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GANGS, FRAUD AND SEXUAL PREDATORS: STRUGGLING WITH THE CONSEQUENCES OF ILLEGAL IMMIGRATION

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

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GANGS, FRAUD AND SEXUAL PREDATORS: STRUGGLING WITH THE CONSEQUENCES OF ILLEGAL IMMIGRATION

WEDNESDAY, APRIL 12, 2006

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY,
AND HUMAN RESOURCES,
COMMITTEE ON GOVERNMENT REFORM,
Winston-Salem, NC.

The subcommittee met, pursuant to notice, at 10:05 a.m., in the County Commissioners Meeting Room, Forsyth County Government Center, 201 North Chestnut Street, Winston-Salem, NC, Hon. Mark E. Souder (chairman of the subcommittee) presiding.

Present: Representatives Souder and Foxx.

Staff present: Dennis Kilcoyne, professional staff member and counsel; Scott Springer, congressional fellow; and Malia Holst, clerk.

Mr. SOUDER. The subcommittee will come to order.

Good morning and thank you all for coming. Today, our subcommittee will address some of the issues surrounding the debate on illegal immigration, which you all know is a very contentious topic. Congresswoman Foxx wanted to make sure that I pointed out that we had settled on this topic some time ago, we did not realize all the stories over the last couple of days were going to focus on immigration. This has been a continuing subject. Our committee has jurisdiction over all judiciary issues as well as all drug issues. We do not have jurisdiction over work force issues, so we are not going to be focusing on work force questions today, because it is not in the domain of our subcommittee.

I first want to thank your Congresswoman Virginia Foxx, who is a member of this subcommittee and has been an energetic advocate for greater border security and enforcement. I also want to thank the witnesses who are here today to give us their input. I will be introducing them shortly.

The House of Representatives has already passed legislation aimed at halting the flow of illegal aliens across the border and, as we know, the Senate just last week came close to passing its own immigration reform bill. The Senate's failure demonstrates the tremendous polarization on this issue. The great majority of American people feel strongly that the Federal Government is failing in its responsibilities to defend our borders and the growing anger and frustration is palpable. On the other hand, immigrants—many undoubtedly here illegally—are taking to the streets in large num-

bers, waving the flags of foreign nations and demanding that the Government essentially continue to be passive.

This debate raises questions which are difficult, but which we must fearlessly confront. Who are we as a people? Is it fair for taxpayers and citizens in general, for us to massively subsidize millions of illegal immigrants in our midst? Should we continue to shrug our shoulders and discourage any talk of the criminal elements among these illegal immigrants, lest we be accused of being bigots? Or should we courageously and responsibly confront these problems head-on?

Since 2001, the illegal immigrant population in this country has been swelling by an estimated 700,000 annually. After crossing the border, most illegal immigrants undoubtedly would prefer to quietly find work and earn money—I would guess as many as 90 percent—rather than participate in any activity—maybe even as high as 95 percent—rather than participate in any activity that might draw attention of law enforcement. However, some may feel no such restraint, as many Federal, State and local police agencies will attest.

It is in cities like Winston-Salem, as well as smaller communities, that the presence of criminals who have illegally entered the country is most keenly felt. In many cases, such elements come together to form classic street gangs, staking out territories and dedicating themselves to controlling the local drug trade. In most cases, the drug trade is the engine that drives other criminal activity, particularly property crimes and robberies, as addicts who are unable to keep steady employment choose a life of petty crime to finance their drug addiction.

Recognizing the expanding threat from Hispanic street gangs, as well as the fact that they are largely composed of illegal aliens, the U.S. Immigrations and Customs Enforcement [ICE] launched Operation Community Shield in February 2005 as a comprehensive initiative to disrupt and dismantle transnational, violent street gangs. We will be hearing more about this vital project, which promises to be very helpful to State and local authorities in controlling and shutting down criminal gang activity by illegal aliens.

For local law enforcement in places like North Carolina, such help is not coming a moment too soon. Local police lack the authority to hold suspects on immigration violations and have had to release them when lacking probable cause for other crimes. With Operation Community Shield in place, they now provide ICE with intelligence on gang organization and leadership learned through their investigation of general crime, which enables ICE to arrest, prosecute and/or deport individual gang members. Since the Operation was launched, ICE agents have arrested over 160 such gang members in North Carolina.

In the same vein, ICE's Operation Predator, which targets rapists, pedophiles, human traffickers and those who traffic in pornographic images of children, has been focused on foreign national sex offenders, some of whom have, unfortunately, come to North Carolina. Sexual predators who are here illegally present different challenges to local law enforcement, and ICE agents bring valuable investigative tools and authority to their efforts to stop foreign sex predators from victimizing their children.

Additionally, illegal immigration is straining Government at all levels throughout the country as schools, hospitals and welfare agencies, as well as law enforcement, are pressed to respond to the needs of new populations that are consuming far more in tax revenue than they pay.

Few States have had to struggle with this burden as much as North Carolina. Its illegal alien population is approaching half a million, and it had the highest Hispanic population growth of any State in the 1990's. During the 1990's, the immigrant population of Forsyth County exploded by 515 percent, meaning that two-thirds of the county's foreign-born population had entered in just 10 years. The State government estimates that each illegal Hispanic immigrant is saddling it with a net cost of $102 annually. Medicaid costs due to illegal immigration have doubled in 5 years. The State is spending over $200 million annually to educate the children of illegal immigrants, a more than 2,000 percent increase in 10 years. Across the State, the criminal justice system is disrupted as courts and law enforcement struggle, particularly in rural counties, to find translators to assist in investigations and court proceedings for Spanish-speaking defendants. Too many stresses and strains on State and local Government are accelerating at once, and there is clearly a need for government at all levels to decisively reverse these trends in some fashion.

This hearing will examine these problems, probe the response of Federal, State and local Governments and solicit solutions.

For our first panel, we are joined by Mr. Jeffrey S. Jordan, Special Agent of the U.S. Immigrations and Customs Enforcement [ICE].

For the second panel, we are joined by Thomas J. Keith, district attorney for the 21st Prosecutorial District; Mr. Dale Folwell, currently your State representative and formerly of the Forsyth County School Board; Ms. Debra Conrad-Shrader, vice-chairman of the Forsyth County Board of Commissioners; and Ms. Barbara Holland, director of the Zero Armed Perpetrators Program of Forsyth County.

We thank all of you for joining us today and we look forward to your testimony.

I want to repeat again, this is not precisely about the immigration bill. We are going to have differences. I voted against the immigration bill, and did not believe that an interior enforcement provision without work permit was workable; however, I drafted many amendments through the Homeland Security Committee because I believe strongly in stronger border enforcement and we need to work out the internal. This is to talk about the practical implications and how we have to deal with some of the side consequences of the illegal immigration. How we handle the question broader is not in the purview of this hearing.

I will yield to Congresswoman Foxx.

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

Opening Statement
Chairman Mark Souder

"Gangs, Fraud and Sexual Predators: Struggling with the Consequences of Illegal Immigration"

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

April 12, 2006

Good morning and thank you all for coming. Today, our Subcommittee will address some of the issues surrounding the debate on illegal immigration, which as we all know is now a very contentious topic. I want to thank, first of all, Representative Virginia Foxx, your congresswoman, who is a member of this Subcommittee and has been an energetic advocate for greater border security and enforcement. And I want to thank the witnesses who are here today to give us their input. I will be introducing them shortly.

The House of Representatives has already passed legislation aimed at halting the flow of illegal aliens across our border and, as we all know, the Senate just last week came close to passing its own immigration reform bill. The Senate's failure demonstrates the tremendous polarization on this issue. The great majority of the American people feel strongly that the Federal government is failing its responsibilities to defend our borders, and the growing anger and frustration is palpable. On the other hand, immigrants—many undoubtedly here illegally—are taking to the streets in large numbers, waving the flags of foreign nations and demanding that the government essentially continue to be passive.

This debate raises questions which are difficult, but which we must fearlessly confront. Who are we as a people? Is it fair to taxpayers and citizens in general for us to massively subsidize millions of illegal immigrants in our midst? Should we continue to shrug our shoulders and discourage any talk of the criminal elements among these illegal immigrants, lest we be accused of being bigots? Or should we courageously and responsibly confront these problems head-on?

Since 2001, the illegal immigrant population in this country has been swelling by an estimated 700,000 annually. After crossing the border, most illegal immigrants undoubtedly would prefer to quietly find work and earn money rather than participate in any activity that might draw the attention of law enforcement. However, some of them feel no such restraint, as many Federal, state and local police agencies will attest.

It is in cities like Winston-Salem, as well as smaller communities, that the presence of criminals who have illegally entered the country is most keenly felt. In many cases, such elements come together to form classic street gangs, staking out territories and dedicating themselves to controlling the local drug trade. In most cases, the drug trade is the engine that drives other criminal activity, particularly property crimes and robberies, as addicts who are unable to keep steady employment choose a life of petty crime to finance their drug addiction.

Recognizing the expanding threat from Hispanic street gangs—as well as the fact that they are largely composed of illegal aliens—the U.S. Immigrations and Customs Enforcement (ICE) launched Operation Community Shield in February 2005 as a comprehensive initiative to disrupt and dismantle transnational, violent street gangs. We will be hearing more about this vital project, which promises to be very helpful to state and local authorities in controlling and shutting down criminal gang activity by illegal aliens.

For local law enforcement in places like North Carolina, such help is coming not a moment too soon. Local police lack the authority to hold suspects on immigration violations and have had to release them when lacking probable cause for other crimes. With Operation Community Shield in place, they now provide ICE with intelligence on gang organization and leadership learned through their investigation of general crime, which enables ICE to arrest, prosecute and/or deport individual gang members. Since the Operation was launched, ICE agents have arrested over 160 such gang members in North Carolina.

In the same vein, ICE's Operation Predator (which targets rapists, pedophiles, human traffickers and those who traffic in pornographic images of children) has been focused on foreign national sex offenders, some of whom have, unfortunately, come to North Carolina. Sexual predators who are here illegally present different challenges to local law enforcement, and ICE agents bring valuable investigative tools and authority to their efforts to stop foreign sex predators from victimizing their children.

Additionally, illegal immigration is straining government at all levels throughout the country as schools, hospitals and welfare agencies—as well as law enforcement—are pressed to respond to the needs of new populations that are consuming far more in tax revenue than they pay.

Few states have had to struggle with this burden as much as North Carolina. Its illegal alien population is approaching half a million, and it had the highest Hispanic population growth of any state in the 1990s. During the 90s, the immigrant population of Forsyth county exploded by 515%, meaning that two-thirds of the county's foreign-born population had entered in just 10 years.[1] The state government estimates that each illegal Hispanic immigrant is saddling it with a net cost of $102 annually.[2] Medicaid costs due to illegal immigration have doubled in five years. The state is spending over $200 million annually to educate the children of illegal immigrants, a more than 2000% increase in ten years.[3] Across the state, the criminal justice system is disrupted as courts and law enforcement struggle—particularly in rural counties—to find translators to assist in investigations and court proceedings for Spanish-speaking defendants. Too many stresses and strains on state and local government are accelerating at once, and there is clearly a need for government at all levels to decisively reverse these trends.

This hearing will examine these problems, probe the response of Federal, state and local governments and solicit solutions.

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We thank all of you for joining us today, and we look forward to your testimony.

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[1] The Federation for American Immigration Reform, County Factsheet, Forsyth County, North Carolina, at www.fairus.org/site/PageServer?pagename=research_research2eb7_sup.
[2] The News & Observer, February 26, 2006.
[3] The News & Observer, February 27, 2006.

Ms. FOXX. Thank you, Chairman Souder. I really appreciate you coming to Forsyth County and to the Fifth District of North Carolina to hold this hearing. As you said, we have been planning this for many weeks and did not realize the timeliness in terms of what is happening nationally. But we are glad to have everyone here who is concerned about the issue.

During the decade I served as a member of the North Carolina State Legislature and during my first 15 months in the U.S. Congress, I have found that few issues trouble my constituency as much as illegal immigration, and for good reason.

There truly is no issue more important to our Nation than the safety and security of our constituents and the American way of life. And border security is the starting point for ensuring that security. If we do not keep Americans safe at home, then the dozens of other issues we debate in Congress simply will not matter.

The terrorist attacks on our homeland highlighted the potential disastrous effects of porous borders and the need to bolster border security, but the problem of illegal immigration also has additional far-reaching dangerous effects. Ultimately it punishes all who follow the laws of the United States.

Immigration affects virtually every aspect of life in America. With millions of legal and illegal immigrants settling in the United States each year, a level higher than any other time during our Nation's history, illegal immigration has a major negative impact on education, health care, Social Security, taxes, employment, wages, the environment, crime and countless other areas of American life.

I sympathize with those who desperately wish to live the American dream here on American soil. I understand their desire for liberty, free markets, property rights and guaranteed freedoms. The demand for access to America is a resounding testament to the greatness of our Nation. However, immigration laws exist to provide the necessary steps for safe and legal entry into this country.

Illegal immigration must be stopped, but we cannot and should not close our doors to those who wish to enter the country legally. We must achieve our efforts to achieve closed borders with open, guarded doors. We have an immigration process in place that simply must be followed. It also must be strictly enforced, much more rigorously than is being enforced now. We are a Nation of immigrants, but we are first a Nation of laws.

Expedited identification of illegal immigrants, enhanced and increased border patrol and stiff penalties for employers and businesses that knowingly employ illegals are all necessary to secure our borders and successfully combat illegal immigration. Our border patrol and law enforcement agents should be empowered to crack down on illegal immigration and protect our borders.

My constituents and local law enforcement officers all echo the same concern, that we must move from our unfortunate current policy of inaction in relationship to dealing with illegal immigrants, to one that ensure there are consequences for illegal behavior. They are especially frustrated that we do not swiftly deport illegal immigrants, especially those who commit other crimes. As Members of Congress, we must be receptive to their concerns and cannot lose sight of this major problem. We must do all we can to establish and

enforce a thorough and fastidious system for deterring, identifying and dealing with illegal immigrants. Illegal immigration is a multi-faceted problem that will require a multi-faceted solution.

A major part of that solution must include educating the public about the real costs and consequences to America of illegal immigration. That is why we are here today. I have long fought for tighter immigration controls, reflecting the sentiments of my constituents. The testimony these witnesses are about to offer is necessary to shed light on just how serious the problem truly is. Our counties and communities, now saturated will illegal immigrants, are spending billions of dollars on public health and education, law enforcement and social services for people who are not even legally allowed to be here. Every dollar spent on an illegal immigrant is a dollar that was diverted away from a law-abiding, tax-paying citizen.

The burden of dealing with illegal immigration largely falls on the shoulders of the officials who will testify today. The responsibility for solving the problem of illegal immigration at a national level largely falls on the shoulders of the U.S. Congress. The purpose of this investigatory and oversight hearing is to expose and address the problem, educate the committee and work toward crafting the most appropriate solutions.

Chairman Souder and I held a field hearing similar to this one in Caldwell County yesterday to discuss the horrible problem of methamphetamine use in North Carolina's mountain counties. I have been working with local law enforcement for many years to eradicate meth production and we have had dramatic success. However, since we have driven local meth labs out of the area, the illicit drug is now being smuggled into North Carolina from the Mexican border. In fact, over 80 percent of meth in North Carolina now comes from Mexican sources. This leads to dramatic increases in violent crime and wreaks havoc on our law enforcement personnel. Just when we had nearly eliminated the supply portion of the supply and demand equation relating to the meth crisis, a brand new supply presented itself with crystal meth being smuggled into our communities from Mexico.

With drugs comes crime—violent crime. And increased violent crime poses a very dangerous problem for our communities, not only directly but also indirectly as police forces normally preventing crime become diluted in responding to crime. Several of the mountain counties I represent are unfortunate examples of such a problem. These counties generally enjoy a very low crime rate. However, in recent years, they have had several methamphetamine related homicides and violent robberies. This drug is wreaking havoc in our local neighborhoods and is endangering the lives of many, including our innocent children and our brave law enforcement officials.

Illegal immigration is consistently the No. 1 topic that my constituents write about and call my office with their concerns. It is also the No. 1 problem expressed to me by many of the local officials I represent, some of whom you will hear from today. Politics must be set aside so that we can concretely identify the severity of the problem and begin to craft solutions. The very freedom that attracts immigrants to our great Nation will erode if we do not

take action to enforce and protect our laws. I look forward to constructive dialog, thank the chairman and our panelists for joining me today.

[The prepared statement of Hon. Virginia Foxx follows:]

Rep. Virginia Foxx (NC-5) Opening Remarks
Subcommittee on Criminal Justice, Drug Policy and Human Resources
Hearing entitled "Gangs, Fraud and Sexual Predators: Struggling with the Consequences of Illegal Immigration"

April 12, 2006

Thank you Chairman Souder.

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Mr. SOUDER. Before we hear testimony, I need to take care of some procedural matters.

First, I ask unanimous consent that all Members have 5 legislative days to submit written statements and questions for the hearing record and that any answers to written questions provided by the witnesses also be included in the record. Without objection, it is so ordered.

Second, I ask unanimous consent that all exhibits, documents and other materials referred to by Members and witnesses may be included in the hearing record, that all the Members be permitted to revise and extend their remarks. And without objection, it is so ordered.

Before I proceed, let me explain briefly what our committee does. A lot of people are not familiar with the Government Reform Committee. In the Constitution, basically the first and foremost thing that was given to the House of Representatives was tax and revenue questions. The Senate was given—they have to confirm Supreme Court Justices, all treaties and foreign policy. So foreign policy starts in the Senate, the House does some of that, but we control the purse strings. Because we control the purse strings, the second group of committees formed in Congress were oversight committees, Government Reform. Then after time, we created authorizing committees.

So if you look at the different issues, say take education, No Child Left Behind would start in an authorizing committee, then move to an appropriating committee to fund what the authorizing set as upper limits and the policy. Then the Government Reform Committee, in this case, ours has criminal justice, drug policy and human resources, so we also have oversight over the Education Department. We would then review to see that No Child Left Behind is being implemented in the way that the government intended. That leads us a lot of times in doing more controversial oversight in looking at difficult questions.

For example, much of the time during the Clinton administration, we were looking at the travel office, at Whitewater, at China, at gambling, at all sorts of questionable uses of money in addition to the regular oversight we did over drug policy and all the different subcommittees. At the full committee, we would handle major issues. Waco, for example, we did a lot of oversight on that.

Probably the best known thing we have done in this Congress was the steroids policy in baseball, Mark McGwire, when he said that he did not want to talk about the past in front of our committee, made a lot of news. And of course, that is what the Government Reform Committee does, we talk about the past, so we can learn about what legislation needs to be done and figure out how to address the problems. So that is a little history of our committee.

Now as part of that, because we are an oversight committee, we swear in all of our witnesses. We have only had a few cases of prosecution for perjury, so hopefully we will not have any today. But, for example, that is why Mark McGwire spent 3 days trying to duck a subpoena from the committee, moved actually to two different States. Finally the subpoena was served on him and then the reason he did not want to talk about the past is because his

testimony could have in fact made him liable in any stadium in America if he had said he had used illegal steroids, he could have been liable for prosecution in any stadium in America.

Now I did not mean to intimidate any witnesses, we have never had any cases in any field hearing, but I wanted to explain why I have to do the swearing in of each witness.

So our first panel, as is the tradition of this committee, as a Federal oversight committee, the first panel, if we have Federal branch witnesses, are always on the first panel, then other witnesses in the proceeding panels. So if Mr. Jeffrey Jordan could come forward and I will administer the oath.

[Witness sworn.]

Mr. SOUDER. Let the record show that the witness responded in the affirmative.

We have a little clock here that is 5 minutes for witnesses. The yellow light comes on at 4; as I said yesterday at the hearing, since it is a field hearing, we will do this with a little bit of a Southern drawl, and if you go over your 5 minutes, we are not going to have big concerns here.

Thank you for coming today, Mr. Jordan, and we look forward to your testimony.

STATEMENT OF JEFFREY S. JORDAN, SPECIAL AGENT-IN-CHARGE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY, CHARLOTTE, NC

Mr. JORDAN. Thank you. Mr. Chairman and members of the subcommittee, thank you for providing me the opportunity to speak with you today about U.S. Immigration and Customs Enforcement's efforts to combat illegal immigration in the State of North Carolina.

ICE is the largest investigative agency within the Department of Homeland Security. Working overseas, along our borders and throughout the Nation's interior, ICE agents and officers are demonstrating that the newly emerged customs and immigration authorities constitute an effective tool against those who attempt or succeed in penetrating our borders.

ICE continues to initiate enforcement programs to identify and arrest those who pose a threat to our communities. Examples of such programs include Operation Community Shield and Operation Predator. Operation Community Shield identifies violent transnational gang members that are subject to arrest, prosecution and removal from the United States. Operation Predator focuses on protecting our Nation's children from sexual predators. This includes identifying and arresting aliens who have been convicted of sex offenses against children. Transnational gang members and child predators often engage in immigration identity and benefit fraud to remain or work in the United States or to conceal their true identities. ICE uses its authorities and resources on organizations and individuals who fraudulently obtain immigration benefits to further their illegal activities.

In the last decade, the United States has experienced a dramatic increase in the number and size of transnational street gangs such as Mara Salvatrucha, commonly known as MS–13, one of the most

violent gangs of its kind. These gangs have significant foreign-born membership and are frequently involved in human and contraband smuggling, immigration violations and other crimes with nexus to the border. Like many street gangs, they also have a propensity toward violence. Their members commit such crimes as robbery, extortion, assault, rape and murder.

An example of this violence occurred just a few miles from this hearing. On February 28, 2006, ICE agents, working with the Fuquay-Varina, NC Police Department, arrested Jose Carlos Peralta-Morales, a Surenos gang member who was observed beating an individual on the head with a baseball bat in a Wal-Mart store. An investigation revealed that the suspect had been previously deported in May 2005. Further investigation revealed that Peralta-Morales had been convicted of robbery and accessory after-the-fact in connection with an incident in which gang members robbed a returning Iraqi war veteran at gunpoint upon departing a local restaurant with his girlfriend. In addition to State assault charges, Peralta-Morales is facing Federal criminal prosecution for illegally re-entering the United States.

