presence along the Texas-Mexico border, particularly between legal points of entry.

Operation Linebacker is making life more difficult for those trying to smuggle drugs, weapons and people into Texas. It is imperative that we increase security along our southern border, it is a matter of a public safety. With out border security you won't have national security or homeland security.

CONCLUSION

I want to thank you, Mr. Chairman, for this opportunity to testify. The El Paso County Sheriff's Office continues to make every effort possible, working with our fellow law enforcement agencies, Federal, state and local, to address the concerns of the community of El Paso and the American people. I would be happy to answer any questions you might have.

Mr. HOSTETTLER. Thank you, Sheriff.

Without objection, the gentlelady from Texas will be recognized for some parting comments as she is getting ready to leave for a particular CODEL.

Ms. JACKSON LEE. As I indicated, there are a group of us headed to the Gulf region and, as I understand, the departure time is scheduled for just about now.

Mr. Chairman, again, and the Chairman of the Subcommittee on Crime and my Ranking Member, I want to thank you for this hearing. I hope that we will likewise follow it up with Federal personnel that are also engaged on the issues of violence at the border. I want to note the presence of Mr. Bonner, who addresses the questions of the Border Patrol agents. And I want the sheriffs to know that because of the work that you've done and the efforts that you've made, you have me supporting more Federal funds for the extra burden that you are now carrying, as it relates to violence. Your testimony here is crucial. These are part of the building blocks of our work.

And, Mr. Chairman, I know that we in the House have finished our immigration work, but it's not completed. And I hope that we'll have the opportunity, when the omnibus bill comes back from the Senate, or a bill comes back from the Senate, that our Committee can be instrumental in working on additional resources for the border that would include those resources that I spoke about in my Rapid Response Border Protection Act that has been filed before this Committee, and as well the resources that these sheriffs would need. Because it is a collaborative effort. That's what I've spoken

to—it's collaboration, not a singular effort. And this, I think, will help steer away the civilian efforts by focusing on the law enforcement efforts.

So let me thank you and sit for a few more minutes. But as I depart, I'm not disrespecting your testimony. Duty calls. And I thank you very much for your presence.

Thank you.

Mr. HOSTETTLER. Thank the gentlelady.

The chair now recognizes Sheriff Dever for his opening statement.

STATEMENT OF SHERIFF DEVER, COCHISE COUNTY SHERIFF'S OFFICE, BISBEE, ARIZONA

Sheriff DEVER. Chairman Hostettler, Chairman Coble, Ranking Member Jackson Lee, Ranking Member Scott, Members of the Committee, thank you for inviting us here.

I will dovetail onto some of the comments of my colleague from Texas. Arizona's been facing dealing with drug smuggling for as long as I've been in the law enforcement business, about 30 years. Most particularly, we've seen violence increase. You know, 20 to 25 years ago, we would—working along the fence, we would actually interdict smugglers carrying loads of marijuana across the border, right on the fence, and they would just give up. Some would drop their contraband and turn and flee, but many of them would just surrender at the spot.

Then we saw an increase in the number of people attempting to flee law enforcement. Up till just recently and, really, with the advent of the cocaine trade in the late 1980's and moving to our area through the Mexican smuggling cartels, to one of more severe resistance where today the anticipated response to an interdiction is a firefight. These smugglers are moving with advance guards, advance surveillance. They know that they're under surveillance of the smuggling cartel, and so if they don't make a valiant effort to protect their cargo, their lives are in jeopardy. Many of them are executed when they fail.

This has added significantly to the risk not only of local citizens but specifically the interdicting law enforcement officers. Where firefights aren't the norm, high-speed vehicular chases are, traveling through congested public roadways and through populated residential areas.

Most of the vehicles being driven are stolen, so a crime has already been committed and the person driving the vehicle is aware that he's in jeopardy whether he has contraband, be it narcotics or illegal aliens, or not.

The people-smuggling culture is one marked by little if any value for human life. Smugglers are interested in one thing, and that's profit. They demonstrate very little regard, if any, for the human beings who are in their care. We've gone so far we're discovering along some of the people-smuggling trails occasion where there would be a tree or a bush or something that was decorated with women's underwear. And we'd just begin to ask, what does this mean? We discovered that those are rape trees. They're a monument and a signal to everybody along the line of what the consequences will be for failing to cooperate with the coyote.

It's estimated by one study that over 80 percent of aliens being smuggled are victims of crimes before they even cross the border. Those atrocities very often continue into the stash houses until they finally reach their destination.

I think it's important, and I know from your comments that you do recognize that we're not here alone. You have a sheriff from New Mexico, several sheriffs from Texas, myself from Arizona. I sit on two committees, one with the National Sheriffs Association, who has just constituted a standing subcommittee in its Legislative Affairs Committee on immigration law and review. The Western States Sheriffs Association is doing the same; I'm on that committee as well. And so I represent over 3,000 sheriffs throughout the Nation as I sit here, as well as our own interests, the people of Cochise County. Four or 5 years ago, you really couldn't get anybody in the criminal justice system, except those on the border, to talk about illegal immigration, and now it is the number one topic in every criminal justice administration meeting, and particularly law enforcement meeting, I attend.

Lastly, I would just close with this, and that is it's important that you understand that while you plan Federal strategies and programs to deal with this, sheriffs are suffering the consequences of the slowness of that to occur and the failure of success to happen. Every Federal strategy has a local consequence. Every plan that is implemented and every initiative that is launched has a local consequence. And so I would encourage that local authorities be involved in those early planning stages so we're not blind-sided and we're not caught unaware of what might be the consequence of those implementations.

Thank you again for inviting us here. I, too, stand prepared to answer any questions you may have.

[The prepared statement of Sheriff Dever follows:]

PREPARED STATEMENT OF LARRY A. DEVER

Mr. Chairman, members of the committee, thank you for inviting me to share with you today a local perspective of the current situation along the southern Arizona border. I come to you as a lifetime southern Arizona resident with a thirty-year law enforcement career working in that environment.

I begin quoting a former Chief of the Tucson Sector of the Border Patrol. "Within the last year, we've been mandated by Congress to gain control of that border. And we're going to do that along the Southern border, whether it's narcotics, illegal aliens, terrorists, criminals or whatever." (Chief Jerald Jondall, as quoted in The Arizona Sheriff magazine, Autumn 1987.)

That was the year we first organized the Border Alliance Group narcotics task force in Cochise County to jointly combat the burgeoning cocaine smuggling business that had developed in the area. At that time there were no DEA agents in Cochise County, no FBI, only four Customs Office of Enforcement agents and maybe a total of 100 border patrol agents. Today, they are all there, along with over a thousand Border Patrol agents. Yet in spite of the tremendous increase in the law enforcement presence, or as some suggest, because of it, violence associated with narcotics and people smuggling activities has markedly increased.

Twenty to twenty-five years ago, we would intercept smugglers right on the border fence. Most would simply abandon their cargo and flee on foot back south. It wasn't unusual to have some just give up. Today, the expected response to an attempted interdiction is a fight. Smugglers are armed with high capacity assault weapons and with orders to protect their cargo at all costs. They operate under the watchful eye of scouts equipped with sophisticated observation and communications equipment. Failure to make safe delivery is not acceptable and many who do fail are executed. The stakes are extremely high.

High speed chases on congested public highways and through populated residential areas are common. Most of the vehicles they are driving are stolen. Just recently two local residents were killed and several others seriously injured when a ruthless smuggler driving a stolen truck at reckless speeds crashed head on into a group of vehicles sitting at a stop light.

The people smuggling culture is one marked by little if any value of life or respect for persons or property. One study estimates that over 80% of people being smuggled into this country become the victims of criminal activity before they ever cross the border.

Smuggling routes are often marked with "rape trees"—women's under garments hung on tree limbs where a raped occurred, warning everyone of the consequences of failing to cooperate with the coyotes who prey on them. Running gun battles with fleeing felons occur much too frequently placing law enforcement officers and the public alike at great risk. Gang activity and its associated violence are on the rise as these groups become more competitive in the lucrative people smuggling trade. Just last week one of my deputies, the supervisor of the narcotics task force was the victim of a drive-by shooting at his home. Thankfully, no one was injured.

The law enforcement effort and the communities along the border desperately need your attention. You should be aware that in our area, almost ten percent of the illegal aliens that are apprehended have criminal records in this country. When we are unsuccessful in catching them there, these predators find their way to communities all over the nation where they threaten the safety and welfare of local populations.

When planning strategies for improved enforcement efforts and providing adequate resources, it is important to remember that every federal initiative has a local consequence. It is critical that local authorities be involved in the early stages of the planning process to assure that these consequences are clearly understood and considered.

Again, I thank you for the opportunity to address you, and would gladly answer any of your questions.

Mr. HOSTETTLER. Thank you, Sheriff Dever.

Sheriff Garrison.

STATEMENT OF SHERIFF GARRISON, DONA ANA COUNTY SHERIFF'S OFFICE, LAS CRUCES, NEW MEXICO

Sheriff GARRISON. Mr. Chairman, Members of the Committee, thank you today for inviting me to share with you my perspective of the situation along the southern border, the Land of Enchantment, my home State, New Mexico.

My name is Todd Garrison and I'm the current sheriff of Dona Ana County, Las Cruces, New Mexico. I'm a lifelong resident of Dona Ana County. My family tree includes three generations of farmers. I've been involved in law enforcement since 1985.

New Mexico has three counties which border Mexico—Dona Ana, Luna, and Hidalgo counties—which cover approximately 186 miles of border. Grant and Otero counties are also right there within a few miles. Dona Ana borders Texas and Mexico and covers close to 4,000 square miles and 42 miles of border. The population in this county is approximately 2,000 people. Luna County covers almost 3,000 square miles and has 58 miles of border with Mexico. The population is approximately 30,000. Hidalgo County is 3,500 square miles and approximately 86 miles of border with Mexico. The population is approximately 5,500 people. New Mexico is a land of wide open spaces. We have a lot of room to move around. It's also wide open for opportunities for criminals.

My message today is very clear. I support the Border Patrol. In county law enforcement we have learned the value of cooperation due to unique challenges and minimal resources. I don't want to do the Border Patrol's job. However, when someone calls 911, a sheriff's deputy would be the one responding to that call. The 911 calls

don't get transferred to the Department of Homeland Security in Washington, D.C.

One case in point on the problems of rural enforcement along the southern border is an incident which is still under investigation as I testify here today. One of my constituents was recently the victim of a brutal rape more than 20 miles from the border. Investigation has resulted in the apprehension of an illegal immigrant who broke into this elderly woman's home in Hatch, New Mexico, and raped her. At the time, he was drunk and had been using cocaine. There were two individuals that had witnessed this horrific crime. Several days later, one of my officers unknowingly pulled these people over and, realizing that they were illegal immigrants, notified Border Patrol and they were then transported away from the country. That causes a problem with our criminal case. We've been working with Border Patrol to get that situation taken care of. But it kind of puts us in a Catch 22 situation.

In southern New Mexico, we've seen an increase in smuggling operatives using juveniles to work as traffickers. Children as young as 13 in my community have already formed an alliance with criminal enterprises that is destroying the rural lifestyle. It's not uncommon for a teenager to master the lifestyle of the human smuggler by the time the junior or senior prom shows up on the school calendar. The bigger picture is destroying the landscape of Dona Ana County, and some of these young human traffickers grow up to become drug dealers. If the U.S. Attorney would redirect a policy that allows this criminal enterprise to exist, we would be able to send a clear message to the community that trafficking is against the law.

Human and drug trafficking is a serious problem. For example, it is not uncommon to be told by a U.S. Attorney that a juvenile with less than six undocumented aliens or less than 100 pounds of drugs in their vehicle will not be prosecuted because the case does not meet the Federal threshold for this area. Consequently, the young trafficker is off the hook, allowed to continue as one of the untouchables. And that's what they're referred to where they go to school, is "the untouchables." Our DA's office handled 498 drug cases linked to the Southwest Border Prosecutors Initiative in 2005. These were the cases that were declined by the Federal prosecutors.

The back door of New Mexico is home to a distinctive road barrier that separates two nations, America and Mexico. Therefore, I see the same thing that Sheriff Arvin West of Hudspeth County, Texas, sees. It's not uncommon for what we in law enforcement call a load vehicle piled high with marijuana to cross the desert unnoticed. And some of the load falls off of the vehicles and is recovered by police officers in the desert or near State roads. What does get across the vast desert area eventually makes its way to Tucson, Arizona; Albuquerque; Denver, Colorado, and across the United States.

The picture of border security along the southern border is not what you think. Serious problems currently exist. These problems occur daily and fall directly under my jurisdiction. The taxpayers of Dona Ana, Hidalgo, and Luna counties ultimately pay the price. I agree with my colleagues from Texas, enough is enough; and I en-

courage you to look at Operation Linebacker. This concept is designed by locals to fix local problems. The problems are really a Federal issue, but New Mexico sheriffs are the ones answering the 911 calls.

Thank you for this time, and I stand here for questions also.

[The prepared statement of Sheriff Garrison follows:]

PREPARED STATEMENT OF TODD GARRISON

Mr. Chairman, members of the committee, thanks for inviting me to share with you today my perspective of the situation along the southern border of the Land of Enchantment, my home state—New Mexico. My name is Todd Garrison and I am the current Sheriff of Dona Ana County (Las Cruces), New Mexico.

I'm a life long resident of Dona Ana County and my family tree includes three generations of farmers. I have been involved in law enforcement since 1985.

New Mexico has three counties which border Mexico: Dona Ana, Luna and Hidalgo, which covers approximately 186 miles of border. Dona Ana borders Texas and Mexico, covers 3,087 square miles and 42 miles of border with Mexico. The population in this county is approximately 200,000.

Luna County covers 2,965 square miles and 58 miles of border with Mexico. The population is approximately 30,000.

