WEAK BILATERAL LAW ENFORCEMENT PRESENCE AT THE U.S.-MEXICO BORDER: TERRITORIAL INTEGRITY AND SAFETY ISSUES FOR AMERICAN CITIZENS

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

AND THE

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS

OF THE

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WEAK BILATERAL LAW ENFORCEMENT PRESENCE AT THE U.S.-MEXICO BORDER: TERRITORIAL INTEGRITY AND SAFETY ISSUES FOR AMERICAN CITIZENS

THURSDAY, NOVEMBER 17, 2005

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME, TERRORISM,
AND HOMELAND SECURITY

AND

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

The Subcommittees met, pursuant to notice, at 10:02 a.m., in Room 2141, Rayburn House Office Building, the Honorable Howard Coble and the Honorable John Hostettler (Chairmen of the Subcommittees] presiding.

Mr. COBLE. Good morning, ladies and gentlemen. Today the Subcommittee on Crime, Terrorism, and Homeland Security and the Subcommittee on Immigration, Border Security, and Claims convene a very important oversight hearing of the Departments of Justice and Homeland Security to examine the security and safety of the United States citizens living along and traveling between the Mexican/United States border. Recently, there have been numerous reports outlining the increase of violence in the region surrounding Laredo, Texas, and the city across the Mexican border, Nuevo Laredo. Most of the violence is attributed to the drug-trafficking activities in this region and specifically to a group known as "The Zetas." The Zetas are an enforcement arm of Gulf Cartel, one of the largest drug cartels in Mexico. This panel is concerned about these reports and looks forward to hearing the Departments' response to these accounts and the efforts being utilized to combat the crime and violence in that region.

The Zetas were originally recruited from a group of Mexican Special Forces trained to locate and apprehend drug traffickers. However, in 1998, they were recruited by the Gulf Cartel to aid in their illegal operations, specifically to kidnap and kill rival drug traffickers. Additionally, they are now responsible for the safe passage of illegal narcotics moving through the region and eventually into the United States. According to the Mexican Attorney General's office, there were originally 31 deserters that comprised the core

group of the Zetas but have since recruited more, and their ranks are estimated to be as large as 200.

The Zetas have successfully cultivated an atmosphere of fear along the border region around Laredo. Since last year, at least 170 people have gone missing throughout the region, 43 of whom are Americans from Laredo, Texas. Additionally, there have been more than 105 executions in Nuevo Laredo this year as a result of the drug violence.

An article in the February 20, 2005, issue of the Dallas Morning News reported that some members of the Zetas are operating in North Texas and had hired gang members and other criminals to conduct contract killings. The article claimed that the Zetas were responsible for three murders in Dallas in 2004 and were responsible for numerous murders along the U.S.-Mexican border. Finally, the article claims that the Zetas would be willing to use violence against law enforcement officials who stand in their way. In fact, numerous police officers in Nuevo Laredo have been shot and killed during recent attacks attributed to the Zetas. A telling example of the ruthlessness and audacity exemplified by the Zetas is the assassination of Nuevo Laredo police chief Alejandro Dominguez who was gunned down a mere 6 hours after being sworn into office.

The situation became so tenuous that in August of this year, United States Ambassador to Mexico Tony Garza closed the United States Consulate in Nuevo Laredo due to escalating violence. While the State Department did not issue an official travel warning to U.S. citizens traveling to this region, this panel is deeply concerned for the safety and well-being of our citizens who do frequent the region, many on a daily basis. In order to successfully stem this tide of violence, our Federal law enforcement agencies must not only cooperate with one another, but must actively involve the State and local law enforcement as well. Additionally, Federal law enforcement agencies need to be willing and able to cooperate and collaborate with their Mexican counterparts. While I recognize that there were problems of corruption facing the Nuevo Laredo police department, there certainly must be Mexican Federal agencies with whom we can work cooperatively together, it seems to me. We need to be addressing this assault on the American safety on the other side of the border before it spills into the United States. A very dangerous criminal element is at our doorstep and knocking. What are we going to do to turn them away?

I am now pleased to recognize the Chairman of the Subcommittee on Immigration, Border Security, and Claims, the distinguished gentleman from Indiana, Mr. Hostettler, and he will be followed by the distinguished gentleman from Virginia, Bobby Scott, the Ranking Member on our Subcommittee, and Ms. Jackson Lee, who I think is en route. Other Members, without objection, will be able to have their opening statements made a part of the record.

The gentleman from Indiana.

Mr. HOSTETTLER. Thank you, Mr. Chairman, and I want to thank you for this opportunity for a joint hearing between our Subcommittee and the Subcommittee on Crime, Terrorism, and Homeland Security. And I am glad that we are having this joint hearing now as we are holding a series of hearings, including one at 2 p.m.

later today on the impact of illegal aliens on Members' constituencies.

