AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

IMMIGRATION ENFORCEMENT RESOURCES AUTHORIZED IN THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

MARCH 3, 2005

Serial No. 109–4

Printed for the use of the Committee on the Judiciary

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

U.S. GOVERNMENT PRINTING OFFICE

99–582 PDF WASHINGTON : 2005

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

COMMITTEE ON THE JUDICIARY

F. JAMES SENSENBRENNER, JR., Wisconsin, *Chairman*

HENRY J. HYDE, Illinois
HOWARD COBLE, North Carolina
LAMAR SMITH, Texas
ELTON GALLEGLY, California
BOB GOODLATTE, Virginia
STEVE CHABOT, Ohio
DANIEL E. LUNGREN, California
WILLIAM L. JENKINS, Tennessee
CHRIS CANNON, Utah
SPENCER BACHUS, Alabama
BOB INGLIS, South Carolina
JOHN N. HOSTETTLER, Indiana
MARK GREEN, Wisconsin
RIC KELLER, Florida
DARRELL ISSA, California
JEFF FLAKE, Arizona
MIKE PENCE, Indiana
J. RANDY FORBES, Virginia
STEVE KING, Iowa
TOM FEENEY, Florida
TRENT FRANKS, Arizona
LOUIE GOHMERT, Texas

JOHN CONYERS, JR., Michigan
HOWARD L. BERMAN, California
RICK BOUCHER, Virginia
JERROLD NADLER, New York
ROBERT C. SCOTT, Virginia
MELVIN L. WATT, North Carolina
ZOE LOFGREN, California
SHEILA JACKSON LEE, Texas
MAXINE WATERS, California
MARTIN T. MEEHAN, Massachusetts
WILLIAM D. DELAHUNT, Massachusetts
ROBERT WEXLER, Florida
ANTHONY D. WEINER, New York
ADAM B. SCHIFF, California
LINDA T. SÁNCHEZ, California
ADAM SMITH, Washington
CHRIS VAN HOLLEN, Maryland

PHILIP G. KIKO, *Chief of Staff-General Counsel*
PERRY H. APELBAUM, *Minority Chief Counsel*

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS

JOHN N. HOSTETTLER, Indiana, *Chairman*

STEVE KING, Iowa
LOUIE GOHMERT, Texas
LAMAR SMITH, Texas
ELTON GALLEGLY, California
BOB GOODLATTE, Virginia
DANIEL E. LUNGREN, California
JEFF FLAKE, Arizona
BOB INGLIS, South Carolina
DARRELL ISSA, California

SHEILA JACKSON LEE, Texas
HOWARD L. BERMAN, California
ZOE LOFGREN, California
LINDA T. SÁNCHEZ, California
JERROLD NADLER, New York
MAXINE WATERS, California

GEORGE FISHMAN, *Chief Counsel*
ART ARTHUR, *Counsel*
LUKE BELLOCCHI, *Full Committee Counsel*
CINDY BLACKSTON, *Professional Staff*
NOLAN RAPPAPORT, *Minority Counsel*

CONTENTS

MARCH 3, 2005

OPENING STATEMENT

Page

The Honorable John N. Hostettler, a Representative in Congress from the State of Indiana, and Chairman, Subcommittee on Immigration, Border Security, and Claims 1

The Honorable Sheila Jackson Lee, a Representative in Congress from the State of Texas, and Ranking Member, Subcommittee on Immigration, Border Security, and Claims 2

WITNESSES

The Honorable. Solomon P. Ortiz, a Representative in Congress from the State of Texas

Oral Testimony 6

Prepared Statement 9

Mr. Peter Gadiel, 9/11 Families for a Secure America

Oral Testimony 11

Prepared Statement 13

Mr. T.J. Bonner, National President, National Border Patrol Council

Oral Testimony 14

Prepared Statement 17

Mr. Robert Eggle, father of Kris Eggle, slain National Park Service Ranger

Oral Testimony 23

Prepared Statement 25

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

Prepared Statement of the Honorable Sheila Jackson Lee, a Representative in Congress from the State of Texas 37

Prepared Statement of the Honorable Zoe Lofgren, a Representative in Congress from the State of California 38

Prepared Statement of the Honorable Steve King, a Representative in Congress from the State of Iowa 38

Prepared Statement of the Honorable Linda T. Sánchez a Representative in Congress from the State of California 39

News Articles Compiled by Congressman Solomon P. Ortiz submitted by Representative Sheila Jackson Lee 40

News Articles submitted by Mr. Robert Eggle 92

IMMIGRATION ENFORCEMENT RESOURCES AUTHORIZED IN THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

THURSDAY, MARCH 3, 2005

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION,
BORDER SECURITY, AND CLAIMS,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 11:37 a.m., in Room 2141, Rayburn House Office Building, Hon. John N. Hostettler (Chair of the Subcommittee) presiding.

Mr. HOSTETTLER. The Subcommittee will come to order.

At the end of last year, Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004 based on some of the recommendations of the National Commission on Terrorist Attacks on the United States, known as the 9/11 Commission, which studied the nation's security lapses leading to the tragic terrorist attacks of September, 2001. Congress cannot simply pass that legislation and think we have done our job. 9/11 is a tragedy of the scale that we must never forget. Preventing it from happening again demands our eternal vigilance.

While many members of the House of Representatives believe that the act omitted key recommendations of the 9/11 Commission, there was overwhelming bipartisan support for the act's recognition that the men and women of the Department of Homeland Security need greatly expanded resources if they are to successfully enforce the immigration laws of this nation and protect the American people.

Today and over the next several weeks, our Subcommittee will examine the provisions of the act designed to do just this. In our hearing today, the Subcommittee will examine the act's call for doubling the Border Patrol over 5 years. Next Thursday, the Subcommittee will examine the resources needed to ensure interior immigration enforcement. Finally, on March 16, the Subcommittee will hear from Assistant Secretaries Robert Bonner and Michael Garcia of the Department of Homeland Security regarding the Administration's proposed 2006 budget for these processes.

Although my home State of Indiana does not have Border Patrol agents stationed in it, the people of Indiana are grateful to those dedicated Border Patrol agents who are stationed at the nation's borders protecting all Americans from those who would enter the

country surreptitiously and do us harm. As the 9/11 Commission found, "It is elemental to border security to know who is coming into the country. . . . We must . . . be able to monitor and respond to entrances between our ports of entry. . . . The challenge for national security in an age of terrorism is to prevent the . . . people who may pose overwhelming risks from entering . . . the U.S. undetected."

But Admiral James Loy, Deputy Secretary of Homeland Security, testified just last month that, "Entrenched human smuggling networks . . . in areas beyond our borders can be exploited by terrorist organizations. Recent information . . . strongly suggests that al-Qaeda has considered using the Southwest border to infiltrate the United States. Several al-Qaeda leaders believe operatives can pay their way into the country through Mexico and also believe illegal entry is more advantageous than legal entry for operational security reasons. . . . [Also] the long United States-Canada border, often rugged and remote, includes a variety of terrain and waterways, some suitable for illicit border crossings."

Vice Admiral Lowell Jacoby, Director of the Defense Intelligence Agency, reminded us that it is, "al-Qaeda's stated intention to conduct an attack exceeding the destruction of 9/11."

This testimony indicates the unwavering will of terrorists to exploit any weaknesses in our border security. However, the heavy burden of policing the nation's borders against terrorists is not all that is resting on the shoulders of the Border Patrol. The war on terrorism should not cause us to give pause in the war on drugs or the constant need to reaffirm our nation's sovereignty and territorial integrity. The Border Patrol remains our first line of defense against the entry into the country of terrorists, drug smugglers, gangs, criminal aliens, and others who seek to break our laws.

I was very glad to hear the President say in his State of the Union Address this year that he supports an, "immigration policy that . . . tells us who is entering and leaving our country, and that closes the border to drug dealers and terrorists." I was, therefore, deeply disappointed that his budget for 2006 calls for an increase in Border Patrol agents of barely 10 percent of that called for by the Intelligence Reform and Terrorism Prevention Act.

The Intelligence Reform and Terrorism Prevention Act called for a 2,000-agent increase in Border Patrol strength for 2006. The witnesses at today's hearing will examine the need for this increase from each of their unique perspectives.

At this time, the chair recognizes the Ranking Member from Texas, Ms. Jackson Lee, for an opening statement.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. Let me also ask your indulgence. We are in two hearings at this time and I wanted to make sure that I gave a great deal of my attention to this very important issue.

Let me weome the witnesses and thank you so very much for your presence here today.

Mr. Chairman, I am going to make a statement that I have made through the years of my participation in this Subcommittee, but more importantly, since 9/11. I think it is particularly important today because I believe out of this hearing there will be a great deal of commonality and unity on the crisis that we face and the

opportunity that we have if we act now and the opportunity that we will miss if we do not act.

First of all, I think it is important to note that immigration does not equate to terrorism, and I say it again. Immigration does not equate to terrorism. I hope in the future weeks and months to come we'll find common ground to address the concerns of Lou Dobbs, to address the concerns of hard-working tax-paying immigrants who are undocumented in this country, to respond to the concern where Americans have felt that the question of a driver's license really cures terrorism, and it does not. I hope we will work together on that, Mr. Chairman, and find our way to the Arizona border, the California border, the Mexico and Texas border, and really work on these issues.

But today, I think we have a more serious question and that question is glaring and I believe that we are moved to act, if not today, as soon as possible. Listen to these headlines. "Texas Tops Nation in Illegal Migrant No-Shows. About 40 Percent Don't Go to Court Hearings. U.S. Figure is 23 Percent." Again, about 40 percent of the individuals with court hearings do not show up, and the phrase for those mostly are what we call OTM, Other-Than-Mexican individuals or citizens, and that means that they get paperwork, but yet they do not show up. "Snipers Target Border Agents," law enforcement officers who are working every day to secure our borders.

I hope today that we understand that in addition to this issue of Border Patrol agents, securing the border requires a lot more—monitoring, collaboration, but certainly it requires a kind of increased professionalism, increased compensation, and increased numbers.

Headlines, "Bush Plan for Border Criticized in Congress," not because we don't want to work with the President, but because we realize that the disclosure that al-Qaeda operatives may try to sneak into the United States through Mexico is intensifying demands that we have the amount of numbers of Border Patrol agents.

News headline that is recently published, "Outgoing Homeland Security Official Cautions Against Citizen Border Patrol Agents," a problem that we're facing in our States because people are frustrated. We need trained, professional Border Patrol agents.

Secretary, Deputy Secretary of Homeland Security, Mr. Chairman, first, the threat is unclear but enduring. The condition is not expected to change. We continue to note attempted entry into the U.S. by aliens who, according to intelligence, pose a threat. This is the testimony of Admiral James Loy. It is real. It is serious.

The headlines speak to this continuously and there is headline after headline after headline that border control requires increased funding. "Al Qaeda Threat Demands Border Funding," and that is an article recently published in Human Events. I can go on and on about the articles to be able to craft the problem.

But what I would suggest as we look and listen in this hearing is that we listen with an ear of solution. The Bureau of Customs and Border Protection is responsible for overall border enforcement. Within the Bureau, a distinction is made between border enforcement at and between points of entry.

This hearing is about funding for additional Border Patrol agents for the division within the Bureau that is responsible for border enforcement between points of entry the United States Border Patrol. The primary mission of the U.S. Border Patrol is to detect and prevent the entry of terrorists, weapons of mass destruction, unauthorized aliens into the country, and to interdict drug smugglers and other criminals between official points of entry.

The U.S. Border Patrols 8,000 miles of international borders with Mexico and Canada and the coastal waters around Florida and Puerto Rico. It is a daunting task. The Northern border with Canada touches 12 States and is more than 4,000 miles long. It has vast mountain ranges, such as the Rockies, the Great Lakes, and many different river systems, and in the winter, heavy snow and bitter cold temperatures. Reminded of the turn of the century, this last century, when the forces were able to thwart, along with local officials, the potential of a tragic terrorist incident that would have occurred at LAX, the Los Angeles airport. We know how important it is to secure both the Northern and Southern borders.

The U.S. Border Patrol also utilizes advanced technology to augment its agents' ability to patrol the borders. These technologies include light towers, mobile night vision scopes, remote video surveillance systems, directional listening devices, unmanned aerial vehicles, and database systems. These so-called force multipliers allow the U.S. Border Patrol to deploy sometimes fewer agents while still maintaining its ability to detect and counter intrusions.

The Intelligence Reform Act contains a provision requiring the USBP to add 2,000 agents to its workforce each year for FY 2006 to 2010. Mr. Chairman, we have been talking about adding Border Patrol agents, I think, now for 6 years and we have not reached the goals that we need to reach. Notwithstanding that provision, the Administration's budget of FY 2006 only requests funding for 210 additional agent positions. We must amend that budget provision. We must add new numbers. We must ensure the professional development, and we must ensure the compensation.

At the hearing today, we will hear testimony on the need for additional agents authorized by the National Intelligence Reform Act. Might I say to those who have not yet been to the borders, dealing with the Southern border, California, Texas, and Arizona, you need simply go and see the closeness of the United States to our neighbor to the South, the easiness for individuals who intend to do harm to cross the border.

As I indicated, immigration does not equate to terrorism. Migration does not equate to terrorism. But lack of dutifulness, inattentive to a secure border to avoid those who intend to do us harm from meeting their court date, from being detained, is a crisis in and of itself.

Mr. Chairman, as you well know, I was able to include portions of the CASE Act in the intelligence bill, the bill that I offered last session that provided extra measures of punishment for those who would smuggle individuals into this country. Yet we have not completely answered that question and I believe there are other aspects of the CASE Act that we should include—outreach programs, the educational programs that would avoid the tragedy of human trafficking.

At the same time, I think we should take our instruction from the intelligence bill that was passed along with provisions from the Commercial Alien Smuggling Elimination Act of 2005. We need to act now. The 2,000 needed Border Patrol agents would be able to ensure or provide additional safety for the American people.

I think it is important and imperative, Mr. Chairman, that this hearing be the underpinnings for answering the concerns of all of these articles, article after article after article after article, that speaks to the question that we are not safe at our borders and we are not giving our Border Patrol agents sufficient staff to do so.

I thank the Chairman very much for this time.

Mr. HOSTETTLER. I thank the gentlelady for her opening statement.

Without objection, all opening statements will be made a part of the record.

At this time, I will introduce our witnesses today. We are fortunate that testifying today will be Mr. Peter Gadiel, Director of the 9/11 Families for a Secure America. Peter and his wife, Jan, of Kent, Connecticut, lost their son, James, at age 23 in the World Trade Center on September 11, 2001. Mr. Gadiel has worked tirelessly since that day to see that no other American families ever again have to experience the nightmare suffered by he and his wife.

Also testifying will be Mr. T.J. Bonner, head of the National Border Patrol Council, which represents thousands of Border Patrol agents. Mr. Bonner, a Border Patrol agent himself for many years, is in a unique position to tell us about the morale of Border Patrol agents, the difficult job those agents must perform every day, the dangers they face as they pursue smugglers with human and drug cargo, and their need for additional help to control our borders.

Likewise, former Army Airborne Ranger and wounded Vietnam Veteran Robert Eggle will be testifying. Bonnie and Bob Eggle's son, Kris, lost his life in the line of duty along the border at Organ Pipe Cactus National Monument on August 9, 2002. From Cadillac, Michigan, Kris became an Eagle Scout, a National Honor Society student, and graduated from Cadillac High School as valedictorian in 1991. After graduation with honors from the University of Michigan, he took a job with the National Park Service. Kris was fatally shot while pursuing a drug cartel hit squad who escaped across the United States border after a spate of killings in Mexico. Kris was 28 years old.

Mr. Gadiel and Mr. Eggle, let me express the deepest sympathy to you from every member of this Subcommittee. As the father of two sons and two daughters, words cannot express my sadness for your loss. It is your courage and the courage of your family, demonstrated by your willingness to appear before the Subcommittee today, that gives us all the vision that out of great despair can come great hope. Likewise, it is my desire that your words do not fall on deaf ears but are the impetus for a renewed effort to give the men and women who valiantly defend our borders, and indeed our sovereignty, the aid they require to do their job.

Another witness will be the honorable gentleman from Texas, Mr. Solomon Ortiz. Out of courtesy to a fellow Member of Congress, I will ask the Ranking Member's witness, Mr. Ortiz, to speak first

today. Mr. Ortiz has represented Texans in Congress since 1982. Prior to that, he served as Nueces County Sheriff. His district abuts the Rio Grande River and the Mexican border. His constituents witness every day the problems stemming from the lack of secure borders. He is co-chair of the bipartisan House Border Caucus, which examines issues that affect the communities along the U.S. borders, particularly the U.S.-Mexico border.

Will the witnesses please rise to take the oath.

Do you solemnly swear that the testimony you are about to give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. ORTIZ. I do.

Mr. GADIEL. I do.

Mr. BONNER. I do.

Mr. EGGLE. I do.

Mr. HOSTETTLER. Thank you. You may be seated.

Ms. JACKSON LEE. Mr. Chairman, would you yield for just a point of personal privilege for Mr. Ortiz, Congressman Ortiz?

Mr. HOSTETTLER. Yes, I yield to the Ranking Member.

Ms. JACKSON LEE. Let me just, point of personal privilege to indicate to my colleagues that Congressman Ortiz has been on this matter for an enormous amount of time and spent an enormous amount of time. This is a—I don't want to put words in his mouth, but a crisis in his area. He has been a leader on this issue and has taken any number of members to the border area to show firsthand what is happening, and I want to particularly weome him and thank him for his leadership and for bringing this to our attention.

This is an important issue, and I thank you for indulging. I may have to go to the Floor, and I thank you again for indulging.

Mr. HOSTETTLER. Thank you, Ms. Jackson Lee.

I would like the record to reflect that the witnesses responded in the affirmative to the oath.

Mr. Ortiz, you are recognized for 5 minutes.

TESTIMONY OF THE HONORABLE SOLOMON P. ORTIZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. ORTIZ. Thank you, Mr. Chairman. With your permission, my co-Chairman of the Border Caucus, Chairman Bonilla, couldn't be here because he has another meeting going on, but if I may, I would like to introduce one of the sheriffs, Sheriff D'Wayne Jernigan, who really understands the problem that Chairman Bonilla and myself and he is going through.

But if I may, with your permission, I would like to show two videos that we have. With your permission, I would like to do that.

Mr. HOSTETTLER. Without objection. [Videotape shown.]

Mr. ORTIZ. I think this is another tape of a member of a very vicious gang who was also arrested. I think it is coming up. [Videotape shown.]

Mr. ORTIZ. Thank you, Mr. Chairman, for allowing us witnesses to appear before your Committee and for you and the Members of the Committee to have a little understanding and knowledge, and I know that you do because members of the minority and majority

staff were there. They have seen the border problems, and I want to thank you for that, for them spending time at the border.

You know, I am not an immigrant basher. My mother was an immigrant and I am part of a rich tradition of immigrants in the United States. Before coming to Congress, I was a sheriff in South Texas, which keeps me in close touch with the people who protect our safety and property along the Southern border.

I want to address a growing dangerous national security problem originating on the Southern border with three major components: number one, the release of OTMs, which translates to Other-Than-Mexicans, by the United States Government. Border law enforcement officers routinely release illegal immigrants into the general population of the United States because they do not have sufficient funds and space to detain them at detention facilities.

Captured OTMs are released on their own recognizance and are ordered to appear at a deportation hearing weeks after their release. The number of absconders, those who never appear for deportation, varies very widely, but just recently when I checked, they said it is around 90 percent of those released, a number now approaching within the last fiscal year and the beginning of this fiscal year 75,000 individuals.

The growing number, number two, of Mara Salvatruchans continues to grow. Now, these are members of the gangs, the bloody, violent Central American gangs that are now a serious criminal element in major cities and in States around the country. Some of these gangs are entering the country as OTMs and gaining easy release.

And number three, a recent warning to Americans by the United States Ambassador to Mexico illustrating the danger of narcotrafficking gangs along the United States border directed against Americans in the border area, including kidnapping of American citizens.

The Southern border is literally under siege and there is a real possibility that terrorists, particularly al-Qaeda forces, could exploit this series of holes in our law enforcement system along the Southern border. There has been a 137 percent increase in OTMs in this present fiscal year, alone translating to roughly 19,000 in one Border Patrol sector, which is the McAllen Sector in the district that I represent. However, this problem is not just in South Texas. Boston, Massachusetts, area police have arrested a number of MS–13 gang members who are causing serious crime problems in the community, one of which was a reported OTM released by Border Patrol law enforcement.

Central American law enforcement and news reports note, and I have talked to some of them, that al-Qaeda is trying to get the ruthless M5–13 gangs to move high-value al-Qaeda agents or operators across the border for large sums of money, totaling up to $250,000 or more. Admiral Loy at DHS recently noted in testimony before the Intelligence Committee that al-Qaeda is attempting to exploit the Southern border to enter the United States.

The intelligence reform bill passed by Congress and signed by the President mandated 10,000 Border Patrol agents over 10 years, or 2,000 Border Patrol agents annually for the next 5 years. The budget received by Congress in early February only funded 210

Border Patrol agents. The Border Patrol will lose more than 210 agents due to attrition. And just this week, 24 more Border Patrol agents were mobilized with the National Guard to go and serve in Iraq.

Intelligence reform mandated an increase of 8,000 beds in detention facilities annually for the next 5 years, still not nearly enough to hold all those coming into the United States. Yet our budget proposal provides for only 1,900 new detention spaces, over 6,000 beds short of the Congressional mandate passed in December of last year.

This is a clear and present danger inside the United States and the number of released immigrants not returning for deportation grows by hundreds each week. This willfully ignores a complex problem undermining our national objective, to take the war to the enemy so we do not have to fight the war on terror inside our country. Yet, we could very well be letting people come into our backyard.

Not only do we not know who we are releasing, we don't know where they are going. The entire system depends upon the information given to us or to the Border Patrol by the immigrants. Without any sort of identification, agents simply have to trust that they are getting accurate information.

Local rangers in South Texas have found clothing that is native to the Middle East. They have found currency, Middle Eastern currency, of countries of special interest, and those OTMs are being released.

The more OTMs we release, the more we encourage their crossing in the first place, and this is not the first experience we have had. About 15 years ago, I had 57,000 immigrants in my district, and this was when Attorney General Meese, when the Contra War was going on, when he said, if you fear for your life, all you have to do is ask for political asylum. I had 57,000 people in my district.

My friends, until we have the resources we need, the Border Patrol agents, the detention facilities, and the appropriate technology to screen those immigrants, they are going to continue to enter this country. And until we send that signal that if you come, you are going to be apprehended, you are going to be detained, and you are going to go through the normal process and be deported, if we don't do that—in fact, I just got an e-mail, three Palestinians were coming across. They arrested one and they are still looking for two others.

My friends, these are things that are happening on a daily basis, and I don't want to consume too much time because I know that we have other witnesses. We are desperate for help.

You might ask about the morale. The morale of our Border Patrol is low. They are confused. They ask, what is our mission? Some of them feel like they are taxicab drivers, Wal-Mart greeters. Those coming across, what they do is just turn themselves in to the Border Patrol and they ask, where are my walking papers? It wouldn't be so bad if we knew who they are or where they are coming from.

These are their walking papers, my friends. You don't see a picture. You don't see an address. You don't see fingerprints. And many times, an individual comes with a walking paper and then they find that the individual has identification with another name.

He is rearrested. The old paper is thrown away and he is given a new one with a new name. This is what's happening at our border.

This is very, very serious. I could go on and on, but I will allow later on for some questions and thank you for your indulgence. Thank you so much.

Mr. HOSTETTLER. Thank you, Mr. Ortiz.

[The prepared statement of Mr. Ortiz follows:]

PREPARED STATEMENT OF THE HONORABLE SOLOMON P. ORTIZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Chairman Hostettler, Ranking Member Jackson Lee, and Members of the Committee.

Thank you for your timely hearing about dangers in U.S. border security.

Before I begin, let me state that I am not an immigrant-basher. My mother was an immigrant and I am part of a rich tradition of immigrants in the U.S.

Before coming to Congress, I was a sheriff in South Texas, which keeps me in close touch with the people who protect our safety and property along the southern border.

I want to address a growing, dangerous national security problem originating on the southern border with 3 major components:

1. The release of OTMs (other than Mexicans) by the U.S. government. Border law enforcement officers routinely release illegal immigrants into the general population of the U.S. because they do not have sufficient funds and space to detain them at detention facilities. Captured OTMs are released on their own recognizance and are ordered to appear at a deportation hearing weeks after their release. The number of "absconders"—those who never appear for deportation—varies widely, but is said to be 90% of those released, a number now approaching 75,000.
2. The growing number of Mara Salvatrucha (MS 13) gangs, the bloody, violent Central American gangs that are now a serious criminal element in major cities and in states around the country. These gangs are entering the country as OTMs, and gaining easy release.
3. A recent warning to Americans by the U.S. Ambassador to Mexico illustrating the danger of narcotrafficking gangs along the U.S. border directed against Americans in the border area, including kidnapping of American citizens.

The Southern Border is literally under siege, and there is a real possibility that terrorists—particularly al Qaida forces—could exploit this series of holes in our law enforcement system along the southern border.

There has been a 137% increase in OTMs in this fiscal year alone—translating to roughly 6,000 OTMs. Of those, 40% pass through the McAllen Sector alone in south Texas.

However, this problem is not just in South Texas. Boston-area police have arrested a number of MS 13 gang members who are tearing through their community, one of which was reported to be an OTM, released by border law enforcement.

Central American law enforcement and news reports note that al Qaida is trying to get the ruthless MS 13 gangs to move high value al Qaida operatives across the border for a large sum of money, we've heard about $250,000.

Admiral James Loy from the Department of Homeland Security recently noted in testimony before the Intelligence Committee that there is reason to believe al Qaida is attempting to exploit the southern border to enter the U.S.

This is what we know.

The Intelligence Reform bill passed by Congress, and signed by the President, mandated 10,000 Border Patrol agents over 10 years, 2,000 annually. The budget received by Congress in early February only funded 210 BP agents. The Border Patrol will lose more than 210 agents to attrition—the strength of the Border Patrol is dwindling. Just this week, 24 more Border Patrol agents were mobilized with the National Guard to the war in Iraq from the McAllen sector alone.

Intelligence Reform mandated an increase of 8,000 beds in detention facilities annually for the next 5 years, still not nearly enough to hold all those coming in to the U.S. Yet, our budget proposal provides for only about 1,900 new detention space beds—over 6,000 beds short of the congressional mandate passed in December 2004.

This is a clear and present danger inside the United States, and the number of released illegal immigrants not returning for deportation grows by the hundreds each week.

This willfully ignores a complex problem undermining our national objective: to take the war to the enemy so we do not have to fight the war on terror inside our country, yet we could very well be letting people in our own backyard.

Not only do we not know who we are releasing, we don't know where they are going. The entire system depends upon the information given to us by the immigrants. Without ID, agents simply have to trust they are getting accurate information.

Local ranchers found clothing that is native to the Middle East and Sudanese money—countries of special interest—and those OTMs are being released. They are showing up in taxis at Border Patrol stations to get their walking papers.

The more OTMs we release, the more we encourage their crossing in the first place. Until we have the resources we need—the border patrol agents, the detention facilities and the appropriate technology—to accurately screen these immigrants, they are going to continue to enter the country. We must send a clear signal that they will be apprehended and put through the legal process in order for these OTMs to stop infiltrating our borders.

Our borders are crossed illegally in waves—the first wave of 10 or so are captured, processed and nearly always released, but while the agents are processing the first wave, the next several waves come in uncontested.

Again, let's be clear—this is not anti-immigrant rhetoric.

Most immigrants crossing our borders merely seek a better life. In FY03, 95% of illegal immigrants were Mexicans; the remaining 5% (49,545) were OTMs.

Before 9/11, concerns about illegal immigrants focused entirely on the cost to local communities and the fear that Americans could lose jobs to immigrants willing to work cheaper. That is not the case today.

Once again, the OTM issue is not just a concern for border communities, but more importantly for all of us. It is a dire matter of our national security in this dangerous new age.

I am introducing a border security bill shortly that will address some of the issues we have discussed here today. I hope all of you will consider co-sponsoring it and I invite you to my district to see all this for yourselves.