Hidalgo County is 3,446 square miles and 86 miles of border with Mexico. The population is approximately 5,500.

New Mexico is a land of wide open spaces and wide open opportunities for crime. My message today is very clear, I support the Border Patrol. In county law enforcement we have learned the value of cooperation due to the unique challenges and minimal resources. I don't want to do the Border Patrol's job, however when someone calls 911 a Sheriff's Deputy responding to the call. The 911 calls don't get transferred to the Department of Homeland Security in Washington D.C.

One case in point of the problems of rural law enforcement along the southern border is an incident still under investigation as I testify. One of my constituents was recently the victim of a brutal rape more than 20 miles from the border. The investigation has resulted in the apprehension of an illegal immigrant who broke into this elderly woman's home in Hatch, New Mexico and raped her. There were two individuals that witnessed this horrific crime. However, these two witnesses are also illegal immigrants. They were apprehended by the Border Patrol for an immigration violation, and now this legal hurdle places my case in a distinctive position of a Catch 22.

In southern New Mexico, we have seen an increase in smuggling operatives using juveniles to work as traffickers. Children as young as 13 years old in my community have already formed an alliance with a criminal enterprise that is destroying a simple rural lifestyle. It is not uncommon for a teenager to master the lifestyle of a human smuggler by the time the Junior-Senior prom shows up on the school calendar.

The bigger picture is destroying the landscape of Dona Ana County. Some of these young human traffickers grow up to become drug smugglers. If the U.S. Attorney would redirect a policy that allows this criminal enterprise to exist, we would be able to send a clear message to the community that trafficking is against the law.

Human and drug trafficking is a serious problem. For example, it is not uncommon to be told by a U.S. Attorney that a juvenile with only six undocumented immigrants in his/her vehicle will not be prosecuted because this case doesn't meet a federal threshold for this area. Consequently the young trafficker is off the hook and allowed to continue as one of the untouchables.

The backdoor of New Mexico is home to a distinctive road barrier that separates two nations; America and Mexico. Therefore I see the same thing Sheriff Arvin West of Hudspeth County, Texas sees. It is not uncommon for what we in law enforcement call a load vehicle piled high with marijuana cross through the desert unnoticed and some of the loads fall off the vehicles and are recovered by my deputies in the desert or near a state road. What did get across the vast desert area eventually makes its way to Tucson, Arizona, Albuquerque, New Mexico and Denver, Colorado.

The picture of border security along the southern border is not what you think. Serious problems currently exist. These problems occur daily and fall directly under my jurisdiction. The tax payers of Dona Ana, Hidalgo and Luna counties ultimately pay the price. I agree with my colleagues from Texas, enough is enough. I encourage you to look at Operation Linebacker. This concept was designed by locals to fix local

problems. The problems are really a federal issue, but New Mexico Sheriffs are the ones answering the 911 calls.

Mr. HOSTETTLER. Thank you, Sheriff Garrison.

Sheriff Gonzalez.

STATEMENT OF SHERIFF GONZALEZ, ZAPATA COUNTY SHERIFF'S OFFICE, ZAPATA, TEXAS

Sheriff GONZALEZ. Thank you, Mr. Chairman.

Chairman Hostettler, Chairman Coble, Mr. Scott, Ms. Waters, Mr. Keller, and Mr. King, thank you very much for the opportunity to be here today and testify before you to discuss how we local law enforcement officers are confronting violence along the southwest border and how we are very much outgunned and outmanned.

With all due respect, I have submitted my written testimony with some attachments to it, so I will be referring to those attachments at times.

Out of frustration with our Government's inability to protect the border with Mexico, on May 4, 2005, 16 Texas sheriffs of counties that border the Republic of Mexico formed the Texas Border Sheriff's Coalition. In this coalition, we believe that southwest border of our Nation is a front door to this country and that many persons have entered our country with intentions of harming us. We continue to believe that terrorists have expressed an interest and a desire to exploit the existing vulnerabilities of our border security to enter and to attack the United States of America.

We are sincere when we tell you that we are not blaming the agents of the United States Border Patrol or ICE or any other Federal agency, but rather we criticize some of the policies that they have to adhere to. The member sheriffs of our coalition total almost 460 years of experience, including 101 years as sheriffs. Sixteen sheriffs are responsible for 39,764 square miles and over 1,276 miles of wide-open, porous, and unprotected border with Mexico. It is obvious that more manpower is needed, since some of the sheriffs on the border have only six or less deputy sheriffs to protect their counties, not including protection of the border.

Last month, a task force in Laredo, Texas, confiscated improvised explosive devices, or IEDs, and other items used to make explosive devices. We feel that it is the intention of the cartels to use these weapons against us at the appropriate time.

I make reference to Attachment No. 3 in my written testimony. The cartels operating in Mexico and the United States have demonstrated that the weapons they possess can and will be used in protecting their loads of humans or narcotics. One informant very familiar with the operations of these cartels has mentioned to us that the weapons that we use in law enforcement are water guns compared to the weapons that these cartels use and that we will soon be confronted with. These cartels are known to frequently cross into the United States, and they possess automatic weapons, hand grenades, and grenade launchers. They are also experts in wiretapping, explosives, counter-surveillance, lock-picking, and GPS technology. We must remember these cartels, or some of these cartels, were trained by our Federal Government.

In Brooks County, Texas, in south Texas, a high-ranking member of the Mara Salvatrucha was apprehended. This MS-13 member is

believed to have been responsible for the killing of close to or more than 30 people in his native country in a bus explosion. It is very possible these cartels may have already formed a nexus with members of al-Qaeda and other terrorist organizations. We continue to believe that terrorist cells are already in our back yards.

I again make reference to Attachment No. 4 in my written testimony. Recently a jacket was found in Jim Hogg County, in south Texas also. Patches indicated several words on them, including on the bottom of one patch "martyr," "way to eternal life," or "way to eternity," with pictures of airplanes flying into towers. A statement was issued by a high-ranking member of the Department of Homeland Security stating that the patches were not from al—Qaeda, but rather were from countries where al-Qaeda was known to operate.

On March 3 of 2005, several officers assigned to do surveillance along the riverbank encountered approximately 20 to 25 persons dressed in battle-dress uniforms, commonly known as BDUs. The individuals were very clean-cut. They appeared to be in very good physical condition. They were carrying duffel bags, backpacks, and what these officers promised and what they saw through night-vision goggles—borrowed night-vision goggles—were automatic weapons slung on the shoulders of these individuals coming in from Mexico. In my town, Zapata, Texas, residents are always reporting individuals wearing BDUs, backpacks, and possessing weapons getting off boats. This is in the middle of the town of Zapata. Residents that call us describe them as soldiers.

In Attachment No. 7 of my written testimony, I make reference to a memorandum of January 9th of this year. A USDA inspector encountered 17 individuals in Zapata County that had just been crossed over into the United States. Three of these individuals had in their possession assault-type longarms. The inspector noticed that these individuals were not from Mexico, based on their accent, but rather from another country. These individuals threatened to kill the inspector. The inspector had his issued gun and badge under his coat, where it was not seen by these intruders. He felt, as his weapon and badge were not seen, this is probably what saved his life.

More and more we are seeing armed individuals entering our country. We feel that it is a matter of time before a shootout will occur. In the unfortunate event of a shootout, Federal, State, and local officers along the southwest border are not adequately armed. Compared to the ruthless and brazen and open behavior of the cartels we face, we are most certainly outmanned.

Our coalition, the Texas Border Sheriff's Coalition, is very concerned with the very unique problems along our border. Border Patrol is doing the best job that they can possibly do with the resources that are available to them. Immediate help is needed for them and for us sheriffs on the southwest border. Congresswoman Jackson Lee has introduced the Rapid Response Border Protection Act of 2005. This piece of legislation will assist in enhancing border patrol of personnel along the border. The United States gives Mexico millions of dollars a year to combat drug trafficking. This money could be used to help us secure our border. The Texas Border Sheriff's Coalition, with the assistance of Texas Governor Rick

Perry, has implemented Operation Linebacker, a second line of defense in the protection of our country, the United States Border Patrol being the first line of defense.

Members of the Committee, the problems along the border are Federal problems. Governor Perry could not wait for a peace officer to get killed along the border. In the only 2 months since we started this operation, this operation has already proven to be successful. Federal law enforcement funds can be better used in programs like Operation Linebacker. The problems along the border will continue unless our Federal Government intervenes and intervenes soon. We feel that the southwest border has been neglected.

It has been suggested that our coalition is only interested in trying to take money from our Federal Government—just to get money from our Federal Government. I can assure you this is not the case. It is not our intention to take over Border Patrol duties. Sheriffs along the southwest border are not involved in immigration enforcement. Our only interest, as I am sure it's a mutual interest, is the protection of the United States of America.

I want to express my most sincere appreciation for allowing us the opportunity to appear before you, and I thank you for the work that you do for our country. Chairmen Hostettler and Coble, this concludes my testimony. I will be pleased to answer any questions that Committee Members may have.

Thank you.

[The prepared statement of Sheriff Gonzalez follows:]

PREPARED STATEMENT OF SIGIFREDO GONZALEZ, JR.

Chairmen Hostettler and Coble, Ranking Members Jackson-Lee and Scott, and Members of the Subcommittees, it is an honor and a privilege to be invited to appear before these subcommittees to discuss how we, local law enforcement officers, are confronting violence along the southern border and how we are outgunned and outmanned.

I would like to briefly discuss how the Texas Border Sheriff's Coalition was formed. On April 18th, 2005, I sent out letters to my 15 colleagues whose counties border the Republic of Mexico. In my letter to them I invited them to a meeting to discuss unique problems that we face along the border. This was done out of frustration in what I felt was the inadequacy of our federal government to protect our border in preventing a potential terrorist from entering our country. I felt that as a citizen of this great country, our almost 2,000 miles of border was very porous, that many people whose intentions were unknown were coming into our country to perhaps commit acts in our own country similar to or worse than what happened on September 11, 2001, where over 3,000 innocent persons lost their lives. All of us expressed the same frustration since we had mentioned this many times to federal and state legislators. We felt that perhaps speaking as one voice we would be heard.

On May 4th, 2005, we met in Laredo, Texas. As a result we formed the Texas Border Sheriff's Coalition. The first and foremost priority of our coalition is protecting all residents of this country against a terrorist act without regard to race, sex, or ethnic origin. We continue to believe that many persons have entered our country with intentions of harming us. We continue to believe that terrorists have expressed an interest and a desire to exploit the existing vulnerabilities in our border security to enter or attack the United States. We are sincere when we tell you that we are not blaming the agents of the United States Border Patrol, ICE, or any other federal agency, but, rather, we criticize the policies that they have to adhere to.

I do want to make you aware that the experience of the member sheriffs of this coalition total almost 460 years including 101 years of experience as sheriffs. The longest serving sheriff of this coalition is El Paso County Sheriff Leo Samaniego with 22 years. I have attached the list of member sheriffs of the coalition with their years of experience and have marked it as Attachment #1.

I have been asked to briefly relate to you some of the problems that we have encountered along the border, specifically the violence along the border and how we are confronting it, in particular, how we are outgunned and outmanned. Most of the sheriffs that have encountered these problems that I will present are present to answer any questions you may have as they relate to their counties. The sixteen sheriffs, whose counties border the Republic of Mexico employ under 700 patrol officers, are responsible for 39,764 square miles, and 1,276 miles of wide open, porous, and unprotected border with Mexico.

We were used to seeing many persons enter the country illegally; however, recently, many of these persons are no longer entering the country to look for legitimate employment. We are now seeing that many of these persons are members of ruthless and violent gangs. All of us are concerned that the border with Mexico is being used as the front door to this country. Many of the illegal immigrants from countries of special interest are apprehended along the southwest border. I have attached two lists documenting the apprehensions along the northern border and the southwest border and have marked them as Attachment #2.

Through intelligence information we have also learned that several murders in Laredo, Webb County, Texas, have been orchestrated by members of drug cartels operating in both countries. These drug cartel enforcers cross the Rio Grande River, illegally, commit their murders in the United States, then go back to Mexico, again, via the Rio Grande River. They are very well armed and are very accurate in what their assignment is. We have all seen in the media the reports of the murders in Nuevo Laredo, 30 so far in the first 53 days of 2006. Some of the deaths in Laredo, Texas, are also attributed to these cartels. Last month, a Task Force in Laredo confiscated IEDs and other items used to make explosive devices. We feel that it is the intention of these cartels to use these weapons against us at the appropriate time.

Border Patrol agents and deputy sheriffs are shot at from Mexico on a routine basis. In January, there was a sniper in Mexico shooting at agents that were working along the banks of the river in the area of the cities of Rio Bravo/El Cenizo, which are located south of Laredo. This continued, sporadically, for three days. Agents reported seeing several individuals wearing military style uniforms on a hill on the Mexican side one of them was using what was believed to be a high powered rifle with scope. This sniper was arrested last week and is now in United States custody.

On January 23, 2006, in Hudspeth County, Texas, state officers and deputy sheriffs pursued three vehicles laden with marihuana. These vehicles fled back into Mexico by driving across the Rio Grande River. One of them got stuck in the mud. When officers reached the levee of the Rio Grande River, they encountered what officers described as a Mexican Humvee equipped with a machine gun and what officers believe to be Mexican soldiers, fully armed with automatic weapons, waiting for these vehicles to cross back into Mexico. These officers on the United States side possessed no automatic weapons.

Several days after this incident, three men drove across the Rio Grande River and drove to the home of one of the deputies of Hudspeth County. They told the deputy's wife to tell her husband to stay away from the river or else. They then drove back to Mexico via the Rio Grande River. This was a direct threat against a law enforcement officer by known drug thugs from Mexico.