A number of Representatives from the border region testified at these hearings about crime rates in their district. We discussed evidence of higher crime rates in the counties along the border, as well as the inverse relationship between more Border Patrol enforcement and the number of property and violent crimes in those regions. In fact, I hope that one Member from California will testify on that this afternoon as part of that continuing series.

If crime in the border counties decreases with better Border Patrol enforcement, and there is a high rate of very violent crime along the border, as this hearing will expose. It should be a no-brainer that increasing law enforcement presence in the region is a "must do" if we are to stop those violent elements from settling in the United States.

We owe it to the Americans who live in that area who suffer the onslaught of lawlessness across the border every day. When every new police chief of Nuevo Laredo is assassinated within days of taking office, how can Americans living in Laredo sleep at night? In fact, knowing how porous the Southwest border is, and the free flow of illegal aliens into this country from those very violent regions, it is a wonder any of us get much sleep.

I am also very glad that we are holding a joint hearing with the Crime Subcommittee. This is an area of mutual interest. As I just mentioned, we need more law enforcement presence in the region. That means all kinds of law enforcement. So I am glad to see here the Federal Bureau of Investigation, Immigration and Customs Enforcement, and Customs and Border Protection.

Each of these agencies plays a pivotal role in guarding against the entry of illegal narcotics, weapons, illegal aliens, criminals, and violent elements from coming into the United States. That is why I am happy to hear that joint task forces, such as "Operation Black Jack," let by Immigration and Customs Enforcement in Laredo, are bringing different law enforcement agencies together for the same overall mission. Cooperation among agencies down there is optimal under this program, and I can only see it continuing.

Nevertheless, they need our support, both in getting the word out on their good deeds and the need for better resources. My esteemed colleague Mr. Smith of Texas sent out a "Dear Colleague" letter earlier this month titled "Number of Assaults on Border Patrol Agents Nearly Doubles." According to the Los Angeles Times, Border Patrol agents are increasingly assaulted with rocks, Molotov cocktails, and gunfire. There have been nearly 700 incidents in the past fiscal year. In June, Border Patrol agents were injured by gunfire in a shootout with drug thugs along the border.

If these things do not demonstrate the need for more resources to be committed for law enforcement to stem the "quiet invasion of violence" from the Southwest border, I really do not know what will. I look forward to the Government's presentation and yield back the balance of my time.

Mr. COBLE. I thank the gentleman from Indiana.

The distinguished gentleman from Virginia, Mr. Bobby Scott.

Mr. SCOTT. Thank you, Mr. Chairman. I want to thank you and Chairman Hostettler and the gentlelady from Texas, Ms. Jackson

Lee, for holding this joint oversight hearing on "Weak Bilateral Law Enforcement Presence at the U.S.-Mexico Border Area: Territorial Integrity and Safe Issues—Safety Issues for American Citizens." Obviously, just from the title of the hearing, we have a serious issue to consider, so I want to thank you for bringing this Committee together.

I'd also like to thank the gentleman from Texas, Mr. Cuellar, for effectively working on this issue and bringing a lot of information to us. I want to thank him for his hard work and dedication.

Mr. Chairman, recent reports of sensational crime and violence on the Southwest border in the Laredo, Texas, and Nuevo Laredo, Mexico, area are shocking. Attacks on law enforcement, kidnappings on both the Mexican and American side of the border for ransom or worse, drug and human smuggling by drug cartels, and international gangs and more all sound like something out of an over-dramatized movie. While much of it occurs on the Mexican side of the border, a great deal involves American citizens, and some occurring on the American side of the border.

The temporary closing of the American consulate office in Nuevo Laredo following a series of State Department warnings to Americans is an indication that something needs to be done.

So, Mr. Chairman, I look forward to the testimony of our witnesses on what needs to be done by Congress to get a handle on these disturbing developments, and I would yield the balance of my time to the gentleman from California, Mr. Issa, who has also been very active on this issue.

Mr. COBLE. The gentleman is recognized.

Mr. ISSA. Thank you, and I'll be very brief.

I've looked at the testimony, and I look forward to hearing both the testimony and your comments and response to questions. But I hope that we can include in the tone of today's hearing not the success or failure of law enforcement when it comes to the officers at the border, the interior enforcement, but the failure to deal with what is done after the criminals leave you. Criminal aliens are, in fact, being returned without prosecution in San Diego and all along the border. Gangs in our cities, including Los Angeles and other major cities, operate with known illegals who are not sought out for that purpose and simply allowed to be treated like any other "American gang member," waiting until they've committed a violent felony before anything is done. Coyotes—I appreciate the fact that if a Coyote tries to run over a Border Patrol agent, Carol Lam, the U.S. Attorney in San Diego, will prosecute. But short of that, Coyotes are ignored and returned time after time after time and released.

So my sympathy goes out to the four of you here because I believe that all of you are involved in trying to deal with the point of contact. But if we do not change what we do in the way of once you've apprehended or identified somebody and turning it into an effective prosecution and incarceration, to be honest—and I hope to hear more in your responses—I think that we are kidding ourselves that catch and release is simply not going to work. Catch and release says that if somebody doesn't do something violently, we are going to simply release them back and obviously allow them to continue to be operating illegally in this country.