My recommendations—many of which are included in my bill—are on many levels:

- Providing more security clearances to agents so more can access the database—presently only a few have the abilities—or providing more training for our agents
- More piloted aircraft, fewer UAVs—those who utilize it say our air ops is outdated
- In the McAllen sector, we need remote video cameras—they need cameras on both sides of the checkpoints
- More personnel to man the checkpoints and cameras
- More immigration judges
- Some type of roving collection facility to gather up illegal immigrants to keep agents on their post
- Work with Mexico to prevent OTMs from crossing in the first place
- Exchange criminal data with Central American countries to know who's crossing the border
- Agencies need to talk to each other and stop denying the magnitude of this problem.

We can't just talk about it, or authorize it. We must fund every single penny of it now, in the supplemental coming before Congress in the next few weeks.

I asked those who stand on our front lines what they would want to say to the U.S. Congress; here's what they said:

—"Our borders are not secure."

—"What's our mission here? We're spinning our wheels."

—"The whole system is broken."

— "We're releasing OTMs without proper checks due to lack of time and info."

I want to thank the Majority and the Minority members of the Subcommittee—and their staff—for their concern on this issue and for inviting me to testify.

I wish to submit for the record a number of new stories about these things, and I am happy to answer any questions you may have.

Mr. HOSTETTLER. Mr. Gadiel, you are recognized.

TESTIMONY OF PETER GADIEL, 9/11 FAMILIES FOR A SECURE AMERICA

Mr. GADIEL. Speaking for many members, 9/11 family members, Mr. Chairman, Members of the Subcommittee, I am deeply appreciative of this opportunity to speak to you today to discuss the importance of fully funding the additional border security resources authorized by Congress last year in the Intelligence Reform Act.

The act was signed into law by the President on December 17, 2004, and was designed to respond to security weaknesses identified by the 9/11 Commission. The Congressional debate of the bill, as you know, was particularly contentious. Not once during that debate, however, did we hear any Member of Congress or the Administration question the need for 10,000 additional Border Patrol agents, 4,000 additional ICE agents, and 40,000 additional detention beds.

In a December 6 letter to the House-Senate conferees negotiating the bill, President Bush said, "I also believe the conference took an important step in strengthening our immigration laws by, among other things, increasing the number of Border Patrol agents and detention beds." The need for these extra resources is obvious. As the 9/11 Commission's staff put it in the opening line of their monograph on "Terrorist Travel,""Terrorists cannot plan and carry out attacks in the United States if they are unable to enter our country."

Like the other 9/11 families, I was appalled to read that the President's budget proposal included funding for only 210 additional border agents, 143 ICE investigators, and 1,920 additional detention beds. Every 9/11 family member I have ever spoken with over the past 3 years understands that their loved ones died because the Government failed to live up to its most basic obligation to its citizens, to protect us from foreign attack.

We know there were intelligence failures leading up to 9/11. We know that complacent Government officials simply refused to believe that something like 9/11 could happen here. And more than anything else, we know that the Government failed to maintain control of our borders leading up to 9/11.

Those 19 mass murderers counted on lax scrutiny of their visa applications and overwhelmed inspectors at our ports of entry. Then once here, the terrorists counted on being able to hide in plain sight in an ocean of over ten million illegal aliens living in the United States. They benefitted from the fact that enforcement of immigration laws inside the United States is virtually nonexistent and Americans are so inured to this fact that no one, civilian or law officer, would notice them or interfere with them as they planned, rehearsed, financed, and then carried out their conspiracy over a period of almost 2 years.

They were free to obtain U.S. identity documents, rent apartments, open bank accounts, sign up for flight lessons, and then board airplanes with the drivers' licenses so obligingly provided to them by Virginia, New Jersey, and Florida.

This failure to enforce existing immigration laws both at our borders and within the United States, along with the plethora of incentives, benefits, and services we offer to illegal aliens, led directly to the 9/11 attacks and the death of my son and 3,000 others.

We who lost so much on that day simply cannot understand why some in our Government are still questioning the need for adequate resources, especially manpower, to control who is permitted to enter our country. These Government officials tell us that truly securing our borders would endanger our freedom, as if having open borders where anyone, including terrorists, can freely enter our country somehow protects our freedom.

They tell us that they can protect us from terrorism without disrupting illegal immigration, as if terrorists somehow look different and thus stand out. They tell us we must accept amnesty in order to bring illegal aliens out of the shadows and register them, as if we didn't know with certainty that terrorist sleepers will take advantage of this, just as Mahmud Abouhalima did in 1986, after which, possessing a nice new green card, he continued to obtain terrorist training so he could drive a vanload of explosives into the World Trade Center in 1993.

Mr. Chairman, you mentioned before the testimony of Mr. Loy recently before the Select Committee on Intelligence. I won't repeat what he said, except to say that at the end, he said, "there is no conclusive evidence that indicates operatives have made successful penetrations via this method."

We have learned that in the weeks prior to 9/11, there were many indications that al-Qaeda was planning terrorist attacks using commercial jetliners. It appears that many in our Government failed to act because they lacked conclusive proof as to the time, date, or place. For the 9/11 families, our conclusive proof was watching, along with the rest of our country, as our loved ones suffered hideous and often prolonged agonies before their deaths.

Shortly after the 9/11 attacks, President Bush stood on the ruins of the World Trade Center, the only tomb my son will ever know, and said, "I hear you." I would sincerely like to believe that that's true, because time is not on our side and it is unlikely that we will have conclusive proof before the next attack, either. We can't afford to wait any longer before we take our borders seriously.

Our organization, 9/11 Families for a Secure America, fought last year in support of H.R. 10, with its border and identity security provisions. We were met in the Senate with the usual protests by opponents of real reform—"Not this. Not now. Not here." As a result of that Senate opposition, most of the border and document security provisions we supported were stripped from the final bill, even though they were supported by the work of the 9/11 Commission. Thankfully, the bill did retain substantial increases in authorized Border Patrol agents, ICE agents, and detention beds. But now that it is time to fund these increases, we again hear, "Not this. Not now. Not here."

To those who oppose the increases, we who lost loved ones on 9/11 ask this. If not now, when? If not this, what? And if not here on our borders, where? How much more conclusive proof will it take? Thank you.

Mr. HOSTETTLER. Thank you, Mr. Gadiel.

[The prepared statement of Mr. Gadiel follows:]

PREPARED STATEMENT OF PETER GADIEL

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to appear before you to today to discuss the critical importance of fully funding the additional border security resources authorized by Congress last year in the Intelligence Reform and Terrorism Prevention Act

This act, signed into law by the President on December 17, 2004, was designed to respond to security weaknesses identified by the 9/11 Commission. The congressional debate of the bill, as you know, was particularly contentious. Not once during that debate, however, did I hear any Member of Congress or the Administration question the need for the 10,000 additional Border Patrol agents, 4,000 additional ICE investigators, and 40,000 additional detention beds. In a December 6 letter to the House-Senate conferees negotiating the bill, President Bush said: "I also believe the conference took an important step in strengthening our immigration laws by, among other items, increasing the number of border patrol agents and detention beds." The need for these extra resources is obvious. As the 9/11 Commission's staff put it in the opening line of their monograph on *9/11 and Terrorist Travel:* "terrorists cannot plan and carry out attacks in the United States if they are unable to enter the country."

Like the other 9/11 families, I was shocked to read that the President's budget proposal included funding for only 210 additional Border Patrol agents, 143 additional ICE investigators, and 1,920 additional detention beds. Every 9/11 family member I have spoken with over the past three years understands that their loved ones died because our government failed to live up to its most basic obligation to its citizens: to protect us from foreign attack.

We know there were intelligence failures leading up to 9/11. We know that complacent government officials simply refused to believe that something like 9/11 could happen here. More than anything else, though, we know that our government failed to maintain control of our borders leading up to 9/11.

Those 19 murderers counted on lax scrutiny of their visa applications and overwhelmed inspectors at our ports of entry. Once here, the terrorists counted on being able to hide in plain sight in the ocean of 10 million or more illegal aliens living in the United States.

They benefited from the fact that enforcement of immigration laws inside the United States is virtually nonexistent and that Americans are so inured to this fact that no one—civilian or law officer—would notice them or interfere as they planned, rehearsed, financed, and then carried out their conspiracy to commit mass murder.

They were free to obtain US identity documents, rent apartments and vehicles, open bank accounts, sign up for flight lessons, and then board airplanes with the drivers' licenses so obligingly issued to them in Virginia, Florida and New Jersey.

This failure to enforce existing immigration laws both at our borders and within the United States, along with the plethora of incentives, benefits and services we offer to illegal aliens, led directly to the 9/11 attacks and the death of my son and three thousand other innocents.

We, who lost so much on that day, simply cannot understand why some in our government are still questioning the need for adequate resources, especially manpower, to control who is permitted to enter our country. These government officials tell us that truly securing our borders would endanger our freedom, as if having open borders—where ANYONE, including terrorists, can freely enter our country—somehow protects our freedom. They tell us that they can protect us from terrorism without disrupting illegal immigration, as if terrorists will somehow look different and so stand out. They tell us that we must accept amnesty in order to bring illegal aliens out of the shadows and register them, as if we didn't know with certainty that terrorist "sleepers" will take advantage, just as Mahmud Abouhalima did in 1986, after which he used his new green card to obtain terrorist training so he could drive a vanload of explosives into the World Trade Center in 1993.

At a hearing before the Senate Select Committee on Intelligence on February 16, Adm. James Loy, Deputy DHS Secretary, testified that:

> *. . . entrenched human smuggling networks and corruption in areas beyond our borders can be exploited by terrorist organizations. Recent information . . . strongly suggests that al-Qaida has considered using the Southwest Border to infiltrate the United States. Several al-Qaida leaders believe operatives can pay their way into the country through Mexico and also believe illegal entry is more advantageous for operational security reasons. However, there is no conclusive*

evidence that indicates . . . operatives have made successful penetrations . . . via this method.

We have learned that in the weeks prior to 9/11 there were many indications that al-Qaida was planning terrorist attacks using commercial jetliners. It appears that many in our government failed to act because they lacked "conclusive proof" as to time, date, or place. For the 9/11 families, our "conclusive proof" was watching, along with the rest of the country, as our loved ones suffered hideous and often agonizing deaths.

Shortly after the 9/11 attacks, President Bush stood on the ruins of the World Trade Center, the only tomb my son will ever know, and said: "I hear you." I sincerely hope that's true, because time is not on our side and it is unlikely that we will have "conclusive proof" before the next attack either. We cannot afford to wait any longer before we take border security seriously.

9/11 FSA fought last year in support of H.R. 10 with its border and identity security provisions. We were met in the Senate with the usual protests by opponents of real reform: "Not this. Not now. Not here." As a result of Senate opposition, most of the border and document security provisions we supported were stripped from the final bill, even though they were supported by the 9/11 Commission's work. Thankfully, the final bill did retain substantial increases in authorized Border Patrol agents, ICE agents, and detention beds. But now that it is time to fund those increases we again hear: "Not this. Not now. Not here."

To those who oppose the increases we ask: If not now, when? If not this, what? And if not here on our borders, where? How much more "conclusive proof" will it take?

Mr. HOSTETTLER. Mr. Bonner.

TESTIMONY OF T.J. BONNER, NATIONAL PRESIDENT, NATIONAL BORDER PATROL COUNCIL

Mr. BONNER. Thank you, Mr. Chairman, and other Members of the Subcommittee. I have been a Border Patrol agent for the past 27 years and have proudly served my country in this occupation and have thousands of colleagues who are also proud to have served, and I have to tell you, looking at that video earlier makes me ashamed, not because we are letting the country down but because of what is happening and we are being forced to carry out policies that are not in the interest of our country.

Since its founding in 1924, the United States Border Patrol has lost 96 agents in the line of duty. Hundreds of other law enforcement officers have also given their lives guarding our nation's borders. One of those, Kris Eggle, was assisting U.S. Border Patrol officers to chase down some drug smugglers and he was ambushed and murdered in Arizona back in 2002. I would hope that the lives of all of these courageous agents have not been given in vain, that there is a purpose for this, that Congress is truly interested in protecting our country against the threats of criminals, and in this day and age, especially terrorists.

There should be no debate anymore about whether there is a link between border security and homeland security. There clearly is. The time for debating that should have passed long ago. We need to take measures to secure our borders, and one of the most important measures is to augment the personnel who are on our borders 24/7.

It is very disappointing to me that the President in his budget request has only requested 5 percent of the promised resources. While he says that he is requesting 210 positions, if you read the budget justification documents, it is only 105 full-time-equivalent positions. There are no part-time Border Patrol agents, which means that there are really only 105 positions out of 2,000 that are

being requested. This is shameful. We need a lot of help and we need a lot of help now.

The people who oppose adding additional Border Patrol agents generally have two arguments, the first being that technology force multipliers will eliminate the need for more Border Patrol agents, and the second argument deals with the ability of the Border Patrol to add 2,000 people a year.

Back in 1996, Congress called for a doubling of the Border Patrol's workforce at that time, hiring 1,000 agents a year. The naysayers said it couldn't be done. We did it. We can do it again, because the percentage of people that we would be adding this time would be actually even less than the percentage of people that we added before. A law enforcement agency can comfortably absorb 20 to 25 percent additional people per year. We need the additional resources. We beg you, as Members of Congress, to give us those additional resources.

I would like to talk a little bit about the technology. Technology gives you a snapshot of what happens at the border. It is cost-efficient technology. Now, you can get the fancy stuff like the unmanned aerial vehicles and those can track people as they go north of the border, although they crash 100 times more often than a piloted aircraft. And, in fact, during the pilot program last year in Arizona, to the tune of ten million taxpayer dollars, we were able to get three UAVs up in the air and we managed to crash three of them.

This is not a cost-effective use of taxpayer dollars. We need more agents on the ground. We need more ground sensors. We need more cameras. And we need more pilots and helicopters. But high-tech devices such as UAVs are not the answer. UAVs are great for combat areas in military operations where your aircraft are being shot down. That is not happening on our Southern borders and technology does not catch a single violator. Technology cannot swoop down and arrest anyone. That has to be done by Border Patrol agents.

We desperately need more Border Patrol agents in order to carry out our essential mission, which is stopping everyone from coming across the border, and we are not getting that done. Even though we apprehended 1.2 million violators last year alone, millions more got by us. Our agents estimate that for every person that we catch, two to three get by us. That is simply unacceptable, because even though the overwhelming majority of those people might be folks who are only looking to work in this country, there are sprinkled within that thousands of criminals, and yes, there are terrorists in that mix. We know that. Common sense tells us that terrorists want to come into the country.

The easiest hole to exploit in our homeland security network at this point in time is the porosity of our Southwest border, and the Northern border is also very porous. We have at this time about 1,000 Border Patrol agents to patrol 4,000 miles of border between the Continential U.S. and Canada. You have to look at this not from a standpoint of 1,000 agents, but about 250 at any given time that you can put out there because you have to run three shifts a day, 24 hours a day, 7 days a week, 365 days a year. So at any given point in time, we have at best 250 agents to patrol 4,000

miles of border. It is incredibly easy to slip across our borders, especially if you have the vast resources like a terrorist network like al-Qaeda.

We are also disappointed that some of the strategies that our agents are forced to utilize are counterproductive. The strategy of deterrence that has been in place for a number of years has always appeared ridiculous to the Border Patrol agents—the notion that just sitting in one spot is going to deter people from coming into this country. Well, now it is downright dangerous because terrorists are not going to be deterred simply by looking at a Border Patrol agent in a fixed position. We need to be allowed to pursue people who are coming across the border, to actually patrol, as our name suggests.

The dedicated men and women who comprise the United States Border Patrol and the other parts of the Department of Homeland Security need a lot of support from Washington, D.C., in the form of additional resources and manpower, but they also need your support in telling the policy makers to allow us to do our job, to treat us fairly so that we can hang on to the best and the brightest so that we can at least try to protect America.

One of the pieces of legislation that was introduced on the first day of this Congress was H.R. 98, which would establish a counterfeit-proof employment eligibility card, which is our Social Security card. I believe that this is one of the most important things that this Congress can do to cut off the flow of illegal immigration coming into this country. As long as we have to deal with millions of people coming across the border every year in search of employment, we have no chance of picking off those few terrorists who are mingled into that mix. We have to go after the people who are hiring illegal aliens if we want to have any hope at all of gaining any semblance of control over our borders.

I thank you very much for your time and attention and would be more than happy to answer any questions you might have.

Mr. HOSTETTLER. Thank you, Mr. Bonner.

[The prepared statement of Mr. Bonner follows:]

PREPARED STATEMENT OF T.J. BONNER

STATEMENT OF THE

NATIONAL BORDER PATROL COUNCIL

OF THE

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

AFL-CIO

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CLAIMS

COMMITTEE ON THE JUDICIARY

UNITED STATES HOUSE OF REPRESENTATIVES

OVERSIGHT HEARING ON THE IMMIGRATION ENFORCEMENT
RESOURCES AUTHORIZED IN THE INTELLIGENCE REFORM
AND TERRORISM PREVENTION ACT OF 2004

PRESENTED BY

T.J. BONNER
NATIONAL PRESIDENT

MARCH 3, 2005

On behalf of the 10,000 front-line Border Patrol employees that it represents, the National Border Patrol Council thanks the Subcommittee for the opportunity to present our views and concerns regarding the Administration's budget request for immigration enforcement resources for the next fiscal year.

The nightmarish events that unfolded on the morning of September 11, 2001 punctuated the vulnerabilities of our Nation's immigration system. All nineteen of the terrorists who carried out those horrific attacks were foreign nationals who had violated our immigration laws, yet were allowed to remain in the United States. Some steps have been taken to ensure that it is now more difficult for terrorists to enter our country through legal means. Unfortunately, the same cannot be said about their ability to cross our borders illegally. The ease with which *anyone* can sneak into our country is alarming. Although the overwhelming majority of those who do so are merely seeking economic opportunities, thousands of criminals also succeed in entering the United States illegally every year, and there is mounting evidence that terrorists are also increasingly exploiting this weakness in our homeland security network. The 9/11 Commission recognized these shortcomings and made several recommendations designed to minimize the possibility of future terrorist attacks that take advantage of our open borders.[1] Sadly, this Administration has not fully implemented these recommendations.

The reason that so many people can easily cross our borders illegally is quite simple: The Border Patrol is overwhelmed by the sheer volume of traffic. Last fiscal year, it apprehended nearly 1.2 million people trying to illegally enter the country. Front-line agents estimate that two to three times that number managed to slip by them. The Border Patrol is responsible for patrolling the 2,000 miles of land border between the United States and Mexico, the 4,000 miles of land border between the continental United States and Canada, and thousands of additional miles of coastline bordering the continental United States as well as Puerto Rico. Fewer than 11,000 agents are expected to accomplish this daunting task. At the start of the previous fiscal year, there were approximately 10,650 Border Patrol agents. By mid-March of 2004, that number had climbed to more than 11,175. The Border Patrol inexplicably stopped hiring new agents at that point, and the total number dwindled to about 10,800 by the end of the fiscal year.

Although the Intelligence Reform and Terrorism Prevention Act of 2004 authorized 10,000 additional agents over the next five years to reinforce the thin ranks of the Border Patrol, the Administration's Fiscal Year 2006 Budget requests funding for only a small fraction of those resources. While the Administration claims to seek 210 new Border Patrol agent positions, a closer examination of the documents submitted in support of the request reveals that only 105 full-time equivalent positions are actually being sought. Since there are no part-time Border Patrol agent positions, an explanation from the Administration for this discrepancy would be in order. Regardless of whether the actual number is 105 or 210, it is far below the 2,000 authorized under the Intelligence Reform legislation.

Those who advocate ignoring the Act's mandate to double the size of the Border Patrol generally rely on one or both of the following arguments to support their position: 1) Advanced technology will act as "force-multipliers" that will largely eliminate the need for additional Border Patrol agents. 2) The Border Patrol cannot reasonably hire, train and absorb 2,000 additional agents annually.

Neither of these excuses are valid. While suitable technology can undoubtedly be useful in detecting intrusions, it is incapable of arresting a single violator. Cost-effective technologies such as sensors and cameras only provide a "snapshot" of intrusions within a limited geographic area. More sophisticated technology that is capable of tracking people or objects on the move, such as an unmanned aerial vehicle, is very expensive and not nearly as efficient or economical as piloted aircraft and/or mobile agents on the ground.

In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act authorized the doubling of the Border Patrol workforce, calling for 1,000 additional Border Patrol agents and 300 support personnel for each of the following five fiscal years. Although there was a fair degree of doubt that those ambitious hiring goals could be achieved, they were in fact met during the first four years. Those who are now skeptical about the feasibility of adding 10,000 Border Patrol agents over the next five years should bear in mind that this represents a smaller annual percentage increase than the previous build-up, and is likewise attainable.

Incredibly, the Administration is requesting more money to provide illegal aliens with free trips to their hometowns in an effort to keep them from re-crossing through the Arizona desert than it is for hiring more Border Patrol agents to stop such illegal entries in the first place. Despite modest increases in several areas, the Administration is proposing to slash the Border Patrol's overall budget by $80 million, a 4% reduction. Distressingly, this is the second consecutive year that this vital program has seen a significant reduction in its resources. This is unfathomable, especially in light of the threats to homeland security posed by our porous borders.

Notwithstanding the fact that the connection between border security and homeland security is beyond dispute, there appears to be a decided lack of will to enforce our immigration laws, both at the borders and in the interior of our country. The Border Patrol continues to operate inefficiently, forced to deploy many of its resources in highly-visible positions along the immediate border in an effort to discourage people from crossing illegally. This strategy, which was foolish even before the terrorist attacks of September 11, 2001, is now downright dangerous, allowing terrorists and criminals free access to our country.

Even with the adoption of more sensible enforcement strategies along the border, the flow of illegal immigration will not be significantly reduced until the root of the problem is addressed. The only feasible way to do this is by strengthening the employer sanctions laws. Employers need to be able to easily verify an applicant's eligibility to work in this country, and strict penalties must be imposed against those employers who choose to ignore the law. The Illegal Immigration Enforcement and Social Security Protection Act of 2005 (H.R. 98) would accomplish these goals, and its passage should be one of the highest priorities for this Congress.

Finally, it must be recognized that the Department of Homeland Security cannot accomplish its vital mission without a large number of dedicated and skilled employees. These men and women work long hours under dangerous and difficult conditions, and in return only ask that they be allowed to do their jobs in the manner dictated by their experience, and that they be treated fairly. Unfortunately, neither of

these relatively modest needs are currently being met. Employees are routinely hamstrung in the performance of their duties by policies that make no sense from any perspective. Moreover, the new human resources management system that is being implemented at the Department is a throwback to the corrupt, cronyism-based nineteenth century civil service system that nearly ruined public service in this country. No one wants to work in an agency where their pay suffers in order to reward the favored few, where they can be fired for no valid reason, and where they have no say in the decisions that affect their working conditions. Under these circumstances, the best and the brightest will almost certainly gravitate away from this agency, exposing our Nation to even graver danger. In light of the foregoing, it should come as no surprise that morale among front-line employees is at an all-time low.

In conclusion, the Administration's budget request for immigration enforcement resources shortchanges the American public in one of the most critical areas imaginable – the defense of our homeland against the very real threat of terrorism. The Congress of the United States has the authority – and in this case the solemn responsibility – to override the Administration's request and to fully fund all necessary immigration enforcement initiatives. These would include, but certainly not be limited to, the addition of all 2,000 Border Patrol agent positions authorized under the Intelligence Reform and Terrorism Prevention Act of 2004 and the restoration of $100 million that has been slashed from the Border Patrol's budget in the Administration's current and previous requests.

1. "More than 500 million people annually cross U.S. borders at legal entry points, about 330 million of them noncitizens. Another 500,000 or more enter illegally without inspection across America's thousands of miles of land borders or remain in the country past the expiration of their permitted stay. The challenge for national security in an age of terrorism is to prevent the very few people who may pose overwhelming risks from entering or remaining in the United States undetected.

In the decade before September 11, 2001, border security—encompassing travel, entry, and immigration—was not seen as a national security matter. Public figures voiced concern about the "war on drugs," the right level and kind of immigration, problems along the southwest border, migration crises originating in the Caribbean and elsewhere, or the growing criminal traffic in humans. The immigration system as a whole was widely viewed as increasingly dysfunctional and badly in need of reform. In national security circles, however, only smuggling of weapons of mass destruction carried weight, not the entry of terrorists who might use such weapons or the presence of associated foreign-born terrorists.

For terrorists, travel documents are as important as weapons. Terrorists must travel clandestinely to meet, train, plan, case targets, and gain access to attack. To them, international travel presents great danger, because they must surface to pass through regulated channels, present themselves to border security officials, or attempt to circumvent inspection points. In their travels, terrorists use evasive methods, such as altered and counterfeit passports and visas, specific travel methods and routes, liaisons with corrupt government officials, human smuggling networks, supportive travel agencies, and immigration and identity fraud. These can sometimes be detected.

Before 9/11, no agency of the U.S. government systematically analyzed terrorists' travel strategies. Had they done so, they could have discovered the ways in which the terrorist predecessors to al Qaeda had been systematically but detectably exploiting weaknesses in our border security since the early 1990s.

We found that as many as 15 of the 19 hijackers were potentially vulnerable to interception by border authorities. Analyzing their characteristic travel documents and travel patterns could have allowed authorities to intercept 4 to 15 hijackers and more effective use of information available in U.S. government databases could have identified up to 3 hijackers.

Looking back, we can also see that the routine operations of our immigration laws—that is, aspects of those laws not specifically aimed at protecting against terrorism—inevitably shaped al Qaeda's planning and opportunities. Because they were deemed not to be bona fide tourists or students as they claimed, five conspirators that we know of tried to get visas and failed, and one was denied entry by an inspector. We also found that had the immigration system set a higher bar for determining whether individuals are who or what they claim to be—and ensuring routine consequences for violations—it could potentially have excluded, removed, or come into further contact with several hijackers who did not appear to meet the terms for admitting short-term visitors.

Our investigation showed that two systemic weaknesses came together in our border system's inability to contribute to an effective defense against the 9/11 attacks: a lack of well-developed counterterrorism measures as a part of border security and an immigration system not able to deliver on its basic commitments, much less support counterterrorism. These weaknesses have been reduced but are far from being overcome." (*9/11 Commission Report, pages 383-384*)

"It is elemental to border security to know who is coming into the country. Today more than 9 million people are in the United States outside the legal immigration system. We must also be able to monitor and respond to entrances between our ports of entry, working with Canada and Mexico as much as possible." (*9/11 Commission Report, page 390*)

Mr. HOSTETTLER. Mr. Eggle.

TESTIMONY OF ROBERT EGGLE, FATHER OF KRIS EGGLE, SLAIN NATIONAL PARK SERVICE RANGER

Mr. EGGLE. Thank you, Mr. Chairman. I request that simultaneous with my remarks, I be able to show a CD with some shots, and that I will have other documents to submit for the record.

Mr. HOSTETTLER. Without objection, Mr. Eggle.

Mr. EGGLE. Chairman Hostettler, ladies and gentlemen, an honor it is to speak before this Committee. Thank you. Yes, on August 9, 2002, my son made that supreme sacrifice of defending our country at our border. That day was my personal 9/11.

You may be asking yourself why I am here testifying today since my son was a National Park Service Ranger, not a Border Patrol agent. The answer is this. Because the Government did not see fit to give the Border Patrol adequate resources to secure our borders, Kris and other law enforcement rangers at Organ Pipe Cactus National Monument assisted the outmanned and out-gunned agents when they could. So, you see, if Congress had done its duty back then and had adequately funded and equipped our Border Patrol, my son, Kris, might well be alive today.

As a National Park Service volunteer for Organ Pipe Cactus National Monument, I personally worked on the 32-mile barbed wire fence that constitutes our border with Mexico. I did this many days for 3 years preceding Kris's murder. Post his murder, I have returned six times to that same park. Our border was then, and still is, terribly broken.

Most importantly today, I project to you the magnitude of this illegal immigration. Border Patrol reported record illegal alien arrests and record drug seizes for 2004. Yet by the Border Patrol's and other experts' own admission, they apprehend only ten to 15 percent of the total smuggling of drugs and people. The magnitude is not what is interdicted, rather, the huge number that gets through. That is our challenge today. This 85 to 90 percent of successful smuggling represents thousands each day and unbelievable tons of dope.