The cartels operating in Mexico and the United States have demonstrated that the weapons they posses can and will be used in protecting their caches. One informant familiar with the operations of this cartel mentioned to us that the weapons we use are water guns compared to what we will have to come up against if we ever have to. These cartels, known to frequently cross into the United States, possess and use automatic weapons, grenades, and grenade launchers. They are also experts in explosives, wiretapping, counter-surveillance, lock-picking, and GPS technology. They are able to monitor our office, home, and cellular phone conversations. The original members of this cartel were trained in the United States by our own government. I have attached photographs showing some of the weapons that these cartels possess. The photos have been marked as Attachment #3.

The Rio Grande Valley, Cameron, Hidalgo, and Starr Counties, have continuous problems with pseudo-cops coming from Mexico to extort and kidnap citizens in these counties. This area is the fastest growing area in the nation. They have seen their share of terrorist activity as it relates to the migration of many members of ruthless gangs that come into this country for reasons other than legitimate employment. Sometime last year, a woman was taken off an airplane at the McAllen, Texas, airport. She had come in from Mexico, through the river, as her clothing was still wet, and had a passport from it is my understanding, Africa. She was from a special interest country and had come in to Mexico using a passport from a friendly

country to avoid detection. Who knows what her intentions were. Thanks to an officer at the airport she was taken off the plane.

During this same time period, a high-ranking member of the *Mara Salvatrucha,* or MS-13, was apprehended in the Brooks County area, also in south Texas. He had entered the country illegally. This MS-13 member is believed to have been responsible for the killing of close to 30 persons, or more, in a bus explosion in his native country. These people, as many others, find it very easy to come into our country through a very porous, wide-open, and unprotected border.

We recently received information that the cartels immediately across our border are planning on killing as many police officers as possible on the United States side. This is being planned for the purpose of attempting to "scare us" away from the border. They have the money, equipment, and stamina to do it. They are determined to save their "load". It is very possible, these cartels may form a nexus with members of Al Qaeda and other terrorist organizations. The Department of Homeland Security recently issued Officer Alerts warning their agents of the potential threats. We, the local officers, learned about it through the news media.

Local, state, and federal officers have found many items along the banks of the Rio Grande River that indicate possible ties to terrorist organizations or members of military units of Mexico. Currency and clothing are common finds. Recently, a jacket with patches was found in Jim Hogg County, Texas, by agents of U. S. Border Patrol. The patches on the jacket show an Arabic military badge with one depicting an airplane flying over a building and heading towards a tower, and another showing an image of a lion's head with wings and a parachute emanating from the animal (lion). It is believed from an undisclosed document that Department of Homeland Security translators concluded that the patches read "defense center", "minister of defense", or "defense headquarters". The bottom of one patch read "martyr", "way to eternal life" or "way to immortality". I have attached copies of these patches and have marked them as Attachment #4.

On January 28th, 2006, USBP Chief David Aguilar was asked by a reporter from KGNS television station in Laredo, Texas, what the outcome of the investigation of the jacket was. Chief Aguilar responded that the patches were not from Al Qaeda but from countries Al Qaeda was know to operate.

On February 2nd of this year, one of my deputies discovered an 18" duffle bag approximately 8 miles North of Zapata by the highway right of way. This duffel bag had "Armada de Mexico" embroidered on the bag. Inside the bag were several items that are commonly used by persons that are knowledgeable in bodybuilding, in staying in good physical shape, and used to physical exertion. A bus ticket with an origin of Veracruz, Mexico was also found inside the bag. Although I am not insinuating that the person carrying this bag was a member or former member of the Mexican Navy, but there is a naval academy in Veracruz. I have attached photographs of the duffle bag and marked it as Attachment #5. The copy of the bus ticket found inside the duffel bag is also attached and marked as Attachment #6.

Employees of our offices have also seen incursions into this country of persons dressed in battle dress uniforms (BDUs), carrying what officers believe to be automatic weapons, very clean cut, and in very good physical condition. On March 3rd, 2005, several officers assigned to do surveillance by the Rio Grande River by the Zapata/Webb County line observed approximately 20–25 persons dressed as indicated above walking on a gravel road, coming from the area of the riverbanks, marching in a cadence. The deputy observed these individuals through his borrowed night vision goggles. These individuals were carrying large duffle bags and walking two abreast. They also had backpacks.

In the town site of Zapata, residents are always reporting individuals getting off boats. These individuals also wear BDUs, backpacks, and possess weapons. The residents describe them as soldiers.

On January 9th, 2006, a USDA Tick Inspector encountered 17 individuals in Zapata County that had just been crossed into the United States. Three of these individuals had in their possession assault type long arms. The Inspector noticed that these individuals were not from Mexico but from another country since they spoke Spanish with an accent that is not common in Mexico. These individuals threatened to kill the Inspector. The Inspector had his issued gun and badge under his coat where it was not seen by these persons. He felt that this probably saved his life. I have attached a copy of a DHS Officer Safety Alert dated January 20, 2006 and have marked it as Attachment #7.

We have recently learned that a certain cartel has put out a threat against law enforcement officials, specifically all DPS Troopers in Rio Grande City, TX. This threat was made in response to the shooting of a 23-year-old by a DPS Trooper on January 14, 2006. It is believed that the deceased may have been a member or associate of this cartel. Information also indicates that this cartel will be expanding

their operations to the Maverick and Val Verde Counties in the very near future. These counties will see a surge in violence, kidnappings, and extortions just as we have seen in border counties in the southern part of Texas.

More and more we are seeing armed individuals entering our country through our counties. We feel that it is a matter of time before a shootout will occur. During the Hudspeth County incident officers pulled out cameras instead of weapons. It the unfortunate event of a shootout, federal, state, and local officers along the southwest border are not adequately armed. Compared to the ruthless and brazen and open behavior of the cartels we face, we are most certainly outmanned. In most counties, deputies ride alone while patrolling. Jeff Davis County has only a sheriff and three deputies to patrol the 2,267 square miles of that county. Brewster County, the largest county in Texas with 6,193 miles, has only 6 deputy sheriffs to patrol the county. In the event of a shootout, many casualties will likely occur. Federal, state, and local officers all along the southwest border of the United States are outgunned and outmanned.

The Texas Border Sheriff's Coalition is very concerned of the very unique problems along our border. Border Patrol is doing the best they can with the resources that are available to them. Immediate help is needed for them and for Texas border sheriffs and for the protection of our country. Congresswoman Sheila Jackson-Lee has introduced HR 4044, the Rapid Response Border Protection Act of 2005. This piece of legislation will assist in enhancing border patrol personnel along the border. Ranking Member Jackson-Lee is concerned with the problems along the southwest border, just as every member of this committee is.

Congressman John A. Culberson has also introduced HR 4360, the Border Law Enforcement Act of 2005. This piece of legislation also covers all of the problems that we, as sheriffs, are encountering along the border. Congressman Culberson consulted with us in writing this pending legislation.

We, the Texas Border Sheriff's Coalition, have implemented Operation Linebacker, a second line of defense in the protection of our country. The United States Border Patrol being the first line of defense. The problems along the border are federal problems. Our governor, the Honorable Rick Perry, could not wait for a peace officer to get killed along the border. He, just as we, is very much concerned. He has appropriated $6 million as seed money for us to start the operation. Just last month Governor Perry granted our Coalition an additional $3.8 million. The problems along the border will continue unless our federal government intervenes soon. Must we wait until an officer gets killed or until after another terrorist act?

I want to express my most sincere appreciation for allowing us the opportunity to appear before you and thank you for the work you do for our country, the United States of America.

Chairmen Coble and Hostettler, this concludes my statement. I will be pleased to answer any questions that you or Members of the Committee may have.

ATTACHMENTS

Texas Border Sheriff's Experience

COUNTY	SHERIFF	YRS.-SHERIFF	YRS.-OTHER	YRS.-TOTAL
El Paso	Leo Samaniego	22	28	50
Hudspeth	Arvin West	6	17	23
Culberson	Oscar E. Carrillo	6	10	16
Jeff Davis	Thomas "Tom" F. Roberts, Sr.	1	21	22
Presidio	Danny C. Dominguez	9	5	14
Brewster	Ronny D. Dodson	6	19	25
Terrell	William "Clint" McDonald, Jr.	2	18	20
Val Verde	A D'Wayne Jernigan	9	33	42
Kinney	Leland K. Burgess	10	30	40
Maverick	Tom Herrera	1	27	28
Dimmit	Michael "Doug" Sample	2.5	28	30.5
Webb	Rick Flores	1	16	17
Zapata	Sigifredo Gonzalez, Jr.	11.5	18	29.5
Starr	Reymundo "Ray" Guerra	8	20	28
Hidalgo	Guadalupe "Lupe" Trevino	1	29.8	30.8
Cameron	Omar Lucio	5	38	43
	TOTALS	101	357.8	458.8

ATTACHMENT #1

OTMS BY COUNTRY 10/01/02 - 6/30/03
NORTHERN & SOUTHERN BORDER

DATA SOURCE: PAS

Sum of TOTAL OTMS	BORDER		
COUNTRY CODE	Northern Border	Southern Border	Grand Total
AFGHANISTAN	3	1	4
ALBANIA	30	63	93
ALGERIA	2	3	5
ANTIGUA-BARBUDA	1	1	2
ARGENTINA	14	69	83
ARMENIA	1	17	18
AUSTRALIA	13	6	19
AUSTRIA	1	1	2
BAHAMAS	1	1	2
BAHRAIN		1	1
BANGLADESH	10	7	17
BARBADOS	1		1
BELARUS	2	2	4
BELGIUM	3	3	6
BELIZE	1	23	24
BOLIVIA	2	27	29
BOSNIA-HERZEGOVINA		1	1
BOTSWANA		1	1
BRAZIL	105	3179	3284
BULGARIA	7	10	17
BURKINA FASO	1		1
BURMA	1	4	5
CAMEROON	1	2	3
CANADA	825	22	847
CAPE VERDE	1		1
CHILE	10	58	68
CHINA PEOPLES REPUBLIC OF	167	222	389
COLOMBIA	23	121	144
CONGO	1		1
COSTA RICA	135	116	251
CROATIA		1	1
CUBA	17	61	78
CZECH REPUBLIC	3	25	28
CZECHOSLOVAKIA	6	4	10
DENMARK		2	2
DJIBOUTI	1		1
DOMINICA	1		1
DOMINICAN REPUBLIC	51	276	327
ECUADOR	40	314	354
EGYPT	4	6	10
EL SALVADOR	61	6408	6469
ERITREA	2	3	5
ESTONIA	1	2	3
ETHIOPIA	2	5	7
FIJI	1		1

ATTACHMENT #2

FRANCE	12	7	19
FRENCH POLYNESIA	1		1
GAMBIA	2	3	5
GEORGIA	5	8	13
GERMANY	13	9	22
GHANA	10	9	19
GREECE	4	1	5
GRENADA	1		1
GUATEMALA	185	4971	5156
GUINEA	1	2	3
GUINEA-BISSAU		1	1
GUYANA	4	15	19
HAITI	9	14	23
HONDURAS	103	9810	9913
HONG KONG	6		6
HUNGARY	3	9	12
INDIA	113	65	178
INDONESIA	12	23	35
IRAN	4	10	14
IRAQ	5	8	13
IRELAND	5	10	15
ISRAEL	28	36	64
ITALY	7	7	14
IVORY COAST		4	4
JAMAICA	36	30	66
JAPAN	9	10	19
JORDAN	2	11	13
KAMPUCHEA	1	2	3
KAZAKHSTAN	4		4
KENYA	11	27	38
KYRGYZSTAN		1	1
LAOS	4	3	7
LATVIA		2	2
LEBANON	8	8	16
LIBERIA		5	5
LITHUANIA	9	7	16
MACEDONIA	2	23	25
MALAYSIA	7	6	13
MALI	5	1	6
MAURITANIA	1		1
MICRONESIA FEDERATED STATES OF	2		2
MOLDOVA	6	1	7
MONGOLIA	3	2	5
MOROCCO	5	7	12
NEPAL	1	4	5
NETHERLANDS	4	5	9
NETHERLANDS ANTILLES	2		2
NEW ZEALAND	12	4	16
NICARAGUA	7	519	526
NIGERIA	11	21	32
NORTH KOREA	1		1
NORWAY	1	3	4

ATTACHMENT #2

PAKISTAN	122	20	142
PANAMA	3	7	10
PARAGUAY	1	7	8
PERU	33	165	198
PHILIPPINES	10	51	61
POLAND	24	123	147
PORTUGAL	1	1	2
QATAR	2	1	3
ROMANIA	23	11	34
RUSSIA	24	19	43
RWANDA	1		1
SAUDI ARABIA		1	1
SENEGAL	5	3	8
SIERRA LEONE	2		2
SINGAPORE	1		1
SLOVAKIA	9	8	17
SLOVENIA		2	2
SOMALIA	1		1
SOUTH AFRICA	4	8	12
SOUTH KOREA	62	41	103
SPAIN	3	6	9
SRI LANKA	5	2	7
ST. LUCIA	1	1	2
SUDAN	3	4	7
SWEDEN	1	1	2
SWITZERLAND	2		2
SYRIA	4	3	7
TAIWAN	6	4	10
TANZANIA		1	1
THAILAND	4	3	7
TOGO		1	1
TRINIDAD AND TOBAGO	9	2	11
TUNISIA	1		1
TURKEY	21	10	31
UGANDA	5	2	7
UKRAINE	7	15	22
UNITED ARAB EMIRATES	3		3
UNITED KINGDOM	19	16	35
URUGUAY	16	9	25
UZBEKISTAN	8	2	10
VENEZUELA	14	37	51
VIETNAM	10	12	22
WESTERN SAHARA		3	3
YEMEN	3	5	8
YUGOSLAVIA	4	27	31
ZAMBIA	1	2	3
ZIMBABWE	1	1	2
Grand Total	**2,718**	**27,429**	**30,147**