Operation Community Shield has resulted in the arrest of over 2,400 gang members. Of those arrested, 52 have been identified as leaders of gangs. More than half of those arrested have violent criminal histories with arrests and convictions for crimes such as robbery, assault, rape and murder. In North Carolina alone, ICE agents have arrested over 160 violent street gang members in the Charlotte, Raleigh and Winston-Salem metropolitan areas.

ICE's efforts to protect public safety are not limited to gang enforcement. Through Operation Predator, ICE aggressively pursues those who prey on our most vulnerable in society, our children. In addition to our efforts in combatting the distribution and transfer of child pornography via the Internet, Operation Predator identifies and arrests criminal aliens that have been convicted of sex crimes against children and are subject to removal proceedings. These sex offenders pose a significant threat to our communities while they remain illegally in the United States to prey on innocent children. Operation Predator vigorously investigates all forms of child exploitation such as the smuggling of children into the country for sexual exploitation or prostitution or the travel of U.S. citizens or lawful permanent residents to foreign countries to engage in sex tourism with children. These individuals often return to the United States with photographs and videos of their criminal activity.

Operation Predator has proven to be a tremendous success. Since the inception of Operation Predator, ICE has arrested over 7,600 child predators. In North Carolina, ICE agents have arrested 100 suspects as part of this operation. Of those arrested in North Carolina, 79 are non-U.S. citizens and 62 of these have since been deported from the United States. Operation Predator will continue to be a priority program for ICE.

Many of those apprehended by ICE as part of Operation Community Shield, Operation Predator or other enforcement efforts procured their immigration status through fraudulent means. Immigration fraud exposes the United States to criminals and terrorists who gain entry into this country to carry out their criminal and dangerous agendas.

Examples of how immigration benefits can be abused by the criminal element can be found in investigations conducted by ICE here in North Carolina. For instance, ICE investigated a Charlotte, NC immigration attorney who filed fraudulent applications and petitions to assist her clients in obtaining immigration benefits. The immigration attorney advised her clients, who included students from Nepal, to circumvent legal immigration procedures by arranging marriages to U.S. citizens. The foreign students admitted to the United States to pursue various educational programs were told to marry a U.S. citizen, often a fellow student in need of additional cash, to remain in the United States legally. Some of the foreign students had previously failed in their attempt to obtain asylum. The attorney did this without regard for her clients' intentions or criminal records. In March 2005, she pled guilty to conspiracy to defraud the U.S. Government and was sentenced to Federal imprisonment.

ICE may initiate removal proceedings for those aliens who are encountered and arrested for immigration violations during Operation Community Shield or Operation Predator. The alien would be served with a notice to appear or other charging document that would contain information on the charges being filed against him or her. The alien would be scheduled for removal hearing before an immigration judge who would ultimately determine whether or not the alien would remain in the United States. Removal hearings for North Carolina are generally conducted at an immigration court in Atlanta. ICE generally details aliens from North Carolina at county detention facilities under the intergovernmental service agreements. However, most aliens are transferred to detention facilities in Georgia. Should ICE determine that an alien is not a flight risk or a threat to public safety, the alien may be released pending the immigration hearing. ICE carries out the final decision of the Immigration Court, whether that is an order of removal or a grant of discretionary relief.

I want to thank the distinguished members of this committee for the opportunity to speak before you today. I look forward to answering any of your questions.

[The prepared statement of Mr. Jordan follows:]

U.S. Department of Homeland Security

STATEMENT

OF

JEFFREY S. JORDAN
ASSISTANT SPECIAL AGENT IN CHARGE
CHARLOTTE, NORTH CAROLINA

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
U.S. DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

"GANGS, FRAUD AND SEXUAL PREDATORS: STRUGGLING WITH THE CONSEQUENCES OF ILLEGAL IMMIGRATION"

BEFORE THE

HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

Wednesday, April 12, 2005 @ 10:00 am
Winston-Salem, North Carolina

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, thank you for providing me the opportunity to speak with you today about U.S. Immigration and Customs Enforcement's (ICE) efforts to combat illegal immigration in the State of North Carolina.

ICE is the largest investigative agency within the Department of Homeland Security. Our mission is to protect the American people by combating terrorism and other criminal activities that cross our borders and threaten us here at home. The men and women of ICE accomplish this by enforcing the nation's immigration and customs laws. Working overseas, along our borders and throughout the Nation's interior, ICE agents and officers are demonstrating that the newly merged customs and immigration authorities constitute an effective tool against those who attempt to or succeed in penetrating our borders.

Using our vast enforcement authorities, ICE has built a robust enforcement program along the borders and within the interior of the United States. Gang members, child predators and other criminals should understand that ICE stands ready to protect our nation and its borders. Our presence extends throughout the interior of the United States and deters illegal immigration by making it clear to those willing to violate our borders and immigration laws that such disregard for our laws is not acceptable. These efforts underscore ICE's homeland security priorities and strengthen respect for our laws.

ICE continues to initiate enforcement programs to identify and arrest those who pose a threat to our communities. Examples of such programs include Operation Community Shield and Operation Predator. Operation Community Shield identifies violent transnational gang members that are subject to arrest, prosecution and removal from the United States. Operation Predator focuses on protecting our nation's children from sexual predators. This includes identifying and arresting aliens who have been convicted of sex offenses against children. Transnational gang members and child predators often engage in immigration identity and benefit fraud to remain or work in the United States or to conceal their true identities. In addition, foreign-born gang members frequently ignore our immigration laws, pass through our borders undetected and travel to our nation's interior cities with the intent of joining other gang members to participate in criminal activity. ICE uses its authorities and resources on organizations and individuals who fraudulently obtain immigration benefits to further their illegal activities.

In the last decade, the United States has experienced a dramatic increase in the number and size of transnational street gangs such as Mara Salvatrucha, commonly known as MS-13, one of the most violent gangs of its kind. These gangs have significant foreign-born membership and are frequently involved in human and contraband smuggling, immigration violations and other crimes with a nexus to the border. Like many street gangs, they also have a propensity toward violence. Their members commit such crimes as robbery, extortion, assault, rape and murder.

An example of this violence occurred just a few miles from this hearing. On February 28, 2006, ICE agents working with the Fuquay-Varina, N.C., Police Department, arrested Jose Carlos Peralta-Morales, a Sureños gang member who was observed beating an individual on the head with an aluminum baseball bat in a Wal-Mart store. An investigation revealed that the suspect had been previously deported in May 2005. Further investigation revealed that Peralta-Morales

had been convicted of robbery and accessory after the fact in connection with an incident in which gang members robbed a returning Iraqi War Veteran at gunpoint upon departing a local restaurant with his girlfriend. In addition to state assault charges, Peralta-Morales is facing federal criminal prosecution for illegally re-entering the United States.

The victims of gang crime are not limited to rival gang members. Entire neighborhoods and sometimes whole communities are held hostage by and subjected to the violence of street gangs. Community members are targeted by gangs for extortion, robberies, car-jackings and home invasions. In drive-by shootings, the bullets fired by street gang members do not discriminate between a rival gang member and a sleeping infant in the same house.

Initially, Operation Community Shield targeted only MS-13 gang members. Due to its success, however, ICE expanded the program to include the investigation of all street and prison gangs. ICE has partnered with state and local law enforcement and works closely with other federal agencies such as the Bureau of Alcohol, Tobacco, Firearms and Explosives; U.S. Customs and Border Protection and the Federal Bureau of Investigation in support of this operation.

Operation Community Shield has resulted in the arrest of over 2,400 gang members. Of those arrested, 52 have been identified as leaders of gangs. More than half of those arrested have violent criminal histories with arrests and convictions for crimes such as robbery, assault, rape and murder. In North Carolina alone, ICE agents have arrested over 160 violent street gang members in the Charlotte, Raleigh and Winston-Salem metropolitan areas.

This operation is just the beginning of our efforts to defeat violent street gangs. By bringing the full range of ICE's immigration and customs authorities to the fight against violent street gangs, we can take hundreds of gang members off the streets and significantly improve community safety.

ICE's efforts to protect public safety are not limited to gang enforcement. Through Operation Predator, ICE aggressively pursues those who prey on the most vulnerable in society: our children. Operation Predator combines the efforts of three entities within ICE: the Office of Investigations, the Office of Detention and Removal Operations, and the Federal Protective Service. Initiated in July 2003, Operation Predator is currently managed and administered by the ICE Cyber Crimes Center, which coordinates enforcement efforts in the war against the exploitation of children both domestically and internationally. The program seeks to arrest and ultimately prosecute individuals who target and exploit our children.

Since heinous criminal activities that involve child exploitation are often not confined within or hindered by a country's physical borders, Operation Predator is an essential piece of ICE's strategic approach to border security and border enforcement. The advent of the borderless and anonymous Internet has created even greater opportunities and incentives for ruthless predators to profit by exploiting children. One can now transmit child pornography through foreign commerce by simply typing on a computer keyboard, with less obstruction and risk than arriving at a port of entry with child pornographic material hidden in luggage.

In addition to our efforts in combating the distribution and transfer of child pornography via the Internet, Operation Predator identifies and arrests criminal aliens that have been convicted of sex crimes against children and are subject to removal proceedings. These sex offenders pose a significant threat to our communities while they remain illegally in the United States to prey on innocent children. Operation Predator vigorously investigates all forms of child exploitation such as the smuggling of children into the country for sexual exploitation or prostitution, or the travel of U.S. citizens or lawful permanent residents to foreign countries to engage in "sex tourism" with children. These individuals often return to the United States with photographs and videos of their criminal activity.

Operation Predator has proven to be a tremendous success. Since the inception of Operation Predator, ICE has arrested over 7,600 child predators. In North Carolina, ICE agents have arrested 100 suspects as part of this operation. Of those arrested in North Carolina, 97 are non-U.S. citizens and 62 of these have since been deported from the United States. Operation Predator will continue to be a priority program for ICE.

Similar results have been achieved through the implementation of Fugitive Operations teams by ICE Detention and Removal Operations (DRO). In FY 2005, a Fugitive Operations Team was funded for the DRO office in Charlotte, North Carolina and became operational in March 2006. Another Fugitive Operations Team was funded in FY 2006 for the DRO office in Raleigh, North Carolina. ICE has announced positions for this team and is currently conducting the hiring process. We expect the Raleigh Fugitive Operations Team to be operational in October 2006. ICE Fugitive Operations teams are already having a major impact in the areas in which they have been implemented. During the week of April 3, 2006, Fugitive Operations Teams from Charlotte, Atlanta, and New York/Newark, along with the ICE Office of Investigations and local law enforcement agencies, conducted the highly successful Operation Secure Streets. As part of this operation, Fugitive Operations teams targeted 75 criminal aliens, with a particular focus on 51 aliens who have drunken driving offenses in the State of North Carolina.

Many of those apprehended by ICE as part of Operation Community Shield, Operation Predator, Operation Secure Streets, or other enforcement efforts procured their immigration status through fraudulent means. Immigration fraud exposes the United States to criminals and terrorists who gain entry into this country to carry out their criminal and dangerous agendas.

Immigration fraud generally falls into two categories: benefit fraud and identity fraud. Benefit fraud, the willful misrepresentation of a material fact(s) on a petition or application to gain an immigration benefit, is a particularly serious form of immigration fraud and, increasingly, an extremely lucrative form of organized white-collar crime. Immigration benefits confer lawful status upon an individual to be legally present in the U.S. Identity fraud, also known as document fraud, is the manufacturing, counterfeiting, alteration, sale, and or use of identity documents and other fraudulent documents to circumvent immigration laws or engage in other criminal activity.

The Identity and Benefit Fraud Unit (IBF) is the component within ICE responsible for investigating immigration fraud in all its forms. IBF's mission is to detect, deter, and disrupt

major criminal enterprises and individuals that pose a threat to national security and public safety through the perpetration of identity and benefit fraud.

The IBF maintains operational oversight of fraud related investigations in conjunction with the Benefit Fraud Units (BFUs), which are co-located at U.S Citizenship and Immigration Services (USCIS) Centers. The BFUs were created as a means of identifying and targeting the most significant and egregious immigration benefit fraud violators, such as organizations and facilitators engaged in large-scale schemes or individuals who pose a threat to national security or public safety. Working with USCIS, the BFUs support and enhance ICE investigations that involve immigration fraud. Recent IBF investigations have demonstrated that fraud cases are growing more complicated and more challenging to investigate, often involving multi-layered schemes and multiple conspirators. In an effort to combat the proliferation of large-scale identity and benefit fraud, ICE enforcement efforts focus on conducting high-impact, comprehensive investigations.

Examples of how immigration benefits can be abused by the criminal element can be found in investigations conducted by ICE here in North Carolina. For instance, ICE investigated a Charlotte, North Carolina immigration attorney who filed fraudulent applications and petitions to assist her clients in obtaining immigration benefits. The immigration attorney advised her clients, who included students from Nepal, to circumvent legal immigration procedures by arranging marriages to United States citizens. The foreign students, admitted to the United States to pursue various educational programs, were told to marry a United States citizen, often a fellow student in need of additional cash, to remain in the United States legally. Some of the foreign students had previously failed in their attempt to obtain asylum. The attorney did this without regard for her clients' intentions or criminal records. In March 2005, she pled guilty to conspiracy to defraud the United States Government and was sentenced to federal imprisonment.

Another investigation based in Charlotte, North Carolina, involved individuals who were manufacturing and selling fraudulent immigration and identity documents. Several fraudulent document laboratories were identified and the apparatus used to produce such documents was seized during the investigation, along with proceeds from the illicit operation. This investigation resulted in the arrest and conviction of several violators from Central America and Mexico on various charges related to conspiracy to violate immigration law, manufacturing of fraudulent documents, and making false statements in an effort to obtain immigration benefits for those who do not qualify.

ICE may initiate removal proceedings for those aliens who are encountered and arrested for immigration violations during Operation Community Shield or Operation Predator. The alien would be served with a Notice to Appear or other charging document that would contain information on the charges being filed against him or her. The alien would be scheduled for a removal hearing before an Immigration Judge who ultimately would determine whether or not the alien should remain in the United States. Removal hearings for North Carolina are generally conducted at the Immigration Court in Atlanta, Georgia. ICE generally detains aliens from North Carolina at county detention facilities under intergovernmental service agreements

(IGSAs); however, most aliens are transferred to detention facilities in the State of Georgia. Should ICE determine that an alien is not a flight risk or threat to the public, the alien may be released pending the immigration hearing. ICE carries out the final decision of the Immigration Court, whether that is an order of removal or a grant of discretionary relief.

While ICE is a new agency, with newly integrated authorities, our agents and officers have a long history and extensive experience. We are working diligently to leverage the best of our former agencies' expertise, cultures and techniques while building a new federal law enforcement agency that is greater and more effective than the sum of its parts. In case after case, our agents and officers are putting into practice the powerful advantages that flow from our newly merged authorities and are putting them to great use on behalf of the American people. The result is a greater contribution to our nation's border security, a critical element of our national security.

The men and women of ICE are grateful for the chance to serve the American people and, on their behalf; I thank you and your colleagues for your continued support of our ongoing operations.

I also want to thank the distinguished members of this Committee for the opportunity to speak before you today. I look forward to answering any questions you may have.

Mr. SOUDER. Thank you very much.

As Congresswoman Foxx mentioned, we are increasingly seeing the interconnection as we move to even higher percentage of crystal meth and the meth focus moves off of the mom-and-pop gangs, mom-and-pop, Nazi labs to the gang organizations and other distribution networks. It will be interesting as we start to pursue this, because we have not, as a subcommittee, done much with gangs certainly since I have been chairman. I had worked with this in my previous life to some degree, when I was a staffer for Senator and Congressman Coats.

So I want to ask a couple of preliminary questions about the gangs themselves. Is gang a term that is used up to a certain age and then it becomes a network? In other words, historically the Bloods and the Crips have been used. At what point, if they are 50 years old, are they still considered a gang? At what point do they become a narcotics distribution organization, a sex distribution organization?

Mr. JORDAN. I believe that gang could be used for older individuals as well. I lived in southern California at the time, and we encountered gang members that were 32 years of age. So a gang, the term gang is defined as a collection of individuals. I think older—I guess you could in fact call a gang a network of criminals, because in fact that is what it most likely is.

Mr. SOUDER. I know I am asking, to some degree, national questions and you, like most people in Federal agencies, have been in multiple locations, but your experience is here. If the ICE headquarters wants to add anything additional or you want to add anything additional, feel free to do so, but I am trying to get a range, because we often hear of family organizations distributing narcotics. In trying to discuss who the coyotes are and the criminal organizations that move individuals, in your office, how do you determine what is a gang, what is a drug criminal organization, what is another type of criminal organization? At what point, does a gang designation differ from your other designations of criminal organizations?

Mr. JORDAN. Well, in North Carolina, there are five top gangs in North Carolina, the top being Mara Salvatrucha, MS–13, and Surenos.

Mr. SOUDER. What I am trying to get at is would you have other drug distribution networks that you would refer to as not gangs?

Mr. JORDAN. Yes. Yes, if they are not members of this identified gang, if we have no evidence that they are in fact members of this identified gang, they are in fact drug networks. Do we have drug importation networks in North Carolina? Absolutely.

Mr. SOUDER. And sometimes they are referred to as families or whatever. At what point is it a family rather than a gang? The marks are different, there is not an initiation rite?

Mr. JORDAN. I am not familiar with those specifics, you know, determining or differentiating factors in a family. Now drug smuggling organizations, specifically Mexican drug smuggling organizations, are tight-knit networks and we have seen in North Carolina, they typically do not trust others outside their domain, their family members, their extended family, so the trust level is held within there. So we say it is within the family, that is what we define as

the family, the extended family. I am not familiar with the differentiation in terms between a family vice a gang.

Mr. SOUDER. If there was an individual who started smuggling young girls for prostitution and developed a network, would that individual—how would he become defined as a gang as opposed to somebody who was employing people on the line, being hooked together as a network?

I went through this report that showed—in other words, I understand gang symbols, gang colors, have worked with all that. What I am trying to figure out is how do we determine what the other groups are called, because gangs, generally speaking, while I think some gang members may age, I do not think—I wondered whether age is part of that or the method of distribution, they do not have a tattoo on them.

Mr. JORDAN. We call those criminal organizations vice gangs. There are those members that are in those traditionally recognized gangs, whether it be predominantly U.S. citizens or foreign-born nationals. And then there are criminal organizations, criminal networks that operate within North Carolina.

Mr. SOUDER. Where this becomes relevant for the Federal Government, as you know, the President has proposed and we have been implementing new dollars for gangs, which really is just redistributing dollars inside the Justice Department predominantly to focus on gangs. I am trying to figure out where those dollars then move from. In other words, if we say, does this lead them at the field level to people designating other organizations as gangs that previously were not called gangs. Does it mean that—what is the practical impact on the field when we say we are going to give money for gangs but not for criminal organizations? You know, how do we sort out what that actually means when they come to us? Because we know what we want to stop, we want to stop criminal behavior. And it seems to me, quite frankly, as somebody who has been involved in government for some time now, that gangs almost are a term that goes with popularity around funding streams and whether somebody wants to promote a new program.

As an oversight committee, part of our challenge before we plunge into the details of this is to figure out precisely what we are talking about. We know what certain earmarks of a gang are when it is clear cut. The question is at what point do we get to that?

Mr. JORDAN. Well, gangs, they are associated by the ritualistic—you know, they basically have the tattoos and all the sort of inner workings of this gang, so there is somewhat of a secretive society. They have the hand signals, the tattoos, all that kind of stuff. They have their own set of rules of behavior. Criminal organizations do not have that. Their commonality is just that, the criminal behavior. The commonality in gangs is their brotherhood thinking, mentality of the gang signs, of that brotherhood type organization.

Mr. SOUDER. Have you seen—do gangs tend to be more urban?

Mr. JORDAN. In North Carolina, they are urban, but they have suburban tentacles as well. They tend to do their crimes in urban environments, but it is not uncommon for them to reside in the suburban and outreaching areas.

Mr. SOUDER. And do gangs—I know the Bloods and Crips did because one of the fundamental things is they were based out of L.A.,

and then to try to break up the prison population, we thought it was a bright idea to scatter them in the midwest and other places into prisons, and then they recruited into other cities and spread the Bloods and Crips into Chicago and Kansas City and through the midwest. Do gangs tend to recruit more in the prisons and is that how some of the extension goes into the tentacles out of the urban area?

Mr. JORDAN. I do not have any direct knowledge on the recruitment procedures inside detention facilities, but outside the detention facilities, gangs fill a void that certain people are looking for, that sense of commitment, that sense of involvement, that sense of belonging. And they use that as a great resource, a great tool in their recruitment procedures. They bring them on in and now they feel welcome, now they feel attached to some organization. Basically a void that the parents do not fill. The gangs here in North Carolina use that extensively as a tool, a sense of belonging is a major recruitment tool.

Mr. SOUDER. Now M–13 is basically Salvadoran. Is it Salvadoran when it hits here or are they recruiting into the Mexican population as well?

Mr. JORDAN. MS–13 gangs, by the time it gets to North Carolina, most of them are not Central American, most of them are Mexican, of Mexican nationality. So that detachment detaches, it just becomes more of a—and we have not found any direct links from the leaders right here directly down to a Central American organization, so by the time they get it, it has been spun off so much that they are in fact, the majority of MS–13 gang members are Mexican nationals.

Mr. SOUDER. So MS–13, while they may have a national name, do you sense that they report in to a national system or are they regionally independent?

Mr. JORDAN. I do not sense that—I do not get that sense through our investigations, that they report to a national, one international leader akin to a drug smuggling or a drug lord or something. No, I do not get that sense from the folks that we encounter here in North Carolina.

Mr. SOUDER. Have you seen any Guatemalan gangs here?

Mr. JORDAN. I have some data on——

Mr. SOUDER. One of the things that happens is a lot of people call people Mexican and they are not necessarily Mexican. And I just wondered in this area, in North Carolina, whether you have much Central American or even a lot from southern Mexico, which is kind of a different population cluster.

Mr. JORDAN. Our ICE agents do a real good job of determining their nationality, their country of origin. We have the percentages here. In our gang enforcement efforts so far in North Carolina, we have arrested and identified four Guatemalans. Again, the majority being Mexican nationals.