USA Today newspaper just last week, and Time magazine last fall, framed this magnitude. Also, dangers increase as more shootings and assaults continue against our Federal law enforcement officers. In the last 3 months alone, there have been 87 assaults just in the Tucson sector of our Arizona-Mexico border.

The number of so-called OTMs, Other-Than-Mexicans, apprehended by Border Patrol has more than doubled in the last 3 years, from 37,000 in 2002 to 75,000 in 2004. These numbers include aliens from Afghanistan, Egypt, Indonesia, Iran, China, Iraq, Lebanon, North Korea, Saudi Arabia, Yemen, and virtually every other country on earth, and these are just the ones that were caught, and, in most cases, released into our communities because there were not enough detention beds to hold them.

Previous Border Patrol increases have been incremental and only token, without significant tactical analysis of what truly is necessary. The 2,000 Border Patrolmen per year increase in the recent intelligence bill reform last December will yet not be enough to control our out-of-control borders, both South and North.

Neither Border Patrol nor Homeland Security has ever quantified this illegal invasion, nor estimated the law enforcement that is truly necessary. To use military talk, I submit that overwhelming force is now necessary.

There is no silver bullet. Only hard police work and adequate resources from you Congressmen and Congresswomen will recover this deficit.

Matters are made worse by Mexican government encouragement, especially the recent "How to Trespass Safely in the U.S." comic book. President Bush or Secretary Rice must speak very, very frankly to Vicente Fox about Mexico respecting our sovereignty and addressing its problems there rather than exporting them here.

Reinforcement of Immigration and Customs officers and major increases in detention facilities are imperative. An element of deterrence has too long been avoided, but is now vital. ICE reinforcement should include personnel and vehicles to enable pick-up and transport of illegals arrested by State and local authorities. One should never again hear of calls to Immigration where State and local law enforcement are told simply to release illegals because there is no one to come and pick them up.

Federal courts desperately need reinforcement to prosecute these drug and people smugglers. For example, the U.S. Attorney in Tucson cannot keep up. Magistrates specializing in immigration and smuggling should be added geographically.

Practically speaking, recruiting, training, and deployment of these new Border Patrolmen will take years, yet the need is now! Existing Federal law enforcement officers, such as National Park Service and Bureau of Indian Affairs, are doing magnificent work to hold our line as best they can. Immediate augmentation of these agencies already on the ground through Homeland Security would project corrective action much more quickly.

My son was murdered while defending our border. There were inadequate Border Patrolmen on the ground then. I was outraged that there was no anger expressed then by any Federal official that a Federal law enforcement officer, safely within our country, could be murdered and ambushed by a Mexican crime spillover.

Two days before Christmas 2003, I attended a funeral in Yuma, Arizona, of a young Border Patrolman who drowned in the Colorado River while attempting to save illegals who should not have been there. This was tragic, so very tragic.

Gentlemen and ladies, I will make this very personal to you. I challenge each of you to view this proposal of more Border Patrolmen as if one of your sons or daughters would be so deployed. Each of you would, I am sure, want to deploy patrolmen sufficient to make that duty as safe as possible for your son or daughter.

I would not suffer any of you to feel the void, the loss, that I, my wife, and my daughter have felt or that which has been experienced by the 9/11 families. My wife, although not able to attend today, very much wanted to be here to tell you how a mother feels about the murder of her son.

In closing, I suggest that each of you who have not already been there need to see this problem up close to really understand it. I volunteer to help escort you to view our broken borders. Relentless

acquiescence should no longer prevail. Let us work together on this problem before more lives are lost.

Thank you for allowing me to speak to you today. Good day.

Mr. HOSTETTLER. Thank you, Mr. Eggle.

[The prepared statement of Mr. Eggle follows:]

PREPARED STATEMENT OF ROBERT EGGLE

Chairmen Hostettler, ladies, and gentlemen, it is an honor to speak before this Subcommittee today—thank you.

On August 9th, 2002, my son made that supreme sacrifice in defending our country at our border. That day was my personal 9/11.

You may be asking yourself why I am here testifying today since my son was a National Park Service Ranger and not a Border Patrol agent. The answer is this: Because his government did not see fit to give the Border Patrol adequate resources to secure our borders, Kris and the other Rangers at Organ Pipe Cactus National Monument assisted the outmanned and outgunned agents when they could. So you see, if the government had done its duty back then and adequately funded and equipped the Border Patrol, my son might well be alive today.

As a National Park Service volunteer for Organ Pipe Cactus National Monument, I personally worked on the 32-mile barbed-wire fence, our border with Mexico. I did this many days for three years preceding Kris' murder. After his murder, I have returned six times to that same area. I have seen with my own eyes and experienced first-hand through my grief, how our border was terribly broken then . . . and still is now.

Most importantly today, I illustrate to you the magnitude of illegal immigration through our border. Border Patrol reported record illegal alien arrests and record drug seizures in 2004. Yet, by Border Patrol's own admission, the apprehensions are only 10 to15 percent of the total smuggling of drugs and people. The magnitude is not what is interdicted, rather the huge number which gets through. That is our challenge!

This 85 to 90 percent of successful smuggling represents thousands of illegal aliens each day and unbelievable tons of dope.

USA TODAY newspaper and TIME magazine, last week and last fall, respectively, framed the magnitude of this problem. Also, dangers increase as more shootings and assaults continue against our federal law enforcement officers. In the last three months alone, there have been 87 assaults in the Tucson sector of Arizona.

The number of so-called OTMs, or other than Mexicans, apprehended by Border Patrol has more than doubled in the last three years—from 37,316 in 2002 to 75,389 in 2004. These numbers include illegal aliens from Afghanistan, Egypt, Indonesia, Iran, Iraq, Lebanon, North Korea, Saudi Arabia, Yemen, and virtually every other country on Earth. And these are just the ones who were caught—and, in most cases, released into our communities because there are not enough detention beds to hold them.

Previous Border Patrol increases have been incremental and only token, without tactical analysis of what is truly necessary.

Even the 2000 Border patrolmen per year increases in the Intel Reform bill signed into law last December will not be enough to properly manage our out-of-control borders, both south and north.

Neither Border Patrol nor Homeland Security has ever quantified this illegal invasion, nor estimated the law enforcement that is truly necessary. To use military talk, overwhelming force is now necessary.

There is no silver bullet—only hard police work will recover this deficit.

Matters are made worse by Mexican government encouragement of illegal immigration, especially the recent "How to Trespass Safely to the U.S." comic book. President Bush or Secretary Rice must speak very frankly to Mexican President Vicente Fox about respecting our sovereignty and addressing Mexico's problems rather than exporting them here.

Reinforcement of Immigration and Customs officers and major increases in detention facilities are imperative. An element of deterrence has too long been avoided, but is now vital. ICE reinforcement should include personnel and vehicles to enable pick up and transport of illegals arrested by state and local authorities. No one should ever again hear of calls to ICE where state and local law enforcement officials are told to release illegal aliens because no one can come to pick them up.

Federal Courts also desperately need reinforcement to prosecute the drug and people smugglers. For example, the U.S. Attorney in Tucson cannot keep up. Mag-

istrates specializing in immigration and smuggling should be added on a geographic basis.

Practically speaking, recruiting, training, and deploying these new Border Patrolmen will take years. The need is now! Existing Federal Law Enforcement Officers, such as National Park Service and Bureau of Indian Affairs are doing magnificent work to hold the line the best they can. Immediate augmentation of these agencies through Homeland Security would provide corrective action much more quickly.

The CLEAR Act should also be enacted immediately in order to achieve a great force multiplier from state and local law enforcement.

My son was murdered while defending our border because there was an inadequate number of Border Patrolmen. I was outraged that there was no real anger expressed by any Federal official that a Federal Law Enforcement Officer, safely within our border, could be ambushed and murdered in a Mexican crime spillover.

Two days before Christmas 2003, I attended the funeral in Yuma, AZ of a young Border Patrolman who drowned in the Colorado River while attempting to save illegals who should not have been there. Tragic, so very tragic.

Ladies and Gentlemen, I will make this personal to you. I challenge each of you to view this proposal of more Border Patrolmen as if one of your sons or daughters would be so deployed. Each of you would, I am sure, want to deploy patrolmen sufficient to make duty as safe as possible for your son or daughter.

I would not suffer any one of you to feel the void—the tremendous loss—that I, my wife and daughter have felt, or that experienced by 9/11 families. My wife, although unable to attend, very much wanted to be here to tell you how a mother feels about the murder of her child.

In closing, I suggest that you each need to see this problem close up to really understand it. I volunteer to help escort you to view our Broken Borders. Relentless acquiescence should no longer prevail. Let us work together on this problem before more lives are lost.

Thank you for allowing me to speak to you.

Mr. HOSTETTLER. At this time, the Subcommittee will turn to questions.

Mr. Gadiel, please tell us how most of the 9/11 families feel about the 9/11 act authorizations for more Border Patrol, and secondly, as a matter of priority, do you think border security takes precedence over other parts of the budget?

Mr. GADIEL. It doesn't seem possible to me that anything could be more important than defending the United States from foreign invasion. I mean, it's a basic first obligation of the Constitution. I can't imagine that there are no items in the Federal budget that couldn't be sacrificed for this purpose.

And as far as the families, I obviously can't speak for all of them, I've never met all of them, but as I said in my statement, without exception, every one I have ever spoken to says they feel let down by their Government and they recognize one of the failures, that of keeping these people out. I mean, the fact that these 19 mass murderers got into this country, often coming into and leaving the country on numerous occasions, many entrances and exits, is pretty clear proof that our borders are not secure.

Mr. HOSTETTLER. When you were advocating last year for the 9/11 bill, did anyone ever dispute the notion of significantly increasing our Border Patrol?

Mr. GADIEL. I never heard anybody dispute that particular point. No, I can't say that I have.

Mr. HOSTETTLER. Thank you.

Mr. Eggle, as an experienced war veteran, can you tell us how you assess, in your experience at the border, can you assess the security situation at the Southwest border today?

Mr. EGGLE. It's terrible. As I indicated earlier, the border is tragically broken. When I first began working there, the 32 miles of

border that I worked on consisted of a four-wire barbed wire fence. In Michigan, I and my family have a centennial farm where we have a small cow-calf operation and my absolutely worst fence to hold my cattle in was better than our national border.

To me, I only submit the word that it was obscene. It had terrible holes on it. The smugglers would just drive through it. They wouldn't even stop to take time to clip the wires. There was really no barrier. They just drove over it. Most of my time there was fixing these holes.

Security-wise, there were not sufficient Park Rangers to respond. There were, of course, no Border Patrolmen to respond.

Mr. HOSTETTLER. Is it possible your son, Mr. Eggle, would not have been confronted by the drug gang had the border been enforced with proper resources?

Mr. GADIEL. Absolutely, yes. My son's killers were fleeing and having a running gun battle with the Mexican authorities on a road right adjacent to our border, and as they neared the edge of the Mexican village, they just did a 90-degree turn, drove through a gaping hole into our desert. Had there been proper border and Border Patrolmen sufficient to have a controlled, tactical response, it would not have been necessary for my son, joining up with one single, solo Border Patrolman, to respond. That was the place for a tactical special response team of many members to engage. There simply at that time were not the people to respond properly.

Mr. HOSTETTLER. Thank you, sir.

Mr. Bonner, you and other witnesses touched on this briefly, but could you elaborate on the overall morale of the Border Patrol?

Mr. BONNER. Sure. I've been an agent, as I mentioned earlier, for 27 years. I've never seen it lower. Agents are demoralized. The Congressman talked about how OTMs will show up at our stations in South Texas. They will take taxicabs there and they will demand to be processed quicker than our agents can keep up with that, saying, "We know what your internal guidelines are. You have to get us out of here in a certain amount of time."

Our agents signed up to be law enforcement officers, not Wal-Mart greeters, not social workers. We want to go out, enforce the laws, protect America, and our inability to do that because of policies that don't allow us to do that and lack of funding is a source of extreme frustration and demoralization.

Mr. HOSTETTLER. Thank you.

Mr. EGGLE. May I add a comment to that, please?

Mr. HOSTETTLER. Yes.

Mr. EGGLE. Our remarks here do not disparage at all the individual patrolmen or law enforcement officers like our National Park Service officers. These young men are of great quality and they are committed. They are very committed, just like our young soldiers in Iraq that you may have seen interviewed. They want to do good work. We just need to give them the tools to do it with.

Mr. HOSTETTLER. Thank you, sir.

Mr. ORTIZ. Mr. Chairman, if I may, I think that we have time to correct what needs to be corrected. There is a supplemental coming up, and if we could work on that supplemental to give the Border Patrol what they need, and let me give you an example.

There are only three or four people in the McAllen Sector who have a top secret clearance—four—and they are the only ones that can tap to the CIA, the FBI. You can't do it. They need reinforcement. They need the training. And until we do that, they just have to be released. They have to turn them loose. They cannot get into the system because they don't have authorized people to do that.

But with this coming supplemental, I hope that we can join together and correct what we need to correct. Thank you, Mr. Chairman.

Mr. HOSTETTLER. Thank you, Mr. Ortiz.

The chair now recognizes the gentlelady from California for 5 minutes, Ms. Lofgren.

Ms. LOFGREN. Thank you, Mr. Chairman.

Before getting into my questions, I would like to especially thank Mr. Gadiel and Mr. Eggle for being here, having lost two sons. I just can't imagine how difficult that is. That you have turned that horrific loss into an effort to do something for your country is especially admirable. I thank you for your efforts and grieve with you for your loss.

Obviously, the situation we have here is completely unacceptable. Congressman Ortiz, I am glad you brought those tapes. I mean, it's just astonishing to look at that. And I'm mindful, in California, they say more walk than talk. I think in Texas, it's all hat, no cattle. There's been a lot of talk, but really, when you take a look at where the money is, I thought it was 200. But to hear that when you look at full-time-equivalent it's less than that, Mr. Bonner, in the President's budget, it's absurd. I mean, it's absurd. So I think we have a right to demand from the Administration a more aggressive approach, some cattle, not just a hat, and I think that this hearing may be part of that effort.

I want to talk about, just briefly, we focused on the Southern border, and that's appropriate, obviously. There are huge issues there. But I'm also extremely concerned about the Northern border, which is actually longer and less protected.

I'm wondering, Mr. Bonner, obviously, you cannot replace Border Patrol agents with technology, and I hear what you are saying on the unmanned vehicles, but having seen some of the technology, if you have sufficient forces on the border, which clearly we do not now, the cameras and the like can be helpful, can they not, to an adequate force?

Mr. BONNER. Oh, absolutely. The cameras and the sensors are eyes and ears, but without hands——

Ms. LOFGREN. Right.

Mr. BONNER.—you won't catch a single violator.

Ms. LOFGREN. So I'm wondering if you know whether we have sufficient—obviously, we don't have sufficient agents at either border, but to have 250 agents for 4,000 miles at the Northern border is, I mean, obviously deficient. In addition to that deficiency, do we have sufficient camera and technology deployed at the Northern border, do you know?

Mr. BONNER. No, we don't. It's my understanding that the Administration will be rolling out the new national Border Patrol strategy very shortly. I have not seen it, but I fear that they're going to be trying to sell the public a bill of goods that technology,

the existing technology, is somehow a substitute for additional personnel, and it certainly is not. We need both, and one should not be at the expense of the other.

Ms. LOFGREN. I serve also on the Homeland Security Committee and serve on the Border Subcommittee and we have seen no indication that there is any sensible plan that is coming forward from the Department, in all honesty. I hope that that changes, but we haven't seen anything yet that makes sense.

Just a final question on——

Mr. EGGLE. Ma'am, may I——

Ms. LOFGREN. I'm almost out of time, if I could, because I want to ask about the lists and the lack of any bio-indicator on those little sheets that you held up, Congressman Ortiz. We do have at the border—maybe we don't have enough of them, but the ability to at least do fingerprints, and we were supposed to have the iris scans, as well. Do you know why those bio-indicators are not connected with the individuals who are being released? Obviously, we need additional space to hold people that should be held, but at least we should not ever have a confusion by name and person with the bio-indicator. Has there not been direction to the agents, or has there not been enough technology to do that, or time? Do you know what the answer to that is?

Mr. BONNER. The answer is I am not sure why they are not doing that. Obviously, it would be more costly to have some type of connection between the documents. We are fingerprinting everyone that we come in contact with——

Ms. LOFGREN. With a digital fingerprint machine?

Mr. BONNER. With a digital fingerprint machine, and it connects to the FBI's. The problem with that is that it will only tell us if someone has a criminal record, and, in fact, that system worked——

Ms. LOFGREN. Well, the problem is that our system actually doesn't—isn't compatible with the FBI's system.

Mr. BONNER. Well, actually, we're making headway in that and the system actually worked when we nabbed one of the ringleaders of the Mara Salvatrucha gang from Honduras who was picked up by the police in Falfurrias, Texas, I believe. He was held and it turns out that he was the mastermind of the——

Ms. LOFGREN. We had a hearing on this very subject in the Homeland Security Committee yesterday, actually, and there's really two reasons for bio-indicators. One is a positive I.D., and then two is to search the records to see if you've got a bad guy, and they're both—I mean, they can stand on their own—separately as equally valuable.

I see my time is up, but if you know or if we could find out, Mr. Chairman, why this technology is not being utilized, it's just a mystery to me and I'm sure—I don't blame the agents, but it's obviously a systematic problem that needs to be corrected, and I yield back.

Mr. BONNER. I would just like to add that the fingerprint system does not tell us if a person is a terrorist because terrorists typically do not have criminal records. What we have to do in that instance is dial an 800 number with the name that they give us, which is going to be a phony name if they're a terrorist——

Ms. LOFGREN. No, I——

Mr. BONNER.—to see if it matches a watch list, and that system really needs improvement.

Ms. LOFGREN. No, I understand that, but it would prevent the guy coming back a second or third time with a different name and being——

Mr. BONNER. Yes, it would.

Mr. HOSTETTLER. I thank the gentlelady.

The bells have rung for votes. The votes will last, according to our intelligence, about 45 minutes. We don't want to suspend this hearing for that long. I will recognize the gentleman from Iowa for 5 minutes for questions, and then we will suspend shortly and will come back and continue the hearing even during the votes.

The gentleman from Iowa will be recognized for 5 minutes.

Mr. KING. I thank the Chairman.

My first observation is, I don't know when I've seen more cumulative conviction on the part of a panelist, four panelists, than I've seen here today, and I appreciate all your testimony.

As I sit here and listen to it all across the board, I'm going to speak to some numbers here, and I think in the end, I'm probably going to direct my first question to Congressman Ortiz.

I recall the Ranking Member's opening remarks with regard to 40 percent not responding to appear that were OTMs. And then I recall testimony here by one of our panelists, and I believe it was Mr. Ortiz's, that 70 percent of the total immigrant population, illegal immigrant population, is not showing up. And I recall testimony in this same room from the Attorney General Ashcroft that of those adjudicated for deportation, 84 percent don't show up. I recall a broader number—I think your film, Mr. Ortiz, said was 70 percent, and I think that you said they are erratic numbers and they go as high as 90 percent that don't show up. And we're talking about numbers of maybe 15,000 in the McAllen Sector of OTMs.

I'm looking at some overall numbers. I believe, Mr. Eggle, you testified about 1.2 million overall apprehended, and out of that—that's possibly ten to 15 percent. That's a hard number, I know, to nail that one down, and I don't want to stick with that one, but I do know that around 300,000 are ordered removed every year.

So you add all these numbers up and I'm going to propose this, that, first of all, I'm going to ask Mr. Ortiz to give a definition of the distinction between Other-Than-Mexicans and Mexicans with regard to national security within the context of this concept, and that is that if you regard terrorists as needles in this haystack of illegal immigrants, we have this massive haystack here that is at least 1.1 or 1.2 million and it may be—it's probably several times that, and it may be ten times that. Wouldn't it be to our interest to reduce the overall size of that haystack dramatically without regard to whether it is OTMs or the general population of illegal immigrants?

Mr. ORTIZ. Well, we have to obey the law, and if it requires that everybody be stopped, we have to do that, but let me give you an example. The figures that I have is 90 percent or more did not show up for deportation. This is a list one, two, three, and a half pages, 135 countries that these illegals represent—135 countries. Now, I think that we do have a responsibility. We would probably

be unable to stop every immigrant, but at least those that we stop, let's be sure that we know who they are.

Mr. KING. I thank you, Mr. Ortiz, and watching the clock tick, I direct my next question to Mr. Bonner quickly, and that is if we can reduce the size of this haystack, could you identify the needles a lot easier?

Mr. BONNER. Absolutely.

Mr. KING. And that's the point that I'd like to make in this. There are so many inequities. To define the difference between OTMs and the general population, I know there is a legal distinction there, how the deportation takes place and our agreements with those countries, but I'd also submit that those that come in our Southern border come through Mexico on the way to the United States and we have not leveraged our political pressure on our neighbors to the South in order to encourage them to slow that flow of illegals that are coming through. The most countries that you mentioned, I believe, were Guatemala, Nicaragua, El Salvador, et cetera.

So that's my point here, is that we need to leverage our foreign relations with Mexico and with all the countries south. We need to shrink the size of this haystack. We need to give these resources, and I'll tell you, I'll stand with those resources for the people that have put their lives on the line for the security of the American people.

I thank you, Mr. Chairman. I yield back.

Mr. HOSTETTLER. I thank the gentleman. At this time, the Subcommittee will recess.

Mr. ORTIZ. Mr. Chairman, if I may, I know we have several votes. I have to go to a readiness hearing after.

Mr. HOSTETTLER. Yes, sir.

Mr. ORTIZ. I would like to be excused.

Mr. HOSTETTLER. Yes, sir. Thank you very much, Mr. Ortiz. You are excused.

Mr. ORTIZ. Thank you.

Mr. HOSTETTLER. If the remaining members of the panel will stay, I know that we have at least one other Member of the Subcommittee that would like to ask questions. We will be away for potentially ten to 20 minutes, and then we'll return for at least one more Member's questions. I thank you for your forbearance. We are recessed.

[Recess.]

Mr. HOSTETTLER. The Subcommittee will come to order. I thank, once again, the witnesses for your indulgence and I apologize for the schedule of the House, but we have been voting. We are back, and I now yield to the gentlelady from Texas, the Ranking Member, Ms. Jackson Lee, for questions.

Ms. JACKSON LEE. I thank the Chairman for yielding and I thank him for his indulgence. In fact, we just, I think, completed voting on my amendment that I had to present on the floor of the House. It seems, Mr. Chairman, that we are discussing tragedy or terrorism in all areas of this Congress here today in this body, and then on the floor of the House, we were discussing the continuity resolution in case of the elimination of large numbers of members of this body.

But as we concern ourselves about the preservation of this body, meaning the Congress of the United States, I think the American people have sent us here to be concerned about their preservation. And so I hope, as I indicated at the beginning, that this hearing generates the answers for the Administration to reevaluate where they stand on this question. I, frankly, believe they have the opportunity to reevaluate. They can do so in the budget resolution. They can do so in the support of an amendment by members of the Budget Committee and/or by an altering of their position for the appropriations process.

Why don't I, Mr. Bonner, and let me thank you and your organization for its support of the CASE Act of 2004 and 2005. Portions of that bill were included in the intelligence reform legislation and I think it put us one step closer to addressing the question of human trafficking in its ugliest form. But I would ask the question, sort of the real dark side, if you will, of what would occur if we continue at these numbers of Border Patrol agents, if we continue at this pace of not filling or adding to slots of individuals who I've spoken to who simply want to be considered professional law enforcement officers, want to be able to have the kind of support system that allows them to do their job. What direction is this country going in if we fail to answer the call of 2,000 Border Patrol agents at this time in fiscal year '06?

Mr. BONNER. I believe that we are just sticking our chin out and asking the terrorists to take another poke at us. We are asking for another 9/11 if we don't get serious about securing our borders.

Ms. JACKSON LEE. And what role do Border Patrol agents play in that, because, as you well know, there is a great deal of talk about the technology, of which I'm a strong advocate, technology that is in the hands of Border Patrol agents, but technology in general—screening, video cameras, other kinds of sophisticated technology. But the real question I'm asking is, what if we don't move on increased numbers of Border Patrol agents?

Mr. BONNER. The technology that anyone speaks about can identify human forms coming across the border, so it can give you an idea of how many people are getting by you. But it is wholly incapable of apprehending even a single violator. So, for example, if you put out the most sophisticated technology, we might know with a certainty the number of people who are entering our country illegally and we might know how many are getting by us, but that would not make us any safer at all. The only way to ensure our safety is to apprehend everyone who comes across the border, because while the overwhelming majority of those people are otherwise law-abiding people who are simply looking for economic opportunity, sprinkled in that mix, we know are criminals, and we know terrorists are also in that mix.

Ms. JACKSON LEE. I am glad you raised that point, because the other aspect of the need is detention beds, and I'm very glad that this Committee led the fight to separate children that might have been previously detained in detention beds, put them under Health and Human Services. Unaccompanied minors have come in and we've been able to isolate that problem.

But tell me what it means. I've held up a series of articles, a number of articles that accounted for stories about al-Qaeda's con-

nection coming across. What does it mean if we don't have the sufficient number of detention beds? By the way, I spent some time, as you well know, looking at facilities at the border at certain areas in Texas, and for lack of a better word, it's skimpy. I mean, there's simply—it's skimpy. What does it mean when you don't have detention beds to handle what has been classified now as OTMs, and then we know there are a lot of gangs that are mixed in with that, and simply what you do is give a piece of paper and say, show up in court. What is the value of the detention bed that I think needs to be spoken to at this hearing very specifically?

Mr. BONNER. The value of detention beds is that when people from these countries other than Mexico come here, we can hang on to them for the amount of time that it takes, and it's generally from a few days to a few weeks, to generate the travel document necessary to convince their host nation that they are, indeed, a citizen of that country, and we have treaties with all these countries whereby they will accept their citizens back if they break our immigration laws.

Well, because these people do not have passports, we have to go through this process. We wouldn't want a bunch of Australians dumped on our shores by another country saying, these are U.S. citizens. We'd say, well, wait a second. No, they're not. So that's a common sense thing that says we have to prove to the country that they are actually from there, but that takes bed space and it takes money.

Ms. JACKSON LEE. All contributing to the bottom-line safety and security of America. And I'm very glad that you said in one of your sentences the distinguishing factor between those undocumented that do come across that we're working on that happen to be coming for economic opportunity. The question is that in the mix, is what you're saying, you are frustrated by the fact that al-Qaeda may be coming across the border and you are frustrated by being incapable, because of the resources and personnel, of determining whether that is happening.

Mr. BONNER. The only way you can know with a certainty is if you actually apprehend someone. I am not sure if you were here when I made the pitch for H.R. 98, but I'll make it again. I think that the way that we cut off most of the traffic coming across our borders is to come up with a system of employer sanctions that really works, and that would enable us to have a guest worker program that would actually work in the interest of this country.

Ms. JACKSON LEE. Mr. Chairman, you have been very kind. I would ask for an additional minute just to pose a question to, is it Mr. Eggle? Eggle? Am I pronouncing it——

Mr. EGGLE. Eggle.

Ms. JACKSON LEE. Sir, if I might. Mr. Chairman, I ask unanimous consent.

Mr. HOSTETTLER. Without objection.

Ms. JACKSON LEE. Thank you very much. Thank you, Mr. Bonner, very much.

You heard the testimony, I believe, and you understand that we're here today hopefully to find some unity and consensus on being able to avoid the violence and tragedy that fell upon your son, and we thank you for his service and his willingness to step

out of his role and become, as I understand it, a temporary Border Patrol agent. Would you just again very briefly give me that impact? He was in the Forestry Service, as I understand, and he got called to be a Border Patrol agent? Is that my understanding?

Mr. EGGLE. He was in the National Park Service as a law enforcement ranger and they have 32 miles of Mexican border within the park. And so the Park Service Rangers interacted with the Border Patrol as a sister agency and developed personal relationships that they would support each other. These young men are of high caliber and quality that they want to do as much as they can, so they very often assisted the Border Patrol.