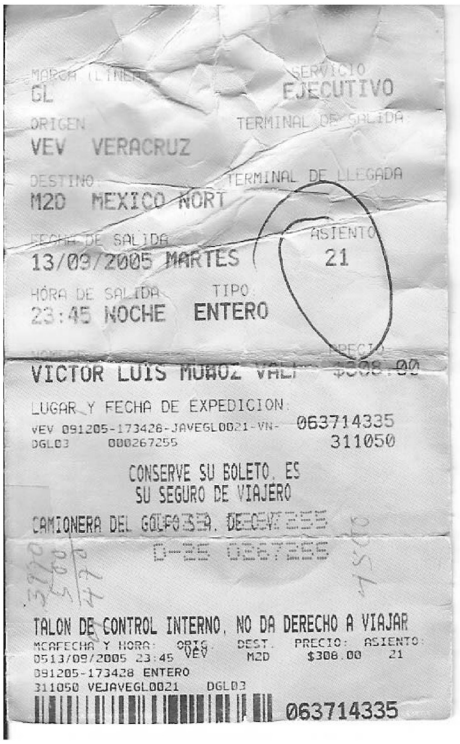
ATTACHMENT #2

Weapons Used by Cartels along the Southwest Border of the United States

ATTACHMENT #3

ATTACHMENT #4

ATTACHMENT #5



MARCA (LINEA)
GL
SERVICIO
EJECUTIVO
ORIGEN
VEV VERACRUZ
TERMINAL DE SALIDA
DESTINO
M2D MEXICO NORT
TERMINAL DE LLEGADA
FECHA DE SALIDA
13/09/2005 MARTES
ASIENTO
21
HORA DE SALIDA
23:45 NOCHE
TIPO
ENTERO
NOMBRE
VICTOR LUIS MUÑOZ VALI
PRECIO
$308.00
LUGAR Y FECHA DE EXPEDICION:
VEV 091205-173428-JAVEGL0021-VN-DGL03 00026725S
063714335
311050
CONSERVE SU BOLETO. ES
SU SEGURO DE VIAJERO
CAMIONERA DEL GOLFO S.A. DE C.V.
TALON DE CONTROL INTERNO, NO DA DERECHO A VIAJAR
MCAFECHA Y HORA: ORIG. DEST. PRECIO: ASIENTO:
0513/09/2005 23:45 VEV M2D $308.00 21
091205-173428 ENTERO
311050 VEJAVEGL0021 DGL03
063714335

Bus Ticket

ATTACHMENT #6

FOR OFFICIAL USE ONLY

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF BORDER PATROL

OFFICER SAFETY ALERT

"Support to the Field"

DATE: 01/20/06 [redacted]

Purpose: The purpose of the Field Intelligence Center Officer Safety Alert is to provide the Field with timely notification of specific threats or events, which may potentially endanger or impact on Agent Safety.

USDA TICK RIDER INSPECTOR REPORTS ENCOUNTER WITH HEAVILY ARMED GROUP IN THE LAREDO A.O.R.

SYNOPSIS: On January 9th, 2006 a United States Department of Agriculture (USDA) Tick Rider Inspector reported to have encountered a group of 17 individuals on the U.S. side along the Rio Grande River. The Tick Rider stated that three in the group were armed with "assault rifles". The Tick Rider spoke to one of the armed individuals, who was reported to speak Spanish, but with an accent other than a Mexican national.

(FOUO) A USDA Tick Rider Inspector (TRI) informed Border Patrols Agents that he had encountered three armed subjects with assault rifles near the Dolores creek area. He said that this encounter happened on January 9, 2006 at approximately 0900 hrs. TRI stated that he saw a boat drop off a large group of individuals just upriver from the Dolores Creek area. TRI stated that he was patrolling the river on horseback when his dogs started barking at this group. He said that he rode up to the area where he encountered a group of about 17 individuals. TRI said that the group was on the upriver side at the end of the Dolores Creek on Hwy 83 south, a few miles south of the Webb/Zapata county line. TRI stated that when he approached the area, one subject was carrying what appeared to be an automatic assault rifle in the ready position. TRI said that the subject asked him what he was doing in the area.

ATTACHMENT #7-Page 1 of 4

(FOUO) TRI stated that he told the subject that he was just ranching in the area. TRI stated that the subject said he was about to shoot his dogs. TRI told the subject that the dogs would not harm them, and that there was no need to shoot his dogs.

(FOUO) TRI was carrying his service issued badge and firearm, but his jacket covered them up. TRI stated that he believed that this might have saved his life, due to the fact that the subjects could not identify him as being a law enforcement agent.

(FOUO) TRI advised he saw two other subjects come out of the brush that were carrying what appeared to be automatic assault rifles as well. In total he said that there were about 17 people and three of the subjects had rifles. TRI stated that all the subjects were carrying "back packs".

(FOUO) TRI stated that the subject he was talking to spoke the Spanish language, but this individual had a different accent than that of a Mexican National. TRI believed that most, if not all of the subjects, were from a country other than Mexico. TRI stated that the subject he was talking to had a very dark complexion. TRI stated that the riflemen were wearing civilian clothing, but that he noticed one of the subjects was wearing combat boots. TRI stated that the group appeared to be "brush walkers", but that he did not see anything that appeared to be narcotics.

(FOUO) **BORFIC NOTES**: TRI reported that most, if not all, of the 17 individuals appeared to be from a country other than Mexico and stated that the rifleman he talked to spoke Spanish but had another accent other than that of a Mexican National. During BORFIC incident follow-up, B.P. Agent [redacted] author of [redacted], advised that the TRI grew up along the mentioned stretch of the Rio Grande River and has been a USDA Tick Rider Inspector in the area for many years. B.P. Agent Wood advised that the TRI speaks and understands the Spanish language fluently (like a native of Mexico), and is extremely knowledgeable of daily life along the river, both on the U.S. and Mexican side. B.P. Agent [redacted] advised that the TRI would be able to identify that the individuals he observed were not Mexican Nationals, and definitely able to identify that the accent of the individual he spoke too was not that of a Mexican National. Agent Wood advised the 17 individuals encountered by the TRI were most likely from Central America. The probability that the 17 observed individuals were not Mexican Nationals, but citizens of Central America is of concern for the following reasons. A BORFIC Officer Safety Alert [redacted] and dated 11/30/2005 titled: **Report of Armed MS13 Gang Members Involved in Illegal Alien Smuggling Activities** references information from [redacted] which states that MS13 members were recently reported to be armed while engaged in illegal alien smuggling activities in the Laredo AOR. Also, recent open source and law enforcement reporting suggests that ex-Guatemalan Kaibiles have been reported to be working with drug smuggling organizations in the

Nuevo Laredo area. Due to the TRI's descriptions, it is possible that the three encountered armed individuals could have been MS13 gang members or ex-Kaibiles.

(FOUO) Agent [redacted] advised of two other recent incidents. One involved a report by guards at a private prison, which is located approximately twenty miles away from were the above Tick Rider incident occurred. During this incident prison guards reported seeing a group of individuals being lead through the brush near the prison by persons reported to be carrying rifles.

(FOUO) Another incident involving a Tick Rider occurred on 01/10/2006 reference [redacted]. A "Tick Rider" in the Mc Allen AOR reported hearing automatic gunfire on the U.S. side of the Rio Grande River while patrolling along the Rio Grande River (between Adams Garden Canal and Galveston Bend).

(FOUO) A rash of armed incidents targeting Border Patrol have recently been reported along the Texas/Mexico border:

- MCA-[redacted] – On 01/10/2006, during an aborted drug smuggling attempt along the Rio Grande River that was observed by Border Patrol agents, shots were fired from what sounded like a semi-automatic weapon from the Mexican side of the river. The shots sounded to have been fired into the air in an attempt to keep the Agents away from the area.

- MCA-[redacted] – On 01/04/2006 Border Patrol agents driving a marked service vehicle were sign cutting along the Rio Grande River and heard shots being fired from the Mexican side of the river. Agents heard rounds going overhead and striking brush near by. One round (or a ricochet) struck and dented the driver's side door.

- MCA-[redacted] – On 12/30/2005, during river patrol, two Border Patrol boats were fired upon, with one receiving hits. Agents estimated 20 to 25 rounds were fired at them. The shots were reported to have been fired from the Mexican side of the river.

- LRT-[redacted] – On 12/28/2005, during the arrests of four illegal aliens, Border Patrol agents were fired upon from the Mexican side of the river. The shooter appeared to be pointing a rifle at agents.

- MCA-[redacted] – On 05/12/2005, during an aborted drug smuggling attempt along the Rio Grande River, responding Border Patrol agents noticed a subject on the south riverbank standing next to a black Jeep Cherokee, bearing unreadable Texas license plates, and another subject climbing down from a

nearby tree. The subject climbing down from the tree appeared to be carrying a high caliber rifle with a "large" scope.

(FOUO) Recent reporting suggests that some smuggling organizations have or are contemplating escalating the use of violence against Border Patrol along the southern border:

- [redacted] – On 01/18/2006 EPT SIU interviewed a detained MS13 member who claimed to have knowledge of MS13 formulating plans to use firearms and confront Border Patrol Agents in order to create a distraction so that other MS-13 members can be smuggled in the United States. MS13 member (who claims to have worked smuggling cocaine for the Gulf Cartel) claims to have knowledge that the plan is to start amassing members of MS-13 along the U.S./Mexico border at cities such as Nuevo Laredo, Acuna, Ojinaga, and Juarez. After enough members have been pre-positioned along the border, a coordinated attack using firearms was to commence against all law enforcement, to include Border Patrol. The plan is to kill as many law enforcement officials as possible, create a diversion, and affect the entry of multiple MS-13 members. MS-13's ultimate goal is to cause significant chaos and to begin gaining control of areas, cities and regions within the U.S.

- BORFIC Officer Safety Alert # [redacted] dated 01/13/2006 – referenced information from the Marfa SIU provided by ICE via a source of information (SOI) stating that a smuggler named MERCADO, Pablo (AKA: El Patron) has ordered smugglers to carry firearms. The SOI stated that this is a result of increased enforcement efforts. MERCADO stated that the lost loads of contraband are costing him and that the loss of loads will no longer be tolerated. (This may be occurring along the entire Texas/Mexico border).

- BORFIC Officer Safety Alert # [redacted] dated 12/21/2005 – references information from TECS report [redacted] stating source of unknown reliability advised unidentified Mexican alien smugglers are angry about the increased security along the U.S./Mexico border, and have agreed that the best way to deal with U.S. border patrol agents is to hire a group of contract killers. The alien smugglers intend to smuggle MS-13 gang members into the United States for the sole purpose of killing U.S. border patrol agents (NFI).

- BORFIC Officer Safety Alert # [redacted] dated 12/07/2005 – references information from an anonymous source indicates that drug smugglers are employing armed mara salvatrucha gang members in the Nogales AOR to protect their loads, and one member reportedly fired shots from the Mexican side at Border Patrol Agents during a drug seizure incident along the border.

ATTACHMENT #7-Page 4 of 4 pages.

Mr. HOSTETTLER. Thank you, Sheriff Gonzalez.

We will now turn to questions. This is a question for all of you. The Immigration, Border Security, and Claims Subcommittee has jurisdiction, obviously, over immigration policy. One of the significant issues that will be addressed in this Congress is the issue of the expansion of employment opportunities for individuals who are currently in the country illegally, known as a guest worker program, temporary worker program, or the like.

While many who support such a program do not wish for it to be characterized as amnesty, my first question is, as a result of the amnesty—after the amnesty in 1986, did the problems along the border intensify or were they reduced? Have things gotten better since 1986 or worse as a result—I guess I should say after the passage of the amnesty?

Sheriff SAMANIEGO. If I may. Anytime you give a group of illegal, undocumented aliens that are already here amnesty or even anything that sounds close to amnesty, you're sending the message to the next 12 million that are going to come in after them. You cannot have—you know, let them come in—they know that if they stay here long enough, they get a job and they're good people, that they're going to be given amnesty and they'll be able to stay here. But it sends the message to the rest of the world you can do the same thing because the same thing is going to happen to you.

Mr. HOSTETTLER. Thank you.

Sheriff DEVER. Mr. Chairman, if I may. It was interesting, you mentioned 1986. This is a copy of Arizona Sheriffs magazine, a quote in here from the chief of the Border Patrol at the time this was published in Tucson. The title of the document is "Gaining Control of the Border: The Chief's Toughest Assignment." And I quote:

Within the last year, we've been mandated by Congress to gain control of that border. And we're going to do that along the southern border, whether it's narcotics, illegal aliens, terrorists, criminals, or whatever.

That's dated autumn of 1987, which I think, given that and our statements here today, may be a strong indicator of the answer to your question, sir.

Mr. HOSTETTLER. Thank you.

Sheriff Garrison?

Sheriff GARRISON. In answer to your question, sir, I believe there are a lot more documented aliens in our area now. There are still a lot of undocumented aliens that continue to come. We're an agricultural community in that area, and, you know, they do keep coming over. What concerns me is the criminals who are coming in. That has definitely increased.

Mr. HOSTETTLER. Thank you.

Sheriff GONZALEZ. Chairman Hostettler, from what we've seen in our area since the passage of the amnesty legislation, we're seeing more and more immigrants coming in. We're no longer seeing the people that would come in to look for employment. But more and more we're seeing people that are coming in, in our opinion, to commit some type of illegal acts. People are more brazen now. There's more boldness, more openness. They're not afraid of being de-

ported, they're not afraid of being caught. And these are the problems we're seeing since amnesty.

For example, in Maverick County and Val Verde County, they're having major problems with the OTMs. The sheriffs there are very concerned as to what is coming into the country in regard to sicknesses. How many rapists have come into the country? How many child abusers? How many murderers, robbers, burglars, thieves are coming into the country? No one's checking on these people.