Mr. SOUDER. And as far as border security question, even the Central Americans are coming across the border. Now when you deport someone, at San Ysidro, which is of course the main, No. 1 crossing, the last time I was there, they had just apprehended some Brazilians who were hiding in the top of the van, who, other than being tremendously disguised were not particularly subtle,

they had Brazilian shirts on and everything else, and did not seem particularly upset about being apprehended. My understanding was that in the case of OTMs, other than Mexicans, because a lot of people want to send everybody back to Mexico, but if they are not from Mexico, there is no reason that Mexico wants them either. In this case, we detailed them and my understanding is that, hopefully, up until recently we were releasing them on their own recognizance, which unless they are pretty stupid, they do not show back up again. But we started to detain more and ICE and the Department of Homeland Security has reacted to some degree with funding to the pressure on OTMs.

But if you get somebody who has a criminal violation, who is an OTM or Mexican—let us do Mexicans and OTMs, but I am going to pursue to case of Brazil—my understanding is they get shipped back to Brazil at our expense.

Mr. JORDAN. Well, first, if they are criminal aliens, first and foremost, we attempt to prosecute them to the fullest extent of the law that we can in the United States, whether it be through the Federal or State or local jurisdictions. Having none of those resources or they are not amenable to those prosecutions, they are in fact returned—they are incarcerated and they are returned to their country, their native country. Now they stay incarcerated until we get the travel documents and all the other clearances that we need to remove them, but they are in fact returned to their country.

Mr. SOUDER. OK. So given my question was so convoluted, let me break it down some. So if you detained a Mexican or OTM, other than Mexican, here in Charlotte and the crime turns out to either not be a crime other than illegal immigration or one that you cannot prosecute, you detain them?

Mr. JORDAN. It depends on if they are in fact—they are all processed, it is not we just release them. They are all processed and if they represent a public safety threat or a security threat, they are in fact detained. Others, the Mexican nationals—the OTMs are in fact detained. The Mexican nationals, if in fact they are amenable to a bond, then we do in fact set a bond for those individuals. They can stay in custody to that point until they post that bond and——

Mr. SOUDER. They do stay in custody until they post a bond?

Mr. JORDAN. Yes, until they post a bond. It is important to note that a bond is different than a bond in the criminal setting because a $5,000 bond does not mean that they can go find a bail bondsman and post the 10 percent deal. $5,000 is $5,000, they have to come up with that. So when you look at immigration bonds, they tend to be lower because it is a full thing.

Mr. SOUDER. How many of them show back up, what percent success rate do you have on the bonds?

Mr. JORDAN. I do not have the exact figures.

Mr. SOUDER. Roughly a third, half, two-thirds?

Mr. JORDAN. That show back up?

Mr. SOUDER. Yeah.

Mr. JORDAN. The figures that I have read in the past are about 10 percent that show back up.

Mr. SOUDER. There is not a big bail bondsman business here? [Laughter.]

Mr. JORDAN. To be honest with you, the family members and others gather the currency and cashier's checks and post those kind of bonds for those folks.

Mr. SOUDER. Do you have any suggestions of how that—having been in the field in multiple places, how that bond system might be made a little more tight? In other words, not letting it go through individuals, but have a responsible guarantee who you know is going to be there who you can then prosecute or if people put up money and they jump the bond, they could be prosecuted? What suggestions would you have to make it so we have a better than 10 percent show-up rate?

Mr. JORDAN. I think the bond system is not the issue, because their will is not to show up. So a bond of $20,000 vice staying in the United States, I think they in fact would sacrifice that as well. I believe that their will to remain in the United States is greater than any monetary bond that could be set. So whether it be $5,000 or $100,000, I think——

Mr. SOUDER. What about the will of the person who put up the money?

Mr. JORDAN. Well, if there was a larger bond set, then obviously less people would be able to get it.

Mr. SOUDER. But also, there is accountability, what if your person jumped bond and you posted it, you could go to jail?

Mr. JORDAN. That might be in fact—I have never really pursued that or even thought about those procedures, but that in fact could be an issue.

Mr. SOUDER. Now going back, if the person has a criminal charge that could be prosecuted, you will detain them, correct?

Mr. JORDAN. Yes.

Mr. SOUDER. And then you will prosecute them.

Mr. JORDAN. Yes.

Mr. SOUDER. And they will serve their sentence in the United States.

Mr. JORDAN. Yes.

Mr. SOUDER. Then are they deported?

Mr. JORDAN. Yes.

Mr. SOUDER. And do we have a tracking mechanism other than if we happen to catch them back again at the border? In other words, let me ask the question this way, I know from Guatemala and El Salvador, this is the complaint of Central America—Mexico is a different problem. In Guatemala, they had, and El Salvador, minimal gangs. The parents came to the United States to work, kids got involved in gangs, started selling drugs because of our drug consumption process in the United States. We put them in prison, we ship them back to Guatemala. Guatemala now has street thugs that are running many of their cities that they did not have prior to them getting their drug habits in the United States. Their police have to buy their own bullets, they have to buy their own gas, they have a very ineffective police force and increasingly in Guatemala and El Salvador, the gangs are taking over the countries, which are mainly kids who grew up in America, did not grow up in that country. They are complaining to us that it is our drug habits that have fueled the gang problem in El Salvador and Guatemala.

The question is how are we interacting with those governments? Do we provide the names to them, do we help them track? I am not proposing putting a chip in the individuals, but somehow, the fact is that there is less than a 20 percent chance we are going to catch somebody at a border crossing, let alone in between the border crossings, and deporting criminals, as you noted in your testimony, and several others are going to note, they come right back.

Mr. JORDAN. Well, when we deport them, if they are a known criminal and we believe they are going to have a propensity to continue their crime, we in fact do notify the governments that we in fact ship them to. They are involved in the process. We do not in fact just return them, we in fact involve the governments in the process of returning their citizens to them.

What we do in those particularly egregious offenders, we issue what we call a green notice through Interpol. They are in fact put on notice that those folks are coming back. So the foreign governments are involved in the process of returning them. We do not just return them clandestinely, they do get involved.

As far as tracking them when they return to the country, through our data base, our biometric data bases, we will know when they are captured again, if we capture them again, we will know even if they are using a different name. They can get a different kind of identity, different kind of identity documents even from a different country, but through our biometric systems in our data bases, we will know that in fact they are not who they purport to be, they are in fact this other individual.

Mr. SOUDER. Is this data base available to State and local law enforcement all over the country?

Mr. JORDAN. It is not at this time. Only certain law enforcement agencies have that. Under the 287(g) program that I have in the long version of my testimony, in North Carolina, the Mecklenburg County Sheriff's Department is on line for the 287(g) program. They in fact will have access to all the data that ICE agents have currently, and Border Patrol and CBP.

Mr. SOUDER. But a county police officer in a rural county in North Carolina, if they stop somebody for speeding, there will not be a popup that says this person is wanted for being a drug dealer, rapist or whatever? It does not necessarily have to say what it is, but a popup that would cause them to check it and detain this person.

Mr. JORDAN. They have, through our LESC, Law Enforcement Support Center in Vermont, they have through their NCIC terminals, their VDTs, vehicle display terminals that they have in their vehicles, they can run what we call an IAQ query. And that will in fact tell them that this individual is on record with ICE and he is a returned illegal alien, and all the information that we have. Without fingerprints and biometrics that we have in place physically, you are not 100 percent sure without the fingerprints and the photographs.

Mr. SOUDER. Right. But it is enough to detain the person.

Mr. JORDAN. Absolutely.

Mr. SOUDER. And every law enforcement official has the ability to tap into that. Whether they have the equipment to tap into it

is another question. But through RIS and local law enforcement programs, they can get into the Vermont center?

Mr. JORDAN. Yes, they can, anybody that has access to—and hopefully NCIC is 100 percent of law enforcement agencies in the United States, it will tell them that yes, this individual they have in front of them has a detainer issued on him, it will tell them he's an absconder, will tell them that he is an illegal alien and been removed previously, how many times. The data is there, and the turnaround time is a matter of minutes. It is not, you know, days, fingerprint turnaround time, it is actually in a matter of minutes. So the officer, the trooper can in fact get that information on the side of the road.

I have some figures of the increase in inquiries. It is positive to note that the North Carolina inquiries have risen substantially over the years. The number of electronic queries—and this is what we are talking about, the inquiries that officers and deputies do from the departments on the side of the road—received from officials in North Carolina increased from 2,640 in fiscal year 2004 to 2,865 in fiscal 2005 and it continues to rise as we speak. It is a tool now that is getting—I do not want to use the word popular, but more noted, people are aware of this and they in fact are using the system more frequently, to the point where we hire more staff to staff our support center in Vermont.

Mr. SOUDER. Thank you.

Ms. Foxx.

Ms. FOXX. Thank you, Mr. Jordan, and thank you for what you and your colleagues are doing, we really appreciate that.

I have a couple of questions that I want to ask, to follow along a little bit of what the chairman was saying.

What could Congress do to assist ICE and local law enforcement personnel in taking a much stronger stand on identifying not just gang members, but criminal aliens out there and be able to detain them and prosecute them, and hopefully deport them, but at least prosecute them and put them where they belong, either in jail or somewhere else? What could we do to make that tie between the local folks and you stronger?

Mr. JORDAN. Well, first of all, things like this, today's hearing, go a long way in doing that, in bringing this out in the light and letting the public know that these problems exist and that they are real and they are in our backyard.

Second, the program exists currently, it is under the INA Section 287(g) which is that program that has been implemented in Mecklenburg County, and it is available to other State law enforcement agencies, and what that does is that allows, it gives the Secretary of Homeland Security the authority to designate State and local officers as immigration officers to act on our behalf. That works most effectively in the jail settings, because when the violator is apprehended and processed into the jails, on the intake side, his alienage will be determined. So heretofore, they could guess, they could run an IAQ, that data base that we previously discussed, if he is a first time offender, he will not be in the IAQ or if he gives a false name and has bad documents, it may not match in that system. But the 287(g) program, the deputies and the troopers will have ability, access to the biometrics, so if he says his name is Joe and his real

name is Bob, we are going to know. In fact, we are going to know that he in fact has been removed 14 times, 10 times, however many times it is. In those particular cases, we will be able to prosecute him federally for re-entry after deportation. Some of the unfortunate accidents that occurred in Mecklenburg County with drunk drivers, that is how we determined that the individual actually had been removed from the United States 17 times, it was actually through those identification processes, the data base that is in our system.

That program is a very good system in place, it works best at the intake side of—in a jail facility but it actually is also working in Alabama and Florida at the trooper level, the road officers have that authority as well. They will have to move the suspected alien down to a location where they can run his fingerprints, but that program and the support for that program is immense and that really goes a long way to identify the aliens that are processed through the court system, the jails. In North Carolina, for instance, if the alien is identified as someone that we want to remove that will be removed, when they are processed through their criminal system, ICE will not remove somebody out from underneath their criminal charges. They will in fact do their time. The detainer follows them along in their criminal incarceration career, for lack of a better word, and then at the appropriate time, upon their release, ICE will be looped in again and we will in fact take them and remove them from the United States.

Ms. FOXX. I guess one of the concerns that people have is how do—we hear so much about repeat offenders and folks that, you know you have difficulty prosecuting and getting out of the country or keeping in jail, and trying to identify who those people are. Now generally, we hear that folks like that are not going to make themselves known publicly, but I have constituents who have raised the issue with me over the demonstrations that have been occurring in the last week or so as to why did we not use the opportunity for when all these folks were together in these demonstrations, many of whom we know had to be illegal—why did ICE and other Federal agencies not go into those groups of people and identify who is here illegally and arrest them. What were the reasons that we allowed those demonstrations to go on? Now obviously if people were here legally, they have the right to demonstrate. But what has happened in the last few days has incensed a lot of people because the statistics we get are that up to 80 percent of the people who are here are here illegally. So why not use that opportunity to go in and find out who is here illegally and arrest them?

Mr. JORDAN. Well, it is a matter of priorities and national security issues. We did not know and we do not know that those folks were here illegally. We had no idea, other than maybe ability to speak Spanish and have Latino surnames, there is nothing to indicate to us that they are in fact here illegally.

Second, the volume, the masses of people, you know, the officers' safety. I discussed this with Chief Daryl Stevens of CMPD and his opinion was the same, that you do not want to venture forth with a limited number of folks into a setting like that, because the propensity toward the violence toward officers is great.

Our priorities are national security issues, critical infrastructure protection first. So when we encounter aliens that are in a position to cause us harm through working like in a nuclear power plant or any kind of infrastructure, water treatment plants, things like that, military installations, as such is multiple cases here in North Carolina, that is who we identify first and foremost. So it was a matter of priorities and the safety of the individuals as well.

Ms. FOXX. One more question along this line. You were talking about this Section 287(g) program and the folks in Charlotte, and I know a little bit about that from having worked with Congresswoman Myrick about trying to increase the ability of the Charlotte-Mecklenburg folks to apprehend people. Do we have the capability now, for example, in Winston-Salem, if the sheriff and the police here wanted to gain the right or the ability to apprehend illegals here in this area—what would be involved in doing that and is ICE actively promoting extending your ability to do your work through the use of local law enforcement, or are we just depending on hiring more people at the Federal level?

Mr. JORDAN. The process—that is a two part question. The process of applying for the 287(g) program is an application process, so that sheriffs, chiefs of police, they can contact me or the Special Agent-in-Charge in Atlanta, but most often prefer to contact me at the North Carolina office. In fact, Kill Devil Hill's chief of police has contacted me regarding this program. And likewise, Gaston County. And the process is that they are sent, the chief or the sheriff is sent an application and there are certain questions that are asked of them regarding their ability to support the program and then there are other questions that I have to answer on the local level—do we have agents to support the program, and then detention or removal operations, they have questions as well, can they support the program, meaning the increased workload. So that is all bundled up and then sent to Washington.

Based upon the parameters and the answers that are in there, if the approval is granted by the Assistant Secretary of Immigration and Customs Enforcement, then we craft a memorandum of understanding, and that will delineate to everybody involved who is responsible for what. And once that is crafted and signed by all parties involved, then the training occurs. And the training is very intensive, it is the exact same training that ICE agents get on all aspects of our enforcement procedure regarding determining alienage, their rights, responsibilities, sensitivity, issues like that.

So that is a program that individual sheriffs and chiefs can apply and it is an informal application. They just call me and I e-mail them the documents and then we start it from there.

And the second part of the question, I kind of forgot, but I think it was do we have the staff to support that. I go back to my previous response of it works best in a jail environment, in a jail setting, because, for instance, Alamance County, should they be involved in this program, or Forsyth County, and they have a contract with us; once the alien is in the system there and processed and he has done his or her time and it is time to go, they call us, they have determined that he is in fact an illegal alien and is removable. He does not really go anywhere, the billing for his bed

moves over to ICE and then detention and removal, in their loop, swings around and picks him up and begins the removal process.

So it is a way to increase enforcement, State and local officers, that is where the rubber meets the road, everybody comes funneled through there. That probably is the best place to determine alienage is at the initial intake of the folks coming into the process. The fear is that we go out or that it would create—I know the fear is because it has been expressed to me multiple times by chiefs and sheriffs, is that the fear in the community is that it will stifle the crime reporting process by the illegals. But the response to that, and the sheriffs and the chiefs that have that fear should not have that fear because what we put out is that—and it is the case—is that you are not going to be processed if you are not already being arrested for some other crime. A reporting party to a crime does not get arrested and processed to the jail. So that fear is mislaid, it is not really appropriate. But that is actually where the rubber meets the road, is in this program, and all the aliens that process through the particular county jail can be identified. And that is really the name of the game these days, is security and knowing who is here and identifying those people that are here.

Ms. FOXX. One more comment, Mr. Chairman.

So we could effectively expand the ability to find these people and keep them in prison if we had more local law enforcement people who were trained under this program. And that would increase what—would allow you all to work more on the national security issues perhaps and let us work more on gang issues, sexual predators and maybe more common law issues, where the health and safety of local citizens is involved and allow you all to work on the national security issues. Would that be safe to say?

Mr. JORDAN. Yes, ma'am. And as well, it allows everyone to identify everyone that has come in contact with law enforcement, so we would in fact know who they are here and if they have not been in contact with us and they are in fact illegal, at least we would establish a base line, I call it a base identity. The first time contact, his name and data or her name and data gets put into the system. So we would have in fact a base line to identify everyone that is here illegally that has come through the criminal justice system in some fashion.

The caveat is only those that are processed through the intake side of the jails.

Ms. FOXX. Thank you very much.

Mr. SOUDER. I had a really unusual story I wanted to blend in with—the difficulty of what we are facing here is that last fall we were having weekly meetings trying to figure out how to work on an immigration bill and coming to basically very little progress at that point, but back in my hometown, I talked to an individual who was very upset. They had several small children, they were trying to make their house payments but her husband had just been deported through DHS and she wondered how to get him back and what procedures to go through. And finally I got frustrated and I said well, you know, he can just walk across the border, it is not like he is likely to get caught, and she said well, he does that all the time, but the speculation is that you guys in Congress are going to pass an amendment that says if they get caught a second

time after deportation, they are not going to be eligible for the work permits or the citizenship track. So he is waiting down in Mexico to see what you guys do. Which was interesting because the community was about 9 months ahead of what we were doing, trying to adjust their behavior. By the way, it is a pretty good amendment and if people are getting deported right now, they best not come back in, because we are likely to put something like that in. But it shows the difficulty of this because we are sitting here trying to figure out how to implement it and do it and those who are actually coming for jobs, have extended families, have often been here for many years, have houses, all sorts of things, are calculating based on what we are saying here today and how we are working and it is an interesting process.

I had a couple of technical questions on government structure. The FBI has been tasked to do gangs work in particular. How do you inter-relate with them? Do you deal only with gangs that are illegal, and if they are working with a gang and run into somebody illegal, how does ICE coordinate with FBI?

Mr. JORDAN. We coordinate almost—well in North Carolina on a daily basis with that. We vet our targets, they vet their targets. We work collectively on Operation Community Shield, we work very well with them. We just do not discriminate gangs, foreign-born gangs because gangs also are comprised—gangs comprised of U.S. citizens also commit crimes that ICE has the authorities and the abilities to investigate—drug smuggling, money laundering, things like that. So we work hand in hand with the FBI in that process and that really is a very good process, we work together very well. Again, their philosophy is our philosophy, we will prosecute them to fullest extent of the law for Federal violations. Should they not be amenable to those, then ICE uses in our tool kit our removal process. So it is not against the law to be a member of a gang.

Mr. SOUDER. So there is a gang working in North Carolina that is doing drug smuggling and includes both citizens and non-citizens?

Mr. JORDAN. Yes.

Mr. SOUDER. Is it DEA, you or FBI, and how do you do that?

Mr. JORDAN. All three.

Mr. SOUDER. Does one of you take the lead? Whoever starts the case?

Mr. JORDAN. The lead is basically determined by lots of factors, who has the initial information, who has the best informants, who has the best case, but we all pitch in and play as equal partners. In the Federal level, there are no second chairs, everybody has an equal chair at the table. And here in North Carolina, I am very proud to say that everybody gets along very well. John Emerson and Kevin Kendrick both are not only professional friends, but personal friends of mine as well. We get along very well and the agents work together very well as well as with the State and locals.

Mr. SOUDER. You said this could be daily, is it instantaneous? For example, you would not take somebody down without checking with the other agencies; when you are doing controlled deliveries, you are working with the other agencies so you do not wind up tripping over each other?

Mr. JORDAN. Yes. In controlled deliveries, we have a vetting process that takes place, so when we do controlled deliveries, we are in constant contact with, for instance on drugs, controlled deliveries, DEA. In fact, our process has involved that we have to formalize that contact and that vetting process, so that we do not cross paths. First and foremost is officer safety. We do not want to be going out there setting up on something that they are setting up on and that, first and foremost, is our primary concern. Second, we do not want to cross paths and step into the middle of something they are doing; likewise, they do not want to do that with us, to ruin the investigation and long-term effects.

We are not after the street level folks. The best way to destroy an organization is two mechanisms—one, take off the agency leadership and, two, take off their financial funding mechanisms, which is the asset seizures and forfeitures. You cutoff the way that they get the money, because every crime, absent of a few, the real reason they commit it is for money, for financial gain. So ICE has learned a long time ago that on the Customs side, and that is what we brought to the table, is that is how you dismantle an organization, is cutoff their financial backbone. So we collectively work together like that and it works very well.

Mr. SOUDER. So you are doing deconfliction too with Treasury, with Secret Service and with local law enforcement?

Mr. JORDAN. Absolutely. On our counterfeit document side, our Operation Doc that we have out there in the western part of North Carolina, we do the same as well. They are partners in the program and we do those deconfliction processes as well.

Mr. SOUDER. Do you have any further questions?

Ms. FOXX. No.

Mr. SOUDER. Well, thank you very much for your testimony. We may have some additional written questions as well to fill this out a little bit. Thank you very much.

Is everybody from the second panel also at the microphones? The second panel is State Representative Dale Folwell; Thomas Keith, district attorney, 21st Judicial District; Debra Conrad-Shrader, vice-chair, Forsyth County Board of Commissioners; and Brandon Holland, Forsyth County director, Zero Armed Perpetrators [ZAP] Program.

If each of you would stand and raise your right hand so I can swear in each of the witnesses.

[Witnesses sworn.]

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

We thank you for your testimony today and being willing to participate. And we are going to start with Representative Folwell.

STATEMENTS OF DALE FOLWELL, A STATE REPRESENTATIVE, STATE OF NORTH CAROLINA; THOMAS J. KEITH, DISTRICT ATTORNEY, 21ST PROSECUTORIAL DISTRICT, NORTH CAROLINA; DEBRA CONRAD-SHRADER, VICE-CHAIR, FORSYTH BOUNTY BOARD OF COMMISSIONERS; AND BRANDON HOLLAND, FORSYTH COUNTY DIRECTOR, ZERO ARMED PERPETRATORS [ZAP] PROGRAM

STATEMENT OF DALE FOLWELL

Mr. FOLWELL. Thank you, Mr. Chairman.

You have often heard the term that some people cannot see the forest for the trees and I am sort of a tree person, so a lot of the information you are going to get from me today has to do with what we deal with not only on the State level, but in some respects through our public education system.