My son and other National Park Service Rangers, seeing the invasion of the park all along the 30 miles of border where the smugglers would drive through, or in many cases just walk through and walk 30 or 40 miles, took it upon themselves to acquire special operations skills and practiced themselves to develop the ability to track these people out of the desert. They interacted a lot with the Indian Shadow Wolves Native American tracker unit at Tohono O'Odham Indian Reservation next door and were under their tutelage a lot to acquire native tracking skills, so that my son and his coworkers and now the law enforcement rangers at Organ Pipe, as we speak, do a great deal of man tracking in the desert to apprehend the bands of illegals and also a great number of bands of people carrying backpacks of drugs.

Ms. JACKSON LEE. Thank you, and again, my sympathy.

Mr. Bonner, on that case, those facts, again, do you think we need the 10,000 Border Patrol agents, or more than that, that was in the intelligence bill, and as you recall, you testified on the CASE Smuggling Act. We talked about rewards for those who would give evidence about smugglers. Do you still adhere that that is an effective tool and do we need the 10,000 Border Patrol agents that the intelligence bill required or indicated?

Mr. BONNER. The short answer is yes to both questions. I think that, at a minimum, we need 10,000 additional Border Patrol agents. For the first few years, that's probably all that we can reasonably absorb, but I believe that we should be adding as many as possible that the organization can absorb.

And as to your final point, that has worked well. Giving rewards has worked well in many other areas of law enforcement and there's no reason to believe that it would not also work well in the terrible tragedy of human trafficking.

Ms. JACKSON LEE. Mr. Chairman, I want to thank you very much for your indulgence. Again, let me just conclude by offering that I hope that this year, we'll look at comprehensive immigration reform. Maybe you gentlemen, or one of you, may be before us on that issue. But as we do that, since we can't do it tomorrow, since we're moving in that direction, I know one thing that we can engage in right now is to restore the full request for Border Patrol agents in the budget resolution and ultimately in the appropriations to 2,000 for FY 2006 and then begin to look at the outlying years for the 10,000.

I think what we owe to Mr. Eggle and his family is, in tribute to his son, is to respond to that added need. We can put fences, and I guess it's my opinion we can put—you know, there's a cry for

fences, but I think we've got some fences and some places no fences. The human factor of being able to be engaged in this law enforcement and to detain potentially dangerous individuals, I think is an important, important responsibility that is going undone, and Mr. Chairman, I hope that we can work together on encouraging the further providing of those Border Patrol agents. I yield back my time.

Mr. HOSTETTLER. I thank the gentlelady and I look forward to working with the gentlelady and the rest of the minority on supplying these resources to the men and women of the Border Patrol.

I would like to close this hearing, but before I do, I was just intrigued, Mr. Bonner, by a statement that you made with regard to employer sanctions, the need to have teeth in the area of employer sanctions. That is not necessarily always the jurisdiction of the Border Patrol, but you are suggesting—I don't want to put words in your mouth. Why do you think we need to aggressively approach the issue of employer sanctions?

Mr. BONNER. Conservatively speaking, 98 percent of the people who cross our borders are looking for economic opportunity. Unless we deal with that, we are going to continue to be flooded with millions of people crossing our borders illegally every year, and I don't care how many Border Patrol agents you put out there on the line, we will be overwhelmed by that volume of traffic and we will be unable to have a good shot at picking off the terrorists and the criminals.

Mr. HOSTETTLER. That being said, do you support the inclusion of an additional 800 ICE agents per year for the next 5 years?

Mr. BONNER. Absolutely.

Mr. HOSTETTLER. Thank you. In conclusion, Mr. Eggle, you and I spoke on the way into the second part of this hearing about a phenomena that you observed when you were on the Southern border recently with the Native American tribes there. Could you share that with us?

Mr. EGGLE. Yes, sir. Thank you. Just a month ago, I was at Organ Pipe Cactus to escort our Michigan Senator Stabenow for a visit, and while there, I visited the Tohono O'Odham Indian Reservation right adjacent to Organ Pipe. I mentioned the Shadow Wolves just a little earlier, and they had been really gracious with Kris. They taught and they continue to teach our rangers tracking skills.

But during my visit there, two of them, they introduced me to a delegation of Blackfeet Indians from the Blackfeet Reservation on the Montana-Canada border who were there to interact with the Shadow Wolves and get training on how to interdict the smuggling that was going through their Blackfeet Reservation, so that I just wanted to dramatize that our concerns are not just at the Southwest border, but on the North border, too.

I also mentioned Border Patrol agents that I personally know in Sioux St. Marie, Michigan, who talk of patrolling the St. Mary's River and the Great Lakes in deep draft boats that can't go into the shallows to chase the significant boat traffic that is coming across the Great Lakes on our Michigan border with Canada because they have not been updated with new equipment to do their jobs. They are frustrated. Thank you, sir.

Mr. HOSTETTLER. Thank you, Mr. Eggle, and I would like to thank all the witnesses for your appearance here today and your——

Ms. JACKSON LEE. Mr. Chairman?

Mr. HOSTETTLER. Yes?

Ms. JACKSON LEE. May I just inquire. I'd like to submit for the record news articles compiled by Congressman Ortiz. I'm not sure whether it's been submitted, but I'd ask unanimous consent to submit these articles dated March 1, 2004, March 3, 2005, which is a compilation of all of the intrusions into our border. I think the focus is on the Southern border, but obviously the northern border too. And let me also add my appreciation to Congressman Ortiz for his work that he's done in this area.

Mr. HOSTETTLER. Without objection, it can be added to the record.

[The information of Mr. Ortiz follows in the Appendix]

Mr. HOSTETTLER. All members will have seven legislative days to add remarks to the record.

The business before the Subcommittee being completed, we are adjourned.

[Whereupon, at 1:45 p.m., the Subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF CONGRESSWOMAN SHEILA JACKSON LEE

The Bureau of Customs and Border Protection is responsible for overall border enforcement. Within the bureau, a distinction is made between border enforcement *at* and *between* points of entry. This hearing is about funding for additional border patrol agents for the division within the bureau that is responsible for border enforcement *between* points of entry, the United States Border Patrol (USBP). The primary mission of the USBP is to detect and prevent the entry of terrorists, weapons of mass destruction, and unauthorized aliens into the country, and to interdict drug smugglers and other criminals *between* official points of entry.

The USBP patrols 8,000 miles of international borders with Mexico and Canada and the coastal waters around Florida and Puerto Rico. The Northern Border with Canada touches 12 states and is more than 4,000 miles long. It has vast mountain ranges such as the Rockies, the Great Lakes, many different river systems, and, in the winter, heavy snow and bitter cold temperatures. The Southwestern border with Mexico touches only four states and is less than half as long as the Northern Border. The Southwestern border has large tracts of desert land where temperatures average well over 100 degrees for much of the year, mountain ranges, and the Rio Grande along the Texas border.

The Southwestern border accounts for more than 97% of the illegal alien apprehensions. Consequently, the USBP's main emphasis along the Southwestern border is to contain unauthorized immigration. Along the Northern border, the main concerns appear to be vulnerability to terrorist infiltration and the proliferation of cross-border smuggling.

The USBP also utilizes advanced technology to augment its agents' ability to patrol the borders. These technologies include light towers, mobile night vision scopes, remote video surveillance (RVS) systems, directional listening devices, unmanned aerial vehicles (UAVs), and various database systems. These so-called "force multipliers" allow the USBP to deploy fewer agents while still maintaining its ability to detect and counter intrusions.

The National Intelligence Reform Act contains a provision requiring the USBP to add 2,000 agents to its workforce each year from FY2006-2010. Notwithstanding that provision, the administration's budget for FY2006 only requests funding for 210 additional agent positions. At the hearing today, we will hear testimony on the need for the additional agents authorized by the National Intelligence Reform Act.

One of the reasons for additional Border Patrol Agents is to reduce the number of deaths that occur as a result of reckless commercial alien smuggling operations. Last year, 325 people died trying to cross the border. The previous year, 340 died. The year before that, 320 died.

The most effective way to stop large scale illegal immigration would be to establish a sensible immigration program. Several bills have been introduced recently that would make the necessary changes in our immigration laws, such as my Comprehensive Immigration Fairness Reform Act, H.R. 257, but we can do other things while we are working on comprehensive immigration reform.

The increase in Border Patrol Agents that is called for by the National Intelligence Reform Act would help. Also, I have introduced a bill that would assist the USBP in obtaining information about commercial alien smuggling operations, the Commercial Alien Smuggling Elimination Act of 2005 (the CASE Act), H.R. 255.

The CASE Act would establish a program to facilitate the investigation and prosecution, or disruption, of reckless commercial smuggling operations. The first point in this program would be to provide incentives to encourage informants to step forward and assist the federal authorities who investigate alien smuggling operations. The Immigration and Nationality Act (INA) presently provides a nonimmigrant visa

classification for aliens who assist the United States government with the investigation and prosecution of a criminal organization or a terrorist organization. The CASE Act would establish a new, third category for aliens who assist with the investigation, disruption, or prosecution of commercial alien smuggling operations.

The CASE Act also would establish a rewards program to assist in the elimination or disruption of commercial alien smuggling operations in which aliens are transported in groups of 10 or more, and where either the aliens are transported in a manner that endangers their lives or the smuggled aliens present a life- threatening health risk to people in the United States.

In the end, security for our international borders will require all of these things. We will need comprehensive immigration reform, additional Border Patrol Agents, and new programs to assist the USBP in carrying out its responsibilities.

PREPARED STATEMENT OF REPRESENTATIVE ZOE LOFGREN

Chairman Hostettler and Ranking Member Jackson-Lee, thank you for holding this hearing to discuss the continuing lack of resources for the Border Patrol. I would also like to thank our witnesses for being here today to help us understand this problem that has long plagued the Border Patrol.

The issues addressed in today's written testimony are not unfamiliar. Since I joined the Immigration Subcommittee in 1995, I have heard these issues and Congress has responded by more than doubling the Border Patrol budget in the last decade. Along with that came the more than doubling of our Border Patrol force. Today, we are hearing that we need to again double the number of Border Patrol agents by 2010.

The Border Patrol is overwhelmed and does not have enough resources to address its responsibilities today. Patrolling 6,000 miles of sometimes rugged terrain along our land borders with Canada and Mexico and thousands of miles along the coastline is no easy task. It seems that no matter how much we continue growing the Border Patrol, there is always a need for more. I worry that if we again double our Border Patrol force to more than 20,000 by 2010, we may still be hearing about the need for more.

It is time to take a step back and look at the big picture so that by 2010, we realize we have enough and do not need additional Border Patrol agents. After all, there are many other problems facing the Border Patrol that cannot be solved by additional Border Patrol agents, including the one presented here today by my friend and colleague Rep. Ortiz.

We must address the root causes of the need for additional resources at the Border Patrol and, frankly, at all the other agencies charged with immigration functions. We cannot keep using the band-aid approach while avoiding the realistic need for broad reform. We need a way to separate the mother and spouse of US citizens or the hard-working person who has lived and paid taxes in the US for years from the terrorist or drug and human smuggler intending to do this country harm. This will give our agencies in charge of immigration the time and space they need to address what this country should be worried about. As we have seen over the last decade, no reasonable amount of Border Patrol agents could ever handle this overwhelming mix and number of people and Congress has not been able to keep up with appropriations requests for more Border Patrol agents.

Today, we need to support the Border Patrol and fund the agents authorized in the intelligence reform bill. Also today, we need to work on broad immigration reform so that when we reach 2010, we can finally say the Border Patrol is fully funded with enough resources.

PREPARED STATEMENT OF CONGRESSMAN STEVE KING

Thank you, Chairman Hostettler, for holding this hearing today. I agree that it is never enough just to pass legislation-we must make certain that our intent is carried out. Although-due to other concerns-I voted against S. 2845 last year, I strongly support increasing and funding our presence both on the border and in the interior.

I understand our current budget restraints-and I want as much as anyone to stop cashing checks on our children's accounts-but our national security is not the place to start cutting back. I don't think that any of us would dispute that our national security begins at our borders. The 9/11 Commission, on whom so many of us relied for information during consideration of S. 2845, found that "it is elemental to border security to know who is coming into the country. We must be able to monitor and respond to entrances between our ports of entry. The challenge for national security

in an age of terrorism is to prevent the people who may pose overwhelming risks from entering the U.S. undetected." To expect our Border Patrol to be able to control these risks without providing them the means to do so is simply irrational.

I appreciate our witnesses being here today to provide us with more information about our needs on the border. I especially want to thank Mr. Gadiel and Mr. Eggley for being willing to turn their losses into experiences our nation should learn from. Thank you, Mr. Chairman.

PREPARED STATEMENT REPRESENTATIVE LINDA T. SÁNCHEZ

- I want to thank Chairman Hostettler, Ranking Member Jackson Lee for conducting this extremely important oversight hearing to evaluate the need for resources for border enforcement activities.
- The U.S. has always been a beacon of hope and we must continue to guard the light of liberty for those who are oppressed or displaced, or are coming here to seek new opportunities for their families.
- Clearly, I know as, does the rest of America, something needs to be done about our broken immigration system.
- One thing is certain and nobody will disagree with me, that we must crack down on illegal immigration and we must improve border security.
- I heard a story two weeks ago that highlights my point. Recently, a crane operator at the Port of Los Angeles discovered 32 Chinese stowaways in a container just unloaded from a Panamanian freighter.
- We were lucky that these people were discovered, and that they meant our country no harm. What if they had been terrorists? Are we going to depend on crane operators to protect us from terrorists entering this country? Situations like this are preventable if we commit more resources to this problem.
- The Bush Administration fails to recognize what resources are needed to secure our borders and ports.
- The people at our ports and borders are our first-and best-line of defense.
- That is why the Intelligence Reform bill included authorization for 10,000 new border guards, 40,000 new detention beds to hold people awaiting deportation, and 4,000 new immigration inspectors.
- Yet the President's 2006 Budget did not include funding for any of these security improvements - he merely funds 210 new border patrol agents.
- If we are going to get serious about border security, we need more resources, including more people on the border and more agents at our ports.
- I look forward to hearing from the witnesses who will shed some light on how to effectively secure our borders and ports.
- In addition, I'm hoping they can discuss how our enforcement goals are being pursued under the new homeland security bureaucracy and funding constraints.
- I thank both the Ranking Member and Chairman for convening this hearing.
- I yield back.

Thank you.

News Articles Compiled by Congressman Solomon P. Ortiz
Judiciary Committee – Subcommittee on Immigration, Border Security and Claims
March 3, 2005

This is a compilation of news stories, since the beginning of 2005, which illustrate the "Other than Mexican" (OTM) problem with origins on the U.S. border with Mexico.

MS-13/Al-Qaeda Connection — **Page 2**
Monday, February 28, 2005 News Channel 5, Weslaco, TX

U.S. steps up battle against Salvadoran gang MS-13 — **Page 3**
By Danna Harman, USA TODAY, February 23, 2005

Gang leader in custody, officials say — **Page 5**
By Dave Montgomery, *Star Telegram* Washington Bureau, Feb. 25, 2005

Border Patrol Releases Immigrants at Bus Station — **Page 8**
Reported by April Norris, KGBT Channel 4 News Harlingen, Texas

U.S. Aides Cite Worry on Qaeda Infiltration From Mexico — **Page 11**
By Douglas Jehl, *New York Times,* February 17, 2005

Agency faces struggle as immigrants flee justice — **Page 13**
February 13, 2005 James Osborne, *The Monitor*, McAllen, Texas

Cops: We nabbed killer terror gangster — **Page 17**
By Michele McPhee Thursday, January 6, 2005

MS-13 made mark with blood — **Page 18**
By Michele McPhee Wednesday, January 5, 2005

Eastie gang linked to al-Qaeda — **Page 19**
By Michele McPhee Wednesday, January 5, 2005

Sour gang — **Page 20**
By Michele McPhee Boston Herald, Friday, February 7, 2005

Hub 'should be worried': U.S. rep: MS-13 gang is true terror threat — **Page 21**
By Michele McPhee Friday, January 7, 2005

U.S. ambassador to Mexico concern about border violence in letter explaining State Department travel warning — **Page 23**
By Lisa J. Adams, Associated Press 4:36pm January 26, 2005

Mexico Says It Dealing with U.S. Border Violence — **Page 24**
Thursday January 27, 2005 1:54 AM ET

Border violence reduces crossings from Texas — **Page 25**

As U.S. issues travel advisories, Mexican officials try to allay fears
8:36 PM CST Sunday, January 23, 2005 Associated Press

MS-13 Man Sentenced to 3 Life Terms **Page 27**
By Tom Jackman Washington Post Staff Writer Saturday February 5, 2005

Evidence Of El Salvador Gang Found In Columbus **Page 29**
Alleged Gang Leader Arrested in Central Ohio Last Month
Updated 8:53 am EST February 8, 2005- NBC

Feared Latin gang touches region **Page 30**
The arrest of two members of Mara Salvatrucha in Miami cast the spotlight on one of the most feared gangs in the Americas
By David Ovalle, Posted on Monday, February 7, 2005

Arrested MS-13 member wanted in police slayings **Page 32**
By Michele McPhee Boston Herald Wednesday, January 12, 2005

MS-13 invading beyond its turf **Page 33**
By Michele McPhee Boston Herald Sunday, January 23, 2005

Mara Salvatrucha 13 has purported ties Al Qaeda **Page 34**
Fox 12, Province RI

Gangs' Deadly Reach Growing Younger **Page 35**
Fatal Fairfax Shooting Symbolizes New Threat
By David Cho Washington Post Staff Writer Sunday, January 30, 2005

Exporting a problem **Page 38**
Story by S. Lynne Walker Copley News Service January 16, 2005

Search Continues for Murder Suspect **Page 46**
Search of suspect's Woodbridge home reveals gang links
Arlington Connection February 3, 2005

Residents Voice Fears at Forum on Gang Growth **Page 47**
By Julie Feldmeier Washington Post Staff Writer Sunday, January 30, 2005

Mexico Steps Up Security for Fox After Cartel Scare **Page 49**
Tuesday February 8, 2005 12:03 AM ET

Rio Grande isn't the only troublesome Mexico border **Page 50**
By Richard Gonzales Special to the Star-Telegram

MS-13/Al-Qaeda Connection
Monday, February 28, 2005 News Channel 5, Weslaco, TX

NEWSCHANNEL 5 has uncovered that the infamous Mara Salvatrucha Gang may have ties to Al Qaeda.

MATAMOROS, MEXICO -- The chief officer of the American Consulate in the border city of Matamoros says he is concerned about the Central American Mara Salvatrucha gang helping al-Qaeda.

Consul John Naland made his remarks following the arrest Feb. 24 of an MS-13 gang member in Matamoros trying to smuggle three illegal aliens into the United States. The arrest comes on the heels of the American government acknowledging last week it was holding Ebner Anibal Rivera-Paz - the reputed head of the Honduran Mara Salvatrucha organization - after his arrest in Falfurrias, Texas on Feb. 10.

"The Maras are certainly a threat to the United States," Naland said. "The concern is that they might be just the kind of group which would take money to smuggle an honest-to-goodness terrorist into the United States.

"There has been some intelligence that al-Qaeda has talked with the Maras to help smuggle someone in to the U.S.," Naland added. "It's kind of the logical open door that could be used and the Maras are just ruthless enough to do it."

Gang experts in Matamoros say the Mara Salvatrucha are a "transit-gang" in the area, only interested in transporting drugs and people for profit.

Congressman Solomon Ortiz (D-Texas) says others in the American government have heard rumors about the al-Qaeda/MS-13 union, but confirmation has not been easy to pin down.

"Some people who are witnesses to these meetings will not confirm or deny because they are concerned not only for their lives but also the safety of their own country," Ortiz said.

Ortiz adds that MS-13 are practically everywhere in the United States, spreading like a cancer. The Salvatrucha gang is believed to have members in at least 16 states, including Alaska, Arkansas, California, Florida, Georgia, Indiana, Illinois, Maryland, Michigan, Nevada, New York, Oklahoma, Oregon, Texas, Virginia, and Utah.

Ortiz doesn't discount what the groups could be capable of doing. He says the recent capture of Rivera-Paz is a measure of how vicious the MS-13 gang can be. The gang leader is wanted in his native Honduras for the murders of 28 people two days before Christmas.

"If he was to do that to people he knows," Ortiz said. "Can you imagine what he's capable of doing here in the U.S. for the right amount of money paid to him?"

U.S. steps up battle against Salvadoran gang MS-13

By Danna Harman, USA TODAY, February 23, 2005

SAN SALVADOR - A street gang based in El Salvador has rapidly spread in the USA and raised enough concern for the Justice Department to create a new task force to battle it. But the head of the task force says the gang has no al-Qaeda connections, despite a suggestion Monday by El Salvador's president that there may be a link.

"The FBI, in concert with the U.S. intelligence community and governments of several Central American republics, have determined that there is no basis in fact to support this allegation of al-Qaeda or even radical Islamic ties to MS-13 (Mara Salvatrucha)," says Robert Clifford, director of the new task force. Clifford is in El Salvador this week to discuss cooperation with his Central American counterparts.

Last year, Honduran Security Minister Oscar Alvarez raised alarm when he said al-Qaeda might be trying to recruit Central American gang members to help terrorists infiltrate the USA. On Monday, Salvadoran President Tony Saca said he could "not rule out a link between terrorists and Central American gang members."

Rep. Solomon Ortiz, D-Texas, said last month, "We know from El Salvadoran law enforcement that al-Qaeda is meeting with violent gang leaders in El Salvador. We have also had reports that Middle Easterners have been sighted on the banks of the Rio Grande."

Clifford dismisses these claims: "To have something as sophisticated as al-Qaeda overtly align and identify itself with a group of misfits is improbable."

Thousands of members

With or without that connection, the FBI says MS-13 is a threat to domestic security. Clifford says MS-13 has expanded rapidly throughout the USA in the past two years. During that time, there have been 18 MS-13-related killings in North Carolina, 11 in Northern Virginia and at least eight in Los Angeles. Members are showing up in places as disparate as Boston and Omaha.

MS-13 sprang up in California in the late 1980s, when Salvadoran refugees who fled the violent civil war back home formed protection groups against existing gangs in their neighborhoods. In time, they turned to illegal activities.

By the 1990s, U.S. law enforcement was taking note of the group. Many members were deported to El Salvador, where they set up branches and, in many cases, returned to the USA. There are 8,000 to 10,000 members of MS-13 in 31 states, says the National Drug Intelligence Center, an arm of the Justice Department. The international membership is about 50,000.

The FBI task force, based in Washington, was quietly created two months ago, Clifford says. He declines to say how many people are on the team. He has been with the FBI for 17 years, most recently as the legal attache at the U.S. Embassy in Athens and chief of FBI operations for the region stretching from Albania to Syria.

When Chris Swecker, assistant director of criminal investigations at the FBI, offered Clifford the job, the attache had "little knowledge" of the Salvadoran gang, he says. But a week later, he was on his way to Washington.

Clifford is coordinating his operation with Immigration and Customs Enforcement, the Bureau of Diplomatic Security, the U.S. Marshals Service, the Bureau of Prisons, the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives, as well as local law enforcement agencies.

Local and state authorities that have been dealing with MS-13 for years have done "an excellent job," Clifford says. And there is "certainly success in getting prosecutions."

But, he stresses, the arrogance, violence and dramatic expansion of the gang across the USA calls for a more comprehensive and coordinated fight, which the FBI intends to lead. "After 9/11, our focus went to terrorism. But now we are coming back around and want to address these gangsters not as thugs but as part of a criminal enterprise ... and disrupt and dismantle them as we did the Mafia," he says.

Information sharing key

High on the agenda for the new task force is greater information sharing with Mexico and Central America. For example, Clifford says, the United States needs to ensure that when MS-13 gangsters are deported to El Salvador, authorities here are given a list of charges against the deportees and a list of their contacts.

Rodrigo Avila, El Salvador's vice minister of security, says that an average of 250 criminals a month are deported to El Salvador from the USA and that a dozen of them are gang members.

FBI spokesman Bill Carter says Clifford's task force is part of the bureau's broad new gang strategy. The larger initiative will include a $10 million gang-intelligence center, which will be established at FBI headquarters in Washington next year and will serve as an intelligence repository on gangs operating in the USA, Carter says.

Clifford, meanwhile, is not the only U.S. official in El Salvador this week talking about gangs. Representatives of the Homeland Security Department and police and sheriff's departments from across the USA were attending a four-day international gang-enforcement conference here that ends today. "It's all about networking," explains Harvey Smith, a California consultant who set up the conference. "The gang members are communicating nicely. Now we have to."

Gang leader in custody, officials say

Feb. 25, 2005
By Dave Montgomery, *Star-Telegram* Washington Bureau

WASHINGTON - The arrest in South Texas of a man reputed to be a Honduran gang lord known as "El Culiche" -- the Tapeworm -- is intensifying law enforcement concerns about the Mara Salvatrucha, or MS-13, a Central American gang that authorities believe is spreading its operations throughout much of the United States.

Ever Anibal Rivera Paz, suspected as the mastermind of a December bus attack in Honduras that killed 28 people, was being held in a South Texas detention unit Thursday; authorities arrested him Feb. 10 about 110 miles north of the Texas-Mexico border, saying he was sneaking into the United States with a group of illegal immigrants.

Authorities identified Rivera Paz by his multiple tattoos, a trademark of Mara Salvatrucha, also known as MS-13. Born out of the civil wars that racked Central America in the early 1980s, the gang has become international in scope and poses a growing threat to U.S. law enforcement officers. The gang's U.S. roots are in California, and authorities now believe that it has spread its criminal operations to Texas and more than a dozen other states. MS-13 has been particularly active in the suburbs of Washington, D.C.

Its machete-wielding members are known to decapitate or hack apart their victims and require new recruits to kill innocent people as a rite of initiation, according to law enforcement officials and former gang members.

In testimony last week before the Senate Intelligence Committee, Admiral James Loy, the deputy secretary of homeland security, cited MS-13 as an emerging threat in the United States. Authorities have created several state and federal task forces to track and combat MS-13.

The tattooed gang members have become an increasing presence in Texas and elsewhere in recent years, law enforcement authorities say, crossing the border among the thousands of illegal aliens from Mexico and Central America and moving north into Dallas-Fort Worth and other urban centers.

"I understand we've had MS-13 gang members come through our jail system before," said Sgt. Don Peritz, a Dallas County Sheriff's spokesman. "I know that when they do, we make appropriate arrangements. You have to be careful who you put them with."

Fort Worth police received intelligence several months ago that the MS-13 gang may begin infiltrating the Metroplex area, said gang unit Sgt. Bill Beall. Most of the gang's reported activity has been centered in Dallas.

"We've had very little MS-13 activity here in Fort Worth," Beall said.

Authorities hailed the arrest of Rivera Paz as a major law enforcement victory in the fight against MS-13. The 26-year-old had been the subject of an international manhunt after his Jan. 23 escape from a Honduran prison; authorities say he was involved in a Dec. 23 attack on a bus about 125 miles north of the Honduran capital of Tegucigalpa.

Six children and 22 adults died in the attack. Authorities said it apparently was in retaliation for a government crackdown against MS-13 and other gangs.
Suspect apprehended

Texas authorities arrested Rivera Paz on Feb. 10 in a desolate stretch of South Texas near the Brooks County town of Falfurrias, about 100 miles north of the border. A Texas highway patrolman and a Brooks County deputy stopped a caravan of three cars they thought were transporting illegal aliens. The officers found Rivera Paz among four people hiding in the trunk of a Dodge Intrepid, said Lisa Block, a spokeswoman for the Texas Department of Public Safety. Nine others were crowded into the passenger section.

Brooks County Sheriff Balde Lozano said Rivera Paz and several others "ran into the brush" but authorities apprehended them after Border Patrol agents arrived. "At the time we didn't know who he was," Lozano said.

Border Patrol agents attending an anti-gang workshop in Honduras had alerted fellow agents in Texas that Rivera Paz could be heading north, said Roy Cervantes, a Border Patrol spokesman in McAllen. Officers became suspicious after noticing his tattoos and ran a records check that identified him as the fugitive gang leader, Cervantes said.

The arrest came as big news among Honduran immigrants in North Texas, said Luis Gutierrez, a Honduran business owner in Irving. Gutierrez said Rivera Paz had a widespread reputation among transplanted Hondurans as "the main person behind the massacre."

The gang planted its U.S. roots in the mid-1980s when Central American refugees from El Salvador, Honduras and Guatemala fled to the United States to escape civil wars and death squads. The first wave of future gang members settled in Los Angeles, banding together to protect themselves from established U.S. gangs.