So you could say since maybe about 3 years, 4 years ago, we have seen a tremendous increase, and it just seems that somebody is sending out invitations to come into the country. That's the perception we have.

Mr. HOSTETTLER. Thank you.

Sheriff Garrison, you made an interesting point. You talked about a Catch 22. You had a specific incident that you related. A heinous crime had taken place, the rape of an elderly woman by an individual that, you found out later, was illegally in the country, had associates, and that whenever those individuals were stopped and you found out that they were in the country illegally and that they were involved in this crime, you contacted, as you should have, the Federal authorities and these individuals were removed from the country. Is that correct?

Sheriff GARRISON. Yes, sir.

Mr. HOSTETTLER. And the Catch 22 was that you had a crime perpetrated upon your constituents, on individuals you were sworn to protect, and you would rather have been able to prosecute that crime and the criminal and you needed the witnesses, and all the parties that you needed to prosecute the crime were removed from the country. Is that what you meant by "Catch 22"?

Sheriff GARRISON. Yes, sir. In this particular situation, the two people who were stopped a few days later were turned over to the Border Patrol and were taken back. Now we're having to work out some kind of arrangements to try to bring them back so that they can testify, and it just has caused problems in that area.

On occasion, we have domestic violence issues that come up. And if it's an illegal alien, they are afraid to call law enforcement because they fear they might get deported. So it has——

Mr. HOSTETTLER. Thank you. My time has expired.

The gentleman from North Carolina is recognized, the Chairman of the Subcommittee on Crime, Terrorism, and Homeland Security.

Mr. COBLE. Mr. Chairman, I have two students visiting with me and the photographer's out front to take a picture. So I will yield and then I'll pick it up when I come back.

Mr. HOSTETTLER. Very good.

The chair recognizes the gentleman from—Oh. I will come back this direction. We will not yield, what we'll do is turn to the Ranking Member, Mr. Scott, for 5 minutes.

Mr. SCOTT. Thank you. Mr. Chairman, since we're introducing people in the audience, I'd like to introduce Cassandra Chandler, who's a Norfolk FBI Agent In Charge, sitting in the back.

Mr. HOSTETTLER. Very good. Thank you for your service.

Mr. SCOTT. Sheriff Dever, you mentioned one of your deputies was a victim of a drive-by shooting at his home. Did you ascertain

whether or not this was associated with his official duties, or a random act of violence?

Sheriff DEVER. We haven't been able to determine that, no.

Mr. SCOTT. A lot of the situations that have been addressed have been situations where people are trying to get drugs across the border and hundreds of pounds of marijuana, cocaine. How much is the value of marijuana or cocaine—how much does the value increase when it crosses the border?

Sheriff SAMANIEGO. The farther you get away from the border, it just keeps multiplying. By the time you get to Chicago or some of the northern cities, it's probably worth five times more than what it is in El Paso. You can go to Mexico and buy it for almost nothing. The problem is getting it across, and then that's when the value increases.

Mr. SCOTT. A briefcase full—how much is a briefcase full of cocaine worth?

Sheriff SAMANIEGO. The 68 pounds that we confiscated last week was worth $510,000, street value in El Paso. If you managed to get that to Chicago, Minneapolis, North Carolina, wherever, it would probably be worth a million, a million and a half, sir. Probably more than that.

Mr. SCOTT. And so this kind of creates a problem. If people know they can make that much money just by getting it across, you have an economic incentive to try as many times—even if you catch half the people trying, it's worth it for them to try to pay people to keep trying.

Is there any real likelihood that we'll be able to seal the border from people trying to get drugs across the border with that kind of economic incentive?

Sheriff SAMANIEGO. In 1960, when I was working narcotics—a long time ago—I had a Mexican drug enforcement agent tell me, As long as you have a dollar on the U.S. side and I have what you want, we are going to get it there to you.

Mr. SCOTT. Are the civilian organizations helping with border patrol, are they helpful or counterproductive?

Sheriff DEVER. Mr. Chairman, Mr. Scott, Cochise County was the breeding ground, I guess, for the Minuteman Project, which is one of the activities you probably are talking about. In terms of having an immediate impact during the 30 days that they launched their major operation on the flow of illegal immigrants through the area, there probably was not—there was a significant impact in the specific areas that they were watching. But that's true of the Border Patrol as well and true of sheriff's deputies as well—where we are, there is no crime; where we're not, there's a lot of it.

And so, yes, there was an effect there. The most significant effect of that, the Minuteman Project, really was to capture the attention of the Nation in terms of focusing on the problem. And since then, the dialogue has really expanded regarding this issue. So in that way, to me, it was beneficial.

Sheriff GARRISON. I would like to add to that, too, Mr. Scott. Also, when Arizona began their Minuteman Project, it pushed everybody east into New Mexico and our problems doubled. I mean, we had a lot more problems there. So that was one of the effects that we felt from Arizona having started that Minuteman Project.

Mr. SCOTT. So it was helpful where they were, but counterproductive where you were?

Sheriff GARRISON. Yes, sir. Without going across the whole line, it did just that.

Sheriff GONZALEZ. Mr. Scott, we have not—in Texas it's a bit different than Arizona, as we all know. Well, Texas is different in many things, but one of them is that all that land along the riverbank is privately owned. We have had some of these volunteer groups contact with sheriffs along the border. In one particular case, this particular group told the sheriff that they were not too much interested because they were not getting a lot of publicity.

In the south Texas area, in one place where they were at, there were some problems. They were trying to stop people—families, U.S. citizens—with longarms and pickup trucks, and these people were afraid.

Mr. SCOTT. I yield back.

Mr. HOSTETTLER. The chair recognizes the gentleman from North Carolina, Mr. Coble, at this time.

Mr. COBLE. Thank you.

Mr. HOSTETTLER. I will have to leave the proceedings. I want to thank you myself, gentlemen, for your testimony and your service to our country because you are in fact aiding our country and our security.

I will yield now and ask the gentleman from North Carolina if he will assume the chair.

Mr. COBLE [PRESIDING]. I thank the Chairman. And sheriffs, I thank you all for being here as well.

Sheriff Dever, you mentioned in your testimony that one of your narcotics task force supervisors was a victim of a drive-by shooting. Do incidents such as that cause you to believe that violence against law enforcement personnel will become more frequent, thereby indicating that communities along the border are at risk of becoming as violent as some of their Mexican counterparts?

Sheriff DEVER. Chairman Coble, while you were out of the room Mr. Scott asked a question relative to that, too, and asked whether or not we were able to verify if that shooting was associated with the narcotics trade. We have not. However, the location of his residence is such that a random shooting would be highly unlikely. But as far as physical evidence for specific verification, it's not there.

We receive, sir, on a routine, regular basis, intelligence, notices from Federal agencies and State agencies, information on many of the cartels who have put out hits on specific law enforcement officers or for any law enforcement officer. We take those all very seriously. The frequency of those notifications has increased dramatically over the last few——

Mr. COBLE. Thank you.

Sheriff from El Paso.

Sheriff SAMANIEGO. Yes, sir.

Mr. COBLE. In your testimony you mention that oftentimes drugs are transshipped—once they come to El Paso, then they are disseminated here, there, and yonder. And you mention Greensboro, North Carolina, which is located in my district. And having said that, Sheriff—and Mr. Scott may have touched on this in my absence—describe the level of cooperation that you all receive from

your Federal partners in intercepting and stopping these drug shipments.

Sheriff SAMANIEGO. El Paso County is famous for having probably the biggest group of Federal, State, county, city officers that get along quite well. We believe in working as a team. And I don't remember ever having any problems with any agency. I have officers assigned to nine different task forces, with FBI and DEA, ICE, U.S. Marshals, everybody. And we get along fine. Can we improve? Yes.

Mr. COBLE. Of course, we could all improve.

Sheriff SAMANIEGO. Yes.

Mr. COBLE. Sheriff Gonzalez, you may or may not know this—or give me the approximate figure of the number of deputy sheriffs who have been injured by cross-border sniper fire. And is it your belief that this is simply another form of intimidation of law enforcement, or are there more sinister reasons or motives behind these actions?

Sheriff GONZALEZ. Chairman Coble, as far as I know no deputy sheriffs have been injured. As far as I know. However, threats, yes. There was an incident immediately after the Hudspeth County incident where three individuals drove in from Mexico, across the Rio Grande River, went to a deputy sheriff's home, threatened his wife by telling her that if her husband would go back—or rather, that they not go back to the area, or else.

There's been many, many threats. I understand we are on a list of targets by cartel members. So there are many threats against us.

Mr. COBLE. Sheriff Garrison, do you have any input on this, or any opinion?

Sheriff GARRISON. Yes, sir, I would like to—I was speaking with Sheriff Hall of Hidalgo County just a couple of days ago, and he had advised me that in the recent past, a month or so ago, that over the last month he's had two of his officers that had attempted to make a traffic stop, routine traffic stop, in their area, and unknown to them the vehicles were carrying a load of narcotics. The suspects turned their cars around and immediately headed toward the border in a high-speed chase, running through school districts, school zones where kids were outside. One of the officers did make a traffic stop and got the vehicle stopped for a few minutes, and I guess the suspect then took off and turned around and tried to come back and run over the officer. The officer was able to get out of the way, and he then ran the car and then proceeded across the border. That's happened twice in the last month.

Mr. COBLE. Thank you, sir.

Well, gentlemen, it is my belief—Mr. Scott and I have talked about this many times on our Subcommittee—that this is a situation that turning a blind eye to it or a deaf ear to it serves no good purpose, because it ain't going away. It's got to be resolved. And I commend you all for what you all do daily.

And Mr. Chairman, I've got to go to another meeting as well, but I'm going to try to come back. But if I don't get back, thank you all for being here.

Yield back.

Mr. KELLER. (Presiding.) Thank you, Mr. Chairman. I yield to the gentlelady from California.

Ms. WATERS. Thank you very much, Mr. Chairman and Members. I came today to basically say thank you to the sheriffs and local law enforcement who are confronted with this huge and what appears to be intractable problem. I commend you for your courage. And I wonder why we keep having these hearings, because all of these Members here, on both sides of the aisle, know what's going on on these borders. I'm from California. I know what's going on.

The fact of the matter is Mr. Chertoff at Homeland Security is not doing his job. The President of the United States has turned a blind eye. Members on the opposite side of the aisle, many of them know what's going on, they would like to do something about it, but most of them don't have the courage to confront the President of the United States about this issue. So you linger with this problem. Our country is at risk. Our borders are not protected. The homeland is not secure. And there's no commitment by this Government to do it.

And so with all that you do and all that you say in coming here today, it's not going to help any until, you know, the President decides to do something, till Mr. Chertoff stops making excuses about what he knows or does not understand about the border crossings. You have told him about these incursions. He's denying them. And that's your homeland security chief.

So I thank you for being here, but until the President and the people in charge of this country decide that they want to do something about it, absolutely nothing is going to happen. They're going to send you back with your limited resources, with you trying to do the work that the Federal Government should be doing. And people are going to say nice things to you when you come here, but you're going to be left on your own.

And I challenge my colleagues on the opposite side of the aisle, and the President, and Chertoff, to step up to the table and respond. The facts are undeniable. We all know what's going on. As a matter of fact, again, I thank you for being here, but if I were you, I wouldn't waste my time any more coming back here. You've told them over and over again. Either they're going to do something or the American people are going to turn us all out of office.

Thank you very much.

Mr. KELLER. Well, thank you. This time I'm going to yield myself 5 minutes to ask you some questions.

I'm going to direct my questions to the issue of the Mexican military assisting the drug cartels. I strongly condemn the Mexican Government for allowing the Mexican soldiers to help drug cartels smuggle drugs into the United States. If Mexico cannot control its own military, then it makes no sense for the U.S. Government to give the country of Mexico $63 million a year in foreign aid that could be used to attack Border Patrol agents and local sheriff's deputies.

There have been 231 instances of illegal incursions by the Mexican military or law enforcement since 1996. One of these instances was described in detail by Sheriff Samaniego on January 23, 2006, in Hudspeth County, Texas. Now, in that particular case, we had a sheriff's deputy who was actually involved in that incident come testify before Congress last month. Sheriff's Deputy Lagaretta testified that he saw Mexican soldiers wearing Mexican military fa-

tigues, wearing Mexican military caps, driving Mexican military Humvees, and they were heavily armed with Mexican military machine guns. He said under oath that he had no doubt they were Mexican military soldiers, and he believed it was the cartel buying off the military.

I have studied this incident and many others, and the country of Mexico has in each case offered three defenses. First, didn't happen; never happened. Second defense, they must have been stolen uniforms that the drug cartel was wearing; it couldn't have been the Mexican military. And third, every organization has a few bad apples, we'll look into it and get back with you.

Let me ask you—let's start with Sheriff Gonzalez—what is your opinion of the situation of the Mexican military assisting drug cartels? Is this a case of stolen uniforms? Have you ever heard of it happening in your county? What's your opinion about this issue?

Sheriff GONZALEZ. Mr. Keller, this has happened in our county several times. Like I mentioned earlier, the incursion of 20, 25 individuals wearing uniforms. The calls from our residents, people tell us of soldiers getting off of boats, carrying weapons. As far as my interpretation of it, Mr. Keller, if I have a report that a person is stopping vehicles at 2 o'clock in the morning and is wearing a Zapata County Sheriff's Office uniform, and I don't know of no deputy sheriff doing that, my duty to my citizens and to my constituents would be to investigate and see who it is that is impersonating one of my officers. And from my opinion, sir, and the Mexican military, if it's not Mexican military, and it's stolen uniforms or stolen Humvees or whatever the case may be, it's my opinion that the Mexican Government should investigate to see who it is that's pretending to be military and why it is they're giving them a bad name. I would immediately cause that investigation.

Mr. KELLER. Sheriff Garrison, do you think this is a case of a few bad apples being bought off by the drug cartel, or is it stolen uniforms? What's your opinion of this situation?