Illegal immigration is the biggest unfunded mandate that we face at the State level. And it is having a very big effect on obviously our public health, public safety and public education systems. We are facing crises in North Carolina in all those three areas. You used the term earlier "steroids," illegal immigration introduces steroids to that crisis that we face in those three areas.

I would say that North Carolina is somewhat unique in that we are trying to drive down the cost of living and doing business in this State, but yet we are facing a trade war, we are facing a crisis in literacy and now we are facing a war with the illegal immigrants. You have often heard all the information regarding how it is affecting our public health systems. Let me see if I can educate you a little bit about how it is affecting our local school system.

Our local superintendent—this is spring break week for public schools, and he regrets not being able to be here today, but I was able to speak with him. In his tenure, which is I guess about 11 years, we have gone from 3 ESL centers in Forsyth County to 43. ESL is English as a Second Language. From 3 three to 43. I do not even like the term "English as a Second Language" because the statute in North Carolina says that English is the official language in North Carolina. Why do we need to even have an ESL mnemonic?

Second, and this is a staggering figure, Mr. Chairman—from 1994 to 2006, which is 12 years, our Hispanic population has gone from less than 1 percent to 15 percent in that period of time. It is dramatic enough except for the fact that we are the 124th largest school system in the United States, with almost 50,000 people.

I want to be very clear in pointing out something, I am not one who always looks at people who are Hispanic as being illegal. I do not always consider people who do not speak English as being illegal, but we do know there is a high correlation between those two things.

This is also affecting our community college system and our public university system to some degree. It is estimated that over 35 percent of the people taking non-accredited courses in our community college system are here illegally. They pay—we are supposed to be charging those folks an out-of-State tuition, but they stay the in-State, non-accredited rate.

The other thing that I wanted to add is that illegal immigration has also introduced something that is going to be very hard for North Carolina to overcome, and that is our underground economy. If you were to speak to our Secretary of Revenue in North Carolina, he would tell you that our underground economy—that is, the folks that are not paying taxes on the business transactions in the State—is another one of the most epidemic problems facing North Carolina.

The other effect it is having is on wages. There was a report done recently called "Falling Jobs and Falling Wages," and it talks about the living wages of North Carolinians. The effects of illegal immigration are having a depressing effect on the wages of this State, especially those at the lower end of our economic scale, which is forcing more people out of work and more people onto the social welfare systems of our State.

I want to make a couple of editorial comments if I may, Mr. Chairman. I really thought long and hard about what is different about this group of immigrants versus the immigrants that came in in the 20th century. And what I have come to realize is that what is very different about this is that the group of immigrants that came into this country in the 20th century were evangelical about bonding and assimilating into this society. And I think that is what is very different about the group of immigrants that we have in North Carolina today, especially the illegal immigrants.

I think it is very important that we understand that this issue affects us from the brain, from the heart, from the stomach and from the pocketbook. And from the pocketbook standpoint, illegal immigration introduces cheap labor into our State. And cheap labor benefits few, but the rest of the taxpayers in this State are paying for the effects of illegal immigration.

I think it is important and I think with your help we can do this, and Congresswoman Foxx has obviously set the tone on this. We have to set the tone, set the strategy and set the goals for how we are going to deal with illegal immigration in North Carolina, both at the State level, the local level and how you can help us at the Federal level.

I think that North Carolinians are ready for an answer on this problem and I think some of the answers that you might be able to help us with locally that can help our problem are; No. 1, I believe that we need to cut funding to Mexico as it relates to the amount of money that is being wired out of North Carolina and the other 49 States in this country from all the wire transfer agencies in this State and likewise throughout the country. It is estimated that over $50 billion a year is being wired out of the United States to Mexico and that funding should be offset toward the amount of foreign aid that we give to that country.

Second and most importantly, we need a deportation center in Winston-Salem. Across the street you have a jail, which your ICE agents would probably certify is one of the best values on the East Coast. And we have room in that jail that we could rent space out for a deportation center. We have an airport that is 3 miles from where we are sitting which could greatly utilize air traffic. After we deport people, instead of going out and paying for people to get on private air carriers in some cases, actually have airplanes going out

of Smith-Reynolds Airport to the countries of origin where these people need to be deported to. That would drive more revenue and better utilize assets that the State taxpayers, the local taxpayers and the Federal taxpayers have already purchased. That is why we need a deportation center in this area.

Third, I think we need to empower local law enforcement to start detaining illegal immigrants in this area. As you know, North Carolina—and I want to say this very clearly—is the fastest growing State in the United States. Our growth rate has now exceeded the California growth rate—California, New Mexico, Texas, Arizona and Florida, in terms of our growth rate of illegal immigrants.

The other three things that I would like to add is that I would like for you to support any Federal legislation that comes through Washington that would say that in order for any child born in the United States to have citizenship status, that they have to have at least one parent who is a legal resident of the United States. That would help us dramatically.

I think that when you start looking at the issue of business and how this affects business, I think you also have to look at not only business, but also other employers of illegal immigrants. I think that you also need to look at the non-profits, who may or may not be employing illegal immigrants, and I think you also need to look at the government, whether it be the Federal, State or local government, who, through coincidence or whatever, may be employing illegal immigrants also.

I will close by saying this, Mr. Chairman, that in my study of economic history over the last—I have not studied it for 200 or 300 years, but I have looked at economic history for the last 200 or 300 years, there are two things that countries really never can survive—a devaluation of its language or a devaluation of its currency. And I would ask you to help us as North Carolinians and as citizens of this community, to help us deal with this problem.

I will be glad to answer any questions you might have.

Oh, may I add one more thing?

Mr. SOUDER. Yes, sir.

Mr. FOLWELL. On the public education system, one thing that I want to add is that we do have double standards, and some of these double standards that we have relate to some of the policies that are put on us by the Federal Government. For example, if a child who is here illegally wants to enter our public school system, all they have to do is produce a Bible with the child's name and date of birth written on the front page. Where a lot of other people, in order to get people in the public school system have to produce a raised-seal birth certificate and immunization records. That is basically unfair and that is a double standard. North Carolinians are very forgiving, but we do not really tolerate double standards very well.

Second, there is all kinds of anecdotal information about the effect that illegal immigration is having on our public education system. Our public education system is—we are maxing out, we are getting in violation of building codes because of the amount of mobile classrooms that we are having to put onsites in order to deal with this problem.

Another piece of anecdotal information is that most everything that comes out of our public school system has to come out on two sheets of paper bilingually, another cost.

And last, our son is in middle school and all the glossary and all the terminology of this textbook has to be done bilingually also. This textbook weighs 8 pounds. You have all heard reports, I see some young folks in the room who have had kids in public schools who the kids themselves weigh 75 pounds and they are carrying 50 pounds worth of book bag every day to school. I know that is not a big deal to a lot of people, but I know that the price of this textbook had to be increased in order for the answers to be produced bilingually.

So with that, I want to once again thank you for coming and listening to our concerns and I hope that I can answer any questions that you might have.

Mr. SOUDER. Thank you.

Our next scheduled witness is Mr. Thomas Keith, district attorney, 21st Judicial District. Thank you very much.

STATEMENT OF THOMAS J. KEITH

Mr. KEITH. Mr. Chairman, thank you.

I am the guy that does 98 percent of the cases that go through the court system. We send about 2 percent across the street here to the Federal Government. I am the district attorney of Forsyth County, 320,000 people with Winston-Salem as the center.

I will not paint the somewhat rosy picture that I heard from Mr. Jordan, the ICE agent. I will tell you that what is going on here as well as what is happening on the street. As recently as two nights ago, I rode with an interdiction team looking for license plates, headlights out, what-have-you, 10 at night. We stopped a car for having no tag, it was from Arizona. Open up the door, there are nine non-English speaking Hispanics crammed into the car, probably a phony registration rented to a third party. Obviously proceros being brought in from across the border into western Forsyth County.

What did we do about it? We did nothing because we do not have the ability to do anything about that. We have no jail beds to put felons, more or less people who are just passing through who have made illegal entry into the country.

We have three of the hardest working ICE agents for 24 counties, the middle district of North Carolina, that probably spend 75 percent of their time on my cases because they are right across the street. I meet with them weekly in our ZAP review, which is our gun program. And we watch the increasing number of illegal immigrants with weapons, up to 24–25 percent of the cases we review now are all by Hispanics.

We do not know who these people are, we have no jail beds here for ICE and if you want to open up the 10th floor, then Ms. Shrader, Conrad-Shrader, will tell us what a floor of the jail will cost. Remember, to have one 24-hour a day, 7 day a week law enforcement personnel takes over five people. So if you want to staff the jail 24/7 365 days a year, it is very expensive. The prison construction cost now in North Carolina is $79,000 a bed. The general rule of prisons is it costs about a third that much per year to run

it. The current Department of Corrections [DOC] cost is $22,500 a year.

We do not have anywhere to put people, in State prison, in our local facility. We can hardly get prison people now to work in a Forsyth County Detention Center. It does not pay that well, it is risky, it is an open facility, as is this room, they are not locked up in individual cells. ICE, their local people, their biggest cry here is for a local facility, they need some place to put people just for the people that I want them to try, let alone the people that are buzzing down Interstate 40 at 10 at night.

Let me get back to my notes, you have my revised remarks. I will quickly go through what we feel the problems are here.

The gangs are about 57 percent Hispanic based on Winston-Salem Police Department statistics. The DEA and the National Intelligence Center have produced monographs referred to in the first page of my remarks where they say "Mexican criminal groups are the primary transporters of powdered cocaine." "Mexican criminal groups are the dominant wholesale distributors of marijuana." And "most of the methamphetamine available in North Carolina is produced in Mexico" and of course, transferred here.

As late as March 2006, National Drug Threat Assessment continues with that vein. So most of this stuff is coming in from across the border.

The presence of gangs here has grown since probably 1995 when I got interested in this. We are seeing consolidation, some of the smaller gangs are being subsumed. There is leadership, centralization now, there are people coming in from California into North Carolina. We are not at the California gang stage, but we can see, the leaders here can see the next stage. Probably after the centralization, you will have entry into the retail drug market.

The last time I had a shakeup in my retail drug market was in the early 1990's when we took out a lot of local drug retailers. Their void was filled by Jamaicans, Dominicans and others. We had 44 murders that year. Winston-Salem had the 17th highest crime rate in the United States. And after 10 years, the sheriff and I, the chief, have driven it down and we are the lowest crime rate of any of the major cities in this State. We dropped to 79th.

Now I look out on the horizon and I see this consolidation of gangs and the specter of methamphetamine coming. I went to California, got trained by DEA for a week out there on methamphetamine labs, learned that it has now replaced in California crack cocaine, which used to be a tremendously addictive drug. We have a drug treatment court here, I can get about 60 percent of the people off of cocaine in the year and the success rate is about 7 percent in methamphetamine in California. So I have this coming here. The National DA's conference I go to every year, a girl from Guam, a lady from Hawaii, California—what is your biggest problem—methamphetamine. And again, it affects the crime rate.

The national rate of incarceration from 1920 to 1980 was about a flat 110 per 100,000; cocaine hit, powdered cocaine hit, by 1986 it was up to 425 per 100,000. It is now 725 per 100,000 with crack cocaine. What is meth going to do to the cost at the county jail over there, where we are using a tremendous amount of our resources? What is the cost to the State prison system? As it has grown, the

prison system in this State has increased its share of the budget pie by 17 percent in the last 20 years and the education piece of the pie has gone down 17 percent. So we are putting people in jail at $22,500 a year and it is coming straight out of the school system.

The increase of these gangs will bring nothing but more drugs. You cannot say drugs without saying gangs, without saying Hispanic aliens. That is what the DEA and the National Drug Intelligence Center monographs will tell you.

Here, in a small southern, mid-size town, we have seen in a chart that I prepared, you have a copy of it, in drug trafficking, which is a State crime, from 1998, Hispanics, according to the Department of Corrections, who keep their records by ethnicity, so that would be Hispanic/Latino, they go, in 1998, they suddenly appear as seven people from Forsyth County going to prison for drug trafficking, until 2005, we are now over half of the drug traffickers that I send to prison are Hispanic. The prison itself, the North Carolina Department of Corrections, which has a very low Hispanic population, they are under-represented in the State Department of Corrections; in the area of drug trafficking, they have 33 percent of the entries this year.

The value, the amount of drugs coming into this community, again a fairly mid-size southern area, according to the Sheriff's Department statistics in 2003, for the last 6 months, they picked up about $950,000 in value of drugs, $350,000 cash. The next year, it was $9.3 million, a tenfold increase in drugs and $432,000 in cash. 2005, it has gone up to $40 million in street level of drugs and $962,000 in cash was confiscated.

The Winston-Salem Police Department, much larger jurisdiction—2003, $762,000 worth of drugs, $136,000 in cash was confiscated. The next year it goes up ten-fold, $8.6 million and $242,000 in cash. 2005, drops down a little bit because the big Texas case is not included, to a mere $5.2 million and $485,000 in confiscated cash.

The purity of the drugs has gone way up. I have some photographs. Unfortunately I guess if I introduce them, I cannot get them back and we do not have the budget to make these copies at $10 each. I can show them to you at some other time, but we just cannot make copies and hand them in.

There are firewalls of cars where kilos as brought in, they are in the driveshafts, they are in the air cleaner, they are in the frame of the car, they are ingenious in how these groups bring the drugs in.

The price of drugs is driven down. I have practiced law here 35 years. In the Federal courts in the 1980's, I represented a lot of people in drug cases and in getting prepared for the hearing today, I was amazed at the purity of cocaine, which is way up there, almost pure stuff on the street. It used to be 5, 10, 15 percent because everybody would step on it; that is, you would cut it. You would bring it in from California where they cut it two-to-one, I would get it here in Winston-Salem, cut it two-to-one, it is down to 25 percent pure. The stuff on the street is outrageously pure, because there is so much of it. The price is down. The police I talk to, it used to be I ran a grand jury here for about 5 years in the

early 1990's, investigative grand jury, parallel grand jury with the U.S. Attorney's Office, and it was really tough to find drugs. We have officers here that are sitting out with a pair of field glasses looking at a motel and watch 41 kilos being unloaded from a car in broad daylight at 11 a.m. A local policeman can just drive down the street and walk up to some person on the street and say where can I get some weed, marijuana. Well, go see this guy, they go there and they pull out several hundred pounds of marijuana, no wire tap, no Title 3, no surveillance, just walk out there. It is everywhere and not hard to get.

Language barrier here, we have a couple of officers who speak Spanish—maybe three or four. One of the difficulties is if I send Ms. Holland in, who does not speak Spanish, but if she did, if she was one of my Spanish agents and I have a wire on her, they tell me that they do not have anybody who is Spanish who can listen to the other end of the wire. So we have to have a key word if they get in trouble to tell the officers who do not speak Spanish, hey, come in here, I am in trouble. We do not have translators in court. If I have a murder case and I have to try five Hispanic people for drug trafficking, I have to have an interpreter for every one of them. It is costing the State an enormous amount of money. It slows my trials down two or three times, and we are the 48th worst funded court system in the United States. And I am the third worst staffed prosecutor's office in the State. We are doing all we can.

And then here comes the third wave. We need some help. We need resources. Every time I go and speak to a public group, I say who wants me to get tougher on crime. Every Kiwanis, every Moose, every Elk hand goes up. And then I ask them who wants to pay for it. And there is palsy in the left arm. [Laughter.]

We need a lot of help. We need, according to law enforcement, probably do away with the three strikes for businessmen before they are incarcerated. Evidently there is a rule that says that you can go out there twice and we will warn you and we will fine you if you are hiring illegal aliens. They ought to be at risk of going to jail the first time. That would do more good than probably anything. We need more U.S. attorneys, they cannot take all the cases I send them. ICE cannot take all the cases I send them. We do not have enough prosecutors. If I get a good prosecutor, the feds steal them. Give us a supplement so I can keep my people. Probably four or five people in the Middle District came from my office, they certainly pay better and the work is about a fraction of what you have to do in State court.

Probably the two key things is you either close your borders to drugs or you put massive amounts of resources into the State and Federal criminal justice system.

Mr. SOUDER. Thank you for that optimistic forecast. [Laughter.]

The next witness is Ms. Debra Conrad-Shrader.

[The prepared statement of Mr. Keith follows:]

Revised Remarks of Thomas J. Keith, District Attorney
21st Prosecutorial District (Forsyth County) NC
Submitted to
The Government Reform Committee's Subcommittee on
Criminal Justice, Drug Policy and Human Resources
Hearing Held in Winston-Salem, NC
On April 12, 2006

Re: "Gangs, Fraud and Sexual Predators: Struggling with the Consequences of Illegal Immigration"

"It is difficult to look at illegal drugs without looking at criminal gangs without looking at illegal aliens" – anonymous federal law enforcement analyst

Introduction: Status of Gangs in Forsyth County, NC

The April 2003 report by the National Intelligence Center and the Drug Enforcement Administration (DEA) entitled "NC Drug Threat Assessment" found:

> "Mexican criminal groups are the primary transporters of powdered cocaine into and through North Carolina...
>
> ***
>
> Mexican criminal groups, the dominant wholesale distributors of marijuana in the state [NC] transport *multi-ton* shipments of Mexico-produced marijuana into North Carolina in tractor trailers…
>
> ***
>
> Most of the Methamphetamine available in North Carolina is produced in Mexico, California and Southwestern states…"

The 2006 "National Drug Threat Assessment" report by the DEA continued the Mexican drug connection:

> "Mexican drug trafficking organizations and criminal groups are the most influential drug traffickers in the US and their influence is increasing. They are the predominant smugglers, transporters, and wholesale distributors of cocaine, marijuana and methamphetamine and Mexico-produced heroin in the US;"

This assessment is also true for most of Forsyth County's cocaine, marijuana and methamphetamine in the opinion of local law enforcement.

The onrush of Hispanic migration in the decade of the 1990's increased North Carolina's Hispanic population by 831%. It has grown at 37% a year since 2000. Hispanics were 6.4% of Forsyth County's population of 320,919 in 2000.

Locally, as recently as March 17, 2006, there were 86 validated gang members in the county. About 57% were Hispanic, 42% of gang members were between the ages of 18 and 23 and 96% were male.

Anecdotally, it is estimated by local law enforcement that for each validated gang member, there would be 8 to 10 others that are not yet validated, having not been brought to the attention of law enforcement to the point where they could be identified.

The District Attorney's Office is familiar with scores of major incidences of serious crime involving gang members including: a drive by accidental shooting of a 6 year old child by a rival gang; a retaliatory gang shooting that accidentally paralyzed an innocent neighbor; a motor vehicle homicide committed by one gang member on another gang member; a shooting at deputies trying to make an arrest arising out of another shooting at a bar; and intimidation of witnesses of another gang shooting.

Local Hispanic gangs identified were 18th Street, Cuaji 13, Latin Kings, Los Crooks, MS-13, Rubia 18, Sur 13, Vatos Locos, Villanos 13. Other white and black gangs identified were Aryan Nation, Bloods, Crips, The Fam, Folk Nation, Hell's Angels and others.

Local law enforcement have developed information sharing groups such as MAGNET (Multi-Agency Gang Network), where the Sheriff's School Resource Officers and members of the District Attorney's Office, Winston-Salem Police Department (WSPD), Kernersville Police Department (KPD) and Forsyth County Sheriff's Office (FCSO) meet with other officials including the FBI to identify and validate local gang members.

The SBI has plans to install a statewide database GANGNET this summer, but until then, the 3 local agencies enter gang data into a common database.

There are no gang enhancement statutes in North Carolina. Although HB 50 "The Street Gang Protect Act" passed the NC House last year, its fiscal note of $130 million for prison construction and $36 million a year for recurring costs have prevented its passage in the NC Senate.

The Forsyth County District Attorney's Office has begun to identify gang members for enhanced state prosecution at its ZAP (Zero Armed Perpetrators) weekly meetings. At ZAP meetings, state and federal prosecutors and law enforcement identify illegal gun violators for enhanced prosecutions. Since its inception in July 2000 until spring 2005, ZAP has reviewed over 4,200 offenders in which a gun was used or threatened to be used, including all misdemeanors and felonies. The number of Hispanic names has grown rapidly on the monthly ZAP docket.

A study by Winston-Salem State University (WSSU) determined that 11.2 % of the ZAP cases from its inception in 2000 until the spring of 2005 were committed by Hispanics although they were only 6.4% of Forsyth's reported population.

A review of 4 summer months of ZAP dockets in 2001 showed that 14.8% of the illegal gun cases presented were offenders bearing Hispanic surnames. By 2006, 28.7% of the ZAP cases belonged to persons with Hispanic surnames. However, it should be noted that it is a federal violation for an illegal alien to possess a firearm. The Hispanic population in NC for the year 2000 represented 4.7% of all North Carolinians. They were under represented in the NC Department of Corrections since only 1,070 Hispanics entered prison in 2005 out of a total of 26,603 admissions, or 4.0% of the prison entries that year. However, 764 of the prison entries for 2005 were for drug trafficking; of those 252 were Hispanic or 33%, which reflects an over representation in the category of drug trafficking convictions by 700%.

I. Who Brings Dope In?

1. Narcotics Officers from Forsyth's 4 major local agencies feel 90 – 98% of all drugs on the street go back to Hispanic importers; most were illegal aliens
2. Out of state Hispanic Gangs are behind most of the illegal drugs that are brought into Forsyth County; local gangs here are re-forming into more organized groups who will then bring more drugs into the county in the future.