Law enforcement authorities and news reports offer varying accounts on the origin of the gang's name. According to one account in the El Paso Times, "mara" refers to group, "Salva" refers to El Salvador," and "trucha" is Spanish slang for "watch out." MS-13 stems from 13th Street in Los Angeles.

Gang members get the trademark tattoos during their initiation. Rolando Augustine Castellano-Chacon, in a court affidavit, recalled the ritual when he joined an MS-13 gang in Hempstead, N.Y., at the age of 18.

"I have a 13 on my chin. This signifies my membership in MS-13," he said. "The three dots below the corner of my right eye signify the crazy life. The tear drop below the corner of my left eye signifies the memory of a friend -- who was killed by a rival gang."

Violent attacks

Sgt. Armando Elizondo, a gang specialist with the Laredo Police Department, said MS-13 members have established the Laredo area as a major transit point into the United States, often joining forces with drug smugglers and so-called coyote rings transporting illegal aliens.
"They'll do anything for money," he said.

Although hundreds of gangs are spread throughout the United States, MS-13 has distinguished itself through extreme violence. A gang member identified as Jonathan Reyes, 17, told KENS-TV of San Antonio that he killed two people in the name of the gang.

"You have to prove yourself as a gang member," Reyes said. "Who's the meanest and everyone has to be scared of you."

He told of another brutal attack in which MS-13 retaliated against a man who failed to pay rent to the gang. "They went to his house, raped his wife, killed his mother, and they killed everyone else and cut him into pieces and they set his house on fire."

MS-13 has also invaded the affluent Northern Virginia suburbs of the nation's capital. According to the Washington Post, 11 Northern Virginia residents have been slain in gang-related attacks since July 2000. At least nine of the deaths allegedly involved MS-13 members, the paper reported.

Arrest record

Court documents indicate that authorities deported Rivera Paz from the United States four times before his arrest in South Texas, The Associated Press reported.

Rivera Paz is being held in federal custody in South Texas under the name Franklin Jairo Rivera-Hernandez, which officials say is an alias, on a felony charge of re-entry after deportation. That charge carries a punishment of up to 20 years in prison.

Darrell Bryan, Rivera Paz's court-appointed attorney, said he learned Wednesday that federal officials might be holding his client for other reasons. "All he's charged with is illegal re-entry after deportation," Bryan said. "Everything else at this point is pure speculation."

Federal officials allege in court documents that authorities deported Rivera Paz four times between January 1996 and August 2001. He was sentenced to 13 days in detention and three years' probation for giving police a false name on June 25, 2001, the documents state. Most recently, he told authorities that he re-entered the country near Hidalgo on Feb. 6.

"Prior to [deportation] the defendant was instructed not to return to the United States without permission," the complaint states.

The Honduran government said Wednesday that Rivera Paz's first U.S. arrest occurred in San Francisco on Nov. 30, 1993, while he was a minor. He was accused of drug trafficking.

Police arrested him again Jan. 13, 1994, also in San Francisco, for drug and gun possession. American authorities arrested him several other times on suspicion of drug trafficking, car theft, domestic violence, falsifying documents, robbery, assault and criminal conspiracy, the Honduran government said.

IN THE KNOW

MS-13 Salvadoran gang
• The gang planted its U.S. roots in the mid-1980s when Central American refugees from El Salvador, Honduras and Guatemala fled to the United States to escape civil wars and death squads.

The first wave settled in Los Angeles, banding together to protect themselves from established U.S. gangs.
• Law enforcement authorities and press reports offer varying accounts on the origin of the gang's name. According to one account in the El Paso Times, "mara" refers to group, "Salva" refers to El Salvador, and "trucha" is Spanish slang for "watch out." MS-13 stems from 13th Street in Los Angeles.
• U.S., Salvadoran and Honduran officials say MS-13 has become increasingly violent, carrying out beheadings and grenade attacks in Central America and hacking their enemies with machetes in cities along the U.S. East Coast.
• The FBI has launched a national campaign to coordinate the fight against MS-13 and other violent gangs, and intelligence indicates MS-13 has spread its operations to Texas and more than a dozen other states.

Border Patrol Releases Immigrants at Bus Station

Reported by April Norris, KGBT Channel 4 News HARLINGEN, TEXAS

FEBRUARY 7, 2005 - Action 4 News undercover cameras catch Border Patrol agents dropping off illegal immigrants at a local bus station by the van load.

How do we know the immigrants are not possible terrorists? You'll soon find out we don't! Could this be a sign of border breakdown?

New Year's Eve morning agents pull up to the Valley Transit bus station in Harlingen, open the back of their van and a hand full of illegal immigrants jump out.

But that's just the beginning, six days later more illegal immigrants were set free, free to travel anywhere they want in the U.S. Why should you be concerned? They are residents from what Homeland Security calls special interest countries - countries like Brazil and Argentina. The U.S. government has identified the countries as supporters of terrorism.

Luther Jones owns the Harlingen Valley Transit Bus Station.

"We offer them transportation via the bus to the destination they're traveling."

He says the unsupervised transportation of recently captured illegal immigrants is common.

"Immigrations will drop off, I call them entrepreneurs that are people seeking a better life. They come through the doors, we meet them and start them off with phone card, so they can call their family, if they're in need of money, we assist them with retrieving money through Western Union here at the bus station."

Some fear the illegal immigrants could be possible terrorists. Several U.S. Border Patrol agents who don't want to be identified tell Action 4 News they want people to know they're being told to drop off the immigrants at the bus station.

They say they do it at all times of the day. Even at night. The trips to the bus station they say just don't stop!

On January 17, the Border Patrol releases a dozen or so illegal immigrants. We're told they're from El Salvador. Four months ago, law enforcement in El Salvador warned the U.S. that Al Qaeda may be recruiting gang members there.

"No, these people they're so friendly and it's such need is what I see coming through the door," Jones said.

On another day, Action 4 News cameras caught four men from Brazil sitting at the bus station. Jones says they also entered the country illegally. He says they're waiting for family to wire them money for bus fare.

27 year-old Fernando Tello-Huila from southern Colombia doesn't have any problems telling his story.

He says he traveled to Matamoros and paid a coyote $900 to show him where and how to cross the Rio Grande. Coyotes are paid handsomely to smuggle immigrants illegally into the country. Border agents apprehended Fernando in McAllen.

"The immigration police gave me the information fast so I could quickly get my permission to stay in the U.S.," said Tello-Huila.

Fernando's talking about his walking papers. Border agents say federal jails are so overcrowded, illegal immigrants without a criminal background may be released.

They're given a future court date to appear before an immigration judge and if they promise to appear, they're set free.

Fernando's court date is March 30 in Houston.

"I'm thankful for the services and information the agents provide to help me travel freely through out the United States."

The problem is nearly 70 percent of the illegal immigrants never show up for their court date. Congressman Solomon Ortiz says the illegals then simply get lost in the government's red tape.

"They're not about to show up, they spend money, they paid money to the coyote to come across and then to be here two months and then show up to be sent back, that's not going to happen."

We showed Congressman Ortiz the video of border agents at the bus station.

We ask him "how do you know these guys are not possible terrorists?"

Ortiz answers, "there's no way because we do not have any records. We need to have records from the country they're coming from and I know there's no records. What I am trying now to establish, it has been an uphill battle, is to talk to the embassies in those countries to come up with a program where we can exchange information until we have that, we don't know who they are."

In approximately six months, 15,000 illegal immigrants have been released in Texas with only a promise to return for their court hearing.

Ortiz says it's hard for the government to keep track of them because they usually change their names or buy someone else's identity.

"A terrorist is not going to come through the border with a "T" on their forehead, we don't know who they are and this of course concerns me very very much."

Congressman Ortiz says he's going to take the video of the illegal immigrants to Washington. He says he going to show it to congress to show them the breakdown at the border.

What procedures does the Border Patrol follow before releasing illegal immigrants. Border Patrol supervisor Roy Cervantes says before the agency releases anyone from a special interest country, agents make sure they don't have a criminal history.

He says they run extensive background checks including fingerprints through numerous FBI data bases. He admits there's always room for error.

Because of Action 4 News investigation, Cervantes says they're looking into a new way of releasing illegal immigrants.

"Well because of this, the media attention, we're always looking for ways to do things better. Sometimes doing the right thing is not always the popular thing, we're going to continue doing the right thing and that's protecting America and enforcing immigration laws in the U.S."

Cervantes was instructed by the Border Patrol in Washington D.C. not to talk about the number of illegal immigrants from special interest countries being released on a daily bases.

In March we'll find out if Fernando, who traveled to the U.S. from Colombia shows up for his court date in Houston.

U.S. Aides Cite Worry on Qaeda Infiltration From Mexico

By DOUGLAS JEHL, *New York Times*

Published: February 17, 2005

WASHINGTON, Feb. 16 - New intelligence information strongly suggests that Al Qaeda has considered infiltrating the United States through the Mexican border, top government officials told Congress on Wednesday.

In a wide-ranging assessment of threats to American security, including those posed by Iran and North Korea, the officials also said intelligence indicated that terrorist organizations remained intent on obtaining and using devastating weapons against the United States.

"It may only be a matter of time before Al Qaeda or another group attempts to use chemical, biological, radiological and nuclear weapons," Porter J. Goss, the new director of central intelligence, told the Senate Intelligence Committee.

The warnings from Mr. Goss and other top officials came as part of a stark presentation that described terrorism as the top threat to the United States despite what they described as successes in the last year. Mr. Goss said that the war in Iraq had served as a useful recruiting tool for Islamic extremists, and that both the low Sunni Muslim turnout in elections there and the violence that followed demonstrated that the insurgency remained a serious threat.

He warned that anti-American extremists who survive the war were likely to emerge with a high level of skills and experience, and could move on to build new terrorist cells in Saudi Arabia, Jordan and other countries.

Intelligence that "strongly suggests" that Al Qaeda operatives have considered using the Mexican border as an entry point was cited in written testimony by Adm. James M. Loy, the deputy secretary of homeland security. But he wrote that there was "currently no conclusive evidence" that this had succeeded.

In the past, law enforcement officials have said Al Qaeda might try to use the Mexican border, but the testimony on Wednesday seemed to suggest increasing concern. In response to questions from the senators, Admiral Loy described it as a "very serious situation," while Robert S. Mueller, director of the Federal Bureau of Investigation, listed first among his current concerns what he said might already be "the threat from covert Al Qaeda operatives inside the United States."

"Finding them is the top priority for the F.B.I., but it is also one of the most difficult challenges," Mr. Mueller said. He said covert operatives could include "a true sleeper operative who has been in place for years," or someone who entered the country recently.

In his written testimony, Admiral Loy cited recent information from investigations and detentions as the basis for his concern about the Mexican border. He added, "Several Al Qaeda leaders believe

operatives can pay their way into the country through Mexico and also believe illegal entry is more advantageous than legal entry for operational security reasons."

The appearance by Mr. Goss was his first in public since he took over as intelligence chief more than four months ago. In response to a deadline set by the White House, he also sent a classified memorandum to President Bush on Wednesday with recommendations about how to improve the C.I.A.'s abilities, particularly in terms of clandestine intelligence gathering.

Among related recommendations, aides to Mr. Goss said, is the view that the C.I.A. should retain its ability to conduct paramilitary operations, despite a recommendation last summer from the Sept. 11 commission that such roles be transferred to the Department of Defense. A joint review by the C.I.A. and the Pentagon concluded that both agencies should have paramilitary abilities, officials said.

In questioning Mr. Goss about the possibility that terrorists might use nuclear weapons, Senator John D. Rockefeller IV of West Virginia, the top Democrat on the intelligence committee, called attention to a report sent to Congress in November by the National Intelligence Council that addressed the safety and security of Russian nuclear facilities and military forces.

Among other things, the report expressed concern about the total amount of nuclear material that could have been diverted or stolen from Russian facilities since the breakup of the Soviet Union in 1991. It said that the Russian authorities had twice thwarted attempts by terrorists to conduct surveillance on nuclear weapon storage facilities in 2002, and cast doubt on Russian assurances that weapons-grade nuclear material lost from Russian arsenals had been traced and returned.

"We find it highly unlikely that Russian authorities would have been able to recover all the material reportedly stolen," the intelligence council said in the report.

Mr. Goss said in response to a question from Mr. Rockefeller that "there is sufficient material unaccounted for so it would be possible for those with know-how to construct a nuclear weapon."

Also on Wednesday, senior Pentagon officials said a C.I.A. assessment of the state of the Iraqi insurgency differed from another by the Defense Intelligence Agency, reflecting the difficulties American commanders face in identifying whom they are fighting in the country.

At a hearing of the House Armed Services Committee on Wednesday, Defense Secretary Donald H. Rumsfeld refused to disclose in open session the differing figures offered by the two agencies, which he said were classified. But he said they were much lower than recent estimates by a senior Iraqi intelligence official that there are 40,000 hard-core insurgents and 200,000 more part-time fighters in Iraq.

Last fall, American intelligence officials said the hard-core resistance numbered between 8,000 and 12,000 people, a tally that swelled to more than 20,000 when active sympathizers or covert accomplices were included. Earlier estimates varied from as few as 2,000 to about 7,000.

The differing estimates, which military officials said were compiled recently, are significant because the size of the new Iraqi security forces that American officials are training will be driven largely by the projected size and strength of the insurgency. Mr. Rumsfeld did not say which agency's estimate he thought was most credible, and added that he was skeptical of any figures because of the insurgency's fleeting and decentralized nature.

Agency faces struggle as immigrants flee justice

February 13, 2005
James Osborne, *The Monitor*, McAllen, Texas

HARLINGEN — The court administrator promised a busy day.

But at 10 a.m. on a recent Wednesday, the lobby of U.S. Immigration Court in Harlingen is just about empty, with only a bored-looking security guard manning the front entrance.

Down the hall, immigration Judge Elozar Tovar is running down a list of names with the well-tuned hum of an auctioneer. Fausto Turcias-Sanchez from Honduras … Gerci Gomez da Silva from Brazil … Fernanda Duarte-De Alercide …

The names and case numbers are read one after another, and yet the table reserved for defendants remains empty.

In less than two hours, Tovar will have ordered the deportation of about 34 undocumented immigrants.

Of those 34 cases, not one of the defendants has appeared in the courtroom.

Delinquency is the norm, not the exception, in the Harlingen branch of U.S. Immigration Court. According to the Executive Office for Immigration Review, a division of the Department of Justice, which oversees the nation's immigration courts, 88 percent of the 10,401 people scheduled to appear before the court in 2004 failed to do so.

That appearance rate is the lowest of any immigration court in the nation. And to put that ranking in context, the second worst is a small secondary immigration court in New York City that maintains a 48-percent failure-to-appear rate. Of course, it only handles 1,285 cases a year; Harlingen is the sixth-largest immigration court in the country and handles eight times that caseload.

Asked why so many aliens failed to appear, EOIR spokesman Greg Ganya handed the question to U.S. Immigration and Customs Enforcement, more widely known as ICE. It is that agency's duty to see undocumented immigrants to court and deport them if and when they lose their appeal for residency.

"We don't have a rationale for it here. Whether they appear or not tends to be a function of the people who bring all the charges," he said.

When an illegal alien is apprehended, he is issued a Notice to Appear in immigration court at a specified date, usually within six months or less. At the time of apprehension, ICE decides whether the individual should be detained in the time leading to the court date. If the person has a criminal record or is perceived as a threat to national security, he will be placed in a detention facility. If not, the person is released, with or without bond, depending on whether he is considered a flight risk.

Reached in Washington, D.C., ICE spokesman Manny Van Pelt was not able to offer any conclusive answer for the high rate of delinquency.

"From a practical sense, the reason why people fail to show up is individual to each person," he said. "I couldn't tell you why; we don't really look at it that deeply."

The fact that ICE doesn't consider the high rate of no-shows worthy of examination isn't surprising.

ICE's Complex Missions

An organization still coming into its own, ICE was only created in 2002 by a massive government overhaul that proceeded the 9/11 terrorist attacks and spawned the Department of Homeland Security. ICE, a division of Homeland Security, replaced the much criticized U.S. Immigration and Naturalization Service and operates under the promising mandate of restoring integrity to the immigration system.

Budgeted at $3.6 billion for 2005, the division has the massive task of investigating terrorist threats, drug and human smuggling operations, as well as the monumental matter of enforcing immigration law.

The U.S. government estimates 7 million people are living in the United States illegally. The number is something of a lowball estimate — Mexico alone calculates that 4.5 million of its citizens live in the United States without proper documentation. Consider also that U.S. Border Patrol captured 1.1 million people sneaking across the border in the past year alone, and as Border Patrol agents are apt to point out, far more get in than are caught.

But illegal immigration is not ICE's main concern. According to Van Pelt, national security has become the watchword for the nation's borders. ICE expends most of its resources securing airports and facilities that house sensitive chemicals, places where a terrorist mopping the floor could mean a repeat of 9/11.

One security mission, called Operation Tarmac, involved a massive audit of the nation's airports and uncovered 1,000 unauthorized workers. Another, Operation GlowWorm, involved inspecting 56 nuclear plants and 64,000 workers, only four of whom were unauthorized.

"We're sealing off the vulnerable points," Van Pelt said. "We continue to enforce immigration, but with our finite resources, where we get the most bang for our buck is protecting the nation … there's still a war on terror."

Searching for Reasons

Whether ICE is detaining a migrant worker or tracking down a terrorist, the department has agents stationed across the nation.

ICE's policies remain constant, yet illegal immigrants detained in the Rio Grande Valley fail to appear in court 88 percent of time, according to the Immigration Review statistics.

Their counterparts in San Diego abscond 7 percent of the time.

A variety of people within the immigration field, from academics to legal representatives to federal officers, were contacted to explain the delinquency phenomenon. Everyone had a theory, but no one was able to offer a conclusive answer.

The most common explanation was that location and lack of jobs in the Rio Grande Valley make the area a funnel for undocumented immigrants to points north.

Denton Langford, an ICE agent in San Antonio, agreed to a degree, saying a good portion of those who didn't appear simply left the area and failed to notify the court of their change in address.

But the theory only works if illegals in other areas aren't heading north. The U.S. Immigration Court in El Paso, an area of geographic isolation similar to the Valley, only reported a failure-to-appear rate of 17 percent among 6,134 cases in 2004 — a 71 percent difference from the Harlingen court.

What perhaps differentiates the Rio Grande Valley from other border areas are the nationalities of those coming across, one federal agent hypothesized.

Beside the name of every person scheduled to appear at the Harlingen courthouse is a symbol denoting country of origin. It is an endless list of Brazilians and Hondurans, with some El Salvadorans and Chinese mixed in. Mexicans, the most represented nationality in the U.S. immigration court system, made up only 12 percent of Harlingen's caseload in 2003.

Most immigrants who appear in the Harlingen Court were captured somewhere in the 17,000 square miles that make up the McAllen sector of U.S. Border Patrol, which extends from Brownsville north as far as Palacios and west to Falcon Lake.

Every day, agents patrol the endless scrubland, keeping a close eye out for footprints and other signs that will give away an undocumented immigrant's location. On an average day, agents capture about 270 people — and only about half will be Mexican, the majority of whom will opt to be returned home almost immediately to avoid the court system.

That diversity is what differentiates the Valley from places like San Diego, where only four of 100 detainees are not Mexicans.

But nationality does not necessarily determine whether a person will abscond. In San Diego, for example, Salvadorans appear in court 89 percent of the time.

In Harlingen, they appear 9 percent of the time.

Going Free

Does their low appearance rate in Harlingen mean that the Salvadorans who pass through here are less law-abiding than their counterparts in San Diego?

Probably not, said one attorney, who asked that her name not be used. She suggested ICE agents here simply were not doing a very good job of keeping undocumented immigrants in the area.

In truth, there is nowhere to put the majority of those apprehended. The detention center in Bayview, the only dedicated immigrant housing facility in the area, holds 800 people. That is far short of what would be required if every immigrant captured were to be held. According to Langford, Bayview's beds largely are reserved for immigrants with criminal records.

He said ICE will find extra space when the need arises, but the fact is the department simply doesn't deem it necessary to detain every immigrant, opting instead to release most of them on a minimal bond. According to Langford, the bond for an undocumented immigrant without a criminal record runs between $1,500 and $3,000.

Robert Garcia has been working as a bail bondsman in the Valley for 25 years. He remembers a period in the 1980s when bonding companies were springing up across the Valley to take advantage of the streams of immigrants coming in. The undocumented immigrant would pay about 60 percent up front to secure his release and many would head north that very night.

"The immigration (bonding) companies just came in to make the fast buck. A lot of them ended up filing for bankruptcy and a lot of that money was never paid," he said.

The practice ended once the government started collecting in full on the forfeited bonds, as opposed to the 5 or 10 cents they were collecting on the dollar in the 1980s, he said. Those still in business became more hesitant about whom they posted bond for, only wagering on those people with roots in the area who were unlikely to flee north.

But the undocumented have adapted, Garcia said, often coming across with enough money to post the full bond themselves if they get caught.

"It's a risky type of bond," Garcia said. "But a lot of these people have the money to post bond and not show up."

For someone who might already have paid thousands of dollars to human smugglers, $1,500 isn't a great loss. And with that money paid, freedom is only a bus ride away.

In the case of those captured in the Rio Grande Valley alone, more than 9,000 people a year join the swelling ranks of undocumented immigrants living in the United States.

But however many people are living in this country illegally, only 400,000 are being directly sought by ICE at any one time, Van Pelt said. Those on the list include murderers, drug smugglers and police-killers, like an Equador native recently captured by ICE agents in New York. Nicknamed Robin Hood by the media, he robbed an armored car in Equador and threw the money out into the streets, killing two police officers in the process. He is believed to have entered the United States in 1993. Five years later he was arrested for armed robbery and sent to a New York prison, where he was discovered by ICE agents through their regular sweeps of the nation's penitentiaries.

Van Pelt considers the arrest a coup for the division and relishes telling the story of how the agents picked the man up from prison and put him on a plane, while he thought he had been set free.

"We kept it real smooth, working it with the U.S. Attorney's Office. Thought he was getting out of prison, thought everything was real cool when we picked him up. We put him on a plane, and when he arrived he found the police waiting for him," he said with glee.

Asked to talk about the Mexican working on an avocado farm in Northern California or the Honduran washing dishes at a Chicago steak house, Van Pelt isn't quite so animated.

"They're people building their lives," he said. "They show up on the radar from time to time."

Cops: We nabbed killer terror gangster

By **Michele McPhee**
Thursday, January 6, 2005

A reputed member of the East Boston-based MS-13 gang was arrested in Somerville on a murder warrant stemming from a fatal stabbing in Washington, D.C., the Herald has learned.

Melquis Alvarez-Garcia, 21, was busted by Somerville detectives Tuesday night, just hours after Boston police circulated a wanted poster with the North Shore Gang Intelligence Unit, a task force made up of investigators from 14 agencies that track MS-13 exclusively.

Yesterday the Herald reported MS-13 has been linked to al-Qaeda, prompting Boston police to accelerate their efforts to quash the gang's criminal activities, especially in East Boston, the organization's stronghold.

East Boston was also the home of al-Qaeda terrorist Raed Hijazi, charged with training the suicide bombers in the 2000 attack on the USS Cole; he lived on Shelby Street and drove a cab around Maverick Square. And the two planes used to take down the World Trade Center towers on 9/11 were hijacked from East Boston's Logan International Airport.

Alvarez-Garcia is a reputed member of the East Boston Loco Salvadorans (EBLS) sect of MS-13, sources said. He was arrested about 7 p.m. after Somerville gang unit Sgt. Steven Carabino spotted a crew of 10 MS-13 members - garbed in their white and blue gang colors - congregating on the corner of McGrath Highway and Broadway.

Washington, D.C., police spokesman Sgt. Joe Gentile said Alvarez-Garcia is wanted for allegedly stabbing 38-year-old Jose Lazo to death April 6, 2002. Alvarez-Garcia was identified as a suspect in the killing a year later, and has been on the run, Gentile said. The motive for the murder was unknown yesterday.

Alvarez-Garcia is expected to be arraigned this morning on a fugitive from justice charge before he is extradicted to the nation's capital to face a murder rap, prosecutors said.

Alverez-Garcia's arrest marks the second bust of an East Boston MS-13 member by local investigators this week. On New Year's Day, Lynn cops arrested Elmer ``Tiger" Tejada, 24, after a violent struggle.

Tejada was deported by Homeland Security Immigration and Customs Enforcement officials a year ago after his conviction on a slew of crimes, including hurling a machete at Chelsea cops, but managed to sneak back into the United States. Tejada and another man cops describe as an MS-13 leader who had been deported were spotted on the North Shore days before Christmas.

The second suspect remains at large, officials said yesterday.

MS-13 made mark with blood

By **Michele McPhee**
Wednesday, January 5, 2005

MS-13, or La Mara Salvatrucha, originated in El Salvador during the bloody internicene wars that ripped the country apart in the 1980s, according to Boston police intelligence on the gang.

Boston police first caught wind of the gang in 1995, when young teens began spray-painting buildings with ``M.S.," said East Boston Sgt. Detective Joseph Fiandaca.

``At first, I thought it was for `Maverick Square,' but then there was a spate of violence and we realized there was a growing gang problem in the area," Fiandaca said.

International in scope with a half-million members, MS-13 has strongholds in Los Angeles, Washington, D.C., Virginia, and on Long Island, N.Y., investigators believe.

Local MS-13 members, who call themselves ``East Boston Loco Salvadorans," or ``EBLS," were using machetes to rob hard-working fellow Salvadoran immigrants returning from their jobs on payday. They also were attacking rival gang members from the Bloods and 18th St. - often in bloody machete assaults, Fiandaca said.

By 2000, the gang had spread to Chelsea, Somerville, Lynn and as far north as Peabody. In 2002, two deaf teens were gang raped allegedly by three MS-13 gang members in a Somerville park.

MS-13 recruits new members, called ``juniors," at area middle schools and hires gang members from surrounding cities, such as Providence, to attack rivals.

Last year, Boston cops seized dozens of swords and machetes from MS-13 members.

Gang members wear blue and white clothes - often from the Dallas Cowboys football team - and ink devil's fingers crafted into a horn on their bodies.

Eastie gang linked to al-Qaeda

By **Michele McPhee**
Wednesday, January 5, 2005

A burgeoning East Boston-based street gang made up of alleged rapists and machete-wielding robbers has been linked to the al-Qaeda terrorist network, prompting Boston police to ``turn up the heat'' on its members, the Herald has learned.

MS-13, which stands for La Mara Salvatrucha, is an extremely violent organization with roots in El Salvador, and boasts more than 100 ``hardcore members'' in East Boston who are suspected of brutal machete attacks, rapes and home invasions. There are hundreds more MS-13 gangsters in towns along the North Shore, said Boston police Sgt. Detective Joseph Fiandaca, who has investigated the gang since it began tagging buildings in Maverick Square in 1995.

In recent months, intelligence officials in Washington have warned national law enforcement agencies that al-Qaeda terrorists have been spotted with members of MS-13 in El Salvador, prompting concerns the gang may be smuggling Islamic fundamentalist terrorists into the country. Law enforcement officials have long believed that MS-13 controls alien smuggling routes along Mexico.

The warning is being taken seriously in East Boston, where Raed Hijazi, an al-Qaeda operative charged with training the suicide bombers in the attack on the USS Cole, lived and worked, prosecutors have charged.

Also, the commercial jets that hurtled into the World Trade Center towers in New York City were hijacked from Logan International Airport.

``The terrorist aspect, especially when you think in terms of 9/11 and how intent these terrorists are, will turn the heat up on our efforts with MS-13,'' Fiandaca said.

MS-13 members congregate near the Maverick Square train station sporting white and blue bandannas, their skin inked with spider webs and ``laugh now, cry later'' clown faces.

``MS-13 is the most dangerous gang in the area,'' Fiandaca said. ``They are big. They are mobile. Now they have a terrorist connection.''

The theory that Salvadoran criminals manage to smuggle people over the border was bolstered this month when two Boston men described as MS-13 leaders were spotted on the North Shore days before Christmas - a year after they were deported by Boston Homeland Security Immigration and Customs Enforcement investigators for gang-related crimes.