Sheriff GARRISON. Sir, in New Mexico, it was two and a half, 3 years ago—I'm not quite sure of the dates—I know just right around Santa Teresa, New Mexico, there was an incident that occurred with the military and our Border Patrol. And there were actually shots fired at that time. The Mexican military believed that our Border Patrol agents were on the Mexican side of the border, actually chased them around over on the United States side.

Mr. KELLER. You think it's a real problem, it's not imagination?

Sheriff GARRISON. Yes, sir, it is a real problem. Yes, sir.

Mr. KELLER. Sheriff Dever, do you have any comments on this Mexican military assisting drug cartel issue?

Sheriff DEVER. My personal experience is that I have never witnessed an incursion by the Mexican military. We've dealt with them right on the fence. I was curious a little earlier, I heard something I'd never heard before and that is that the Mexican military is, by rule, precluded from coming within 5 kilometers of the fence. I'd like to investigate that; I've never heard it. If that's the case, we've had—Mexico has experienced many violations of that, because we have dialogue with them at certain places.

Certainly, any of their explanations are possible. I believe that in fact there are units in the Mexican military that are supporting

drug smuggling. I have a lot of information to sustain or support that idea.

Mr. KELLER. And Sheriff Samaniego?

Sheriff SAMANIEGO. Sir, I have no doubt in my mind that in the Hudspeth incident of January the 23rd, that the Mexican army was indeed involved. I've been doing a lot of research and I found that between 1996 and 2000 over 150 Mexican officers, army officers, were accused of working for the cartels, including three generals, one of them General Rebollo, who was the drug czar of Mexico. So, you know, it's not something that we just invented. It's been going on. And the Mexican army has been given almost exclusive responsibility for drug interdiction on the Mexican border because of the corrupt law enforcement agencies that had that responsibility before.

Mr. KELLER. Thank you, Sheriffs. At this time I yield to the gentleman from Iowa, Mr. King.

Mr. KING. Thank you, Mr. Chairman. And I want to thank the sheriffs for testimony here and those of you who are here in support also of the witnesses that are here today. And I want to mark a measure of disagreement with the gentlelady from California in that I think your presence here matters. I would ask you that, when there's a forum, do keep coming back because sooner or later the President will hear this message. We are sending a message to him today. And it's the responsibility of the Commander in Chief to control our borders. You can't be a nation if you don't have a border. You can't call it a border if you don't control the border.

There is a series of things that I'm thinking about as I listen to this testimony, and many of my questions have been answered. But there's been a report that I've received that says that there are predominantly four major kinds of illegal drugs that come across the border—methamphetamines, cocaine, heroin, and marijuana. Have you noticed—and I'll just ask general questions of whoever might want to answer it—have you noticed an increase in the amount of cocaine coming across the border in proportion to that of methamphetamines? Have you seen that there is Colombian illegal drugs coming in as part of this, and is there evidence that the Colombian drug cartel has now linked up with the Mexican drug cartel and that's pouring across our southern border as a network?

Sheriff SAMANIEGO. It's my understanding that the Mexican cartels, they used to help the Colombian cartels. And they finally got wise and they decided, well, you know, why can't we do it instead of being paid small amounts to help them? Seventy percent of the cocaine comes from Colombia through Mexico into the United States. Most of the heroin that comes into the U.S. is from Mexico, but the cocaine, the majority of it comes in from Colombia, sir.

Mr. KING. Thank you. And that, I think, answers it. Unless there's some addition to that, I won't ask each of you to answer, but you surely have an opportunity.

Sheriff DEVER. Mr. King, I'd just add that we're seeing a really significant increase in methamphetamine crossing into the United States, coming out of superlabs in Mexico. And as pervasive as that addiction is throughout our country, I think it's of grave concern to all of us.

Sheriff GONZALEZ. Very briefly, Mr. King, we have seen an increase of methamphetamine, and the southern part of Texas is seeing a tremendous increase in Chinese heroin coming in also. Zapata County, we're also seeing a big increase of heroin coming into the country also.

Mr. KING. Thank you. Does anyone have an idea or have you seen numbers as to how many dollars worth of illegal drugs come across our southern border in a year?

Sheriff SAMANIEGO. Well, it's in the billions. I've heard different amounts, up to $300 billion a year. That's how much the industry is worth. And we're the consumers here in the United States. That's another problem that probably we need to look at.

Mr. KING. Thank you. And the reason—I mean, there are certainly obvious reasons why I ask that question, but I'm thinking about $30 billion-plus that gets wired down there from illegal workers in the United States, how many billion dollars go to pay for the drugs, what this really means to the Mexican Government, for example, and how hard it's going to be to fight this battle when they have a powerful economic incentive to be pushing illegal drugs here, pushing people here, because they're being paid in tens and hundreds of billions of dollars.

Have you seen any evidence—and I'll say the Secretary of Homeland Security has said that they will eliminate the catch-and-release program. Has anyone seen any evidence that he has been successful in that endeavor?

Sheriff DEVER. Well—and I don't know how they would measure success. Most of the OTM—when we encounter a group of illegals and we turn them over to Border Patrol, they're removed from our sight and we really aren't fully aware of what happens. Mexicans, supposedly, are VR'd, voluntarily returned, immediately to Mexico and the OTMs transferred somewhere for a detention hearing. But we see the same people, be they Salvadoran, Honduran, Guatemalan, Mexican return day after day after day.

Mr. KING. I would put out there was some testimony received in last year that stated there were 1,159,000 illegals stopped at our southern border last year. Excuse me—yeah, 1,159,000 stopped; perhaps there could have been out of 3 to 4 million that crossed. Sixteen hundred and forth adjudicated for deportation, a lot of them promised to go back.

If I could add one quick question, Mr. Chairman, and that is that—I'm supportive of your initiative, but I want to ask this question. That is, is there merit to having some military position closely enough to the border that they can deploy in the case of border conflict, or at least have surveillance in the air so we can get pictures of Mexican military maneuvers and get some solid evidence to be able to address this?

Sheriff DEVER. If I may, very quickly, and my colleagues. It's been interesting. I've been a proponent for a long time of having National Guard troops deployed on the border for that very purposes, for purposes of observation, communication, and support. Just recently, our Governor made a sea change and, I know, just this last week talked to Secretary Rumsfeld about deploying National Guard, which is a 180-degree change from the position she

previously occupied. So there is a role for the military to play on the border in something other than a law enforcement function.

Sheriff SAMANIEGO. It's such a vast area. I don't know where—you would have to have them all over the place in order to respond, so I don't believe that's a good project to work on. And we had Marines stationed around El Paso, Hudspeth County, observation posts, and a young sheepherder got killed. I don't know if you remember that. And then they pulled everybody out. Recently they had the Stryker units operating in New Mexico around Santa Teresa, close to El Paso. And they were very effective, but they were miles away, just observing.

Frankly, I believe this is a problem for the Border Patrol and law enforcement to take care of. That's our job. Armies are trained to kill, to go to war. We receive different training. Our job is to maintain the peace.

Mr. KELLER. Thank you. The time for Mr. King has expired, but we will come back to you, Mr. King, on the second round to follow up.

I yield to the gentleman from Virginia, Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman.

I don't think the remarks from the gentlelady from California ought to be misinterpreted. We appreciate your testimony; we just question whether or not those that need to hear it are hearing it. You can't say it too often.

Sheriff Samaniego, on the question of whether or not the Mexican military was involved, do we have specific evidence that a specific individual known to be in the military was caught in illegal activities on our side of the border?

Sheriff SAMANIEGO. I'm not aware of that, sir.

Mr. SCOTT. Because there's some question as to whether the uniforms are stolen. We don't want to make accusations for which there is no evidence. If the——

Sheriff SAMANIEGO. The reason I mentioned the madrinas—and I understand that the army also uses madrinas. I have no evidence to present to you, just what I've heard. And these people, they can pass as an army or as a group of police officers, and then if they're found out, the Government abandons them totally—you know, we don't know them, we don't know anything about them, they stole the uniforms, whatever.

Mr. SCOTT. This is the Judiciary Committee, not international relations, so we don't want to provoke any more than we have to.

If someone is apprehended, having illegally crossed the border, you're trying to coordinate Federal, State, and local officials, who should be responsible for the person—Federal, State, or local?

Sheriff SAMANIEGO. When we encounter an illegal alien on the U.S. side—and we don't go knocking on doors, you know, through our investigation if they're involved in a crime, and we learn that they're illegally here, we call the Border Patrol or we transport them to the Border Patrol center and they take——

Mr. SCOTT. What should happen at that point? I mean, it's very expensive to lock people up. You're talking 15,000 to 50,000 a year to lock somebody up. Is that somebody that ought to—should your county pay for that?

Sheriff SAMANIEGO. Well, we do pay to some degree because we do house quite a few criminal illegal aliens. And the SCAAP funding has almost disappeared, which—you know, it gives the county back a little bit of what they spend keeping people in jail, taking them to the hospital, prosecution, court costs, et cetera. And that's another area that we have a beef with the Federal Government, because we're not being reimbursed.

Mr. SCOTT. And is this a local function, a State function, or a Federal function? And whoever's function it is ought to pay for it. Whose function is it to control the border? Should that come out of your county budget?

Sheriff SAMANIEGO. I don't believe so. If someone violated the law by coming into this country illegally, and then they commit a crime, why should the State or the county have to pay the cost when the initial crime was a Federal violation?

Mr. SCOTT. Let me ask you one final question. You indicated, Sheriff, that if there's dollar on this side of the border, somebody is going to come across to get it. What—I guess if you look at why people cross the border, some for drug trade, some to get jobs, what can we do to reduce the reason people would want to cross the border?

Sheriff SAMANIEGO. I heard the gentleman from the Border Patrol, Mr. Bonner, yesterday testified, and he says you have to eliminate the jobs that are available. As long as there are jobs here, they're going to come looking for them. If there are no jobs, or the sanctions are so severe that the people that own the businesses are not going to hire them, then that may slow down the invasion—that I call it.

Mr. SCOTT. Are there criminal activities other than drugs involved that would cause people to want to cross the border? Other than drugs?

Sheriff SAMANIEGO. In El Paso, they recruit young kids, they've tried females, they've tried elderly to drive loads across the ports of entry.

Mr. SCOTT. That's for drugs?

Sheriff SAMANIEGO. Drugs, yes, sir.

Mr. SCOTT. Other than drugs are there criminal—we understand why they would want to cross with drugs, because there's so much money involved in that. Are there other crimes that are involved, other than drug crimes, that would cause people to want to cross the border?

Sheriff SAMANIEGO. Yes, sir. Most people think that the power of the cartel ends at the border. I'm here to tell you that it doesn't end there. They have elaborate smuggling transportation and delivery systems here in the United States.

Mr. SCOTT. What are they smuggling other than drugs?

Sheriff SAMANIEGO. Well, we believe that the same organizations are now smuggling the illegal aliens——

Mr. KELLER. Mr. Scott's time has expired. Sheriff, I'll let you finish your sentence.

Sheriff SAMANIEGO. I'm finished, thank you.

Mr. KELLER. Mr. Scott, I'm sure we'll be able to come back to you to finish up with any other questions.

Mr. SCOTT. I'm finished. Thank you.

Mr. KELLER. Okay. I'll yield myself 5 minutes at this point. I want to now switch to a topic of OTMs, criminal examples of other than Mexicans committing crimes. Last year, our Border Patrol agents arrested 155,000 illegal aliens from countries other than Mexico attempting to cross over. They included illegal immigrants from Iran, Iraq, Afghanistan. Our CIA Director has testified that this is a very serious national security problem. I recently spent a week on the Mexican-California border and I have personally spoken with Border Patrol agents who have apprehended suspects on the terrorist watch lists. And on the day I was there, two illegals from Pakistan were captured.

So let me begin with Sheriff Gonzalez and ask you if you can provide me any examples of criminal OTMs apprehended in Zapata County or nearby.

Sheriff GONZALEZ. Mr. Keller, there are so many of them nowadays. Just right before coming over here, there were 20 Guatemalans apprehended and two Mexicans apprehended. This is on a daily basis. We are seeing in Zapata County people from Uganda, people from Afghanistan, people from many countries that have entered through Zapata County. We are seeing also, we have seen people all across—my testimony, one of the heads of the Mara Salvatruchas in Brooks County, jackets found in Jim Hogg County. In Maverick County, over 127,500 OTMs were caught last year in the Del Rio, Texas area. It's something where we're seeing people from all over the place coming into the country.

We're not saying—again, and I want to clarify that, Mr. Keller—we're not trying to say we want to be immigration officers. What we're trying to say is it concerns us to know who is coming into the country. We have people—and no reflection on anybody with tattoos, but you have people with tattoos all across their chest, you know, advertising what gangs they're with, not hiding those tattoos anymore. You know, people with Texas Syndicate, Mexican Mafia, you know, the Salvatruchas, Pistolleros, Latinos—it's everywhere, and it's all over South Texas.

Mr. KELLER. Well, let me ask you about—you mentioned even people from Afghanistan coming through your portion of Texas, Zapata County. When you make that detention, how do you determine if that person is on the terrorist watch list. Is running it through the NCIC computer system enough, or is there a separate approach? How do you go about that?

Sheriff GONZALEZ. What we do in Zapata, sir, is that anybody that we think may be in the country illegally, we refer them to Border Patrol. What Border Patrol does later on, we don't know, sir. We practice—we have the practice of not asking people what their nationality is or their citizenship is because we're not allowed to ask, by law. So we try not to violate people's rights. So we refer them immediately to Border Patrol. Border Patrol makes that determination as to what they're going to do with them.

Mr. KELLER. So you don't know for sure if they're on that terrorist watch list because you turn those folks over to the Border Patrol?