II. What Amount of Drugs?

1. The WSPD's *number* of arrests for narcotics increased from 1,392 in 2001 to 1,506 in 2005; misdemeanor arrests increased from 3,122 to 3,516 in 2005. The WSPD is asking for an increase in its budget for 20 new officer positions to create a "street crimes" unit to deal with the increase of drugs, gangs and the crime resulting from both. That is about $1 million a year budget increase.
2. Winston-Salem is also a trans-shipping point for out of state drug traffickers. The *amount* of drugs has increased way out of proportion to the number of arrests; based on the narcotics arrests of the Sheriff's Office's and its highway interdiction team (ACE), the following has occurred:
   (a) 2003 seizures: (6 months only) 4802.2 grams of cocaine, 15 grams of heroin, 155 lbs of marijuana, and other drugs valued at $950,515; plus $350,347 in currency.
   (b) 2004 seizures: 48,164 grams of cocaine, 265.9 grams of crack, 41 grams of heroin, 185.6 lbs of marijuana, and other drugs valued at $9,300,483.50; plus $432,102.87 in currency.
   (c) 2005 seizures: 172,687.2 grams of cocaine, 799.1 grams of crack, 149.7 grams of heroin, 2,600 lbs of marijuana, 441 marijuana plants, and other drugs valued at $40,561,831.50; plus $962,118.66 in currency.
3. Week of March 27th $90,000 seized – no dope – FCSO
4. Week of March 27th 200 lbs of Marijuana and $80,000 cash and guns seized – WSPD
5. Feb '05 $252,000 and couple of kilos of cocaine seized
6. Few years ago, WSPD seized 128 kilos with trademark on each kilo

7. Routine traffic stop by WSPD, seized 41 kilos without any surveillance, prior investigation, prior information or "hot tip"
8. Week of March 27th follow hotel surveillant to Surry County – seized 6 ½ lbs "Ice" – crystal meth – joint effort between multiple agencies
9. One can buy dope from anyone; WSPD asked a random person off the street where to buy drugs and followed lead to 200 lbs of Marijuana
10. WSPD seized 9 Marijuana bales weighing 8 to 15 lbs each bale; each bale was numbered; highest number on bale seized was 316; remaining bales already delivered elsewhere on route
11. A lot more heroin on street
12. Three Forsyth County ADAs have 6.35 trafficking cases a week of court; 31% of all Forsyth's felony cases are for drug violations. Forsyth sent 80 drug traffickers to prison in last 12 months and 208 non-drug traffickers. That is 9.9% of the entire state's DOC trafficking admissions but only 3.9% of non-trafficking admission. Forsyth County has only 3.7% of the state's population.

III. How Does It Get Here?

1. Bus, carried by "mules"
2. Car – secret compartments
   One truck stopped by the Sheriff; when stopped 340 lbs of marijuana plus $60,614 in currency were seized; had false compartment in ceiling; hauled cabbage from Mexico to points in US; according to EPIC records, the trailer had been stopped by law enforcement 34 times and had made over 100 trips across the border to the US
3. Airport – Smith Reynolds Airport has no law enforcement security due to its lack of commercial flights; lowest level for security purposes
   (a) No flight plan is necessary for non-commercial flights
   (b) Impossible for local law enforcement to meet incoming flights; get in your plane and bring anything you want to Winston-Salem without risk of law enforcement inspection
   (c) TSA rules intimidate local law enforcement from acting for fear of being fined by TSA

IV. How Does Cash Get Back Out?

1. Wire transfers: 4 or 5 wire transfer companies mostly used by Hispanic customers operate in Forsyth County other than Western Union
2. Need method to monitor companies; suggest:
   (a) Lower level for CTR reporting if by wire
   (b) Require photo ID and thumbprint of sender of large amounts of cash
   (c) Require electronic internet notice to Police of large amounts transferred

V. What Help Can Federal Authorities Provide for Federal Cases?

1. More prosecutor positions for US Attorneys Office to be assigned exclusively to drug cases
2. More positions for ATF agents: 9 handle 24 NC counties

3. More positions for DEA agents: 7 handle 24 NC counties
4. More positions for ICE agents: 3 handle 24 NC counties
5. More positions for US Marshals: 17 handle 24 NC counties
6. More positions for US District Court Judges, Clerks, Court Reporters, etc.
7. More courtrooms
8. More prison beds

VI. What Help Can Federal Authorities Provide to Local Officers and Prosecutors?

1. Provide funds to pay moving expense and any wage differential supplement for Spanish speaking law enforcement officers from Texas, New Mexico, Arizona and Florida to come to Forsyth County to work in law enforcement
2. Federal legislation allowing properly licensed Spanish speaking prosecutors to move to NC who could immediately start prosecuting in state court without meeting NC Bar residency requirements, but are otherwise qualified
3. Provide funds to hire more local law enforcement officers to be directed at drug trafficking. The following is the approximate number of local officers working drugs (and gangs) in Forsyth County:
   - **(a)** Kernersville Police Department (4)
   - **(b)** ABC (6)
   - **(c)** WSPD (16); also 3 dedicated gang officers
   - **(d)** Forsyth County Sheriff's Office (5); also 25 School Resource Officers (SROs) providing gang intelligence from schools
   - **(e)** Forsyth County District Attorney's Office (3 drug prosecutors, plus 2 prosecutors and one staff position added gangs to their already heavy caseloads)
4. Provide funds to allow cross-designation of local officers to be ICE, DEA, Marshal and ATF agents; those cross designated cannot be used outside their home counties except on locally originated cases
5. Establish Forsyth County as a HIDTA (High Intensity Drug Trafficking Area) site
6. Provide federal funds to build state prisons @ $79,000 bed plus $22,500/year to maintain prisons for drug offenders; or, cross designate federal beds for state drug trafficking prisoners
7. Provide federal funds for more drug treatment courts
8. Provide federal funds to provide space for ICE prisoners in Forsyth County jail as well as jail beds for other federal prisoners awaiting trial
9. Provide federal funds to allow a state 924(c) type of sentence enhancement (5 years) if a gun is used in a drug crime (Note: it would increase state prison beds by 4,000 according to a state NC legislative fiscal note in 2004 if all violent [A-E] crimes [about 12% of prison population] were enhanced by 5 years if a gun was used)
10. Establish local drug testing facility at WSSU to speed up the weighing and testing of drugs; marijuana especially dries out if not weighed quickly some times lowering the state punishment. Also, speeds up trials if expert toxicologist is available locally instead of waiting for one to come from the

SBI Lab in Raleigh who may have to be in court in other counties on the same day.

11. Supplement state prosecution by providing permanent funds to hire state prosecutors in order to establish permanent state investigative grand juries for drug trafficking investigations
12. On future federal grants provide that there be no cash match requirement for any NC prosecutor's grant. North Carolina District Attorneys have no local budget or funds.
13. Contact NC prosecutors before federal grants concepts are created; see what we need, not tell us what we can get
14. Through legislation give local officers administrative subpoena power in drug cases for out of state records such as phone, credit card records, etc.
15. Allow local law enforcement to patch into ICE database for *instant* fingerprint ID; state takes several days to match a fingerprint
16. Provide a common database to US Attorneys Offices on cases that originate in state court to prevent violation of Petite Policy of USA by state disposing of cases before federal indictments, thus barring federal prosecution without DOJ permission
17. Provide cash supplement to detention facilities in order to hire staff to fingerprint all Class I misdemeanor arrestees (DWI, NOL, etc.)
18. Funds to allow local law enforcement to "read" license information on back of NC driver's licenses – now unreadable since it is in code. This would allow officers to see if license is altered by comparing information now in code. Only local ABC stores can "read" such information. Many Hispanics "made up" social security numbers before DMV tightened requirements according to local Hispanic newspaper article. These licenses are now expiring and the applicants may not recall false social security numbers.
19. Expedite legislation on a uniform national drivers license – all states should have the same info on back of license in code
20. Provide cash supplement for state prosecutor positions to entice Spanish speaking prosecutors from Texas, New Mexico, Arizona and Florida to move to Forsyth County; pay moving expenses.
21. Provide Loan Forgiveness Funds for career state prosecutors with large law school debt
22. Provide cash supplement to state drug prosecutors if they stay career drug prosecutors
23. Provide federal funds that would allow a state/local District Attorney to retain experienced drug prosecutors by matching any offering salary at the US Attorney's Office seeking to hire away a state prosecutor for a higher salary
24. Allow local officers to be cross designated as ICE agents to "write cases" to deport illegal aliens in possession of a firearm or felony amount of illegal drugs; require federal government to pay county jail per diem pending deportation and pay local transportation costs if Marshals not available
25. Provide legislation to allow state prosecutors to read federal grand jury testimony when parallel state and federal grand juries exist simultaneously examining the same criminals

26. Provide financial assistance to Sheriffs of rural counties to hire more law enforcement positions to be used in the development of county narcotics and gang units
27. Provide funds for multi-county drug task forces to Sheriffs
28. Provide federal assistance for "buy money" that "can walk" since the amount and price of drugs needed to be bought by undercover agents is going up. In Forsyth 2 oz of cocaine is the minimum buy now, that costs $1,200 to $1,600.
29. Provide federal funds to hire Spanish speaking interpreters for trials

VII. Other

1. Requirement that all subpoenaed telephone toll records be delivered in data entry format instead of "hard copy"; provide funds to pay for hard copy of toll records in the interim
2. Legislation to make it illegal to add hidden compartments to any vehicle
3. Increase punishment of low level offenders deported so that upon illegal re-entry they are punished as severely as re-entry aggravated felons
4. Require schools to notify law enforcement of enrollment into school of suspected illegal aliens; provide immunity from errors in "good faith" reporting
5. Provide funds for public relations campaign warning illegal immigrants they cannot possess a firearm in the US; deport all such violators referred by state prosecutors
6. Legislation that prevents driver's license applicants from bringing their own interpreter to help take the written portion of the NC driving test
7. Legislation that directs IRS to cooperate with ICE agents when ICE requests a false ITIN card for undercover cases
8. Legislation that prevents the sale of "Boost" or "track" cell phones since there is no record of the calls made from the phone, thus preventing law enforcement from using telephone records in their investigation; also limit sale of track phone to prevent "smurfing" by drug dealers
9. Legislation that prevents NC Department of Motor Vehicles from accepting ITIN previously used to obtain NC driver's license when applying for a renewal; this in effect prevents the prior illegal use of ITIN to be re-cycled into a new driver's license.
10. Eliminate the "two strikes" an employer now gets before one can be imprisoned for hiring illegal alien. Permit active sentence for future violations of a first offense of hiring an illegal alien.
11. Subcontract local juvenile detention facilities for ICE; only two facilities are now available: Atlanta and Houston; illegal juveniles must be delivered the same day to a juvenile facility which is now practicably impossible; this puts juvenile (under 18) illegal gang members back on the street the same day they are picked up.

VIII. Future

As in California and most western states, Methamphetamine has replaced crack and powered cocaine as the drug of choice. You get high cheaper and

stay high twenty times longer. As the recent North Carolina legislation that restricts the sale of pseudoephedrine has cut down local "mom and pop" meth labs, the Mexican "super labs" out of country will take over the production of methamphetamine. The gangs will then make and transport the meth to local gangs and non-gang dealers to sell.

Conclusion:

The rate of incarceration in America in the 1920's was 110 persons per 100,000 of population. This was constant until about 1980 when cocaine and later "crack" cocaine hit America. The drug use epidemic has now pushed the rate of incarceration up to 714 per 100,000 by 2003.

The new threat of meth and gangs have already hit upon an already overwhelmed state and local criminal justice system which is barely struggling to keep afloat. New solutions to these threats could include having to:

1. Tighten up our borders to prevent illegal drugs from being imported;
2. Provide the entire state and federal criminal justice system with more law enforcement, prosecutors and prison beds, etc.
3. Develop state and federal joint task force on drug trafficking by gangs
4. Develop a system wide, successful template for community involvement for prevention of gangs and for intervention for individual gang members.

STATEMENT OF DEBRA CONRAD-SHRADER

Ms. CONRAD-SHRADER. Thank you, Mr. Chairman.

We certainly appreciate the subcommittee's interest in helping State and local Governments to deal with the devastating effects of illegal immigration. This is certainly an issue that is very much on the minds of our citizens here in Forsyth County. And I might add, Mr. Chairman, I have been a Forsyth County Commissioner for 12 years and have the opportunity to speak to citizens all across Forsyth County and I can tell you that this is the most serious issue we have faced and is the No. 1 issue on the minds of the citizens here in Forsyth County.

Immigration, particularly by Hispanic people, is not new to North Carolina. Tobacco was, and still is, a very labor-intensive crop. Immigrants have been coming here for many years to work in tobacco. It may be that the agricultural tradition was at least a bridgehead for the subsequent immigration problems we are now facing, that has made North Carolina among the States most heavily impacted by the problems of immigration. But I would also add that I think in recent years, there have been other factors that have certainly stimulated illegal immigration here in North Carolina and made us a No. 1 destination State.

For one, we have had very easy access to North Carolina drivers license and we have been far too late in trying to tighten those requirements. We have certainly had a proliferation of forged documentation here in Forsyth County to where if they cannot get North Carolina drivers license, they can easily pay for forged documents.

We also have generous benefits here in North Carolina, far more than Federal requirements. And as you mentioned, the illegal immigration population is very astute in figuring out where certain States are that they can get better benefits than other States.

And last, we have certainly had a lack of enforcement here in North Carolina in all aspects, whether it is the speaking of English as our State language, whether it is in punishment of businesses that are hiring illegal immigrants and paying them under the table, and we certainly lack the authority to apprehend illegal immigrants at the local level.

Immigration has certainly caused an increase in the needs for local public services. As representative Folwell mentioned, particularly in the areas of public education, health services, social services and law enforcement.

Fifteen percent of our students in our public school system are Hispanic and over half of them do not have English as their first language. Our social services case load is about 19 percent Hispanic, which is also a substantial increase in recent years. In our public health department, 38 percent of our clients are Hispanic. And at a local outpatient health care facility, at least 34 percent of the patients are Hispanic. And in the prisoners in our county jail, 11 percent are currently Hispanic.

As this subcommittee knows, it is often very difficult for us to differentiate between legal and illegal immigrants, or to identify the children of illegal immigrants who are entitled to citizenship. And in most public service venues, we are prohibited from even asking about citizenship.

With many services, it would be illegal for us at the local level or State level or else morally indefensible to withhold a service anyway. The laws that tie our hands at the local level need to be changed.

And I would mention at this point that I personally support Representative Sue Myrick's attempts at Federal legislation which would give us more local authority and local money to address this problem.

Most estimates of the percentage of illegals seem to be entirely anecdotal. Based on the most reliable information we can get, it would be, at minimum, 50 percent of the immigrants in this county are illegal. Most people place that estimate at much higher and I would say that Representative Foxx's percentage of 80 percent is probably more accurate.

If we even use the conservative estimate of 50 percent, illegals are annually costing the county government over $4 million in education, and I have been told at least $100 million in new school construction over the next decade can be directly attributed to illegal immigration. Almost a million dollars in our public health department services, a million dollars again in local law enforcement and $575,000 in social services. As I said, this is based on 50 percent rates, so I would not be surprised if the costs are almost double what I have just quoted.

The problem of illegal immigration is very vexing for us. We certainly respect the Hispanic people who come here legally to work and make a new life for themselves. We also understand the desperation that causes people to come here illegally. But we are a Nation of laws and our laws and policies concerning immigration must be practical, and they must be followed. Our citizens are angry and they are very concerned about illegal immigration.

At the local level, we need help with the impacts of immigration, period, not just illegal immigration. If it is sound national policy to encourage and allow massive immigration to provide manpower for this economy—and I am not sure that is necessarily the case—then we need help in providing services for this mass influx of new people. The impacts on us are really the same whether the immigrants are new citizens, guest workers or illegals.

If the national government needs help to enforce our immigration laws, we are glad to cooperate and ready to help. But we will need financial assistance. Our local law enforcement and justice systems already have their hands full.

In recent years, local governments have had to make extraordinary adjustments to accommodate immigration. We are willing to do our part, but we are impacted so dramatically by Federal policy, or Federal indecision, as we have seen most recently last week. We need Federal help and we need it as quickly as possible.

And I would be happy to answer any questions.

Mr. SOUDER. Thank you.

Our last witness this morning is Ms. Brandon Holland.

[The prepared statement of Ms. Conrad-Shrader follows:]

Statement by
Debra Conrad-Shrader, Vice Chair
Forsyth County, NC Board of Commissioners

House Subcommittee on Criminal Justice, Drug Policy
And Human Resources
April 12, 2006
Winston-Salem, North Carolina

Good morning. We appreciate the Subcommittee's interest in helping state and local governments to deal with the effects of illegal immigration. This is certainly an issue that is very much on the minds of our citizens here in Forsyth County.

Immigration, particularly by Hispanic people, is not new to North Carolina. Tobacco was, and still is, a very labor intensive crop. Immigrants have been coming here for many years to work in tobacco. It may be that the agricultural tradition was a bridgehead for the subsequent immigration that has made North Carolina among the states most heavily impacted by the problems of immigration.

Immigration has certainly caused an increase in the need for local public services, particularly in education, health services, social services, and law enforcement.

Our local public schools are now comprised of 8.5% non-native English speaking students, up from 3.9% in 2000. Our social services caseload is about 19% Hispanic, also a substantial increase in recent years. In our public health department, 38% of the clients are Hispanic. At a local outpatient facility, 34% of the patients are Hispanic. Of the prisoners in the county jail, about 11% are currently Hispanic.

As this Subcommittee knows, it is often very difficult for us to differentiate between legal and illegal immigrants, or to identify the children of illegal immigrants who are entitled to citizenship. In most public service venues, we are prohibited from asking about citizenship. With many services, it would be illegal or else morally indefensible to withhold service anyway.

Most estimates of the percentage of illegals seem to be entirely anecdotal. Based on the most reliable information we can get, it may be that 46% of the immigrants in our county are illegal. Many people place the estimate much higher.

If 50% is nearly correct, then, by extrapolation, illegals are annually costing this county government:

$4,082,000 in education;
$894,000 in public health department services
$942,000 in law enforcement, and;
$575,000 in social services

The problem of illegal immigration is very vexing for us. We respect the people who come here legally to work and make a new life for themselves. We also understand the desperation that causes people to come illegally. But we are a nation of laws and our laws and policies concerning immigration must be practical, and they must be followed. Our citizens are angry and concerned about illegal immigration.

At the local level, we need help with the impacts of immigration period – not just illegal immigration. If it is sound national policy to encourage and allow massive immigration to provide manpower for the economy – then we need help in providing services for this influx of new people. The impacts on us are really the same if these immigrants are new citizens, guest workers, or illegals.

If the national government needs help to enforce our immigration laws, we will be glad to cooperate – but we will need financial assistance. Our local law enforcement and justice systems already have their hands full.

In recent years, local governments have had to make extraordinary adjustments to accommodate immigration – particularly of Hispanic persons in this area. We are willing to do our part. But when we are impacted so dramatically by Federal policy – or Federal indecision – we need Federal help.

STATEMENT OF BRANDON HOLLAND

Ms. HOLLAND. Good afternoon. Mr. Chairman, subcommittee members, I appreciate the opportunity to speak with you.

Again, my name is Brandon Holland. I am the director of the Zero Armed Perpetrators Program in the Forsyth County DA's Office. And to kind of give you an idea of what I do on a daily basis, every case involving a firearm, firearm seizure, ammunition seizure, casing seizure or projectile seizure in Forsyth County comes to me.

We hold a weekly meeting with State and local and Federal law enforcement agencies to determine the best form for prosecution, whether that be State or Federal. Because of that, I review every gun case. And our gun cases involving illegal aliens has increased dramatically, from 14.8 percent to 28.7 percent. And because of the increasing gang problems here in the county and North Carolina, I am also a reserve deputy with the Forsyth County Sheriff's Office and am now working, along with my duties in the DA's office with ZAP, I am also working as almost a full time deputy involving gang cases, working with the local departments here, specifically working on trying to track and identify gang members.

As Mr. Keith said, you cannot talk about gang members without talking about drugs and you cannot talk about drugs without talking about Hispanics. I will give you three figures that are staggering to me. The Hispanic population growth in Forsyth County from 1990 to 2000 was approximately 831 percent and it is having a great impact on our community and our law enforcement. We just cannot handle the volume.

Out of the 18 validated gangs in Forsyth County, 11 of them are Hispanic. We have a group called MAGNET made up of local law enforcement that have a criteria, a gang definition and we have very strict guidelines to validate gang members. And out of those 18 gangs, 11 of them are Hispanic.

Approximately 25 percent of the cases or gang members sent or submitted to Operation Community Shield through ICE came from the Middle District of North Carolina. Out of that, five agencies in the Middle District submitted those entries and three of them came from Forsyth County.

I will give you three incidents of violent crimes that happened within the past couple of years. First of all, a shooting that occurred during a birthday party for a 6-year old girl. I can refer to page 26 of your handout. Here is a picture taken about 30 minutes before the shooting occurred. Words were exchanged earlier in the day between two rival gangs. One gang was in the backyard of the party, this is this group right here. The other gang decided to drive by, knowing they were there, and began to shoot. There were approximately 40 rounds fired, 12 rounds entered the house and the only person that stopped a bullet was the 6-year old girl, ended up lodged in her arm. There were multiple firearms recovered but nobody has been charged because they had already fled to Mexico.

The second case is one of an off-duty officer with the Sheriff's Office, working in a Hispanic nightclub. Fights began in a parking lot nearby. The gang member shot another Hispanic male at point blank range, continued to shoot once he fell to the ground. And at that point, the gang member began to flee the area. And as he was

fleeing and being chased by law enforcement officers, he turned and fired several shots at the officers. And that person is currently awaiting a Federal sentence and he is illegal.

The third, and I think most telling, is one that happened in January of this year. One gang member—excuse me—gang began to shoot into an apartment of another gang member, because of an earlier confrontation, saw him come to the window and then leave the window. Therefore, they began to shoot. Unfortunately, multiple rounds were discharged hitting a woman in another apartment, a mother of small children and she is paralyzed for life. At that point, an illegal alien was charged and is awaiting trial. The co-defendant fled to Mexico, who was also illegal, to avoid prosecution. And another possible co-defendant who we have not been able to locate was a ZAP offender, so a prior gun offender, and was previously deported in April 2005.

As I said, the gun cases involving Hispanics have increased from 14.8 percent to 28.7 percent. We have had an increase in drive-by shootings. We have had an increase in fights within the schools. Even if it is over a girl, we have two rival gangs fighting. That is a familiar occurrence unfortunately. They are resorting to anything they can get their hands on—baseball bats, knives. And unfortunately, we are seeing an increase in assault type weapons—AK–47s, so on.

We work very closely with the ICE agents, as you have heard today. Unfortunately, because of the sheer volume, I am pre-screening a lot of the cases that they get. They are just absolutely overwhelmed. We have now started focusing on re-entry aggravated felons, specifically pertaining to gun cases. Actual possession gun cases, not cases that we have to prove who owned or possessed the firearm, and gang members.