One of the two men, Elmer ``Tiger'' Tejada, 24, who had been deported after being convicted of a slew of crimes, including attempted murder charges for hurling a machete at Chelsea cops, was

busted in Lynn on New Year's Day. Tejada is described as ``an original MS-13 member" from East Boston, sources said.

A manhunt has been launched for the second fugitive, who is in the country illegally, Boston police said.

The growing number of MS-13 members, and the degree of violence the gang engages in, prompted investigators from 14 local and national agencies to form the North Shore Gang Intelligence task force in 2000, Fiandaca said.

Among the most notorious local crimes attributed to MS-13 was the gang rape of two deaf girls, one 14, the other 17, in a Somerville park in 2002. Three MS-13 gang members were charged in the brutal rapes, during which one victim was knocked from her wheelchair before the assault.

Sour gang

By **Michele McPhee/** Boston Herald
Friday, January 7, 2005

A burgeoning East Boston-based street gang, with links to the North Shore, made up of alleged rapists and machete-wielding robbers has been linked to the al-Qaeda terrorist network, prompting Boston police to "turn up the heat" on its members.

MS-13, which stands for La Mara Salvatrucha, is an extremely violent organization with roots in El Salvador, and boasts more than 100 "hardcore members" in East Boston who are suspected of brutal machete attacks, rapes and home invasions. There are hundreds more MS-13 gangsters in towns along the North Shore, says Boston police Sgt. Detective Joseph Fiandaca, who has investigated the gang since it began tagging buildings in Maverick Square in 1995.

By 2000, the gang had spread to Chelsea, Somerville, Lynn and as far north as Peabody.

In recent months, however, intelligence officials in Washington have warned national law enforcement agencies that al-Qaeda terrorists have been spotted with members of MS-13 in El Salvador, prompting concerns the gang may be smuggling Islamic fundamentalist terrorists into the country. Law enforcement officials have long believed that MS-13 controls alien smuggling routes along Mexico.

The warning is being taken seriously in East Boston, where Raed Hijazi, an al-Qaeda operative charged with training the suicide bombers in the attack on the USS Cole, lived and worked, prosecutors have charged.

"The terrorist aspect, especially when you think in terms of 9/11 and how intent these terrorists are, will turn the heat up on our efforts with MS-13," says Fiandaca.

MS-13 members congregate near the Maverick Square train station in Eastie, sporting white and blue bandannas, their skin inked with spider webs and "laugh now, cry later" clown faces.

"MS-13 is the most dangerous gang in the area," says Fiandaca.

Take that, Hells Angels.

The theory that Salvadoran criminals manage to smuggle people over the border was bolstered this month when two Boston men described as MS-13 leaders were spotted on the North Shore days before Christmas - a year after they were deported by Boston Homeland Security Immigration and Customs Enforcement investigators for gang-related crimes.

One of the two men, Elmer "Tiger" Tejada, 24, who had been deported after being convicted of a slew of crimes, including attempted murder charges for hurling a machete at Chelsea cops, was busted in Lynn on New Year's Day. Tejada is described as "an original MS-13 member" from East Boston.

A manhunt has been launched for the second fugitive, who is in the country illegally, according to Boston police.

The growing number of MS-13 members, and the degree of violence the gang engages in, prompted investigators from 14 local and national agencies to form the North Shore Gang Intelligence task force in 2000.

Among the most notorious local crimes attributed to MS-13 was the gang rape of two deaf girls, one 14, the other 17, in a Somerville park in 2002. Three MS-13 gang members were charged in the brutal rapes - during which one victim was knocked from her wheelchair before the assault.

Hub 'should be worried':
U.S. rep: MS-13 gang is true terror threat

By **Michele McPhee**
Friday, January 7, 2005

A Texas congressman said MS-13 gang members and Middle Eastern aliens are using the border in his district to sneak into the country - and Boston should be worried.

U.S. Rep. Solomon P. Ortiz (D-Texas), co-chairman of the House Border Caucus, told the Herald he is ``very concerned" about al-Qaeda's link to Mara Salvatrucha, or MS-13, a gang he described as ``extremely vicious."

The Herald reported this week that a chapter of MS-13 has taken control of a swath of East Boston, prompting Boston police to create a task force to take down the violent, drug-dealing thugs.

Last month, a Muslim man from Bangledesh, Fakhrul Islam, was arrested alongside a reputed MS-13 gang member and 11 others after the group waded across the Rio Grande into Brownsville, Texas.

The alleged MS-13 member, Francky Sanchez-Solorzano, 21, was arrested and deported back to his native Honduras within days of the Dec. 4 bust, Ortiz said. Islam's status in the country remained unclear.

Attorney General John Ashcroft has publicly said a high-ranking al-Qaeda leader, Adnan El-Shukrijumah, has offered top dollar to infiltrate the United States via the Mexican border.

``Boston should be worried," said Ortiz's spokeswoman, Cathy Travis. ``These terrorists and gang members are getting on a bus here in Texas and heading to the East Coast."

FBI officials steadfastly deny any connection between MS-13 - a brutal, international criminal organization that has thousands of members across the country - and the terrorist al-Qaeda network.

``The FBI has not established a link between MS-13 and al-Qaeda," said Joe Parris, supervisory special agent in the FBI national press office. ``There is no link established."

But Ortiz said the Bush administration is ``in denial" and should tell the American people the truth.

``It's established that Mara Salvatrucha and al-Qaeda have had meetings. Middle Eastern people are willing to pay millions to get into this country," Ortiz said yesterday.

Two MS-13 members have been arrested by local cops this week - including a criminal who had been deported by the Department of Homeland Security's Immigration and Customs Enforcement agency, but snuck back into the country.

Elmer ``Tiger" Tejada, 24, was arrested New Year's Day in Lynn - a year after he was deported as a criminal. Another gang member who had been deported remains at large.

Yesterday, a member of the East Boston Loco Salvadorans, a sect of MS-13 that congregates in Maverick Square, was arraigned on fugitive from justice charges stemming from the 2002 killing of a Washington, D.C., man.

Melquis Alvarez-Garcia, 21, wearing the gang's trademark blue and white colors in the form of a Yankees pinstripe baseball jersey, is accused of stabbing his alleged victim through the heart on April 6, 2002, prosecutors said.

U.S. ambassador to Mexico expresses concern about border violence in letter explaining State Department travel warning

By Lisa J. Adams, ASSOCIATED PRESS
4:36 p.m. January 26, 2005

MEXICO CITY – U.S. Ambassador to Mexico Tony Garza told Mexican leaders Wednesday he is concerned that growing drug-related violence and kidnappings on the border between the two countries will have a "chilling" effect on trade and tourism.

Garza's comments were included in a letter directed to Mexican Foreign Relations Secretary Luis Ernesto Derbez and federal Attorney Rafael Macedo de la Concha that explained the motives behind Wednesday's warning from the U.S. State Department to citizens thinking of traveling to the region.

The U.S. Embassy in Mexico distributed the letter to news agencies.

A Foreign Relations Department spokesman, Allan Nahum, said officials "have received the notification and we are going to pass it along to the appropriate authorities so that they may respond" as they see fit.

Violent criminal activity, including killings and kidnappings, has increased in the northern border region amid a growing war between drug traffickers struggling for control of the region.

"U.S. citizens should be aware of the risk posed by the deteriorating security situation," the State Department warning said.

The advisory came just days after the Mexican government sent soldiers to patrol the streets of the border city of Nuevo Laredo, across from Laredo, Texas, at the request of local authorities who said the crime and violence had become too great for them to handle.

It also comes as officials crack down on top-security federal prisons housing reputed drug traffickers who allegedly have continued to operate their businesses from behind bars with the help of corrupt prison employees.

Garza noted that while the great majority of border violence victims are Mexican citizens, "the elevated level of violence generally has resulted in greater risks to the thousands of American citizens visiting and passing through the border region every day. Increased numbers of murdered and kidnapped Americans in recent months bear this out."

Garza went on to say that he worried "the inability of local law enforcement to come to grips with rising drug warfare, kidnappings and random street violence will have a chilling effect on the cross-border exchange, tourism and commerce so vital to the region's prosperity. ... We certainly do not want at this time to advise Americans to refrain from traveling to Mexico by land or to avoid the border areas, but it is our responsibility to alert them to the enhanced risks," Garza said, explaining the motive for Wednesday's warning.

He added that he applauded President Vicente Fox's efforts to combat crime and drug trafficking and said he hoped "that commitment will make a difference at the state and local levels."

The U.S. consul to Reynosa, on the Mexican border across from McAllen, Texas, issued a separate warning in September for U.S. travelers planning to visit that city. The advisory came after reports that Mexican police allegedly were forcing U.S. drivers to remote places or to automated cash machines, where they were told to hand over money or face jail time.

That warning prompted Reynosa Mayor Francisco J. Garcia Cabeza de Vaca to defend his city in a news conference last week.

Mexicans for years have been the victims of kidnappings and robberies, as well as abuse at the hands of corrupt law enforcement officials, in cities throughout the country, including the capital, Mexico City.

Garza acknowledged the strides that have been made thus far to improve security on the border, and said, "I hope this current challenge can be faced with similar resolve and success."

Mexico Says It Dealing with U.S. Border Violence

Thu Jan 27, 2005 01:54 AM ET

MEXICO CITY (Reuters) - Mexico sought to play down a U.S. travel alert for Americans visiting the Mexican side of the border and said any violence was contained to drugs gangs and that authorities were fighting to curb it.

A State Department alert Wednesday warned travelers of an escalation of fighting among drug cartels along Mexico's northern border.

After speaking to U.S. officials, Mexican Foreign Minister Luis Ernesto Derbez told Mexican television it was a disgrace that there was a perception of violence in northern Mexico and added that it was "a worry for Mexico, not the United States."

Mexico stressed that any violence was temporary, linked to a government crackdown on drug gangs and mainly limited to gang members.

"This is why we are confronting the problem with determination and a firm hand, so we can get ahead with what we have promised: clean, transparent, orderly, disciplined prisons and public security in the north of the country," Interior Minister Santiago Creel said at a late night news conference.

Increasing numbers of bullet-riddled bodies have been found in northern Mexico in recent months in what Mexican officials say is a brutal cartel war for control over the lucrative cross-border cocaine, marijuana and amphetamine trade.

In a crackdown prompted by the murders last week of six guards from a high-security prison, President Vicente Fox has sent 600 federal agents to join army units in the northern state of Tamaulipas, over the border from Texas.

The sight of armed police patrolling the streets of the cities of Matamoros, Reynosa and Nuevo Laredo is scaring away U.S. visitors, local business owners say.

The State Department said while most people visit northern Mexico without incident, violent crime including murder and kidnapping is on the rise. It advised avoiding red-light districts and neighborhoods where street drug-dealing occurs.

The U.S. ambassador in Mexico City, Antonio Garza, also raised the issue in a letter to Mexico's foreign relations secretary and attorney general, saying the violence was of growing concern to the U.S. government.

"Although Americans do not appear to be the specific targets of the crimes, the elevated level of violence generally has resulted in greater risks to the thousands of American citizens visiting and passing through the border region every day. Increased numbers of murdered and kidnapped Americans in recent months bear this out," Garza wrote in the letter released by the State Department.

Garza said the United States does not want to advise Americas to avoid the border areas, but noted that "it is our responsibility to alert them to the enhanced risks."

Border violence reduces crossings from Texas

As U.S. issues travel advisories, Mexican officials try to allay fears

08:36 PM CST on Sunday, January 23, 2005
Associated Press

HIDALGO, Texas – Day trips across the Rio Grande to Mexico used to be part of the allure for Harry and Audrey Kelley, retirees who migrate each winter from Kansas to a sunny mobile home resort here.

But with headlines about drug war murders and police robbing tourists, they haven't made the short trip to nearby Reynosa in years.

"Shoot, I wish I could be more at ease," said Ms. Kelley, 75. "But it's a little iffy right now."
Violent crime has erupted just across the border from several Texas towns in recent months. U.S. officials have issued travel advisories after reports of more than a dozen slayings, more than 20 kidnappings, and assaults with machine guns and grenades. And that's just since August.
While Mexican officials are trying to quell fears among U.S. residents who are crucial to the border economy, experts warn that a long-running drug war will continue as cartels scramble to replace those broken up by authorities.

"This is a kind of brutal, bloody civil war, they're jockeying for monopolies, control, turf," said Bruce Bagley, a professor of International Studies at the University of Miami. "It's a very high-stakes game in Mexico, an industry that probably makes in the neighborhood of $3 or $4 billion a year. ... U.S. markets for drugs have grown immensely."

U.S. consuls have issued advisories against travel to Reynosa and Nuevo Laredo, which is across the border from Laredo. Twenty-two Americans were recently kidnapped there, and several turned up dead.

"Because Mexican authorities are saying this is a drug war brewing, the U.S. consulate wants to wait a little while longer before we consider softening our caution," said John Naland, the consul for the state of Tamaulipas.

But the new mayor of Reynosa, Francisco Javier Garcia Cabeza de Vaca, said that's not true. "The problem starts with the drug war, which is all over the world, not just in Tamaulipas, not just the Rio Grande Valley," said Mr. Garcia, who held a news conference this week in McAllen to tell U.S. citizens they are safe in Mexico. "Please worry, those of you who aren't up to any good, but it has nothing to do with the normal, common citizens."

Victor Roy, a 66-year-old from Girardville, Canada, said he doesn't plan to stop going to Reynosa.

"We hear they kill the mayors, the politicians. We're not important, so they won't kill us," said Mr. Roy, one of the thousands of retirees from northern states known as winter Texans because they flock to South Texas to escape the cold.

Mr. Garcia boasted that since he took office Jan. 1, he's rid the city police force of dishonest officers. He announced new services for visitors, including two 24-hour toll-free numbers for complaints. "The way the police have been working with people, that has changed," he said. "No more corruption. No more asking for money."

The peddlers, pharmacists, dentists and restaurateurs who depend on visitors from the United States and Canada are hoping the message works.

Standing idly outside his store full of traditional clothing and handmade crafts from throughout Mexico, Jose de Jesus Campos, 66, said he is optimistic about his 5-year-old business for the first time since the Sept. 11, 2001, terrorist attacks.

Heightened border security after the attacks backed vehicles up for miles at the border, keeping customers away for several months.

"Business has been very low," the vendor said, shaking his head. "But we are hopeful because there are new authorities, new representatives. It's been a little better already. We will all be part of the Winter Texan party."

RECENT BRUTALITY IN MEXICO

Sept. 21: U.S. Consul John Naland advises that Reynosa police have forced American tourists to make ATM withdrawals. Mr. Naland also reports a young woman being raped by police.

Sept. 28: One man is shot to death and another is seriously injured outside a movie theater in Reynosa.

Oct. 9: Five men are blindfolded, handcuffed and fatally shot at a home in Nuevo Laredo. The bodies are accompanied by a note, "Send more idiots like this so we can kill them."

Oct. 16: Two Border Patrol in rural Starr County run from machine-gun fire from the Mexican side of the Rio Grande. The agents had found more than a half-ton of marijuana.

Oct. 29: Suspected assassins and drug smugglers in Matamoros use hand grenades and assault rifles against police in a pre-dawn shootout outside a bar blocks from the U.S. border.

Nov. 10: Two police officers and a watchman are injured in an ambush outside a kindergarten in Nuevo Laredo. More than 20 rounds are fired at the patrol truck.

Dec. 9: The U.S. Consul in Laredo reports 21 U.S. citizens kidnapped or missing from across the river in Nuevo Laredo since mid-August. At least two were found dead.

Jan. 3: The bullet-ridden body of Rene Izaguirre, a security official for the incoming Reynosa mayor, is found dumped on a highway outside the city.

Jan. 16: The bodies of a 25-year-old Reynosa policeman and his uncle from McAllen are found dumped by a roadway outside town.

Thursday: Six prison guards at the high-security federal prison in Matamoros are killed after prisoners are moved from Mexico City to break up an in-prison drug gang

MS-13 Man Sentenced to 3 Life Terms

Fairfax Woman Suffered Fatal Kick After Gang Rape

By Tom Jackman
Washington Post Staff Writer
Saturday, February 5, 2005; Page B01

A member of the Salvadoran street gang Mara Salvatrucha was sentenced yesterday in Fairfax County to three consecutive life terms for the 2001 rape and killing of a Falls Church area woman, making him the third local member of the gang to receive a life term for murder.

Oscar Omar Ramos Hernandez, 26, sat quietly during the brief hearing and declined to speak when Fairfax Circuit Court Judge Kathleen H. MacKay offered him the opportunity before the sentence was imposed. A large "MS" tattoo was spread across the back of his shaved head, indicating his allegiance to Mara Salvatrucha, and investigators said his back also has MS tattoos.

Hernandez pleaded guilty in December to charges of capital murder, rape and abduction with intent to defile in the death of Diana Garcia. As part of a plea agreement, prosecutors agreed not to seek the death penalty.

Garcia was the mother of a 2-year-old girl who has moved to Belize to live with Garcia's mother. Eleven Northern Virginia residents have been slain in gang-related incidents since July 2000. Nine of those are believed to have been committed by members of Mara Salvatrucha, or MS-13. Seven of the 11 victims are thought to have been gang members. But Garcia was not among them.

Hernandez was one of three MS-13 members who were hanging around a 7-Eleven store on Patrick Henry Drive when they spotted Garcia walking home alone about 2 a.m. on Aug. 13, 2001.

According to police testimony and court documents, Hernandez told police that he, Omar Guzman and the third man had drunk 48 beers in the hours before encountering Garcia. "We were very drunk," Hernandez told Fairfax Sgt. Richard J. Perez, according to court documents.

The three men followed Garcia as she walked toward her apartment. Hernandez said one of the others claimed that Garcia was a rival gang member, or a *chavala*. According to a transcript of Perez's interview with Hernandez, Hernandez explained the duty to fight, hurt or even kill felt by members of MS-13 when they encounter rival gang members.

"We grabbed her because of that," Hernandez said. "Otherwise I would not have done anything." Garcia was not in any gang. She was a waitress at a nearby restaurant.

Hernandez said he and the other men dragged Garcia behind her apartment building and raped her. They then asked Garcia if she was going to call police. Garcia said she was.

Hernandez then kicked Garcia in the neck, he said. "I only kicked her, and that was all," Hernandez said. "I never thought of killing her."

The blow ruptured an artery. Her body was discovered later that morning by a passerby.
In 2002, Hernandez fled to Georgia. He was arrested there, told immigration authorities that he was Mexican and was deported to Mexico. He soon returned to the United States through Texas, where he was arrested for robbery and convicted.

He was extradited to Virginia in April after serving his Texas sentence. On the flight back, Perez interviewed him about Garcia's killing and life in a gang.

Hernandez told Perez that he was born in El Salvador and was "jumped in," or initiated, into the gang at age 13. He said he participated in a machete killing there when he was 16 and moved to the United States when he was 22.

"You never think when you are young," Hernandez told Perez, "in this stuff, that you will be caught. . . . It felt very good, going around, having a good time, you know?"

Regarding Garcia's killing, Hernandez blamed the alcohol as much as the gang. "It is just that when you are drunk," Hernandez said, "things enter your mind, that you can do some kind of stupidity." Guzman pleaded guilty to first-degree murder, rape and abduction in October 2003 and is awaiting sentencing. The third participant remains at large.

Hernandez is the first MS-13 member to be sentenced to life in prison in state court. Two other members, Denis Rivera, 20, and Noe David Ramirez-Guardado, 22, were sentenced in federal court to life in the September 2001 slaying of Joaquim Diaz on Daingerfield Island, federal land near Alexandria.

Evidence Of El Salvador Gang Found In Columbus

Alleged Gang Leader Arrested In Central Ohio Last Month

UPDATED: 8:53 am EST February 8, 2005 - NBC

COLUMBUS, Ohio -- A gang that is active in El Salvador is now in the United States and in Central Ohio, NBC 4's Mike Bowersock reported.

The gang is called Mara Salvatrucha, or MS-13, named after the 13th Street area of Los Angeles.

They are Salvadoran immigrants who came to the United States starting in the 1980s during a civil war in their native country, taking over drugs, and being responsible for kidnappings and murders on the streets in California, Bowersock reported.

Police don't know many gang members there are, but believe they are operating in the area of the Lincoln Park West apartments, and along Morse Road, east of Interstate 71.

In January, Nelson Alexander Flores, a known MS-13 leader, was arrested in Columbus, the first public example of an MS-13 presence, Bowersock reported.

"Most of (the gang members) are military trained in El Salvador," said Columbus police Lt. David Watkins. "A lot of them spent time in prison down there. They have a lot of tattoos. They're very violent, involved in a lot of murders, kidnappings."

Mara means gang, and salva trucha means guerilla fighter, Bowersock reported.

When they first came to the United States, other Hispanic gangs in Los Angeles often targeted Salvadorans. MS-13 initially formed for protection, but quickly developed their organized and violent reputation, Bowersock reported.

As they have fanned out across the United States, they have started accepting members into the gangs that are not Salvadoran, Bowersock reported.

They are military trained and use military weapons.

In El Salvador, a hand grenade will sell for as little as $1. An M-16-style rifle costs $200.

MIAMI-DADE COUNTY

Feared Latin gang touches region

The arrest of two members of Mara Salvatrucha in Miami cast the spotlight on one of the most feared gangs in the Americas.

BY DAVID OVALLE. Posted on Mon, Feb. 07, 2005

Juan Celeya and Dennis Pineda, arrested on murder charges last month in the Allapattah area of Miami, sported something rarely seen in the region: Tattoos snaked around their arms and body with the letters ``MS."

Authorities say the Honduran pair belong to Mara Salvatrucha, or MS-13, a notorious gang born among Central American immigrants in Los Angeles, exported back to Central America, and now triggering violence in a growing number of cities across the United States.

Their tattoos are cause for defiant pride among members -- and a red flag for law enforcement looking for signs of a growing MS presence in Florida.

A federal, state and local task force arrested Celeya, 23, and Pineda, 21, on Jan. 19 on charges stemming from a Los Angeles gang slaying in July. In Miami-Dade County, the pair face charges of home invasion robbery, armed robbery and false imprisonment.

Gang members are believed to be behind a string of home invasion robberies in Miami over the past four months. Seven other men were arrested that day in connection with those robberies, drug charges and outstanding warrants.

"If these guys came on the lam from California, that shows a clear connection between these guys and California. . . . That says we have an organization here," said Ed Develasco, an MS-13 expert and agent with the Florida Department of Law Enforcement who is not involved in the Allapattah case.

Still, Develasco confessed: ``To tell you the truth, I don't think we really know exactly the level of MS-13 in the state of Florida."

SPORADIC CRIMES

The gang has popped up sporadically in the past in South Miami-Dade, home to many agricultural workers from Central America.

In August 2003, authorities arrested six men reportedly linked to Mara Salvatrucha for allegedly peddling drugs and weapons in the Homestead area.

There are between 8,000 and 10,000 members of Mara Salvatrucha in 31 states, according to the National Drug Intelligence Center, an arm of the U.S. Department of Justice. The number rises to between 30,000 and 50,000 internationally.

"We're everywhere," one member of Mara Salvatrucha in Los Angeles recently told the Copley News Service. ``Honduras, Salvador, Guatemala, Mexico, L.A., Washington, New York, Denver. There's a few in Missouri.

``There's homies in Canada, too. Wherever we go, we recruit more people. There's no way they can stop us."

Investigators have chronicled the gang since it first flourished in Los Angeles in the late 1980s. During that decade, as war raged between El Salvador's U.S.-backed government and leftist guerrillas, thousands of refugees fled to the United States -- many of them to Los Angeles. Among the L.A. refugees: members of a street gang known as La Mara and peasants trained in paramilitary tactics.

Shunned by other ethnic groups, including other Hispanics, a small number formed what later became Mara Salvatrucha, or MS-13.

In Salvadoran slang, *mara* means posse, *salva* refers to Salvadoran and *trucha* is slang for someone who is street savvy.

They eventually aligned themselves with the notorious Mexican mafia known as La EME, which boasted a domineering presence in California prisons.

In response to rising gang violence, the United States began aggressively deporting thousands of gang members, many of whom no longer shared deep cultural ties to their native countries.

So the danger shifted south -- and countries still shattered by civil wars faced a new form of violence as the gangs formed cliques and fought one another.

Along with a rival gang, Mara 18 -- derived from the 18th Street Gang in Los Angeles -- the Mara Salvatrucha earned a reputation as being especially ruthless and violent. In Central America and Mexico, their activities include drug and arms trafficking and migrant smuggling.

Central American authorities blame them and other gangs for a wave of murders -- including the slayings of 28 women and children inside a bus during a Christmastime attack in Honduras.

"A lot of people don't want to hear this, but our military intervention [in Central America] spawned a gang," said Tom Hayden, a liberal activist and former California state senator who penned the book *Street Wars: Gangs and the Future of Violence*.

In recent years -- as homicide rates among young men have skyrocketed and news of grisly gang murders have been splashed across Central American tabloids -- authorities in El Salvador and Honduras have responded with tactics unseen since the region's armed conflicts.
New laws have made it easier for young men to be thrown in jail for offenses as simple as having tattoos.

RIGHTS GROUPS

Human rights monitors such as Hayden and the Washington, D.C.-based Council on Hemispheric Affairs have criticized the gang crackdown as heavy handed.

In 2003, a Honduran presidential commission found that guards shot and killed scores of gang members during a prison riot that ended in a fire in which nearly 70 people died.

Today, U.S. authorities liken Mara Salvatrucha to a criminal enterprise. Their mobility has established them internationally, said Al Valdez, an investigator with the Orange County, Calif., district attorney's office gang unit and an MS-13 expert.

"Their growth has been so rapid and so profuse," Valdez said.

In South Florida, authorities say they are trying to be proactive and deal with Mara Salvatrucha the same way they dealt with other gangs: targeting them early with multiagency task forces.

Celeya and Pineda were arrested by agents with Operation STOP -- Street Terror Offender Program -- a task force of the U.S.-designated South Florida High Intensity Drug Trafficking Areas program. The agencies include the U.S. Bureau of Alcohol, Tobacco and Firearms, the FDLE, U.S. Immigration and Customs Enforcement and Miami-Dade and Miami police.

"As long as I've been a gang detective, which is the past two years, MS-13 has been in Homestead," said one Homestead detective who spoke on condition of anonymity. ``MS-13 has increased in South Florida due to the rise in amount of illegal aliens from Central America. The more popular the gang, the more young males want to join."

Celeya and Pineda face extradition to Los Angeles. They also face deportation. Immigration officials say they are here illegally from Honduras.

STRONGER UNITS

Develasco, a special agent supervisor at the FDLE office in Sarasota, first ran across Mara Salvatrucha as an officer in Los Angeles in the 1980s. He also served as an FDLE investigator with the Miami-Dade state attorney's office.

Today, he advocates better intelligence and beefing up gang units across Florida to curb MS before it grows.

"We took out the [New York-based] Latin Kings and the South Beach Posse gang with the Multi-Agency Gang Taskforce, and MS was never on the radar screen," Develasco said. ``Now, all you hear is MS-13."

Arrested MS-13 member wanted in police slayings

By Michele McPhee
Boston Herald
Wednesday, January 12, 2005

The reputed MS-13 gang member arrested for sneaking into Texas illegally alongside a Bangladeshi Muslim last month is an accused cop killer suspected of killing two police officers in Honduras, the Herald has learned.

Last week, the Herald reported that the Islamic man, Fakrhul Islam, and alleged MS-13 member Frankie Sanchez-Solorzano, 21, were arrested along with 11 others on Dec. 4 for entering the country illegally by wading across the Rio Grande.

The arrests of the two men increased concerns that the brutal gang, Mara Salvatruca - considered terrorists in Central America - will take money from the highest bidder, including Islamic fundamentalists.

Attorney General John Ashcroft has publicly said a high-ranking al-Qaeda leader, Adnan El-Shukrijumah, has offered top dollar to infiltrate the United States.

FBI agents and investigators assigned to the Homeland Security Immigration and Customs Enforcement agency interviewed Islam, whose age was unknown, but he was released after the investigation determined he was ``not a terrorist," Manny Van Pelt, spokesman for ICE, said yesterday.

Islam's whereabouts are now unknown after he was given a ``notice to appear" warrant that requires him to face an immigration judge within six months.