Sheriff GONZALEZ. We don't—no, sir. Although we have a very good working relationship with Border Patrol, like I mentioned earlier, and the ICE and just about every Federal agency, there are

many, many times where you transfer a prisoner to a Federal agency and you never, ever hear back as to what that may have happened.

Mr. KELLER. So how do you know that some folks you arrested or stopped were from Afghanistan?

Sheriff GONZALEZ. Well, not in Zapata. Afghanistan, I was talking about the border area. But in Zapata, some Ugandans that we found out through agents, through the actual patrol officers, because it's—the higher the level of, I guess of command, it seems to be a little bit less information that you're able to obtain. But we have a good working relationship with the agents.

Mr. KELLER. Sheriff Garrison, do you have anything you want to add to the situation with OTMs? Have you seen examples—any particularly bad characters?

Sheriff GARRISON. This last year we did have a murder in our county and it was committed by a Guatemalan, person from Guatemala. He did take a lady out into the desert and left her dead body out there pinned to the ground with cement stakes. And that did occur just recently.

Mr. KELLER. Sheriff Dever, do you have anything to add to this situation?

Sheriff DEVER. You know, we just don't break those out in terms of nationality other than if they're illegal alien or not illegal alien. But their country of origin generally isn't a factor in terms of our tracking data.

Mr. KELLER. Okay. How about you, Sheriff?

Sheriff SAMANIEGO. I'm not aware of any in our county. Most of the OTMs were in Eagle Pass and Del Rio area. That's where they were being released. El Paso County had a few, probably the least of any place in Texas.

Mr. KELLER. Okay. At this time, I yield to the gentleman from South Carolina. Mr. Inglis, any questions?

Mr. INGLIS. No.

Mr. KELLER. Here to listen?

Let me yield to the gentleman from Iowa, Mr. King.

Mr. KING. Thank you, Mr. Chairman. I did have a series of questions I didn't quite get to, and I want to first ask the question—we did pass legislation here in the House to build 700 miles of fence—not 2,000 but 700. And I just would like to ask for the record if we could do that in a fashion that was engineeringly sound, with good forethought and connection with a lot of support in entry and exit stations.

Does that make your job easier? Does it accomplish part of this goal?

Sheriff DEVER. I believe that building—building fence in certain areas makes a lot of sense. Building it along the entire 2,200 miles does not because, A, building a fence is not a deterrent unless you have somebody to monitor the fence, the ability to do that either electronically or—even electronically you have to have somebody able to respond to a sensor hit.

It's important to understand that you cannot sustain a smuggling operation without infrastructure on both sides of the area, the corridor, within reasonable distance. And just to go out in the middle of nowhere in the desert and start smuggling people or narcotics

isn't a likely scenario from the south side. There has to be, you know, something there to support it and sustain the effort.

And so if the fence is build around, you know, whatever the reasonable distance is in those areas where the infrastructure exists primarily or initially, that makes sense to me.

Mr. KING. Thank you.

Sheriff GARRISON. Yes, sir, I'd like to respond. In New Mexico, we have a lot of area that has no fence or anything. We have markers on certain hills that are a mile apart. Many of the ranchers who put up fences walk out the next day, after spending thousands of dollars to put those fences up, walk out and find them missing and having been taken over to the Mexican border to be used as fence over there.

I do believe that it would be good to have some kind of a marker, some kind of a line there. A vehicle barrier would work, would accomplish a lot of good.

Mr. KING. Thank you, sir.

Sheriff GONZALEZ. Yes, Mr. King, there are some areas along the border that a fence would be useful. In most parts of Texas, it would be very hard. You have areas like Brewster County, Maverick County, you have areas like Val Verde County where a fence would practically be almost impossible to build because of the canyons and things like this.

Also, what worries us about a fence is the maintenance of the fence. Like Sheriff Garrison, who will respond whenever somebody needs to respond to it when there is really nobody available to respond if something happens to this fence.

We have also seen in the areas along the border the shootings from Mexico at cameras. They are really non-working cameras that Border Patrol has up there, but my understanding is that there would be stadium lights along fences. I am certain that there will be many people shooting at these lights, and, again, the expense and the maintenance of the lights and things like this.

Mr. KING. Thank you. Sheriff Garrison, did I hear you testify that you don't inquire as to the citizenship of individuals that you stop?

Sheriff GARRISON. When we respond to a crime, we respond to the crime, and we react to whatever we come into contact with. We don't ask anyone for their citizenship or anything like that to initially respond. If we are on patrol or something like that and we feel that we have run across some undocumented aliens, then we do report it to Border Patrol.

Mr. KING. I just wanted to clarify that. All of you have confidence that you have the authority to ask, inquire as to the citizenship of anyone that you might want to stop unless you are representing a sanctuary policy county.

Sheriff GARRISON. Yes, sir.

Mr. KING. I just want to make sure that was clearly in the record.

And then we have heard testimony in the past about the jobs magnet, and you have spoken to that, about how that is going to pull people in. Does anyone have any comments on birthright citizenship as being an incentive that you might see as part of it? Sheriff Dever?

Sheriff DEVER. I will just say for my part, it's easy, tempting to get caught up in those arguments. Frankly, sir, our focus and primary interest and area of influence is the law enforcement arena, and that's really where we try to concentrate our energies because that's something we can do something about. I think we all have opinions about socioeconomic programs, but I think it's our common belief that none of those can be successful and dialogue and discussion about them aren't very meaningful if we cannot control our borders.

Mr. KING. Are you saying traffic, more out-of-proportion traffic in pregnant females that might be part of that demographic?

Sheriff DEVER. We see a lot of women and children where we never did before, extended families to include pregnant women.

Mr. KING. Thank you. My time is up. I'd yield back. Thank you.

Mr. KELLER. I thank the gentleman from Iowa.

I'd like to focus on just two areas: one, the lack of prosecution of some folks, and then, two, I want to ask if you were king for a day, what you would do to solve this problem.

When I went to the California-Mexican border, one of the most frustrating things for some of the rank-and-file Border Patrol agents is they see the same exact alien smugglers over and over and over and over and over, and they can understand with some sympathy why they see the same regular Mexicans trying to cross over because of catch-and-release, but they couldn't understand why the U.S. Attorney wouldn't prosecute these habitual alien smugglers.

What's the solution to this issue? Is it more money for more prosecutors? Or is it making this a higher priority? Or what do you think we should do about this lack of prosecution of these folks who make their living by doing alien smuggling? Sheriff Garrison?

Sheriff GARRISON. Just recently, sir, I had a meeting with our district attorney and with the U.S. Attorney's Office, representation of the U.S. Attorney's Office, and we brought this up. The U.S. Attorney's Office just spoke of how many cases they had and how they were unable to take on so many more, so they had to set thresholds.

My problem is when they set a threshold, all it does is the people who say they'll get charged when they have six or more aliens, they'll start hauling five. I mean, and that's what they do.

Mr. KELLER. I'm told that I need to let you go to catch a plane. If anyone has anything you definitely have to say to get this off your chest, I'd be happy to——

Sheriff SAMANIEGO. We would love to stay here all day, but if we stay any longer, we're not going to go home tonight.

Mr. KELLER. Okay. Well, thank you all so much for being here. Your testimony has been very helpful and informative.

Thank you.

[Whereupon, at 2:15 p.m., the Subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

Prepared Statement of the Honorable Elton Gallegly, a Representative in Congress from the State of California

Statement
Congressman Elton Gallegly
Before the Subcommittee on Immigration, Border Security and Claims

Hearing on "Outgunned and Outmanned: Local Law Enforcement Confronts Violence Along the Southern Border"

Thank you, Mr. Chairman for holding this very important hearing.

Violence at the border has reached appalling levels. The Border Patrol reported that assaults against officers nearly doubled in FY2005 over levels in FY2004. The San Diego sector, in my state, is one of the two most violent. I am very concerned for the safety of Border Patrol agents, state and local officers in border areas, and the public who live in these areas.

Also of concern are recent reports of incursions by Mexican military officers across the southern border of the United States. I think it is safe to say incursions by military of another country are always a concern. But of particular concern in this case are reports that the military personnel, or those dressed like military personnel, were aiding drug smugglers to bring contraband into the U.S.

I am eager to hear the accounts of these witnesses who work on the front line. Thank you for coming to testify here today to share your experiences.

PREPARED STATEMENT OF THE HONORABLE DARRELL ISSA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Thank you, Mr. Chairman. I greatly appreciate your holding this important hearing. For decades we have worked towards solutions to stem the flow of narcotics and illegal immigration across our southern border. It is infuriating when the Mexican government works against us rather than with us in this effort. It is timely to examine the issue of Mexican government-aided violence along the southern border.

Corruption within the Mexican government and its failed economic system has already been evidenced by the fact that one out of ten people born in Mexico living legally or illegally in the United States. However, Congress has allocated billions in taxpayer funds to aid Mexico over the years to help to improve the lives of the average Mexican citizen. For example, in 2005 the United States donated $13,392,000 through the Economic Support Fund, and $39,680,000 directly to Mexico to improve narcotics control. One would hope that this generosity would encourage the Mexican government, federal and state, to support efforts to control immigration into the United States and the flow of narcotics.

Unfortunately, the events of January 23, 2006 and others demonstrate that our efforts are seemingly wasted. It comes as little surprise that the same government that did little to deter Mexican nationals from entering the United States to steal Suburbans in the 1980's and 1990's for use by Mexican federal agents would be complacent in preventing its military from aiding the drug and human trafficking business. When the Mexican military crossed into U.S. territory on January 23rd, we witnessed yet another example of corruption within the Mexican government. Mexico must act to cease this criminal conduct. If Mexico cannot uphold its end of the bargain, why should we continue to aid our hapless neighbor?

PREPARED STATEMENT OF THE HONORABLE LOUIE GOHMERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

First of all, let me thank the Chairman and Ranking Members of both subcommittees for holding this extremely important hearing. Also, I would be remiss if I did not take this opportunity to thank the Texas Border County Sheriffs who have already been to Capitol Hill in an effort to educate members about the dire situation on our southern border. We appreciate them taking time out of their **WAR** to be with us today.

No more serious of an issue could exist before this Congress, this Nation—than the WAR that is being waged on our southern border. While most of the country knows that we are actively fighting the War on Terrorism—only a small fraction of the American public is aware of the battle our local law enforcement officers are waging on our border with Mexico.

Earlier this month, I was able to participate in a meeting with several Texas Border County Sheriffs and their reports about the lack of border security funds, personnel detention facilities, and equipment were very grim to say the least. The sheer length of the border between Texas and Mexico make it difficult to police. Unfortunately, the party responsible for policing an international border is the *Federal government, not local law enforcement* who are doing the best they can to keep our citizens safe.

After listening to the sheriffs and hearing the truth about the situation along our border with Mexico, my first reaction was that the Judiciary Committee also needed to be educated on this issue. Immediately I spoke with Chairman Hostettler about scheduling a hearing and would like to thank him for recognizing the importance of having this hearing and the expedience with which it came to fruition.

On February 8th of this year I wrote Senate Judiciary Chairman Arlen Specter asking him to immediately schedule H.R. 4437, *the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005* for markup in the Judiciary Committee. The sheriffs, and a majority of the members in the House, would like to see the entire bill become law but if the bill contains too many contentious provisions which may jeopardize swift passage of the bill in committee, I would ask that Section 607 be stripped out of the bill and passed as a stand-alone measure. This section is absolutely critical to securing the border and ensuring the safety of all American Citizens. This problem will not go away and again, it is the Federal government's job to tackle the problem of border security—or at least give local law enforcement the tools they need to continue defending the border. I believe Section 607, if signed into law, will be an important first step towards securing our border.

Again, thank you all for coming before the subcommittees today to testify. We all appreciate your efforts to protect your constituents and all American citizens from

a terrorist attack that will come through the southern border if the Federal government continues to do nothing to seal up our porous borders.

Thank you again Chairman Hostettler and Chairman Coble for holding this hearing.

PREPARED STATEMENT OF VIVIAN JUAN-SAUNDERS, CHAIRWOMAN, TOHONO O'ODHAM NATION OF ARIZONA

I. INTRODUCTION

This statement is submitted by the Tohono O'odham Nation to apprise the Subcommittee of the Nation's unique border security challenges that derive from the 75-mile stretch of international border that the Tohono O'odham Reservation shares with Mexico, and to assist the Subcommittee in developing addressing local law enforcement problems with violence along the southern border. Before addressing the specifics of these issues, my statement will provide general background about the Nation and the historical background that created our current border security crises.

II. BACKGROUND

The Tohono O'odham Nation ("Nation") is a federally recognized Indian Tribe in South Central Arizona with over 28,000 enrolled tribal members. The Tohono O'odham Reservation consists of four non-contiguous parcels totaling more than 2.8 million acres in the Sonoran Desert, and is the second largest Indian Reservation in the United States. The largest community, Sells, is the Nation's capital.

As a federally recognized Indian Tribe, the Nation possesses sovereign governmental authority over its members and territory. Accordingly, the Nation provides governmental services to one of the largest Indian populations in America and is responsible for managing one of the largest Indian reservations in the America. Moreover, the Nation spends approximately $7 million annually from tribal revenues to meet the United States' border security responsibilities. The 75-mile southern border of our Reservation is the longest shared international border of any Indian Tribe in the United States and has created an unprecedented homeland security crisis for America.

Prior to European contact, the aboriginal lands of the O'odham extended east to the San Pedro River, West to the Colorado River, South to the Gulf of California, and North to the Gila River. In 1848 the United States and Mexico negotiated the terms of the Treaty of Guadalupe Hidalgo, which among other things, established the southern boundary of the United States. The Treaty placed the aboriginal lands of the O'odham in Mexico. In 1854 through the Gadsden Purchase, the United States and Mexico further defined the southern boundary by placing the boundary at its present location cutting into the heart of our aboriginal territory. The establishment of the boundary displaced the O'odham on both sides of the international border bisecting O'odham lands thereby separating the Nation's people from relations, cultural sites and ceremonies, and ultimately blocking access to much needed health care, housing, and transportation. Not surprisingly, neither the United States nor Mexico consulted with the O'odham during the Treaty negotiations in 1848 and 1854. Respect for the sovereign status of the O'odham was simply ignored.