Some of the issues that ICE is facing today, as you have heard today, jail beds. For adults, right now, there are no permanent beds in the Forsyth County Law Enforcement Detention Center. They have temporary beds if they are necessary, but those numbers are decreasing because of over-crowding. For juveniles, and under 18 is a juvenile in the Federal system, a juvenile under the age of 18, not needing to be detained, with no criminal conviction, they are released to a family member and given a hearing date in Atlanta. And you have heard the statistics on how often they show. Under 18, they must be detained, the ICE agent must take them to a juvenile facility and the two juvenile facilities are south of Atlanta and Houston, and that must be done at the time of arrest. Under 18 with a criminal conviction, and as I found out today, if you are a gang member, you have to go to Pennsylvania in the juvenile facility. And that is the only facility that I am aware of that takes juveniles. So jail beds are an increasing problem for ICE.

In the schools, talking about the schools, you have heard about the school incidents. Unfortunately, some of the recruiting for the Hispanic gang members is starting as early as elementary school and it is running rampant in the middle schools. Many parents and siblings of some of these kids are already gang members, so they are being raised in a house full of gang members.

I was teaching in a local elementary school in a rural area here in town and an art teacher ran up to me with a drawing that a

second grader had done. That drawing was of a gang tattoo and we asked the child how she knew about this gang tattoo, and it was tattooed on her father's arm from prison.

There is a disruption now, from what I understand, in the ESO classes because of the gang members, they do not want to be in school, they do not want to be in class, so they disrupt the students that do want to learn. Kids act up in school now to get transferred to the proper school where all their other gang member friends are and if they do not end up in that school or they end up getting kicked out of school or expelled, they end up in the community and become society and law enforcement's problem.

In summary, you know, we need resources. That is the bottom line for local, State and Federal agencies. Fingerprints, we need to fingerprint everybody that comes through the jail. Right now in Forsyth County, we are not fingerprinting for Class 1 misdemeanors, meaning DWIs, driving while license revoked and no operator's license. We need gang legislation enhancements for gang crimes. We need harsher penalties and we need jail beds.

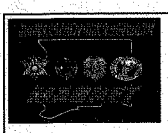
If you guys have any questions or anything that I can answer.

[The prepared statement of Ms. Holland follows:]

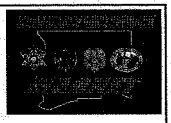
Gangs, Fraud and Sexual Predators: Struggling with the Consequences of Illegal Immigration

April 12, 2006

D. Brandon Holland



MAGNET Partnership



- The MAGNET partnership was formed in February of 2004
- Partnership between Forsyth County District Attorney's Office, Forsyth County Sheriff's Office, Kernersville Police Department, and the Winston-Salem Police Department
- The partnership was formed to
  - improve information sharing
  - establish a common definition of a "gang"
  - establish criteria to validate gang members
  - establish an electronic means of sharing intelligence information (GangNet)
- Now includes additional advisory partners including the Federal Bureau of Investigations (FBI), Immigration & Customs Enforcement (ICE), and the NC Department of Community Corrections Adult Probation & Parole

Definition of a Gang:

MAGNET

- A gang is defined as a group of three or more persons who have a common identifying sign, symbol, or name, and whose members individually or collectively engage in or have engaged in a pattern of criminal activity, creating an atmosphere of fear and intimidation within the community.

STATE 15A-1340.16(2a)

- "a criminal street gang means any ongoing organization, association, or group of three or more persons, whether formal or informal, having one of its primary activities as the commission of a felony or violent misdemeanor offenses or delinquent acts that would be felonies or violent misdemeanors if committed by an adult, and having a common name or common identifying sign, colors or symbols"

MAGNET Validation Criteria

Must meet three or more of the following:

- Self admission
- Drawings and/or letters
- Gang-related moniker
- Handsigns and/or codes/slang
- Information from field contacts or other law enforcement agencies
- Gang databases
- Association with previously validated gang member(s)
- Scars, Marks or Brands
- Racist/Gang/Occult related tattoos
- Photographs and/or documents
- Stylized haircuts and or jewelry
- Stylized/special dress color and/or brand of clothing or accessories
- Graffiti-style writings and/or symbols on any type of surface
- Involved in gang-related crimes

Validation Process

- Investigating officer or Detective prepares validation folder containing:
  - Validation cover sheet detailing criteria used to validate individual
  - Any and all information and/or documentation to support validation criteria
- Validation folder is presented to MAGNET partnership for approval
- Each agency **must** agree to the information and
- Each agency **must** sign the validation form acknowledging agreement

Multi-Agency Gang Validation Form

Forsyth County Sheriff's Office/ Winston-Salem Police Dept./ Kernersville Police Dept./ Forsyth County District Attorney

GANG MEMBER IDENTIFICATION CRITERIA
VALIDATION WORKSHEET

☐ No Forsyth County Affiliation

Gang Affiliation: _____ **Clique:** _____

Suspect's Name: _____ _____ _____ _____
Last First Middle Suffix

Alias/Nickname: _____ **Plated #** _____

Address(s):

Race ____ **Sex** ____ **D.O.B.** _____ **S.S.N.** _____

State ID# _____ **Issuing State** _____

FBI # _____ **SBI #** _____

Submitting Agency? _____
Submitting Agency contact Email/Ph#

Definition of a Gang: A gang is a group of three or more persons who have a common identifying sign, symbol or name, and whose members individually or collectively engage in or have engaged in a pattern of criminal activity, creating an atmosphere of fear and intimidation within the community. An individual is identified as a gang member based on AT LEAST THREE of the following criteria.

Check the Proper Three (3) sections for Validation.

___ Subject Admits Gang Affiliation

___ Drawings and or letters

___ Gang Related Monikers or Nicknames

___ Hand signs and or Codes/Slang

___ Information from Field Contacts or other Law Enforcement Agencies

___ Gang Databases

___ Observed in company of known gang member(s)

___ Scars, Marks or Brands

___ Racial/Gang/Coerch related Tattoo's

___ Photographs and or Documents

___ Stylized haircuts and or jewelry

___ Stylized/Special dress color and/or brand of clothing or accessories

___ Graffiti-style writing and or symbols written on any type of surface

___ Involved in gang related crimes (i.e. home invasions, robberies, etc.)

Comments: _____

_____

JCSO signature _____ Date: _____
WSPD signature _____ Date: _____
Kernersville PD signature _____ Date: _____
Forsyth County D.A. signature _____ Date: _____

Gangs with Validated Gang Members in Winston-Salem/Forsyth County

- 18th Street
- Aryan Nation
- Bloods/United Blood Nation UBN (9 Trey Gangsters, Banga Block, Gangsta Killer Bloods, Valentine Bloods NYC)
- Boys In Style
- Crips (974 Insane Gangster Disciples, Hoover Deuce 5, Kimberly Park Terrace, Original Valley Crips)
- Cuaji-13
- Folk Nation (974 Insane Gangster Disciples)
- Hell's Angels
- The Fam
- Latin Kings
- Logan Street
- Los Crooks
- Mara Salvatrucha 13 (Mt Pleasant MS-13, NLS- Normandy Locos Salvatruchas, PLS- Pinos Locos Salvatruchas)
- Rubia-18
- Sur-13 (Rolling 20's, Southside-13, Villa Boys)
- Tiny Rascal Gangsters (TRG)
- Vatos Locos
- Villanos-13
- Wisteria Boys
- Tyght Wod

18th Street

- Began in Pico-Union area of southern California in 1965
- Considered one of the oldest and largest Hispanic gangs in California
- Local gang La Banda Rubia-18 may be linked to 18th Street out of California
- Major rival is MS-13
- Wear "colors" on special occasions
- "Colors" are typically blue & grey
- Tattoo of preference is "18" usually in old English script

18th Street (continued)

- MAGNET has validated one (1) 18th Street gang member (now deceased)
- No available photographs of tagging
- No available photographs of tattoos
- No available photographs of handsigns
- No known local crimes

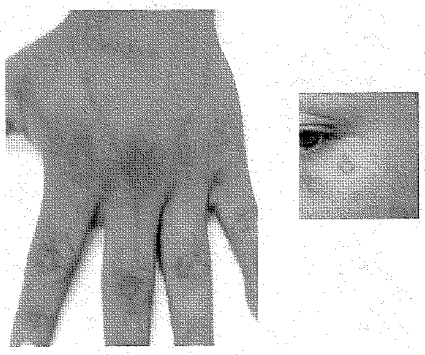
Cuaji-13

- Began in Winston-Salem in 2001 as part of Revolution-13 at Reynolds High School. When Revolution-13 split up they formed La Banda Rubia-18, Villanos-13, and Cuaji-13
- Most Cuaji-13 members are from the Mexican town of Cuajinicuilapa which is where the gang derives its name
- Members are usually dark-skinned Hispanic males
- Major rival is Rubia-18
- Wear "colors" on special occasions
- "Colors" are typically blue & grey
- Tattoo of preference is "Cuaji" usually in old English script. Members will also display various other non-specific gang tattoos such as three dots, tear drops, rosary beads
- MAGNET has validated three (5) Cuaji-13 gang members
- Cuaji-13 is responsible for assaults, taggings, shootings, firearm crimes, and MIP's

Cuaji-13 - Tagging

Cuaji-13 - Tattoos

Cuaji-13 - Tattoos



Cuaji 13

Latin Kings

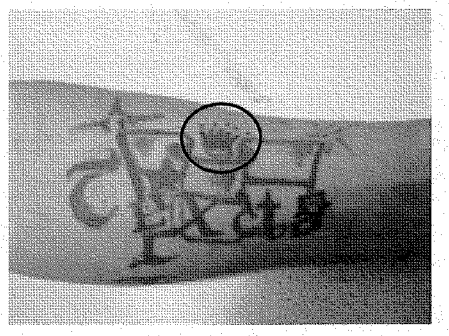
- Originally formed in Chicago, IL as the Latin Kings in the 1940's by Hispanics
- Formed to overcome racial prejudices
- Largest prison and street gang in Connecticut
- Largest and most violent street gang in New York
- Evolved into the Almighty Latin King and Queen Nation in New York
- Latin Kings view Black gangs as their major rivals
- "Colors" are black and gold
- Tattoo of preference is a 5-pointed crown or a bulldog

Latin Kings (continued)

- MAGNET has validated two (2) Latin King gang members- both from New York City
- Local Latin Kings have been linked to drugs, firearm crimes and murders

Latin Kings - Tagging

Latin Kings - Tattoos



Latin Kings - Handsigns

Logan Street

- Originated in Santa Ana, CA
- Oldest street gang in Santa Ana, CA
- Major rivalry is unknown
- "Colors" are unknown
- Tattoo of preference is unknown

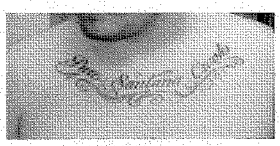
Logan Street (continued)

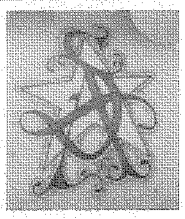
- MAGNET has validated one (1) Logan Street gang member
- No available photographs of tagging
- No available photographs of tattoos
- No available photographs of handsigns
- Local arrest involved auto breakings

Los Crooks (continued)

- MAGNET has validated one (1) Los Crooks gang member
- No available photographs of tagging
- No available photographs of handsigns
- Local arrest involved auto breakings

Los Crooks - Tattoos





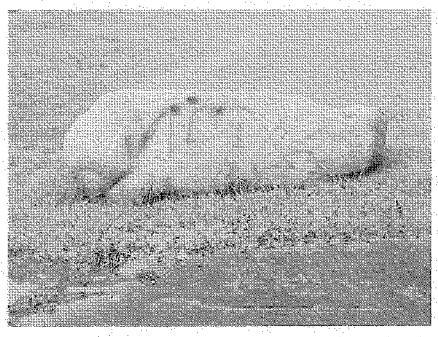
La Mara Salvatrucha MS-13

- Began in Los Angeles, CA by Salvadorian refugees from their civil war in the late 1980's to early 1990's
- Most of the original members were guerilla fighters trained by the US Military
- Formed gang to protect themselves from other gangs in their neighborhoods. They quickly gained the reputation of being extremely efficient and deadly.
- Labeled as the deadliest gang on the east coast
- Major rival is 18th Street
- "Colors" are blue & white
- Tattoo of preference is "M" and "S" usually in old English script and many times accompanied by a "13," "X3," or "XIII"

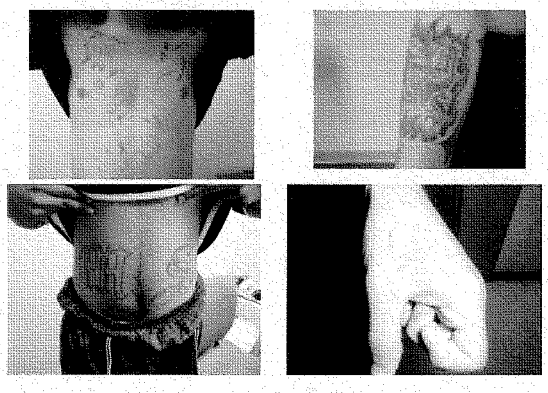
MS-13 (continued)

- MAGNET has validated four (4) MS-13 gang members from the following sets/cliques:
  - Mt Pleasant MS-13 (1)
  - Normandy Locos Salvatruchas "NLS" (1)
  - Pinos Locos Salvatruchas "PLS" (1)
  - One (1) unspecified
- Local MS-13 have been tied to drugs, firearm crimes, and shootings

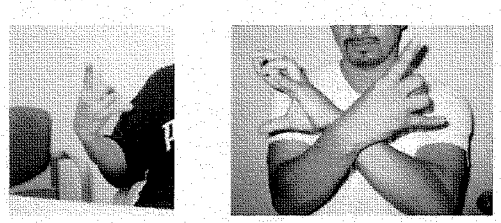
MS-13 - Tagging



MS-13 – Tattoos



MS-13 - Handsigns



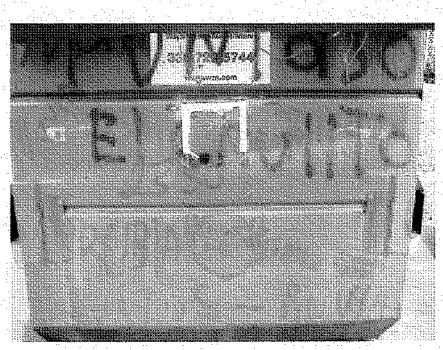
La Banda Rubia-18

- Began in Winston-Salem in 2001 as part of Revolution-13 at Reynolds High School. When Revolution-13 split up they formed La Banda Rubia-18, Villanos-13, and Cuaji-13
- Roughly translates to "Band of Blond." Original members wore their hair short on the sides with the top curled and the tips bleached blond
- Largest Hispanic gang in Winston-Salem
- May be aligned with 18th Street gang out of California
- Major rival is Villanos-13 and more recently Cuaji-13
- "Colors" are typically black and silver, but will wear blue when "flagging" their colors for special occasions
- Tattoo of preference is "18" usually in old English script and sometimes preceded by an "R" (R18)

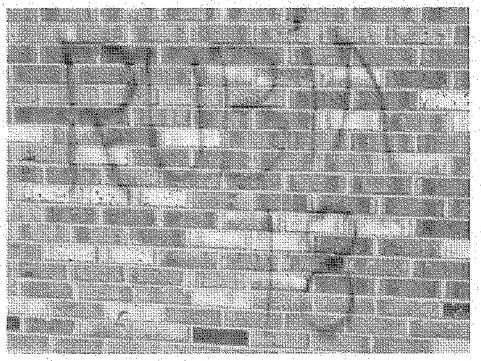
Rubia-18 (Continued)

- MAGNET has validated seventeen (17) Rubia-18 gang members
- Rubia-18 has been linked to assaults, drugs, taggings, shootings, rape, firearm crimes, burglary, and murder

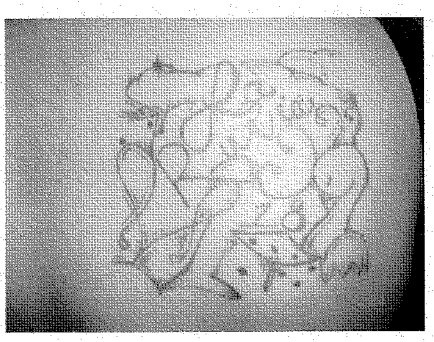
Rubia-18 - Tagging



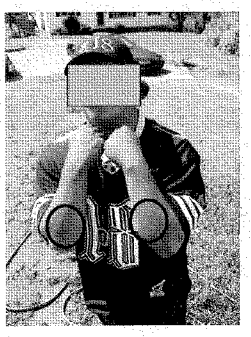
Rubia-18 - Tagging

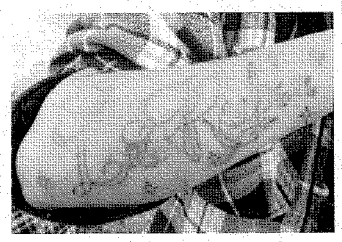


Rubia-18 – Tattoos

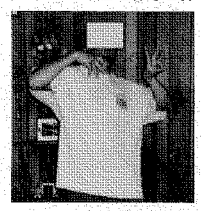


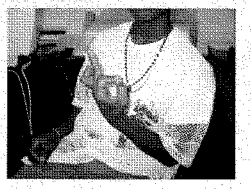
Rubia-18 - Tattoos





Rubia-18 - Handsigns





Surenos 13/Sur-13

- Began in Los Angeles, CA
- One of the largest Hispanic street gangs and prison gangs in the country
- Due to the large number of different Sur-13 sets/cliques, it is possible to have multiple Sur-13 gangs fighting with each other
- Major rival is Nortenos 14/Norte-14; local rival is Rubia-18
- Wear "colors" of blue and grey or black and white. They prefer sports-type jerseys displaying 13, 31, or Los Angeles related terms on them.
- Tattoo of preference is "13" usually in old English script

Sur-13 (continued)

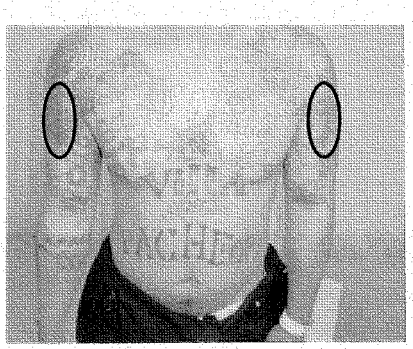
- MAGNET has validated ten (10) Sur-13 gang members from the following sets/cliques:
  - Rolling 20's (1)
  - Southside 13 (4)
  - Villa Boys – Pasadena California (1)
  - Four (4) unspecified
- Local Sur-13 have been tied to assaults, drugs, firearm crimes, discharge of firearm on school property, taggings

Sur-13 - Tagging

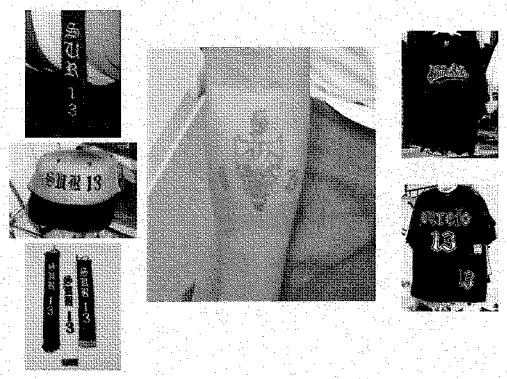
Sur-13 - Tagging

Sur-13 - Handsigns

Sur-13 - Tattoos



Sur-13 – Tattoos/Accessories



Gang Attire Seized From a Local High School

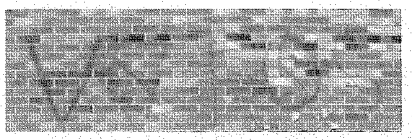
Vatos Locos

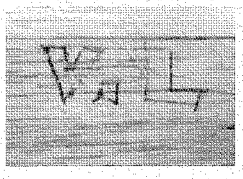
- Older Hispanic street gang with it's origins in the barrios of southern California
- Originated from a party crew that liked low-rider cars
- Major rival is unknown
- Wear "colors" of blue & grey
- Tattoo of preference is "VL"

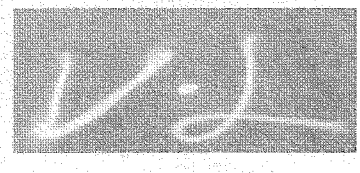
Vatos Locos (continued)

- MAGNET has validated one (1) Vatos Locos gang member
- No available photographs of tattoos
- No available photographs of handsigns
- No known local crimes

Vatos Locos - Tagging







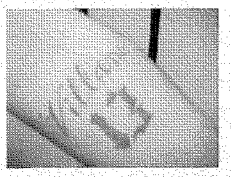
Villanos-13

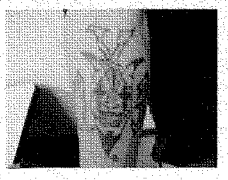
- Began in Winston-Salem in 2001 as part of Revolution-13 at Reynolds High School. When Revolution-13 split up they formed La Banda Rubia-18, Villanos-13, and Cuaji-13
- Most of the Villanos-13 have been arrested and/or deported
- Recently been aligning with Sur-13 to beef up their numbers
- Major rival is Rubia-18
- Wear "colors" typically of blue & grey
- Tattoo of preference is "V13" usually in old English script
- MAGNET has validated sixteen (16) Villanos-13 gang members
- Local Villanos-13 are linked to assaults, taggings, shootings, drugs, and firearm crimes

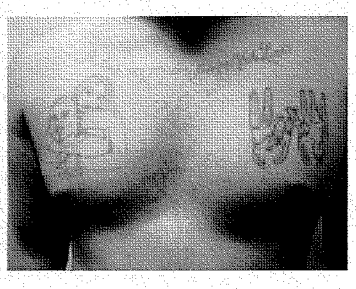
Villanos-13 - Tagging

Villanos-13 - Tagging

Villanos-13 - Tattoos







Villanos-13 - Handsigns

Wisteria Boys

- Originally from Santa Ana, California
- Considered a "party crew"
- Major rival is unknown
- "Colors" are unknown
- Tattoo of preference is unknown

Wisteria Boys (continued)