Van Pelt did not know what Islam's purpose in the United States was, or where he was going.

Law enforcement sources said Sanchez-Solorzano, who was identified as an MS-13 member via the gang's tattoos on his body, is wanted for killing two cops in his native Honduras. He is being detained by ICE, Van Pelt said.

Locally, Boston police are not taking any chances with the gang, whose members have been charged with a slew of machete attacks, rapes and armed robberies across the North Shore.

In East Boston, police have stepped up efforts to sweep MS-13 out of Maverick Square, where gang members congregate.

MS-13 invading beyond its turf

By Michele McPhee
Boston Herald
Sunday, January 23, 2005

A brutal East Boston-based gang notorious for rapes and machete attacks is moving into other parts of the city, spray-painting graffiti in Dorchester housing developments, the Herald has learned.

On Friday, police took pictures of MS-13 gang scrawlings in the Franklin Hill housing development and sent the photographs to District A-7 in East Boston, where the gang has been a burgeoning problem, police sources said.

``This is the first time we have seen this gang in the area. We want to tackle the problem before it becomes a big problem," said one high-ranking police offical in District B-3, which monitors the Franklin Hill development.

Internationally, MS-13 has been linked to al-Qaeda because of the gang's ironclad grip on the alien smuggling routes in Mexico. Locally, members of the gang are responsible for machete assaults, street robberies and home invasion. In 2002, three reputed MS-13 members were arrested for gang raping two deaf and handicapped teens in a Somerville park.

Mara Salvatrucha 13 has purported ties Al Qaeda

Fox 12, Province RI

The thirteen is part of its fear factor. Investigators saying gang members try to commit much of their signature violence on the 13th of the month. They usually mark their territory with blue spray paint. But local officers and federal agents say the gang goes far beyond graffiti.

They are bold, brash, and very dangerous. Beatings are used as rituals to see if the kid getting pummeled is tough enough to be a member of Mara Salvatrucha. They traffic drugs, guns, illegal aliens and they protect their industry with the power of violence. The crime scenes they leave behind are said to be worst than most.

A Bristol County House of Corrections inmate was a soldier in the gangs. The weapon of choice in several cases is the machete. At one crime scene, a victim was missing three fingers.

In rapes, robberies, they killed three federal agents.

One local concern is recruitment within the prison. He would only shake his head about whether that's going on here where he was put for stabbing someone bad enough to leave them in a wheelchair.

With evidence MS 13 is growing and with four known members in his jail the sheriff says his officers focus on pulling the gangs roots before they grow.

The inmate tells officials he wants out of the gang that he believes they set him up and then deserted him. But he implies getting out alive may be next to impossible.

The sheriff says the gang's violent nature and ability to smuggle guns is attracting an alliance with al Qaeda. A Texas congressman criticized the feds for not doing enough. A FBI spokesman says a clear link between the gang and the terrorists is not established.

Gangs' Deadly Reach Growing Younger

Fatal Fairfax Shooting Symbolizes New Threat

By David Cho
Washington Post Staff Writer
Sunday, January 30, 2005; Page A01

Johnny and Luzmila Campos fled their Arlington apartment five years ago after their eldest son was recruited by a violent Latino gang. They had high hopes for a quiet life in Fairfax County when they moved into a tiny rambler on Sheldon Drive.

Last weekend, their youngest son, Anthony, 15, was sitting on the steps of a nearby apartment with two friends when he was gunned down. The friends were wounded but survived. Anthony was killed almost instantly. Police believe gang members mistook him as a rival because of his clothes.

"We moved here to get away from the gangs," Luzmila Campos, 40, said. "I talked to Tony all the time about not joining the gang."

The death of Anthony, who friends and family said was not a gang member, underscores a new kind of threat in the region. Ethnic gangs including Mara Salvatrucha, or MS-13, and South Side Locos have lured hundreds of local children as young as 9 into their fold over the past few years, investigators say. And that has given them leverage to spread fear and extend their reach even into the area's most affluent suburbs, where such parents as the Camposes struggle to keep their children safe.

Because the victims of violence and the targets of recruitment are so young, officials are forced to fight gangs not only on suburban streets, but also in middle and elementary schools and after-school clubs. Even in Fairfax, which is known for its good schools and low homicide rate, police believe gangs have a presence in every high school. In the eastern Fairfax neighborhood of Culmore, which the Latino gang MS-13 claims as its turf, dozens of children seek refuge after school at a Boys & Girls Club in the basement of a church.

Anthony's death brings to 12 the number of suspected gang-related slayings in Northern Virginia in the past four years, most committed by MS-13, authorities say. In August, MS-13 members surrounded Jose Escobar, 22, at a Prince William townhouse, slashed him along his neck and left arm and shot him in his chest.

In July 2003, the body of Brenda Paz was found near a brier patch off the banks of the Shenandoah River. Her throat had been so severely slashed that she was nearly decapitated. Paz, 17, was helping authorities in their investigation of several MS-13 members. Her boyfriend ordered her slaying from his prison cell.

In interviews, several gang members said that they joined MS-13 -- the largest Washington area gang with 2,000 members -- when they were young and impressionable and that they cannot get out. Gang life also ruined their chances of staying in school. Many were pressured to commit such crimes as robberies, machete assaults and property destruction at a young age.

"The problem is that juveniles are unpredictable and are notoriously irrational in their behavior," said Paul J. McNulty, U.S. attorney for the Eastern District of Virginia, whose office has worked with local authorities to fight the problem. "And that presents a challenge in and of itself to prevent them from thinking that this a great life."

For the five young Guzman brothers who live in a first-floor apartment off Vista Drive in Culmore, MS-13 is literally at their doorstep.

Gang members have scrawled "MS-13" in the hallway outside their door. Some children in the red-brick buildings in Culmore share crowded apartments with relatives and strangers who sport MS-13 tattoos on their arms. Other children, when they walk through courtyards, endure cackles and hoots from gang members straddling bicycles or hanging out of windows.

The Guzman boys, ages 3 to 12, hardly have enough space to play inside the three-room apartment they share with their parents and an uncle. Their bedroom floor is covered wall to wall with mattresses, and the family of eight shares one bathroom. The brothers, however, do not go out alone at night. They once witnessed a stabbing outside their bedroom window.

"Sending them home at the end of the day is a punishment for these kids," says Wonhee Kang, who runs a Boys & Girls Club in the basement of Culmore United Methodist Church as a haven for them. "I don't blame these parents for wanting to move away from this community for the safety of their kids. I'm actually very glad when they move out."

Culmore is home to MS-13's fastest-growing youth clique, Silva Loco Salvatrucha, according to gang members and detectives.

"Silva is a big clique, and all are from Northern Virginia. It's home-grown," an MS-13 member said. "But it's not a respected clique -- it's always been disgraceful to MS. They are young and stupid. They just want to be number one. They just want to be big. . . . But some of them are just all talk." Still, the Silvas make life difficult for Kang and the children who attend her club.

Nearly all the homes in the neighborhood have been marked with gang graffiti. Kang tells the children to keep their eyes low and avoid talking to gang members.

Kang had never heard of MS-13 when she began her club in the basement of the church in 1994. She was the church's classically trained choir director. Then her pastor asked her to run a summer camp for neighborhood kids.

"I thought it was just going to be some type of school," she said. "I didn't know what I was really getting into at first."

She soon learned the risks when MS-13 members began harassing the children as they walked to camp. As if to remind them of its turf claim, the gang occasionally spray-painted its graffiti on the apartment facing the church.

Kang decided to stick with the job after learning that the students did not have a safe place to go, not even their homes.

Santo Guzman, who works in the kitchen of a nearby restaurant, said she wants to move, but she fears she could not afford an apartment elsewhere for her five sons. A roach-infested living room holds the family's entire collection of furniture -- two metal folding chairs, an old wooden table and a television. The boys' clothes litter the place because they do not have a dresser in their bedroom. Almost half of Kang's children share apartments with other immigrant families or day laborers. The family of an 11-year-old girl shares a two-bedroom Culmore apartment with several strangers who work as day laborers. One stranger has MS-13 tattoos. To go to the bathroom -- there is only one in the apartment -- she asks her mother to escort her.

The mother of another 11-year-old at Kang's club said what scares her is that the faces of MS-13 are barely older than her daughter's.

"I feel relieved when she's [at Kang's club] and when she's at home," said the mother, who works until 7 every night cleaning houses. She spoke on condition of anonymity because she fears the gang. "At night, I don't let her go outside."

Kang's club has been a magnet for the children of Culmore. About 50 children showed up the first day about a decade ago. In 2002, it became affiliated with the Boys & Girls Clubs of America and reached a membership of 200 children, most of whom attend elementary and middle school.

Kang always keeps the church doors locked and requires the children to carry plastic ID cards. Barbed wire was added to a fence separating MS-13's territory and her sanctuary. But those measures do not keep the gang's influence out of her club. She has caught a few elementary school students drawing MS-13 "tattoos" in pen ink on their hands.

About three years after the Camposes moved to Fairfax County, members of a new gang called South Side Locos began hanging out on the streets of their neighborhood. Most were young teenagers. Anthony met and befriended some of them at school and began hanging out with them on weekends.

Although he never joined, Anthony began to dress like them. "You couldn't tell them apart," said Juan Sanchez, 16, a friend and classmate of Anthony's.

He almost always wore a black Oakland Raiders jersey, which is popular among gang members because of its dark color, friends and relatives said. All his friends at Annandale High School wore similar clothes: jerseys with baggy pants that piled on top of tan Timberland boots. In the summer, they would don blue or black flannel shirts with only the top button fastened.

"Everybody dresses like that -- even I dress like that," said Anthony's brother, Johnny Jr., who works with his father as a bowling-alley technician. "All that's classic gangster style. I don't think that will ever go away because of how society is."

Johnny Campos Jr., 23, said he never worried about Anthony joining a gang because his brother was shy, quiet and hated confrontations. "He saw what I went through, he saw what my parents suffered through," he said. "He kept clean."

Still, Anthony and his friends loved gangsta rap, mimicked the talk of gangsters and their style. "It's cool. I don't know why. It's just what everybody wears," Sanchez said.

The gang life had a certain appeal. It almost seemed synonymous with toughness and cool.
About 8:30 p.m. Jan. 21, Anthony went out with two friends, ages 15 and 13, to a hangout at a 7-Eleven. One friend was the brother of a known member of South Side Locos, but wasn't in the gang himself, several friends said. While sitting on the steps of an apartment, they were approached by two men. Without warning, one pulled out a gun and fired at the three teenagers, police said. Anthony died from two bullet wounds to the chest. The others were wounded.

Detectives have said the shooter probably confused Anthony for a rival gang member because of his outfit.

This week, those clothes were folded neatly and laid out on the Campos's dining room table, surrounded by white roses, candles, statues of Jesus and old photographs -- a family's memorial to a beloved boy.

His father said he spent the past few nights in Anthony's bed, crying himself to sleep.
"All we know is, he was at the wrong place at the wrong time," he said, his head in his hands.

"He's a quiet son. I just don't know what happened. He was just sitting there and then it just happened -- they shot him."

Exporting a problem

Gang members deported from U.S. take deadly culture to their home countries

Story by S. Lynne Walker | Photos by Luis J. Jimenez
COPLEY NEWS SERVICE
January 16, 2005

TEGUCIGALPA, Honduras – Marlon Fuentes is a big man at Honduras' largest penitentiary. His face is tattooed. His talk is tough. He menaces with threatening stares.

A gang member from Los Angeles, Fuentes spends his time behind bars impressing Honduran "homies" with stories of his exploits in California. He joined Los Angeles' 18th Street gang when he was 12, was later arrested for selling dope and brandishing a deadly weapon, then was deported in 1995.

Fuentes, 27, is a violent export of the United States, a Honduran citizen shipped home under an immigration policy that Central American governments insist has helped spread the deadly gang culture throughout the Americas. From Honduras to Hollywood and back to Honduras again, Fuentes moved in a distorted world in which gang members identify themselves with tattoos and build networks via the Internet.

Two decades ago, gangs were rare in Central America. But in the mid-1990s, the United States stepped up deportations of criminals, many of them gang members from the 18th Street, or Mara 18, and its chief rival, Mara Salvatrucha 13.

Today, gangs are Central America's No. 1 crime problem.

Violent young men experienced in gunplay and in evading law enforcement are being sent back to countries they haven't seen since they were children. Some are dropouts. Many barely speak Spanish.

Gangs enlist teenagers who are abandoned, unemployed and devoid of hope. Then they teach their recruits what they know best -- robbing, stealing cars, selling drugs and killing.

For these new gang members, as well as the deported veterans, the goal is the same: to make their way to the United States and the gang mecca of Los Angeles.

"We've done a great job of exporting the gang culture all over the world," said Al Valdez, supervising investigator for the Orange County district attorney's anti-gang unit. "Now the gang phenomenon is international."

According to authorities, more than 35,000 youths belong to gangs in Honduras, a country of nearly 7 million people. El Salvador has about 30,000 gang members and Guatemala has 14,000. In Mexico, where nearly 1,000 Central American gang members have been arrested in the past two years, gangs are taking hold in Mexico City and in border cities, including Tijuana.

The deportations haven't stopped the growth of gangs. U.S. gang membership has jumped 327 percent since 1992, according to immigration officials.

The National Youth Gang Center estimates that the United States has 750,000 gang members. California has roughly 365,000 members, with 100,000 in Los Angeles County. San Diego County has 7,500.

Every state in the nation now reports being plagued by gangs.

"We're everywhere," boasted a Mara Salvatrucha 13, or MS 13, gang member in Los Angeles. "Honduras, Salvador, Guatemala, Mexico, L.A., Washington, New York, Denver. There's a few in Missouri. There's homies in Canada, too.

"Wherever we go, we recruit more people. There's no way they can stop us. We're going to keep on multiplying."

In the rush to confront the problem, gang experts say, U.S. officials failed to anticipate how other countries would be affected by the deportation of gang members.

"The world is too global to export a problem and not expect it to come back," said David Brotherton, a professor at the John Jay College of Criminal Justice in New York who has written two books on gangs.

"In El Salvador, Guatemala, Honduras, Mexico, there's a whole new inner-city youth subculture that originated in the First World. We've created this insoluble problem and these countries can't respond. There's no social work infrastructure. There's no rehabilitation. There's no money. They have enough trouble just providing basics for their own people."

Central America's gang problem is certain to expand when U.S. Immigration and Customs Enforcement launches a nationwide gang enforcement program this year.

The goal is to rein in gangs whose violent activities "pose a serious threat to national security," said Michael Keegan, the Washington, D.C.-based spokesman for the agency's gang enforcement activities.

Already, ICE agents are searching U.S. cities for gang members. In Charlotte, N.C., an ICE operation snared more than 100 foreign-born gang members in 2003. In San Diego, ICE agents arrested 45 gang members during a five-week sweep in October and November last year.
In Los Angeles, where more than half the homicides are gang-related, the agency set up an international gang enforcement unit in September and began exchanging intelligence with the police department.

Los Angeles Police Chief William Bratton has been traveling coast to coast to warn other police departments about the spread of gangs.

"I sound like Paul Revere riding across the country and shouting the alarm, 'The gangs are coming. The gangs are coming,' " he said.

Meanwhile, Central American governments are desperately searching for strategies to combat gangs. The Honduran congress unanimously passed one of the hemisphere's toughest anti-gang laws in 2003, setting a maximum 12-year prison sentence for gang members. El Salvador followed with its own version of what has become known as the mano dura, or firm hand, which locks up any young man with gang tattoos. In May, Mexico's southernmost state of Chiapas approved five-year prison sentences for simply belonging to a gang.

Human rights activists complain that gang members are being hunted down and killed by police. But the crackdowns continue, especially against the 18th Street and MS 13, which are Central America's largest and most violent gangs.

But the gangs have proven to be resilient.

Every time they're uprooted, they surface in another neighborhood, another city, another country. They move with the assurance that no matter where they go, fellow gang members will feed them, house them, orient them and possibly provide them with weapons.

As the gang culture spreads, people in the Americas find themselves linked in new and uncomfortable ways. Residents are afraid to walk neighborhood streets at night, police aren't adequately staffed or trained, parents are grief-stricken by the senseless deaths of their children. From Honduras to Hollywood, the story is the same.

People are watching with fear, frustration and helplessness as gangs take their neighborhoods – and their children – away.

The Rev. Arnold Linares lists the gangs that held the Honduran neighborhood of Rivera Hernandez hostage before his country's anti-gang law went into effect.

The MS 13. The 18th Street. And the Normandies, named for Normandie Avenue in Los Angeles. "All this came from the United States," Linares said, shaking his head. "One 18th Street member killed (rival gang members) with an AK-47 his gang sent him from the United States especially for the job."

For five years the 35-year-old pastor of the Place for Everyone Baptist Church has tried to lead young men out of gang life.

He started a soccer league for gang members with uniforms, balls and trophies donated by a church in Memphis, Tenn. But he gets no government support for his efforts, and in June, government officials evicted his league from a community soccer field.

Mario Montalban is among Linares' converts.

Montalban, 26, started his Barrio 11 gang when he was 16 years old after a failed attempt to migrate illegally to the United States. He admits he was "one of the worst," making homemade shotguns and forcing the working people of Rivera Hernandez to pay "rent" before they could walk down his street. He said he was high on drugs from morning to night and killed at least six people, stabbing his last victim in the throat with a screwdriver.

When Montalban joined Linares' soccer league five years ago, he disbanded his gang and converted to Christianity. But it didn't mean he was welcomed back into society.

The first thing employers asked him to do when he looked for a job was take off his shirt. Once they saw the tattoos, they showed him the door. So he doesn't bother applying anymore.

As a criminal, Montalban made enough money to feed his two young daughters and elderly mother. Now, they sometimes go hungry.

"There are people who don't think we can be rehabilitated. They treat us as if we were animals," Montalban said. "But a lot of gang members want to change. For the people who want to be rehabilitated, give us a chance."

When Linares walks the streets of Rivera Hernandez, he worries about Montalban and the other young men he has pulled away from gangs.

"We have so many kids in the streets doing nothing. We are asking the government to give them a place for recreation, to give them work," Linares said. "If they can't find work to feed themselves, they do the easiest thing – they rob people. That's what the government doesn't see."

At night, when residents of Hollywood's quaint neighborhood of Melrose Hill lock their doors, the U.S. gang problem is as close as the gunfire they hear in the distance. The MS 13 has encircled their community, making it an island of middle-class American life in the center of random and relentless violence.

Melrose Hill is a community of bungalows and vintage streetlamps, a showpiece listed as a historic preservation zone. In 2003, Los Angeles magazine called the 42-home neighborhood one of the 10 best in the city.

But Hollywood is also home to the largest MS 13 clique in Los Angeles. Gang members drift in "fresh from Central America," police say, and stand outside the Hollywood Video at Santa Monica Boulevard and Western Avenue until a homie steps out of the shadows to help them.
"There's another world around us," said a lifelong Melrose Hill resident who asked not to be named for fear of reprisals against his family. "You see what's going on in the surrounding streets. You see

young Latino men posturing and you think, 'Oh, God.' And you drive on. You wonder if the prudent thing wouldn't be to flee like other white people."

A woman was shot in the head just a mile from Melrose Hill in 2003 as she drove her husband and three children home from a Thanksgiving dinner. Although no one has been arrested, police suspect an MS 13 gang member from El Salvador fired the fatal bullet.

"Everybody knows they're not going away," said Brian Brady, 48, who has lived in Melrose Hill with his wife and children for 15 years. "If there's an answer to this problem, then it's pushing them to other places, because there are always going to be gangs."

A few miles away from the MS 13 turf, the 18th Street gang lays claim to Hollywood Boulevard. On the glitzy street where movie stars have strolled, 18th Street members hawk their drugs. Sometimes they shoot at rival gang members who slip in among the tourists.

Officer Frank Flores, who works in the gang detail in LAPD's Hollywood precinct, knows most of the Hollywood gang members by name. He has talked with their parents, many of them hard-working immigrants who have lost control of their children.

Flores, 30, grew up in East L.A., so he understands the allure of gang life.

"The instant popularity. The girls. The lure of just belonging. Suddenly you have 20 or 30 friends. There's definitely an attraction," he said.

In Hollywood, Flores has seen scores of immigrant kids join gangs, get arrested and then get sent back to countries they barely remember.

"We have seen some who've come full circle – here in L.A., deported, then back again," he said. "It's frustrating."

Jorge Potter, 36, is among those who have repeated that cycle.

After being deported in 1989, the former Hollywood gangbanger said he introduced the 18th Street gang to his neighborhood in Honduras' industrial city of San Pedro Sula. When he was targeted by Honduran police, he returned to the United States illegally and made his way back to Hollywood. There, Potter said, he had a religious conversion – one of the few ways a Latino gang member can leave a gang without being killed – and started working in a Hollywood discount store.

In June, he was deported again after being arrested on misdemeanor charges in Las Vegas.
The day he arrived in Honduras, he headed for San Pedro Sula, which now has one of the highest murder rates in Latin America. He said he was going to work at a clothing factory and talk to youths about the evils of gangs.

When Potter stepped off a U.S. Marshals Service plane in the Honduran capital of Tegucigalpa, his muscle shirt showed off elaborate tattoos, including the number 18 tattooed on his right arm.
"The 18th Street is No. 1 in Los Angeles," Potter said with pride. "It's the biggest in the world."
Jessica, a Guatemalan immigrant who came to Los Angeles when she was 5, had a chance at the American dream. Instead she chose the MS 13, a .38-caliber pistol and an immigrant boyfriend who was deported to El Salvador in June.

Jessica's mother saw Los Angeles as a city of endless opportunities. But young Jessica discovered a different Los Angeles. While her mother struggled to feed her family, Jessica became caught up in a convoluted web that links gang members throughout the Americas.

At 14, Jessica took a beating during an initiation ritual and became an official member of the Mara Salvatrucha 13.

Now 26, she has been the target of gunfire more times than she can remember. She has survived longer than most of her homies, but her safety zone has been reduced to a series of city blocks with boundaries set by rival gang members.

"On every block, on every corner, a homie has gotten shot and killed," said Jessica, who asked that her last name not be published for fear of losing her job as an office worker.

Jessica had a chance to start over after she posted her profile on an Internet personals page and met a Camp Pendleton Marine. The young Texan took a liking to her, even flying her to Houston to meet his parents.

But Jessica didn't love him. Instead, she chose a 26-year-old gangbanger who calls himself Puppet and was a member of the MS 13 when he came to Los Angeles from El Salvador at age 13.

"I get bored by the routine," Jessica said. "For me, it's the street, the adventure, the thrill of danger. Just having a gun and knowing you'll be able to use it – not just anybody feels that.

"People tell me that to change I have to get away. But I like being here. Anyway, I'd probably go to another state and find the 'hood again. You can always find someone from the MS because it's so big."

She helped Puppet run an MS 13 clique in Los Angeles until he was deported. Three weeks after he arrived in El Salvador, he called Jessica and told her he'd killed a rival.

In September, his 18th Street rivals retaliated, hacking his head, ribs and back so severely with machetes that he was in surgery for six hours.

Jessica paid for Puppet's surgery with money she collected from L.A. gang members. She also is trying to scrape together his $3,000 passage back to Los Angeles. In the meantime, Puppet is carrying a gun purchased with money Jessica wired to El Salvador.

Jessica said MS 13 members in El Salvador are urging Puppet to be their leader. And local police are watching him because he's from Los Angeles.

"The new law (in El Salvador) is locking up the guys who are getting deported. The cops think they're the leaders," Jessica said.

"Some of them are. Like Puppet. He will be one of them."

The Rev. Gregory Boyle has worked with hundreds of immigrants like Jessica and Puppet. His experiences over the past two decades have convinced him that deportations won't solve California's gang problem.

"The police are passing them off to the INS. And what do folks do? They get deported and they come back," said Boyle, a Catholic priest who founded Homeboy Industries in East L.A. "The idea is to banish them, to demonize them. Tell me how that approach will keep a 15-year-old from doing it again."

Lately, Boyle has been receiving phone calls from foreign-born gang members locked inside the immigration detention facility on Los Angeles County's Terminal Island, waiting to be flown to the nations where they were born.

Among those detained there in June was Oscar Zapata, who was to be sent home to Honduras. Zapata's childhood in Honduras prepared him for gang membership.

At age 9, he was tortured by police and incarcerated with adult men in San Pedro Sula's prison. At 12, he was conscripted into the Honduran army and taught to fight with an M-16 rifle. When he was released by the army, he lived on the streets until his mother brought him to California.

By the time Zapata got to Los Angeles and joined the 18th Street gang, "I wasn't afraid of anything. I came here with a different mentality," he said.

Two years ago, he was deported to San Pedro Sula after being arrested on drug charges, but he quickly returned to California.

Zapata, 42, said he is out of the 18th Street gang. But he faces deportation again because a routine "stop and frisk" by L.A. police showed he was wanted by immigration authorities.

Terrified that he can't survive the tactics of Honduran police, Zapata is appealing his deportation. Beads of sweat stood on his forehead as he remembered how the Honduran police kicked the body of a gang member and said, "This one is dead."

"I am afraid of the police. Nobody can stop them," he said. "If they send you to prison in Honduras, you are going directly to your death."

Oscar Alvarez, the Honduran minister of security, stepped up his attack on gangs last month after 28 people were gunned down on a public bus in San Pedro Sula. Alvarez blamed the killings on the MS 13 and sent more army troops into the streets to fight gang violence.

"We will not rest until we eliminate the gang members from Honduras," Alvarez said.

Honduran President Ricardo Maduro accused the MS 13 of having "planned the massacre to frighten my government" and made a promise to the Honduran people.

"Those responsible for the massacre will rot in jail," he said.

Nearly 1,500 tattooed youths have been arrested since Maduro began his anti-gang campaign 17 months ago.

Almost 200 of them died in separate prison fires – one in an 18th Street cellblock and another in an MS 13 cellblock – in which guards were either found negligent or directly responsible. In the most

recent fire, on May 17 in the San Pedro Sula prison, 61 of the 107 gang members who died had not been convicted of a crime.

Aida Rodriguez blames the Honduran government for the loss of her 24-year-old son, Alan, who died in the San Pedro Sula inferno. A veteran of the MS 13, he was serving a 69-year sentence for double homicide.

"If the government was going to have an anti-gang law, then they should have prepared prisons for them because they knew they were going to capture a lot," she sobbed.

Raman Custodio, who heads Honduras' National Commission for Human Rights, calls the incarcerations "a massive illegal detention" and has vowed to ask the Supreme Court to declare the law unconstitutional.

"Because you're tattooed or because you behave this way or the other, you can be captured and taken to prison," Custodio said. "The principle of innocence doesn't exist anymore in this country."

Former MS 13 member Christian ntunez agrees.

"It's a human hunt in this country. They are putting all the young people in jail," said Antunez, now 25. "You know what rehabilitation is for the government? To kill them like dogs in the street."

Antunez has tattoos on his biceps, back and belly. Above his right eyebrow are the faint letters NLS, for the Normandie Street Locos, an MS 13 clique in Los Angeles.

Until he has the tattoos burned off, he is in constant danger of being arrested. The only time he ventures out of the house he shares with his wife and baby is for his monthly trip to a clinic in San Pedro Sula called Adios Tatuaje, or Goodbye Tattoo.

"You leave the house and you don't know if you"re coming back," he said. "The government wants to exterminate all the tattooed people."

Alvarez shrugs off accusations that the gang crackdown is turning the country into a police state, as it was in the 1980s when hundreds of suspected leftists were tortured or "disappeared" by a secret military unit.

"The public was crying out, 'I want security,' because this affects the people who are the least protected in the country," Alvarez said.

Demographics underscore the seriousness of the problem. In Honduras, 51 percent of the population is younger than 18. In El Salvador, more than half the population is under 24.

"We have to stop more youngsters from becoming gang members," Alvarez said. "If we don't do something about it, we are predicting a very grave future for our country."

An 18th Street gang member who calls himself Lucifer mocks officials who believe they can end gang violence.

"If you can't control gangs in the United States, how are they going to end it in this country?" cackled the 22-year-old, who is serving a murder sentence in Honduras' Tamara National Penitentiary outside Tegucigalpa.

In the prison's 18th Street cellblock, gangsta rap throbbed and inmates pumped iron in the searing Honduran sun. No guards were in sight.

"They said this is their house," said a guard stationed outside.