The lack of consultation or input from the O'odham continued throughout the generations leaving the Nation with a modern-day border security crisis that has caused shocking devastation of the Nation's lands and resources. The genesis of this crisis stems principally from the development and implementation of the U.S. government's border policy in the last decade. Again, without the benefit of consulting with the Nation, federal border security policy was developed focusing on closing down what were considered to be key points of entry along the U.S. southern border. This policy was implemented by extensively increasing manpower and resources at ports of entry and located at popular entry points such as San Diego (CA), Yuma (AZ), and El Paso (TX). Rather than preventing illegal immigration into America, this policy created a funnel effect causing the flow of undocumented immigrants, drug traffickers, and other illegal activity to shift to other less regulated spots on the border.

Due to the lack of border security resources and attention to the Nation, illegal immigration through the Reservation has become a prime avenue of choice for undocumented immigrants and drug trafficking activities traveling into the United States. This has created urgent challenges to protect against possible terrorists coming through a very vulnerable location on our Reservation and has resulted in an increase in crimes, gangs and violence. Although the Nation has neither the suffi-

cient manpower nor the resources to adequately address this crisis, it continues to be the first line of defense in protecting America's homeland security interests in this highly volatile and dangerous region.

III. BORDER SECURITY CRISIS AND BORDER VIOLENCE ON THE TOHONO O'ODHAM NATION

The modern day consequences of the border security crisis facing the Nation are indeed devastating to our members, our lands, our culture and precious resources. While immigrant and drug trafficking have decreased on other parts of the southern border of the United States, levels have sky rocketed on the Nation causing a flood of crime, violence, chaos and environmental destruction on our Reservation.

Currently, it has been conservatively estimated that over 1,500 immigrants illegally cross daily into the United States via our Reservation. A Border Patrol spokesman recently reported that the Nation is in the "busiest corridor of illegal immigration in the [America]." Tribal members live in fear for the safety of their families and their properties. Often times, homes are broken into by those desperate for food, water and shelter. Indeed, the statistics on border violence and crime are staggering:

- In 2004 alone, 27,130 undocumented immigrants were detained and arrested crossing the border on the Nation's Reservation.
- Since October 2003, approximately 180,000 pounds of narcotics have been seized.
- When combining federal and Tribal law enforcement efforts, more than 300,000 pounds of illegal narcotics were seized on the Nation's lands in 2004.
- In 2004, TOPD officers responded to over 6,000 calls for assistance with undocumented immigrant apprehensions; Border Protection estimates over 111,000 individual apprehensions on the Nation's lands in 2004.
- Illegal narcotics seizures more than doubled in the last 4 years to over 70,000 lbs. in 2004.
- Narcotics seizures on the Reservation have included marijuana, cocaine and methamphetamine.
- In January 2006 and February 2006 alone, the Nation seized approximately 9,900 pounds of illegal drugs with an estimated street value worth $7.3 million.

In 2005, U.S. Customs and Border Protection (USCBP) apprehended 122,319 undocumented aliens (UDA), of which 7,383 were criminal aliens. A significant number of these UDAs are involved in human and or drug smuggling and an alarming number of the Nation's members have been either coerced and or voluntarily participate in this criminal activity. The social impact of these crimes has resulted in gang and domestic violence, burglaries, dysfunctional families, seven suicides in a one year period, and an increase in social disorder placing enormous demands on the resources of the Nation.

Recent activities along the border clearly demonstrate an increase in drug smuggling and reported sightings of what appears to be a Mexican military at the southern edge of the border and attacks against drug "back packers" have increased. On February 6, 2006, a Tohono O'odham Nation Tribal Police responded to a village approximately 28 miles north of the International Border where a Mexican National Individual had been murdered execution style with a gunshot to his head and several shots to his torso. The murder was witnessed by the victim's brother who had fled on foot and called for help at a nearby residence. The location of the incident occurred within yards of a home where children and elders were at and later discovered to be a high narcotics traffic area. Further investigation was conducted by Tohono O'odham Nation Tribal Police, USCBP and the FBI. The victim and at least five other Mexican Nationals were believed to be marijuana backpackers, the suspect shooter was believed to be a Mexican National and attempting to steal the narcotics from the backpackers. As of today, the suspect and accomplice have not been located.

Other problems of violence and of national concern have also occurred recently on the Reservation. On February 10, 2006 a husband and wife tribal members were out gathering wood for cooking in the desert near their village when they were approached by an individual Mexican national male asking for food and water. The individual then pulled a handgun out of his waistband and pointed it at both victims stating he was taking their 1981 ford pick up truck and was going to leave it in Mexico. The two Tribal members were left stranded out in the desert for a period of time until they walked back to the village and reported the incident to Tribal Police.

On February 24, 2006, the Tohono O'odham Nation Tribal Police assisted USCBP agents at the home of a tribal member in the village of Sells, the capital of the TON. Subsequently, an Iraqi national was removed from that same home after it was discovered that the individual had lived at the home undetected for several months. The individual was apprehended by Customs and Border Protection agents. This incident further emphasizes our need to have an effective intelligence component for our operations.

Recent intelligence sharing of information between the Nation and USCBP has revealed that they are starting to see an increase of border-related activity. Such activity includes an increase in the amount of undocumented alien foot traffic, narcotics smuggling and vehicular traffic, abandoned vehicles, and stolen vehicle recoveries within the Tohono O'odham Nation. all of which directly impact the every day lives of the Tohono O'odham Nation. The increase in problems have forced the Tohono O'odham Police Department (TOPD), a seventy-one (71) member police force, to address the unrelenting and increased traffic of undocumented immigrants and drug traffickers who cross our border into America and related problems they create.

IV. ADDRESSING BORDER VIOLENCE THROUGH INCREASED SECURITY

TOPD provides primary border security law enforcement services in addition to public safety within the Nation itself. There are at least 160 known illegal crossing sites along the Nation's 75-mile shared border with Mexico, in 36 locations, and there are no barriers at all. Thus, TOPD Officers travel in excess of 200 miles per shift or a yearly total of 48,000 miles. On average, each TOPD officer spends 60% of his or her time working on border related issues, decreasing the amount of time spent on public safety and threatening not only our members but threatening the safety of the United States as well.

Daily confrontations with UDAs require the Nation's Police Officers to possess weaponry and protective equipment to ensure the safety of their own lives as well as the safety of the tribal community. TOPD is the first in line to confront these individuals, which often include criminals and possible terrorists. In addition to apprehending UDAs, TOPD officers investigate crimes committed by UDAs, including homicides and unattended deaths. In 2005 alone, TOPD investigated 62 deaths.

In an effort to combat the increase of border security issues and border violence, TOPD has increased efforts and expended scarce resources to reduce crime on the Nation to improve the quality of life for its residents and visitors. The Nation has sustained a loss of millions of dollars annually to needed manpower, increased public safety, health care, sanitation, theft and destruction of our property and lands from the relentless flow of illegal immigration. Equally devastating is the adverse impact on our cultural resources and traditions as our Tribal elders no longer gather ceremonial plants in the desert for fear of their safety. For example:

- In 2003, sixty-nine people died on the Reservation crossing the border, leaving the Nation to pay for the burial and related costs. The Nation pays for autopsy costs at $1,400.00 per body out of tribal police funds.
- The Nation loses approximately $2 million annually from its allocation of Indian Health Care funding due to emergency health care treatment of undocumented immigrants taken to our health clinic.
- The Nation is forced to address the 6 tons of trash a day that is littered on the Nation's Reservation by fleeing undocumented immigrants. This predicament has caused serious environmental problems and contributes to the 113 open pit dumps on the Nation's Reservation that need to be cleaned up.

Homeland Security is clearly a federal responsibility. However, TOP has stretched its resources to the limit. To date, the Nation has spent more than $10 million dollars in tribal resources on Homeland Security issues and now spends over $3 million annually, over half the TOPD budget, in direct response to border related incidents. Despite the Nation's position on the front line of this crisis, we do not receive any funding from the federal government.

V. INCREASED BORDER SECURITY COSTS ARE IMPACTING OTHER PROGRAMS WITHIN THE NATION

Many other areas on the Nation, such as our limited heath care clinic and ambulance services, have been similarly negatively affected by the increased homeland security expenses. Overall, it is estimated that the Nation expends an additional $4 million of its tribal resources annually on services related to border issues for a total of $7 million. Part of the expenditure relates to health care and environmental clean up services. When the Nation pays for federal responsibilities, we are unable to ad-

dress much needed education, health care, housing, roads, infrastructure issues, to name a few. Below are a couple of key examples.

- In 2003, the Indian Health Service (IHS) Sells Service Unit spent $500,000.00 on emergency health care services to undocumented immigrants, for example, for those at risk of dying from dehydration. These funds are not reimbursed to IHS and result in the inability of certain tribal members to receive health care services that are allocated for their benefit.
- The Nation spends millions of dollars a year to pay for the 6 tons of trash per day left by undocumented immigrants and the Nation is faced with cleaning up the 113 open pit dumps on the Reservation.
- 758 homes on the Reservation (20% of all homes on the Reservation) are without potable water and 1,393 (38% of all homes) are without a sewer or water system. Many of the residents at these homes use either hand-dug or agricultural wells for drinking water and are exposed to contaminants such as fecal coliform, arsenic and fluoride in excess of the federal Safe Drinking Water Act standards. The total need to construct suitable drinking water and waste water systems for these homes is estimated at $24.4 million.

The Nation has been forced to deal with homeland security and border issues because we must protect our lands and tribal members. The Nation's efforts are complemented by the USCBP, which has increased its presence on our lands. However, this is not without concern over reports that USCBP is harassing tribal members, creating unnecessary roads, and slow in the implementation of their duties to reach the level of trust required in developing a partnership with the Nation.

TOPD is also assisted by Tribal Rangers, whose primary duties are to monitor the undeveloped areas of the Nation. Because the Rangers often confront UDAs, it has become necessary to enhance the Rangers' ability to formally assist TOPD Officers. This will enable TOPD Officers to handle other growing problems of human and drug smuggling and the accompanying crimes, gangs and youth violence. However, the Nation needs support for equipment and training to assist in the development or enhancement of the Tribal Ranger program. By supporting this program, Tribal Rangers will be able to provide more manpower resources to law enforcement and strengthen services to the community and surrounding areas.

VI. THE TOHONO O'ODHAM NATION NEEDS FUNDING TO ADDRESS BORDER VIOLENCE AND BORDER SECURITY NEEDS.

We are thankful for the support from the Border Patrol and the Tribal Ranger program. However, the financial need is overwhelming and for the most part, the Nation has not received any significant federal funding to address our law enforcement/border security activities, notwithstanding 9-11. Therefore, the Nation respectfully assistance from the Committee to ensure that the Nation is consulted and an active partner in the development and implementation of federal border security initiatives headed up by the Department of Homeland Security (DHS). The Nation also seeks the Committee's support in securing legislative reform to authorize the direct funding of funding and other resources to support our efforts in providing homeland and border security for America.

Under the DHS organic legislation, Indian Nations are not eligible to obtain direct funding for homeland security purposes. This barrier is particularly unfair to the Nation given our unique circumstances in protecting the 75-mile international border with Mexico on our Reservation and the increase in crime and violence as a result of the border issues. The lack of consultation and lack of access to direct funding has strained the Nation's Government-to-Government relationship with the United States placing us in a difficult and untenable position of having to react to policy decisions as opposed to proactively working together in a unified fashion with the proper respect accorded to the Nation's sovereign stat

As explained above, the Nation is spending approximately $3 million annually to directly address these border security related needs and an additional $4 million related to the border security crisis. Our police department has stretched its resources beyond to provide border security, our health care dollars are siphoned to pay for emergency health care for undocumented immigrants, and our lands are littered with tons of garbage daily creating disastrous environmental and public health damage. The Nation has an identified a compelling and urgent need for more funds to assist us in meeting these challenges. Therefore, the Nation respectfully requests the Committee's support and assistance in securing funding in the FY 2007 Homeland Security Appropriation bill.

In addition, the Arizona Department of Public Safety (DPS) currently has a significant backlog of cases from the Nation, which ultimately impacts the Nation and

TOPD. The Nation submitted 58 cases to DPS in January 2006, of which 34 cases have been completed (analyzed, tested and processed) and returned back to TOPD. In February 2006, the Nation submitted 54 cases to DPS and 32 were completed. However, that leaves 43 back logged cases. The total number of TOPD cases and related evidence submitted to DPS is significant in comparison to other Indian Country Law Enforcement Agencies as well as Federal counterparts and TOPD is second only to the Navajo Nation in submitting cases to DPS. The Nation is concerned that the backlog will negatively impact TOPD efforts to address crime. In addition, the Nation believes that DPS should be communicating directly with Indian Country Chiefs of Police and Tribal Officials on this matter rather than BIA Law Enforcement. TOPD has a very well established evidence management system administered by a full time Evidence Technician and is currently identifying funding to add additional staff to support that function.

Funding will assist the Nation with our current efforts and allow us to enhance our training, planning, equipment and related border security efforts to keep people safe from the violence that often breaks out as a result of border crossings.

VI. CONCLUSION

In closing, on behalf of the Tohono O'odham Nation, I appreciate the opportunity to present this statement to the Committee and respectfully request the Committee's favorable consideration of the Nation's requests. If you have any questions, please do not hesitate to contact me at (520) 383–2028, or your staff can contact our legal counsel in Washington D.C., Shenan Atcitty at (202) 457–7128. Thank you.