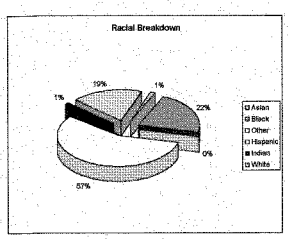
- MAGNET has validated one (1) Wisteria Boys gang member from Santa Ana, CA
- No available photographs of tagging
- No available photographs of tattoos
- No available photographs of handsigns
- Local arrest for auto breakings

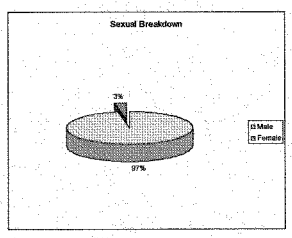
Validated Gang Members Numbers by Gangs

Gang	Number*	Gang	Number*
18th Street	1	Logan Street	1
Aryan Nation	1	Los Crooks	1
Bloods/UBN	13	MS-13	4
Boys In Style	1	Rubia-18	17
Crips	8	Sur-13	10
Cuaji-13	5	TRG	1
Folk Nation	2	Vatos Locos	1
Hell's Angels	10	Villanos	16
Latin Kings	2	Wisteria Boys	1

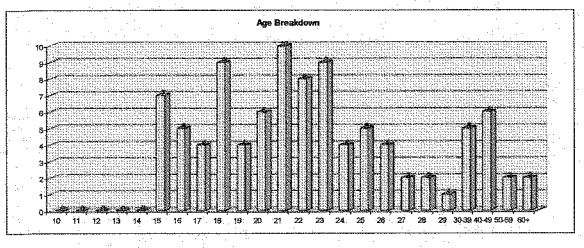
* - Validated gang members only

Demographics
of
Validated Gang Members





Demographics
of
Validated Gang Members



GROWTH IN HISPANIC POPULATION

Growth in Hispanic Employment and Percentage Change in North Carolina and the United States, 1990-2000

	1990 POPULATION	2000 POPULATION	PERCENTAGE INCREASE
NORTH CAROLINA	27,570	164,009	495%
UNITED STATES	8,981,516	13,347,876	49%

Percentage Increase in Hispanic Population in Select North Carolina and Major Cities, 1990-2000

COUNTY	MAJOR CITY	PERCENTAGE INCREASE
ALAMANCE	BURLINGTON	1100%
CUMBERLAND	FAYETTEVILLE	57%
DURHAM	DURHAM	729%
FORSYTH	WINSTON-SALEM	831%
GUILFORD	GREENSBORO	453%
MECKLENBURG	CHARLOTTE	570%
WAKE	RALEIGH	529%

Hispanic Population Increase/Percentage Increase in Select Rural/Smaller Counties, North Carolina, 1990-2000

COUNTY	1990 POPULATION	2000 POPULATION	PERCENTAGE INCREASE
BURKE	334	3180	824%
CABARRUS	483	6620	1270%
CATAWBA	921	7886	756%
CHATHAM	564	4743	741%
DAVIDSON	602	4765	691%
DAVIE	129	1209	837%
GASTON	864	5719	561%
JOHNSTON	1262	9440	648%
McDOWELL	114	1214	964%
RANDOLPH	734	8646	1077%
ROBESON	704	5994	751%
ROWAN	651	5369	724%
SAMPSON	727	6477	790%
SURRY	602	4620	667%
UNION	675	7637	1031%
WILSON	537	4457	730%
YADKIN	388	2357	507%

Source: *Srategic Assessment of the Hispanic Gang Threat to North Carolina* National Drug Intelligence Center

Mr. SOUDER. I thank you all for your testimony.

I just want to say this for the record, as a conservative Republican who does not favor tax increases. The Federal Government is more broke than you are. There is not any other way to say that. Our debt—if you take county debt, State debt, township debt, city debt, all that together and then you have to multiply it by about 7 or 10 or who knows what, to get our debt. And our obligations are greater than your obligations because of Social Security, Medicare, pension expectations, much like the private sector is going into, at the Federal level. The only difference is we can print money. What that means is we can give you more money, but we are going to print more which means you are going to pay for it through inflation which devalues your own money.

There is not money growing on trees to address this. It is a matter of prioritizing and trying to figure out how to do it. And as a conservative Republican, one of the traps that we have gotten into is we oppose tax increases at every single level of government. If I favored tax increases, it would be at the local level because I do not want the Federal Government determining what I do. So when you ask us to cover your local costs, it means you are going to get more regulation from us, you are going to get more guidelines, you are going to get unfunded mandates along with the mandates. That is the dilemma we are facing here.

Now that said, clearly there are some things that fall in the Nation purview. One is the border policies. But like North Carolina, Indiana had a really lousy driver's license policy and that fueled immigrants coming in. Like North Carolina, Indiana had a lower unemployment rate, which brought immigrants in. Like North Carolina, my home State of Indiana did not find the people on welfare particularly wanted to pluck chickens, ducks, clean restrooms, they did not want to particularly stay in certain manufacturing places. In many cases we could stop the immigrant flow, but the plants will just move to Mexico because it is fine to talk about higher wages, but in an international marketplace, you cannot compete on the Internet or elsewhere with the higher wages. So we are on the horns of a very difficult dilemma.

Furthermore, having worked with the drug issues most of my career, we cannot find the drug dealers to deport them and when we deport them, they come back. The idea of deporting 12 million people just is not fathomable right now. So we are trying to figure out a very complicated way to try to address this. At the same time, I do not think there is much disagreement, at least on the surface, that you cannot have a safe country without better control of the borders. Because it does not do any good for us to get a deportation center here if all they do is walk right back. We first and foremost have to get control of the border and then figure out the internal enforcement questions, because as we have established multiple times today, you are talking about repeat offenders and we all know that the border is so porous—and it is not just there. If we squeeze the Mexican border, coming in through Florida and the Gulf, but even around to Canada, we are seeing increased pressure on the northern border, unless we get the perimeter of Canada, because where there is a demand, whether it is for drugs or for people or for pornography and prostitution, there will be forces that

try to meet that demand. So we have to do the demand reduction at the same time we are trying to control the supply. And this is a massive problem.

Also, one of the challenges that I see, and I am interested if anybody has any comment on this, that particularly in States where the illegal immigration has been increasing for 10 years plus, but especially in the last 5 years. For example, the picture of the kids in the gang, most of those kids probably did not choose to immigrate to the United States. They were brought by their parents. And one of the dilemmas that we are facing with it, I do not have an answer to this question, they may have been brought by their parents here 5, 10 years ago, they are not Mexicans, they do not know anything about Mexico. They have not grown up there, they do not know what the culture is like. If you sent them back, they would not fit in.

Now, they are here in the United States, and correctly, we do not want to give driver's licenses to illegals, we do not want to give ability to go to college to illegals and so what is happening to this group? I have a feeling it is fueling the gang part, because I have been told this in multiple cities, is the anger level of the young illegals who did not choose to come to America, their parents did. When they get to America and realize they are supposed to pluck chickens and clean toilets the rest of their lives, because they cannot go to college, because they cannot get a car, because they cannot get a driver's license, the logical reaction is crime and belligerence.

And we have ourselves in the horn of an incredible dilemma because we are now trying to deal with it once 12 million are here and we did not deal with it a long time ago. And it is going to be incredibly complex to unsort this.

I want to ask Mr. Keith, in the first panel, I was playing around with this question on the age of gangs. I always thought gangs were younger and maybe as they age, they stay a gang. How do you look at a gang in your office, as to what is a gang and what is not a gang?

Mr. KEITH. We have our biker gangs who are my age and older, so they are gang members. We have a statistic here on age.

Ms. HOLLAND. Page 28 of my handout gives you the demographics of our validated gang members.

Mr. KEITH. Looks like between 18 and 23 is about 60 percent of the Forsyth County validated. Now we use the standard that you were talking to Mr. Jordan about. Our standard is you do not have to commit a felony—common signs, common signals, intimidation. A gang is a subculture, they literally have a book of knowledge which is an upside down world where they write everything they think about the work and you look at it and say this is crazy. And they literally copy it and these guys memorize it. It is a subculture, a new family. Those are the younger people.

But we do have older biker gangs like Aryan Nations, Hell's Angels, what-have-you, who are Social Security age.

Mr. SOUDER. Have you seen much of the recruitment occurring in prisons or in juvenile probation?

Mr. KEITH. In prisons, one of our members that we meet with is a North Carolina Department of Corrections, there is a gang that

sets you up in business when you get out of prison with so much cocaine. That is a gang.

In my earlier life as a defense attorney, I would go to prisons and I remember I went to one in Tennessee and the prisons are broken down by race of inmates. You are either in a White gang or a Black gang or a Hispanic gang. And I asked this one guy, what are you doing in a gang, you are in her for forgery. He says, man, you fight every day to stay alive and you have to have somebody to cover your back. So the prisons are breeding grounds of a lot of gangs and then they come out and they maintain that allegiance.

Mr. SOUDER. In American history, obviously one of the recent—last 2 years, as you get older recent seems to go longer—there were multiple movies about Irish gangs that almost every immigrant group, Vietnam, as they came over after the Vietnam War, Los Angeles was dominated by different gangs that almost every immigrant group in American history has had this subproblem with it, in addition to in my area, which was heavily German. Fort Wayne was settled around in the 1830's, two of the four newspapers were still in German language up until the rise of Hitler; the school systems were still speaking bilingual with German over 100 years after they came in.

There is almost always a backlash against the language transition in the gangs. Do you see this? Is there any parallel with this in North Carolina history? Was it different? I mean almost all urban areas in the East Coast, the midwest and the West Coast have had this assimilation problem for 30 to 50 years. It is not an easy process.

Mr. KEITH. My mother was Italian, large family, she was about the 5th of 11. She was the first one that we thought was born in America until after she passed away. My brother presented me with about three different birth dates that he found—confirmation dates, birth certificates. And I do not know if my mother's family was trying to slip her under the wire. We never have determined when her actual birth date was. She may have been born in Italy and maybe she was illegal, I do not know. One of my uncles fought in World War II for the Italian Army and for the U.S. Marines at Iwo Jima. I have seen my family go through the assimilation problem, I have seen the prejudice in the northeast where I spent about 17 years of my life. They would talk about we could not play golf because we were Italians, at the country club. They could caddy there and they played on Monday, and several of them became very successful PGA golf professionals.

They learned how to speak English. My mother Americanized her name. I did not know her name until we looked at some of the confirmations, her name was Marguerita, I thought her name was Margaret her whole life. She died when I was in my 50's. They wanted the American way. But there were not those huge groups of them that have come in and have coalesced and work in a workplace.

My daughter was looking for a job in sales. She had a friend who sold nails for nail guns for construction. That trade in this part of the State has been taken over, the framing trade, by Hispanics. She could not get the job because she did not speak Spanish and no one on the job sites spoke American. They are retaining that

language and it is a slower assimilation than the Italians or the Germans or Scots. So that may be an issue.

I am here just to talk about the impact on the criminal justice system. The rest of the stuff is above my pay grade, but at least my own family's experiences. We went on to speak English. My mother did not even know Italian, she was not allowed to speak Italian.

Mr. SOUDER. Ms. Conrad-Shrader and Representative Folwell, does North Carolina have, with English as the first language, do you have an English immersion for kids? I mean some of the things—and I share some of your frustration about some of the mandates, but I believe most of those are court mandates, not legislative mandates. I do not believe the U.S. Congress made the hospital rules or the school rulings or the bilingual. Some bilingual textbooks we may have. But I would be interested in—it is one thing to in effect accommodate the language and increasing put it on documents and another to try to do an immersion and have it as a second language at home or in neighborhoods. For example, there are many areas in the United States where you still see, particularly for example, in certain Jewish communities in New York City, certain Italian communities, certain Vietnamese communities, all the signs are still in that language in their neighborhoods. But they also speak English. And the question is are we driving toward English aggressively enough in the school system and how are you doing that in North Carolina?

Mr. FOLWELL. We are doing that and that goes back to the point I made earlier in that 10 years ago we only had three ESL centers out of the 62 school sites that we have in this county. And now we have 43. So in a large portion of our schools in Forsyth County, they have the program to do the English immersion for the elementary and middle school children.

The problem is that—I should not say a problem, but one of the issues we face is that, especially if you get a middle school child, I do not know how you were with trying to pick up a second language at, you know 20 or 25 years old, but once you get into middle school, it becomes very difficult to learn the language. And there is a propriety to not learning the language in that it goes back to the point I was making about the underground economy that exists in North Carolina. I do not speak for the police department, I do not know if anybody is here from our local Winston-Salem Police Department, but there are areas of our community where if you do not speak English long enough, there is a high probability that the police officer who may have detained you for some purpose is going to get a higher coded call. If you do not speak English long enough, that person will get a higher coded call and be called off to do something else. So there is a certain propriety or profit in not speaking English.

Mr. SOUDER. Does anybody know, one of the things—I am a strong proponent of at the Federal level, and it is not really Spanish that is our main concern right now at the Federal level, it is Arabic—do you have incentives—clearly, regardless of what the Federal Government does, you are going to continue to have this language problem. Are you giving any financial incentives to officers to get second language? Is there anything the State or county

is doing to encourage that training? For example, this is something I have always thought would be mandatory on the southwest border, I do not understand why we have Border Patrol people who cannot speak Spanish. Increasingly we need to have at least one Arabic person on each post. You could be coming in with a package that says anthrax on it and we would not be able to interpret it.

In my home town, by the way, it is not just—because we have a lot of refugees in addition to illegal immigrants, one of the main high schools in my city has 83 languages and dialects in it right now. I have the largest collection of Burmese refugees in America, I have 2,000 Bosnians that have come in. And the fire department does not know how to handle it when they go to some of these complexes, it is half Bosnian and half Burmese. The language problem is immense in a country of immigrants and these are mostly legal refugees. And clearly we have to have a law enforcement, fire department, court process to figure out how to deal with the languages because even, like you say, under any normal system, even if they are trying to learn English, and with the Internet and the TV and everything, it is going to take a while. And I just wondered what the legal system is doing in North Carolina to try to respond.

Mr. KEITH. As the DA, I ran an ad in the Charlotte paper and the Raleigh paper wanting a Spanish speaking prosecutor. I got zero replies. I go to teach at the National Advocacy Center, which is funded by the U.S. Justice Department, it is a week of my vacation. I go down there trying to hustle young people who will come up from Brownsville, TX to North Carolina. I buy dinner, buy drinks. So far I have not been successful. There is no premium in North Carolina to come here or to stay above the starting salary.

Mr. SOUDER. Representative Folwell.

Mr. FOLWELL. I will try to respond. I have numerous newspaper articles here where folks are being hired and paid a stipend of $2,000 or $3,000 more a year if they do speak two languages. That may be a good thing in the beginning, but it does set a level of double standard and unfairness amongst the other people who work in their department that do the exact same job and the reason they are getting paid less is they do not speak a language which is not the official language of our State. So it does—I see where you are going with your question, but in reality, it does create a lot of ill feelings between people who are working side-by-side doing the same job, one who understands fluently our English language and gets paid less than somebody else who does not. I think we are all to blame for this. There is enough blame to go around this room, this community and this State for this problem.

I know that we have heard a lot of depressing statistics here today, but I am going to tell you, this country can achieve and accomplish and fix anything it sets its mind to. This is not going to be any different. We have to have clarity of thought and we have to have things in the right order. If we can get those things lined up with hard working folks like Congresswoman Foxx and yourself, we can fix this.

Ms. CONRAD-SHRADER. Mr. Chairman, I think Representative Folwell touched slightly on this issue, I am not sure that there is a great incentive in the illegal immigration population to attempt to learn the English language. We are bearing a great deal of cost

across the board in county services. Hardly a week goes by that the Board of County Commissioners does not receive a request to hire more interpreters. And I have heard anecdotally that even if they do know how to speak English, they prefer to disguise that fact because they feel it is to their advantage to continue to speak in their native language.

Also, I would followup on Representative Folwell's recent comments, and respectfully, perhaps disagree with one of your assessments of the situation, in calling this complex. We have watched the actions of Congress over the last few weeks, that certainly does seem to be the struggle that Congress is facing and their general opinion. But I think if you listen to your constituents, and particularly those of the 5th District, this is what is causing the frustration among the legal, tax-paying citizens of this country and even the legal immigrants, is that they do not view this situation as complex. They see that we have a large mass immigration of people in this country that have violated Federal laws, do not seem to have respect for the laws of the United States and that not only do our borders need to be protected, but that these 12 million illegal immigrants needs to be deported from this country and re-enter legally, regardless of the number of years that they have lived in the United States, because certainly we cannot rely on any legitimate documentation or information to even assess that situation. And to allow them to re-enter, and their children, legally perhaps in controlled numbers because we certainly cannot absorb this mass of illegal immigration and what may follow in future years if you allow amnesty or even a guest worker program.

That is what I am hearing from the citizens out there, is they do not understand why Congress is not acting more decisively, more quickly and more severely on this problem. And they do not see as that complex situation.

Mr. SOUDER. Thank you. Mx. Foxx.

Ms. FOXX. Well, thank you, Commissioner Conrad-Shrader, for saying some of what I feel too.

We are talking about our backgrounds a little bit and I want to say my father's parents came to this country from Italy. He was the oldest of nine living children. He and all his brothers and sisters learned to speak English without the help of an English as a Second Language teacher, in probably classes of 45 or 50 kids with probably a lot of people who spoke Italian when they went to school, and other languages, because he was born in 1915 and was going to school when there were a lot of people coming here from other countries. So I know very well that it is possible to learn to speak English without the help of another language.

There are so many things that you all said that I want to respond to. One thing is that Representative Folwell said this is the largest unfunded mandate ever, and I agree with you on that, because I think the Federal Government has simply not done its job in securing the borders. And as a colleague of mine pointed out the other day, and I want to read this to you because I think not many of us think about this from the Constitution, it is in Article 4, Section 4, "The United States shall guarantee to every State in this union a republican form of government and shall protect each of them against invasion."

Now I think I agree with Commissioner Conrad-Shrader, I think the people of the 5th District and people all over this country think we are being invaded, and that the Federal Government is simply not doing its job to protect us from invasion. And so I think that is the first role of the Federal Government.

I agree with Chairman Souder about the problem of raising taxes at the Federal level and trying to spend at the Federal level. I very much agree with him that whatever we can do needs to be done at the local level if at all possible. But it is wrong of the Federal Government to impose these costs on the local governments.

The other thing I would say again about people who came here in years past, who came in the early 1900's. When folks came here before, they came through centers, they came to Ellis Island or other places where they had to show that they were healthy and that they would not be a burden. Even legal people who come here have to prove that they will not be a burden on our culture. And I think that we absolutely have to enforce that in our country and I think that is the job of the Federal Government, is to say you cannot be here in this country if you are going to be a burden on the taxpayers. That is how it used to be when people came here.

The other thing related to Federal spending, as the chairman said, we are facing a crisis at the Federal Government level related to a term that I absolutely hate to use, but it is generally used by my colleagues—the term "mandatory spending"—Social Security, Medicare, Medicaid. In the next few years, like by 2040 that will absorb 60 percent of all the spending at the Federal Government level. The No. 1 role of the Federal Government, again, is the defense of this Nation. We have to have money to defend the Nation. That cannot be done anywhere else. Forsyth County cannot do that, the State of North Carolina cannot do that. So we have to make sure that there is money there.

And I, for one, am frustrated that the Congress has not dealt with this issue of how we are going to deal with spending the Federal Government has committed itself to, let alone these other things.

And I guess a couple of other responses to comments that you all have made. Representative Folwell talked about the bill that we have in Congress now that says you cannot be a citizen unless at least one of your parents is here legally. I completely agree with that. I am a co-sponsor of that bill. We call it the Anchor Baby bill. I think that it is unconscionable that we allow people to become citizens when the act that got them there to start with was illegal.

I guess that the other comment that I wanted to make was it is unfortunate that the State of North Carolina has not said back to the Federal Government, English is our official language, we have declared it so. Under the 10th amendment to the Constitution, it is our right to do that and we are simply not going to fund English as a Second Language. I believe that should be our national policy.

And again, I agree with Representative Folwell, we are facing a looming problem in this country if we devalue our language and we devalue our currency. You brought up the issue of devaluing the language and the chairman has brought up the issue of devaluing the currency. I just do not think there is any greater issue—there are two great issues facing us right now—the threat to our national

security coming from foreign countries and the threat to our entire way of life coming from this tide of illegal aliens who are coming here. So we may be destroyed from within before we are destroyed from without. And I think it is a very serious problem.

I think the issues that you all have brought up—the gangs and their lawlessness. And part of that is I think again what my constituents say to me and what I feel myself, if we allow these people to come here illegally and there is no punishment for it but simply reward, then that just gives them the opportunity to say they will break any law. What does it mean that we are a Nation of laws if we allow the initial entry to this country to be as a result of an illegal act?

So, you know, I am quite concerned about, again, most of the issues that you all have brought up. I referenced earlier the fact that we had this hearing yesterday in Caldwell County, not in my district obviously, but another member of our subcommittee, Representative McHenry, and one of the issues that came out of that meeting and out of that hearing was that many people think that they do not have to be concerned about the spread of methamphetamine because they themselves are not involved with it, their families are not involved with it. But the ripple effect of illegal drugs is enormous.

And I think the ripple effect of illegal immigration and illegal aliens is much greater than many of our lawmakers understand. And I frankly wish that we could have had all of our leadership in Congress here listening to what you had to say, and maybe the President too, to understand the depth of the concerns and the breadth of the concerns for this issue, and again, what the ripple effect is for us.

I had a lot of questions to ask, but I think most of them, particularly Mr. Keith, you answered in terms of talking about the impact and I think that Mr. Jordan—I cannot think of any other questions right now, Mr. Chairman, but I wanted to give that feedback to the people who have spoken.

Mr. SOUDER. Thank you.

Representative Folwell.

Mr. FOLWELL. I just wanted to add, I brought up the idea of deportation, and I would just submit, Mr. Chairman, that if you give us an opportunity to do some kind of pilot program that would save the Federal taxpayer money, better utilize assets that either the local, State or Federal Government has already purchased, and share whatever we save, we give half back to you and we can reinvest half of it back into dealing with this problem on a bigger basis. If you give us that chance, we will come through for you.