Inmate Paul Antonio Zelaya reflects the failures of both countries.

Born in Honduras, he was brought to Los Angeles by his mother when he was 3. At age 11 he joined the 18th Street gang, spent time in the California Youth Authority and was arrested as an adult on robbery and drug charges.

On his bulging right bicep, Zelaya, who also goes by the name Ricky Alexander, showed off the tattoo of his California prison number.

He was deported to Honduras in 2003 after being paroled from Imperial County's Centinela State Prison. Three months later, Honduran police arrested him for robbery.

Zelaya and his fellow inmates from Los Angeles talk about going back to the United States, to the city they consider home.

So does a prisoner called Looney, who has never set foot in Los Angeles.

Looney is one of 18 children in a dirt-poor family. Four of his brothers are also in gangs, two in the MS 13 and two in the 18th Street.

In 1995, family members who had settled in Los Angeles sent him money to make the trip. But he got arrested for stealing and has been in prison off and on ever since.

He imagines Los Angeles is "a beautiful city" where homies can find "a blessed peace" because "there is not a lot of violence against them."

"They have cars, TVs, food on the table. Everything. Everything. Everything.

"Los Angeles is a paradise."

Search Continues for Murder Suspect
Search of suspect's Woodbridge home reveals gang links
Arlington Connection
February 3, 2005

The search continues for an unidentified man wanted in connection with the shooting of Jose Claudio Araniva in the Nauck neighborhood, a murder investigators now believe is tied to local gang activity.

A Jan. 12 search of Araniva's home by police in the 17000 block of Horner Road in Woodbridge, Prince William County, revealed evidence linking him to three known gangs, Mara Salvatrucha (MS-13), the South Side Locos (SSL) and one known as Brown Pride. The affidavit filed by detectives after the search states police also discovered an array of knives, a rifle bullet, a tape recorder and a computer. The affidavit indicates that police believe the computer may contain further electronic evidence and that several members of the SSL were in the vicinity of the crime scene. Police are hesitant to release any information about the ongoing case.

"We're still looking for the suspect," said Matt Martin, spokesman for the Arlington County Police Department. "We don't want to risk giving too much away until then. We've had several detectives working this case since this shooting happened."

Initial police reports released after the shooting state that around 8 p.m., Jan. 10, residents on the 1700 block of South Edgewood Street called 911 to report the sound of gunfire. Shortly afterward, a resident on the 1400 block of South Walter Reed Drive reported that a gray Corvette had crashed onto his front lawn. Witnesses told police they saw two men approach the car as it sat near the curb on Edgewood Street. Two men, dressed from head to toe in black, reportedly approached the vehicle from behind. One fired a shotgun into the driver's side, hitting Araniva in the shoulder and in the neck. Bleeding, Araniva sped away from the scene, only to crash after losing consciousness. Araniva was rushed to a nearby hospital, where he later died.

The two men fled the scene immediately and were later pursued by a police K-9 unit. The trail ran cold, but police caught one suspect, a 17-year-old boy, Jan. 14. Police declined to release the boy's name. Martin also declined to reveal what led to the boy's arrest.

Araniva's death marks the first murder in Arlington County since the start of 2005 and, if the shooting is gang-related, the tenth such killing in about three years, Martin said. According to Martin, MS-13 is one of Northern Virginia's most prevalent gangs. It is believed to have been formed from the remnants of El Salvadoran paramilitary groups in the wake of that nation's civil war. Brown Pride has a long history of mayhem throughout the United States. It also has several affiliated Web sites.

Residents Voice Fears at Forum on Gang Growth

By Julie Feldmeier
Washington Post Staff Writer
Sunday, January 30, 2005; Page LZ03

Residents expressed concern at a forum Thursday night that the tide of people moving into Loudoun County was also bringing gangs and gang-related crime. Some were particularly upset when they saw a video of a gang initiation in Algonkian Regional Park, a popular recreation spot for families in eastern Loudoun.

The forum at Farmwell Station Middle School in Ashburn was one in a series organized by the new Gang Response Intervention Team (GRIT), formed to combat the growing problem of gangs in Loudoun.

"We're the fastest-growing county in the nation. With this massive influx of people comes these problems," said David Carver, the program's coordinator. "We've got what could be a serious problem down the road if we don't start addressing it now."

MS-13, a Hispanic gang with an estimated 3,000 members in Northern Virginia, has more than 22 "cliques" in Loudoun, according to local officials. The Los Angeles-based Crips and 18th Street Gang have also made their mark on the county, and there are home-grown gangs committing crimes and recruiting in the area, said sheriff's investigator Frank Pearson.

Pearson presented a slide show showing gang graffiti throughout the county -- mostly variations of the MS-13 symbol, sprayed across Goose Creek Bridge, on the side of the Sterling Park Mall and on Plaza Street in Leesburg.

Recent speculation about ties between MS-13 and al Qaeda were especially worrisome to Dawn Gelormino of Ashburn.

"Are we truly prepared to handle this epidemic?" asked Gelormino, one of about 50 in attendance. Containment was another concern of hers, echoed by others in the audience who had doubts about the proposal to extend Metrorail into Loudoun.

"What's the plan to keep crime in D.C. and Fairfax out of our community?" Gelormino asked. Some audience members were rattled by a 2002 video clip of a gang "jump-in" -- the initiation ritual in which new members are beat up by the group for 13 seconds or more -- at Algonkian Regional Park in Sterling. The video was secretly shot by a police unit that had been tipped off about the gathering.

"I live less than a mile from the park, and I never heard anything about it," said Caroline Chase of CountrySide. She said her daughter's Girl Scout troop met at Algonkian Regional Park -- in the same pavilion in which the gang initiation was held.

Awareness is essential to curbing gangs, Pearson stressed.

"The first thing is to leave here, share this with your family, friends, neighbors, relatives -- tell them what you learned. Get them educated, get them interested. Then talk to your kids. They may not be involved in the gang, but they can tell you within their school who to . . . watch for. Then those are the things you need to relay back to us and the school."

The Sheriff's Office and GRIT team uses this information to get a better pulse on local gang activity -- where the members gather, how they dress and the symbols they use, Pearson said.
"We have to come together as a community on issues like this because it's no less important than a biological pandemic," said Leesburg resident Mark Smith. "It's an emergency, and we've got to deal with it."

Mexico Steps Up Security for Fox After Cartel Scare

Tue Feb 8, 2005 12:03 AM ET

By Alistair Bell

MEXICO CITY (Reuters) - Mexico has tightened President Vicente Fox's security after details of his movements were leaked from inside his own office to drug traffickers locked in an increasingly bitter war with the government.

Police last week arrested Nahum Acosta, the official responsible for organizing Fox's visits around the country, for giving information of the president's daily agenda to a gang headed by one of Mexico's top narco traffickers.

"We have to redouble vigilance because this conflict we have with organized crime has made them challenge the Mexican state," Fox told a radio station on Monday.

More than 100 members of the presidential security service guarded Fox on Sunday when he visited his family's ranch in the central state of Guanajuato, the kind of visit where security is often loose. The arrest of Acosta raised fears that drug lords may go as far as to try to kill Fox, although security officials said there was no evidence of an assassination plan.

Unlike many of his predecessors who were accused of being lax in the fight against drugs, Fox has led a campaign against narco trafficking since he took office in 2000.

The conflict, described by Fox last month as "the mother of all battles," has deepened in recent weeks with a crackdown on jailed traffickers who still run their drug empires from behind bars. "I have intensified vigilance not only inside prisons and police installations but also inside administrative institutions because this has reached the level of the presidency," Fox said.

A CLEAR MESSAGE

Drug gangs sent a clear message to the government last month when they executed six prison guards at Matamoros on the U.S. border in revenge for the government's jail crackdown.

Acosta had been working for the presidency since 2001 and was a native of the northern state of Sonora, home to many notorious drug traffickers.

He is accused of passing information to a drug smuggler close to the fugitive Joaquin "El Chapo" Guzman, one of Mexico's most notorious narco traffickers who heads a gang based in the state of Sinaloa.

Acosta was recorded on video meeting a leading drug trafficker in Mexico City, local newspapers reported.

Fox's government has jailed several leading cartel bosses, including Osiel Cardenas of the Gulf cartel, but drug violence has only increased and drug flows north across the U.S. border have remained steady.

"This is the government which has done the most to fight narco trafficking but the situation is not better, it is probably worse," said security analyst Jorge Chabat.

Rio Grande isn't the only troublesome Mexico border

By Richard Gonzales
Special to the Star-Telegram

Soon after they cross the river on a raft, illegal aliens led by well-paid coyotes trek through mountain and jungle trails, hoping to avoid guards on the southern border of Mexico.

They'll seek to make it to a slow-moving freight train for the 1,500-mile trip north. With good fortune, gang members who prey on illegal immigrants won't spot them.

But the tattooed gangsters sometimes trap them on trains, and that's when the beatings, rapes, robberies and killings start. If the immigrants are lucky enough to evade the gangsters, they must still keep an eye out for corrupt police or armed guards who will shake them down.

Some land jobs on large fincas, or ranches, close to the border. The ranch owners prefer the illegals because they say the local citizens won't work as hard and are more expensive. If the illegals complain about their pay or their squalid living conditions, the ranchers can just report them to local police.

For the illegals, the choice is take the abuse or risk deportation to grinding poverty, more gangs and no jobs in their homelands. It's a feral border existence -- on both the southern border of Mexico and the southern border of the United States.

Mexico's President Vicente Fox understands the hypocrisy of asking for humane treatment of Mexican illegals in the United States or advocating for guest worker programs and amnesty when his countrymen abuse and kill Guatemalans, Hondurans and Salvadorans who cross the Suchiate River into Chiapas.

According to Javier Moctezuma, Mexican assistant secretary for population and immigration affairs, 100,000 Guatemalans try to cross the U.S.-Mexico border each year. In 2003, Mexico deported 140,000 Central Americans.

But about 500,000 Central Americans have successfully run the gantlet of gangs and corrupt police to their true destination: the United States.

Coyotes, as human smugglers are called, can earn as much as $100,000 a year getting people into the United States. Trading in humans is lucrative, international big business.

Fox has responded to U.S. pressure to stem the flow of immigrants and from the U.N. High Commissioner for Human Rights to end the abuse of illegal aliens. Fox implemented the "Plan Sur," or Southern Plan, in 2001 to stem the tide of illegals.

Hundreds of immigration agents were deployed across Mexico's southern border. Roadblocks were set up, and the military patrolled the regions performing identity checks.

According to Felipe de Jesus Preciado, commissioner of Mexico's National Migration Institute, the plan helped to decrease the flow of illegals across Mexico's southern border by 35 percent.

Border security -- and the trafficking in stolen U.S. vehicles, guns and drugs that it abets -- has been a problem for years. Since Sept. 11, 2001, fears have increased that terrorists could sneak into the United States from Mexico. The need to secure Mexico's southern border takes on a new dimension.

Thus, America has two Mexican borders to worry about. Media attention, human rights activists and U.S. border states have focused on the northern border. Although farther away and nearly forgotten, the southern border is more porous, volatile and dangerous.

As the desperation increases in the south, the greater the push to escape and find economic relief farther north.

The trip is longer, riskier and more grueling for Central Americans, who must journey through two unwelcoming countries. But the desire to eat and earn money overcomes the fears and threats.

Fox finds himself heralding illegals who are home for Christmas as Mexican heroes at the Rio Grande while playing the Grinch for the Guatemalans who seek to make it across that same river. Their Christmas, of course, begins when they step onto U.S. soil.

To address the abuse of immigrants passing through Mexico, Fox has struggled with the rampant corruption in the Mexican government. After years of authoritarian rule by the Institutional Revolutionary Party, Fox fights the common man's battle to clean out entrenched graft and bribery in the military, police and government agencies.

In the interest of U.S. security and human rights, America should help Fox wrestle control of his southern borders away from coyotes

www.kriseggle.org
"Remember Kris"

Bob & Bonnie Eggle
9051 30½ Mile Road
Cadillac, MI 49601
(231) 775-8266
bonnie@kriseggle.com

Report on the Border Situation

By Robert Eggle

Illegal immigration continues unabated—already out-of-control smuggling of people and drugs only worsens with no solution in sight. As of the two-year anniversary of Kris Eggle's murder on 8-9-04, nothing much had been done by our government to even discuss/investigate our 'Broken Borders', let alone fix them. Border Patrol has begun to infuse more men and money, yet because no official and no agency has ever quantified this illegal alien problem, Congress is like Columbus: members of Congress generally don't know what the situation really is or where we are headed.

Past and recent Border Patrol strategies lack the foresight and leadership of a "big picture" application. For example, unfettered access to the National Parks is not the answer. The National Park Service Law Enforcement Rangers do a superb job of interdiction of drugs, weapons, and illegal aliens, while protecting the resources of our land. Why not simply augment NPS and direct new Border Patrol resources to private areas, such as Naco, Douglas, Sault Ste. Marie, and Detroit to handle those critical situations? The same exact scenario applies in the Tohono O'odham Indian Reservation—simply augment the Indian Law Enforcement units who are already tactically well equipped to do their jobs.

Strong federal oversight, planning, and leadership are needed and should be insisted on by Congress. Changing what is already working is not the answer. Increasing resources in these areas is the answer, but funding must be accompanied by leadership.

This writer's experience with Kris Eggle on night operations in February, 2002, at Organ Pipe Cactus National Monument, as well as with recent tactical police training given to Organ Pipe Rangers in March, 2004, frame this illegal immigration problem to be much greater than any federal authorities publicly acknowledge.

Discussions with many federal law enforcement officers (Border Patrol, National Park Service, DHS) show continued frustrations and feelings of demoralization. These men and women are crying out for effective federal leadership from congressmen/women, senators, and our president, in addition to their own management.

With recent terrorist concerns, which manipulate political responses by murder and mayhem, such as in Spain, the Philippines, and Korea, we read of predictions of similar terrorist strikes here in the United States, attempting to influence our 2004 Presidential elections. Terrorist security should start at our own borders. But more Border Patrol agents, while sorely needed, will not solve the problem until we take a comprehensive approach.

Despite terrorist attacks and frequent assaults on Border Patrol and other law enforcement agents, Congress still has not succeeded in reforming some of the visible "no brainer" measures:

1. The annual visa lottery has not yet been eliminated, even though it invites fraud and terrorists.

2. Nonimmigrant visas are still handed out like candy at consulates around the world.
3. DHS still hasn't completed installation of new computers at ports of entry, and congressional oversight is sorely needed. Biometric tracking is an important element, as are the surveillance cameras.
4. Even though the House has passed legislation authorizing it each year for several years, military units are still not being used at our borders, but should be at least until they are effectively controlled and contained.

This writer is disheartened—*frustrated*—by the reality that on 8-9-04, two years after the murder of Kris Eggle, I had to look back at the reality that nothing much has changed when it comes to the illegal alien invasion, and the drug smuggling that Kris gave his life to prevent. These areas are still out-of-control. Worse, we are still debating what should be an obvious need for additional Border Patrol instead of moving on to the more complex solutions

Yes, I know there is a war ongoing, yet in reality, our borders are one of the "fronts" in that war. Our flanks are very weak and exposed to a flanking offensive, to use military parlance. There can be no doubt that Islamic extremists will not hesitate to use our weak flanks to "kill the infidels! !"

August 9, 2004, marked 734 days since I have heard my son's voice. Kris' murder was preventable—by proper and reasonable response to an already out-of-control border! There were many "wake-up calls", the largest being 9/11. However, due to bureaucratic negligence in the Department of Interior, NPS, and throughout the ranks of Congress and the White House, Kris and his colleagues were woefully understaffed, resulting in solo Ranger patrols and not nearly enough law enforcement officers to deal with the increase in the documented criminal elements. *These conditions continue to this date—especially the understaffing.*

Why can't we just enforce the law? The news articles below depict severe problems on our Mexican Border. These problems arise because of a reluctance by federal authorities to enforce existing laws.

- Illegal aliens are pouring into this country, and many in Washington are talking about guest worker/amnesty programs to legalize the lawbreakers as a solution.
- Mexican truckers are asking that we give them permission to violate the basic safety and inspection statutes for that we require all other trucks and their drivers to obey.

Why is an exemption from a statute enacted by Congress for our safety and well being even being considered? Why do Federal officials vacillate —rather than simply stating: "Those are the standards; meet them or don't come"?

This writer cannot imagine a Federal official even considering waiver of criminal and health checks of Mexican drivers or safety inspections of truck. For the safety of America, this should already be a non-issue for Federal administrators properly executing their responsibility.

The article below about the Minuteman Project points to a profound lack of professional responsibility by Robert Bonner. Very simply, if his Border Patrol were effectively controlling our border, average citizens would not feel compelled to do the job themselves. If an agency is unable to discharge its responsibility, officials of that agency should petition for reinforcements until it can meet its responsibilities.

Minneapolis Star Tribune

U.S. officials wary of volunteer border patrol effort

Lara Jakes Jordan
Associated Press
Published February 22, 2005

WASHINGTON, D.C. -- Intent on securing the vulnerable Arizona border from illegal immigrant crossings, U.S. officials are bracing for what they call a potential new threat this spring: the Minutemen.

Nearly 500 volunteers have already joined the Minuteman Project, anointing themselves civilian border patrol agents determined to stop the immigration flow that routinely gets past federal authorities. The group plans to patrol a 40-mile stretch of the southeast Arizona border throughout April, when the tide of immigrants crossing the U.S.-Mexico border peaks.

"I felt the only way to get something done was to do it yourself," said Jim Gilchrist, a retired accountant and decorated Vietnam War veteran who is helping recruit volunteers across the country.

"We've been repeatedly accused of being people who are taking the law into our own hands," said Gilchrist, 56, of Aliso Viejo, Calif. "That is an outright bogus statement. We are going down there to assist law enforcement."

Officials concede the 370-mile Arizona stretch is the most porous part of the U.S.-Mexico border. Also, recent intelligence indicates that Al-Qaida terrorists are likely to enter the country through the Mexico border, according to written testimony last week from James Loy, the deputy secretary of the Homeland Security Department, to the Senate Intelligence Committee.

Of the 1.1 million illegal immigrants caught by the U.S. Border Patrol last year, 51 percent crossed into the country at the Arizona border. The agency increased the number of agents in the Tucson sector from 1,700 to 2,100 over the past 18 months, part of about 10,000 federal agents patrolling the 2,000-mile southern border, Customs and Border Protection Commissioner Robert C. Bonner said.

Fear of more trouble

Officials fear the Minuteman patrols could cause more trouble than they prevent. At least some of the volunteers plan to arm themselves during the 24-hour desert patrols.

"Any time there are firearms and you're out in the middle of no-man's land in difficult terrain, it's a dangerous setting," said Bonner, whose agency is keeping a close eye on the Minuteman Project's plans.

"The Border Patrol does this every day, and they are qualified and very well-trained to handle the situation," he said. "Ordinary Americans are not. So there's a danger that not just illegal migrants might get hurt, but that American citizens might get hurt in this situation."

Civilian patrols are nothing new along the southern border. But they usually are small, informal groups.

Project organizers believe their effort is the largest of its kind on the southern border.

Gilchrist said the Minuteman volunteers are under strict orders merely to identify and follow illegal border crossers and alert federal agents. They should not interact with the immigrants except to offer food, water or medical care. Gilchrist said any volunteer who steps outside the law will face prosecution.

Something dramatic needed to be done to curb the crime, property damage and trash dumping caused by the border crossings, Gilchrist said.

"Things are out of control," he said.

"And they've been out of control for decades."

© Copyright 2005 Star Tribune. All rights reserved.

CHRISTIAN SCIENCE MONITOR csmonitor.com

from the February 17, 2005 edition - http://www.csmonitor.com/2005/0217/p07s02-woam.html

For most Mexican truckers, access to US a waiting game

Last month's US Department of Transportation report dealt a setback to NAFTA proponents.

By Danna Harman | Staff writer of The Christian Science Monitor

BRIDGE NO. 3, BETWEEN NUEVO LAREDO, MEXICO, AND LAREDO, TEXAS - Thousands of 18-wheelers roar across the Rio Grande every day, with more than 40 percent of all US-Mexican trade passing through this corridor.

But efficiency isn't the name of the game, thanks in large part to an ongoing ban on Mexican long-haul trucks entering into the United States. Now, a new report by the Office of the Inspector General of the US Department of Transportation (DOT) has set the process of opening the border to Mexican trucks back even further. The report, quietly released Jan. 3, details concerns about the difficulty of gathering data on Mexican drivers to identify high-risk carriers, verifying insurance information, testing for drugs and alcohol, and inspecting vehicle safety.

"We have said from day one that this is about safety. We believe that overall, [Mexican truck companies] still do not have the quality of equipment and training that we have in the United States," says Galen Munroe, a spokesman for the Teamsters Union, which supports the ban.

President Bush came to office promising by 2002 to lift the restrictions, originally put in place by President Clinton in 1995. But the road has been filled with speedbumps. First it was a lawsuit brought by environmental groups in California. This was finally settled in June when the Supreme Court struck down a lower-court decision calling for an environmental assessment of Mexican trucks before allowing them in. More recently have been debates over safety inspections, with the January DOT report recommending that the trucks be examined by US inspectors before they leave Mexican soil. Mexico balked at what it said was a infringement on its sovereignty.

The White House says negotiations continue. "[The restrictions are] not efficient," says Brian Turmail, spokesman for the DOT. "Opening up the border to long-haul trucks is the last unfinished business of NAFTA, and the Bush administration is committed to pushing it through." He says the two trading partners are working to reach an agreement that would create the rules of inspections, but no deadline has been set.

The 1994 North American Free Trade Agreement stipulated that Mexican long-haul trucks would be allowed to transport goods from Mexico City to New York and everywhere in between, just as Canadian trucks move freely

within the US. But complaints by environmentalists and labor unions led to Mr. Clinton's ban. Currently, Mexican trucking companies must rely on drayage, or short-haul, trucks to shuttle cargo a maximum of 25 miles into the US. The goods are then transferred to American long-haul trucks to take them further north. Avoiding this middle step, say supporters of NAFTA, would lower costs and open markets, not to mention reduce traffic congestion on the border.

"It's the responsibility of the US to live up to terms of international trade agreements," says Garrick Taylor, director of policy at the Border Trade Alliance, an advocacy organization. "It's not like we are going to see throngs of Mexican trucks going up and down highways the minute this is ironed out, but we need to start opening up and acting like partners."

Meanwhile, Mexican truckers wait - up to 12 hours just to cross, plus the time it takes to transfer their cargo to US trucks. Juan Carlos Garcia Álvarez is the director of Autotransportes Charly, a Mexican company with 37 trucks, 20 of which he says are new. "We would like to go across the border, but they are complaining about us and our trucks," he says. "It's insulting."

José Evaristo Garcia, a lithe 31-year-old with three kids and six years of trucking experience, agrees. "For years I have been hearing: 'Soon, you can drive to America,' " he says. "We are not unqualified."

Martin Rojas, executive director at American Trucking Associations, a US trade group, says he is not worried about Mexico's long-hauls coming in. "We think US companies are competitive and don't have anything to worry about," he says. "Come on in Mexican trucks, let's compete - and find new ways to work together."

• *Ms. Harman is Latin America bureau chief for the Monitor and USA Today.*

www.csmonitor.com | Copyright © 2005 The Christian Science Monitor. All rights reserved.
For permission to reprint/republish this article, please email Copyright

Fundamentals of Border Patrol Tactics on the Southwest Border

Note: This commentary is in no way intended to disparage the quality or commitment of Border Patrol agents whom we know to be of high integrity and great quality. Conclusions and suggestions herein are directed to Border Patrol management.

1. Border security and illegal smuggling of drugs and people is out of control and becoming increasingly dangerous.
2. Most of the border has no physical barrier and no interdiction of crossing by Federal authorities because of remoteness of many border areas.
3. Only at San Diego has any "people barrier" been utilized, which still results in only partial control. San Diego still continues as a large volume corridor of illegal smuggling.
4. In remote public lands and all private lands, Border Patrol presence or visibility is only very token or nonexistent.
5. Border Patrol elects to conduct significant interdiction of illegal smuggling at various upstate locations in Arizona, New Mexico, and Texas.
6. Recent surveillance and patrol actions by private citizens and landowners document smugglers to have easy access into U.S. and a "head start" before being pursued by Border Patrol at various instate and upstate areas.
7. Private ranches document Border Patrol's minimal presence on known high volume smuggling corridors, as well as unresponsiveness to sightings of illegal aliens reported by landowners or civilian watch groups.
8. The Tohono O'odham Indian Reservation is a high volume smuggling corridor with conditions and problems similar to private lands.

9. Various estimates and demographics support a conclusion that the majority of illegal aliens successfully elude detection and journey into the U.S.

Past experience should have taught us:

1. **Amnesty does not work.** Both Presidents Reagan and Clinton tried amnesty, first in 1986 and then in the 1990s with 245(i), and amnesties for Nicaraguans, Cubans, and Haitians, among others. But illegal entry only got worse – *much worse* – and brought us to where we are now.
2. **Amnesty resulted in criminals and terrorists being given green cards.**
3. **Thousands of nationals of "special interest countries" continue to pour across our borders** despite the hollow rhetoric about securing them that continues at all levels of government.
4. **Incremental increases in Border Patrolmen historically have not controlled illegal entry; *overwhelming force is necessary.***
5. Mr. Bonner previously has recited record increases in apprehensions and dope seizures. Of course, increases in the **smuggling of people and dope** will generate more interdictions By Border Patrol's own figures and by estimates of other professionals, only 10-15 percent of illegals are interdicted. Now, we must focus on the 85-90 percent who get through!
6. This rampant **problem needs to be examined from a military perspective**: What is our security objective? What is the size of the group attempting to enter? What are their resources? What ground must be protected? What tactics are they likely to employ? What size force is needed to accomplish the security objective? What resources will this force require to complete its task? If these questions were asked and answered, citizen augmentation would never be a factor.

Substantial, not just incremental, increases in resources for Federal agencies are necessary if we are to take back our borders. Expanding the capacities and resources of the Federal courts and ICE, as well as dramatic increases in detention facilities to create deterrence that is now lacking will be critical.
Political rhetoric seeking so-called "comprehensive immigration reform" is hollow and misguided. First, illegal immigration must be controlled through enforcement of our existing law. Only after that should other immigration questions be examined.

Recommendations:

1. Change tactical and operational procedures to maximize Border Patrol force on border to seal these areas.
2. Move most/all B.P. Agents to border corridor for interdiction.
3. Since B.P. has been most visible on state/federal highways in varying distances from the border, transfer that function to state and local agencies, augmenting these agencies with grants from Homeland Security to assume this road patrol and interdiction.
4. Obtain Congressional passage of legislation like the CLEAR Act directing enforcement of immigration law by state and local authorities.
5. Consider mission specific training seminars by B.P. and ICE to train state and local LEs in immigration enforcement techniques.
6. Liquidate most of B.P. sedans and street vehicles and reallocate these funds to acquire significantly more helicopter assets for use in surveillance/interdiction efforts of illegals in areas adjacent to borders.
7. Use LP/OP patrols on known corridors.
8. Retrain sufficient B.P. personnel to create SRT units to be located in patrolling helicopters for immediate insertion to the ground by "fast roping" or rappelling. These SRTs would carry the action to the illegals and maximize aerial surveillance, quickness of tactical response, and apprehension of UDAs.

9. Back-up teams in wheeled vehicles would enable prompt reinforcement and transportation of illegal aliens.
10. Abandoned military bases should be opened for short-term detention facilities and UDAs be detained for sufficient time to enable fingerprinting/scanning and screening through Federal data bases for identification of criminals or terrorists. Short-term detention (day or two) would invoke some psychological deterrence for repeat offenders who are not now deterred by the current process of "revolving door" transport immediately back to POEs.

Maximum psychological deterrence of future illegal smuggling would be achieved by this strong increase in surveillance/interdiction at the border and more aggressive, dynamic apprehension by helicopter in areas adjacent to the border. The "BORTAC" concept of aggressive, strong enforcement/interdiction should now become normal operating procedure or tactics used along the entire Mexico Border. Total deterrence of future illegals would be enhanced significantly by these several changes. Illegal drug trafficking would likewise be better controlled. Previous Federal programs of high intensity interdiction show this to be both possible and predictable.

○