Mr. SOUDER. Well, let me make——

Mr. FOLWELL. If I might just add.

Mr. SOUDER. I thought you were done.

Mr. FOLWELL. I'm sorry the ICE people are not here, because it is my understanding that when somebody is deported or arrested or whatever the terms are, there are a couple of paths they go down. One is that they are not considered to be a criminal risk, sometimes they are taken to Raleigh-Durham Airport and they are put on an airplane back to their country of origin. The other option is they may be taken to Charlotte and run through some kind of

process down there. Then they are transported from Charlotte to Atlanta where they go before a deportation hearing officer. If they are determined to be deportable in Atlanta, they may be taken to Gadsden, AL, near Talladega, and in Gadsden, AL, they could be put on a plane with a lot of other deportees, flown to Brownsville, TX, taken off the plane in Brownsville, TX, put on a bus and taken across the street. We can make that process a whole lot more efficient by running airplanes out of Smith-Reynolds Airport, period. Have a deportation center, run airplanes, save money. We share the savings. We will take half of our savings and redeploy that back into other ways to save money in this process and we can come through for you, without any increased expenditure.

Mr. SOUDER. Let me make a couple of comments and I had a few more questions.

One on the Anchor Baby legislation, which I am also a co-sponsor of. The questions may not seem complex, but they are complex, whether people think they are complex or not, quite frankly. In Anchor Baby, assuming you define it—as we have to deal with the question of is one parent a citizen by green card, refugee status. Some of what you are dealing with are not illegal immigrants, they are what we have done in the Central American countries—I was asking questions about El Salvadorans and Guatemalans—we have extended the refugee status all through the civil wars of the 1980's now and expanded them for political reasons and economic reasons of those countries. And the question is what about all these people who have come in under refugee status, not even refugee status from Burma where you have a military regime, but a refugee status where you have a democratically elected government in El Salvador and Guatemala, and people are still claiming economic refugee status, which roughly the entire world could claim under that criteria of being lower income than the United States.

But assuming, taking away all those questions related to Anchor Baby, and this is assuming as long as they have some kind of status in the United States of one parent. I think—this is an I think—we are going to bring this legislation up in the House. It is not clear whether we can pass this legislation in the House, but it will be close. I would not hold my breath for this legislation to pass the Senate, I would say it is somewhere between zero and half a percent in an optimistic forecast.

But if it did pass the House and the Senate, everybody agrees that nobody knows how the court is going to rule. There is no precedent in American history, there is zero. We have had an extended internal discussion about this. Chairman Sensenbrenner, Lamar Smith are two advocates of this bill—Lamar Smith is chairman of the key subcommittee and likely next chairman of the Judiciary if the Republicans maintain control—agree that anybody who speculates how the court is going to rule is just speculating, because there is no precedent of this decision. It would seem, to those of us who are sponsoring this bill, that the founding fathers controlled the right of citizens for good or ill early on, including depriving women and Blacks of votes. So they seemed to have, in the Constitution, protected the rights of citizenship which would suggest to those of us who are strict constructionists that they would probably rule in favor of the Anchor Baby legislation, if there was

in fact a ruling, assuming the Supreme Court Justices considered themselves strict constructionists, which a majority does not. And therefore, you would have to look at what sort of precedents there are.

So the bottom line is I agree with that philosophy and I believe it is underneath much of what is happening particularly at the border communities where people try to get one foot across, try to deliver babies in the hospitals across the border and then they move internally in the United States. And if we cannot get control of that question, it puts pressure on anything that we try to deal with.

A second thing is that there is incredible naivety about how hard it is to seal the border. I have spent a big percentage of my career working on border issues because it is narcotics. It would take over 200,000 soldiers, and we still could not seal the border. I am telling you, over 200,000, maybe half a million. We do not have them, we do not have them in the military. My Guard units are exhausted, my Reserve units are exhausted. My regular military people from my home area are doing second cycles. Terrorism around the world is not going to go down. We do not have the troops to seal the border.

We cannot replace the Customs and Border Patrol agents. When we increase the dollars for them, we cannot fill the slots. The second they get an opportunity to go somewhere else, they do not want to sit there on the southwest border, they head out. It is a monumental dilemma that is going to take us some time.

Now the question is we need both time and the will. Now a fence is part of that, a fence is not the end all. They cut the fence in San Diego, but at least it slows them down a little bit. That virtual fence which is really the only thing practical in the mountainous zones and in some of the open areas—a virtual fence where you are doing monitors and so on. They kick them out, they go over them, they figure out ways around them, but we still need to do it because it slows it down and gets some control.

We need aerostats in the air to be able to track, we need more P–3s to be able to track, because they hop over with small airplanes if you do not do otherwise. But we have to have some sort of way to control immigration and the numbers who are moving back and forth. The figure 700,000 was in the initial testimony, but there is more than a million border crossings because so many people go back and forth. If we cannot get that back and forth worked through—right now, if you fly them to Brownsville and send them across, the penalty if they come right back across is nothing. In El Paso, it takes 17 times detained until they hold you overnight. That was 3 years ago. Now they are so overwhelmed with people heading to North Carolina and Indiana and elsewhere, they do not detain them at all unless they are an OTM, which is relatively new because of the terrorism question, or they have another criminal record.

So what you are doing, at least at the start of this, is an important step. And that is by getting a criminal record, we are at least able to identify more of them as we get more sophisticated on the border. But even logging who has been here illegally in your system is going to give us a better monitoring system as we aggres-

sively improve controls on the border, which we will do. The question from my perspective is will we do it fast enough.

After we get the border relatively secure—I think it is an interesting concept that you raised on deportation and a deportation center. I think it is something that we should look at as we are looking at these different bills to look at whether this possibly would work as a center. Clearly our process is flawed. I support Charlie Norwood's bill that says State and locals ought to have the right to arrest illegals. My only statement is, look, all that said, your local police department could spend their full time arresting illegals and they are going to be back here in 6 months, maybe 6 days, maybe 6 hours, depending on whether they get an airplane flight. Until we spend incredible millions and millions of dollars on computers, on monitoring things, we cannot get the border sealed. And so interior enforcement, while we can start the process, set up the process, get people trained, get the language trained, get people deputized, get them through the courses and that type of stuff, you cannot have interior enforcement until you have a secure border.

And also until you get some sort of a—and this is the most controversial part—work permit, some kind of thing to handle the 12 million that are here, because not only will you not have a secure border, you cannot find them, the estimates are just incredible what that will take.

Bottom line is we agree to that, that we need to get the border more secure and I believe you will see Congress move in that direction, hopefully move aggressively in that direction. But we will take at least baby steps.

Second, we need to look at creative ways to start setting the infrastructure for managing those who are here illegally, because they need to somehow get into our system because no system is safe when you do not know who is here and how they are moving around, whether it is terrorism or crime.

Third, and this is a more monumental question. You cannot even figure out—the health questions on people coming in, the screening, not making sure—how we deal with that. Partly the courts have really made the health question complicated, and the schooling question complicated and we need to try to plunge into the health and schooling question. And what is the Federal Government going to do to supplement the fact—even though I said the Federal Government does not have money—what is the Federal obligation to supplement the fact that we did not have the border sealed for the last decade?

In the future, as the border gets sealed, as we get a workable work permit, immigration strategy with larger numbers of immigrants to reflect realistic modern labor shortages rather than 20 years ago immigration numbers, as that changes, then you are going to have obligations in how to deal with people who are coming in. But for the people who are here, clearly the Federal Government has some obligation.

One of the most important local things and things that need to get set up—and I have asked this question a number of times. I know in my area, they started to tackle this, and that is as we move toward immigrant smugglers, the coyote networks, this is something where the local law enforcement needs to help us, be-

cause we are finding that it is much more fragmented than we thought at the Federal level. Starting with, No. 1, have you here taken down or searched or looked for who is making the fake green cards and IDs? Have you had any cases, because clearly people are manufacturing them in this area?

Mr. KEITH. We have had some employees of DMV that have been assisting people in getting driver's license. And from my perspective, I think DMV in years past has assisted by their completely slack attitude toward driver's licenses and now as these cards are being renewed, they are allowing the item number to be reused, which was used as a fake Social Security number 4 years ago when they got their license, but to be used again. I mean, DMV is certainly not on the law enforcement side even yet.

Mr. SOUDER. So has North Carolina moved toward looking for a Social Security number match?

Mr. KEITH. Yes, but I mean, give me a name and I will bring you back a Social Security card tomorrow with your name on it.

Mr. SOUDER. The question—and this is at the fundamental core of how we are going to get to deportation and managing work permits because the State and locals have to figure it out. I have one company in Fort Wayne, IN that makes 37 States' driver's licenses, and another company in Fort Wayne that does 5 more, so the odds are North Carolina is there, I do not know for sure, but 42 of the 50 States. They said the security of those licenses are dictated by the States. They come in and make them as secure as you want.

We have some initial indicators that watermarks are going to be the first step, to make sure that it is hard to duplicate. A second thing is we are looking for biometric indicators. They do Singapore as well, so they can do eye scans, they can do multiple fingerprints. We have to do more than one fingerprint, one fingerprint, they cut them off, literally in the drug and crime world—multiple fingerprints. This is a huge thing.

I was just over in Pakistan and Iraq and so on, particularly Pakistan where terrorists are coming through, you need multiple fingerprints on IDs.

But as we move through, the State agencies need to make more secure license systems that the local banks and so on need to be—how are we going to track drug money if people have fake IDs with fake numbers and the banks will not cooperate on making sure this goes. This is not just a Federal question, we need the States doing that. And as we move, most identity theft in America are people stealing my name with my number. One of my wife's best friends went to get a new credit card and four other people had stolen her number. Nobody was using her credit card, they stole her Social Security number. The largest group of radiologists in Fort Wayne, every single person has had their Social Security number and they are fighting off roughly once a month another group that has swapped and sold those Social Security numbers.

Now at the Federal level, as we get a bank on the Social Security numbers, what we need to know is then that the local prosecutors, local officials are making strong laws to go after and figure out who is duplicating inside North Carolina. It is not something they are duplicating them over in Ohio and bringing them to North Carolina. And I know in my home district, three green card manufactur-

ers were taken down in a period of 60 days. This is something that needs to be aggressively looked at and then tell us what mechanisms you do not have in enforcing that and where the Federal Government can help. But if the green card manufacturer, the stolen Social Security—as we get our computer system up better, then the question is how can we work better to identify and enforce this. Because without the basic identity information being correct, deportation is irrelevant, you cannot figure out whether they are a citizen or not.

Mr. KEITH. I hate to be negative, I am actually a very positive person outside of here. I am aware of one drunk driver through a friend of mine who is an alcohol counselor, and he will not reveal his name, but he is an illegal immigrant. I do not know his nationality, could be Polish or Scottish, he has five different licenses under five different names and he has five first offense drunk driving convictions.

I have my North Carolina license which has all this coded stuff, biometrics on the back. DMV cannot read it. The only place that you can get this read is at an ABC store, so if I go in to get a fifth of liquor and I have Brandon's license with my picture on it, they will know that I do not have brown hair and I am not a female and I am not 5 feet, 6 inches. We cannot do that. Our officers, we have those MTDs that Mr. Jordan talked about in the card, but nobody in North Carolina can read this card. We could use a national driver's license in this bill to have all the biometrics put on there, that would really help. But right now, it does not take much ID to get a driver's license.

Mr. SOUDER. Well, it does not do us any good to require the biometrics if nobody can read it. So is there any proposal at the State or local to be able to get the equipment so it can be read?

Mr. KEITH. Funding again would be that issue.

Mr. SOUDER. Representative Folwell.

Mr. FOLWELL. District Attorney Keith did used to have brown hair, I just wanted to say that, before he started dealing with these problems. [Laughter.]

Two things. And I am a freshman member of the legislature, very glad to be there, it is a great place to serve. I think the DMV is taking steps on the driver's license issue. It seems that by a recent newspaper report, that the number of illegal immigrants applying for North Carolina driver's license has dropped dramatically. We literally, in our two driver's license locations in Forsyth County, used to have tent cities set up, literally, on Monday mornings. People would come down, camp out, out-of-State license plates on their cars, and they were running them through. One reason is that we were accepting 999–99–9999 as a Social Security number for people to get driver's license.

Second, to go back to a point you made about an hour and a half ago about can you pierce through and put someone in jail who knowingly provided bond for someone who was going to jump bail. We have actually, or I have actually been working with the Insurance Commissioner in North Carolina, not about driver's license, but about uninsured motorists where there may be some legislation introduced that has the same spirit of what you talked about a couple of hours ago, that would allow us to pierce through the veil of

people who were selling fake DL–123s, which is your notification that you have basic liability insurance on your car. If you sell somebody a fake DL–123 and they go out and become involved in an accident which cost victims of this State $83 million last year by the way and we have one of the lowest uninsured motorist pools in the United States, but legislation that would allow us to go back to the person who sold that driver the DL–123, and pierce through and actually garnish their assets also.

I wanted to also add, and I normally do not comment on things I do not know a lot about, or at least try to. But it is my understanding, for example——

Mr. SOUDER. That is just because you are a freshman.

Mr. FOLWELL. OK. [Laughter.]

And in case it does not get said here in the next few minutes, I just want to say how confident I am in your depth of knowledge about these issues. It really makes me more optimistic that folks like you would come down here and conduct a meeting like this. Of all the meetings I have ever been in, it is one of the most productive I have ever sat through, so I want to thank you for that in case it does not get said.

But one thing I would like for you to look into is how it relates—it is my understanding that you can set up certain kinds of financial institutions that are federally chartered where you do not have to provide a Social Security number to open an account and the IRS does not have—for lack of a better word, Mr. Chairman—surveillance rights or powers into these financial banks or credit unions. That is something else that I think is going on in this State, that there are certain financial institutions that can be set up where you do not have to submit a Social Security number, where you can deposit money and the IRS has no broad powers to see who the depositors are or anything. So that is another part of this Social Security number equation.

Mr. SOUDER. Well, thank you, we will look into—if there are any criminals present or hear or see that comment, they should know we sometimes have bigger eyes than they think. At the same time, there are those kind of chartered institutions that are harder to do without a tip, because they do not fall under normal regulations. And finances we are trying to close, Internet stuff we are trying to close, trying to get better tracking.

And one of the things in the Department of Homeland Security—and we will follow this up with ICE, if you all have any additional input into this—in the narcotics area, we at the Federal Government have—and we are trying to set up and have started to set up in Homeland Security a similar thing like CTAC—is that what the program is, I believe—whether it is night vision goggles or different things for drug tracking. In Homeland Security, we are trying to set up a similar thing for local law enforcement. And I am convinced that identity is one of the critical things because everything else falls down if your identity problem falls down. And it may be that one of the things we need to get into Homeland Security is better readers. It does not do us any good to get the information if nobody can read the information or use the information. I think we are moving toward national standards. I think that some conservatives, including myself, who are concerned about the Book of

Revelation do not want 666 to be on their forehead necessarily, but at the same time, we are moving toward some sort of a national ID and consistency in ID and you can see how without some of that type of thing, how crooks work. And I think we are moving in that direction, but we have to be able to read it and then—I am going to make this comment last and see if Congresswoman Foxx has any closing comments—that in the challenge here, that in addition to being able to read and do the ID questions, that the groups that are running the immigrants and providing for that usually have a local base, and we will start at the Federal level and work down, but just like narcotics, it is the local level working up.

They are coming across in groups, they are getting in a van, they are going on the interstate, bringing the vans up. Who is leasing them the vans? Who are the companies that are—is it a Budget rental type thing or do they have separate front groups that are doing the vans? Who is shopping these flyers down there saying there is a work site? Do we need enhanced penalties for the people who are running the numbers as opposed to just looking at each individual and say look, this is a big business. You cannot have—the numbers are increasing in North Carolina, looking at this like another type of illegal distribution network, what are the networks that are providing the transportation? What are the networks that are providing the job information? Who, when they come in, gives them the Social Security number and the green card? Should the coyotes, which we have in our legislation that was defeated, the coyotes are the people who do the running. We never had—in San Diego, the biggest border crossing, it would take then 12 months to get to trial and if they convicted the person, they had 6 months suspension. So nobody was trying the coyotes. Clearly that is a law enforcement question. The question is in this State, first like we do in narcotics and like we talked about with gangs, you take out the leaders. And if we can get some of the leaders, then we can start to address the bigger question of what we are going to do with all the huge numbers of immigrants we are trying to deal with. But unless we have a structure—it is in effect walking into people's homes and picking them up for smoking pot as opposed to trying to get to the networks that are moving the whole thing.

I just wanted to raise that point because that is clearly going to require, at the grassroots level, just like narcotics does, if the street cop does not pick them up, us having a Federal approach to it will not work.

Congresswoman Foxx, do you have any closing comments or questions?

Ms. FOXX. Well, I appreciate you talking about the possibility of our looking at a deportation center. I think that is a great idea and that we should look at that. I think looking at whether we need to put into Federal statutes the need to fingerprint everyone, I think that comment that District Attorney Keith brought up, and what to do about enhancing penalties for gang members, I think those are issues that we can look at and see if we have legislation that is out there that we could put those elements in, or if we can put in new legislation that would deal with that.

But I want to thank the chairman for agreeing to come to bring this hearing here to Forsyth County to the 5th District. It has been

very revealing to me. I have learned a lot today, I think he has. I hope that most of the people here have learned a lot. I hope that we will get some good coverage out of it so that the people who are not here today, but who will be listening and hearing about what happened will learn and that we can do more of this to again educate the public as to the ramifications of what we are talking about. I frankly think the general public in this district is very well aware of the problems. Our challenge is how do we get other people to understand those problems, and particularly those people who serve in the Senate, to understand that we have a need to do something about the problem that we are facing.

But I thank all of you for coming today, and again I especially thank the chairman. I hope that he will come back again and visit. I know that he is a history buff and would want to spend some time at Old Salem and we will have him learn some more about the wonderful people who settled this area and spend some more time in the 5th District.

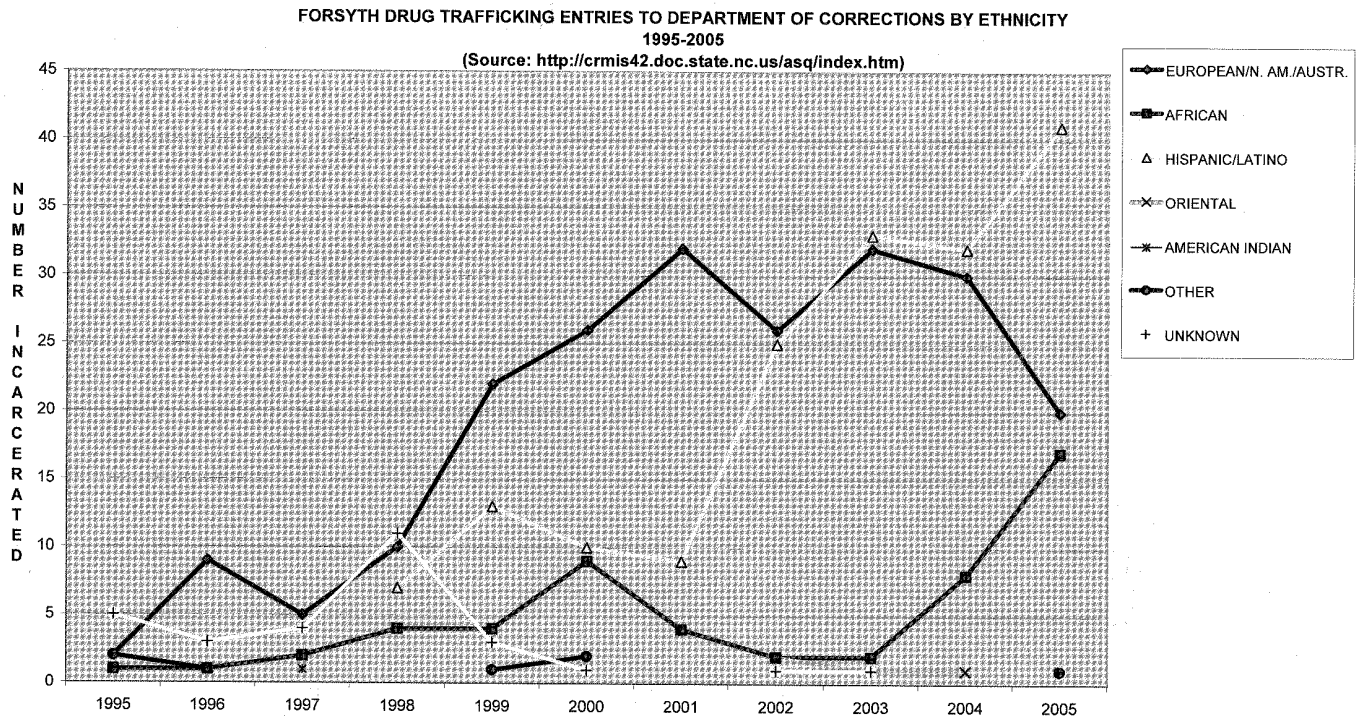
I know how busy you are because I know how busy I am and so I am grateful to you for making the effort to be here and for the staff too and look forward to continuing to work with you on these issues.

Mr. SOUDER. Thank you very much for having me here and hosting our hearing today. Thank you all for your testimony. As my friend, Congressman Shadegg says, "History may not repeat itself, but often it rhymes." And that is what we look for is that there are different variations in different States but we are looking for the rhyming pattern, so at the Federal Government we can do the rhyming part and leave the local and State to figure out how their area is unique, and working together I think we can make progress on these difficult issues. I, like the State's attorney, am a generally optimistic person until I sit through these hearings and then whether it is child abuse or how we are going to pay for Social Security or terrorism in the world, you kind of get down like this and you go out in the real world and get balanced, because this is still the greatest country in the world. That is why everybody wants to come here. And we just need to make sure it stays great and we keep our identity. And part of the way you do that is through the hard work of each of you. I hope you will thank each of your departments. I know every police department, every attorney's office, everybody who works in the jail, probation officers, who are overwhelmed in most cities, are all overwhelmed and those who serve in public service, we thank you all on behalf of the U.S. Government for all your work here in North Carolina.

With that, the subcommittee stands adjourned.

[Whereupon, at 12:55 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]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