So I hope you will comment on that, and I thank the gentleman for yielding time.

Mr. COBLE. I thank the gentleman from California.

We have also been joined by the distinguished gentleman from Florida, Mr. Feeney, and, as has been mentioned, Mr. Cuellar. Henry, good to have you here. Mr. Cuellar represents the Laredo area in his congressional district, and he does not sit as a Member of the Judiciary Committee, but it is good to have you here, Henry.

Gentlemen, it is the practice of the Subcommittee to swear in all witnesses appearing before it, so if you would please stand and raise your right hands.

[Witnesses sworn.]

Mr. COBLE. Let the record show that each of the witnesses answered in the affirmative, and you may be seated.

Ladies and gentlemen, we have four distinguished witnesses with us today. Our first witness is Chris Swecker, Assistant Director of the Criminal Investigative Division of the Federal Bureau of Investigation. Prior to this assignment, Mr. Swecker served in various positions, including special agent in charge of the Charlotte, North Carolina, Field Office and as inspector in the Inspection Division. He earned his bachelor's degree from Appalachian State University and his J.D. from Wake Forest School of Law.

Mr. Swecker, I know Appalachian State very well and very favorably, and it's good to have a Mountaineer on the panel.

Our second witness today, Mr. William Reid, the Acting Assistant Director of Investigations for the United States Immigration and Customs Enforcement. Previously, Mr. Reid served as the special agent in charge for ICE in Philadelphia, where he oversaw all criminal investigations of violations of immigration and customs laws in Pennsylvania, Delaware, and West Virginia. He holds an undergraduate degree from George Washington University and a law degree from George Mason University.

Our third witness is Mr. Reynaldo Garza, Deputy Chief Patrol Agent of the Rio Grande Valley Sector of the U.S. Customs and Border Protection. Prior to this position, Mr. Garza served as Assistant Chief Patrol Agent and as Deputy Assistant Regional Director for the Central Region Headquarters in Dallas. Mr. Garza started his career with the Border Patrol at the Laredo station in 1975 and is a graduate of Texas A&M University at Laredo.

Our final witness today is Mr. T.J. Bonner, President of the National Border Patrol Council, an organization representing about 10,000 U.S. Border Patrol employees. Mr. Bonner joined the Border Patrol in 1978 and was subsequently promoted to senior Border Patrol agent in 1987. As a 27-year veteran Border Patrol agent, Mr. Bonner has the experience to discuss with firsthand knowledge the major issues affecting immigration and border security policy today. He is a graduate of the Los Angeles Valley College.

Gentlemen, we operate here on the 5-minute rule. Now, you will not be keel-hauled if you violate that rule, but when you see that red light appear before you on the panel in front of you, that is your warning. When the amber light appears, you will have 1 minute to go, so at that point if you could wrap up. We have examined your written testimony, and it will be re-examined.

I don't know, Bobby and John, of any issue that has come before us that is probably any more vital than what we are discussing today. And we are delighted to have you all with us. And, Mr. Swecker, incidentally, I have another meeting at 11:30, so when I abruptly depart, if we are not through, don't think that's an indication of lack of interest in this subject, because it's not. But I will surrender the podium to the gentleman from Indiana at that time.

Mr. Swecker, why don't you start us off.

TESTIMONY OF CHRIS SWECKER, ASSISTANT DIRECTOR, CRIMINAL INVESTIGATIVE DIVISION, FEDERAL BUREAU OF INVESTIGATION

Mr. SWECKER. Good morning, Chairman Coble and Chairman Hostettler and Ranking Members and Members of the Committee. We appreciate the opportunity to be here today. As you know, the bloody drama that is taking place in the South Texas border region in the area between Del Rio and Brownsville revolves around the Gulf Cartel drug-trafficking organization which dominates the region and commands smuggling operations along this stretch of the Southwest border, American Southwest. One of their enforcement groups, known as Los Zetas, bears primary responsibility for the violence. They have been fighting a turf war on behalf of the Gulf Cartel against rival drug-trafficking organizations. Because the Bureau focuses on large-scale criminal enterprise investigations which target the command and control structures of criminal groups, we think we are well positioned to help dismantle these trafficking organizations.

One of the most significant ramifications of the unrest along the border has been a string of kidnappings involving U.S. citizens. Between May of 2004 and May of 2005, there have been 35 reported abductions of U.S. citizens in this region. Thirty-four occurred in Nuevo Laredo, Mexico, and involved U.S. citizens who had crossed the border. Twenty-three victims were released by their captors, nine victims remain missing, and two are confirmed dead. These numbers likely represent only a fraction of the actual occurrences, because many kidnappings of U.S. citizens go unreported. Two reasons exist for the underreporting of these abductions. First, victims and their families fear reprisals from the kidnappers; and, second, many of the victims are alleged to be involved in drug trafficking. The San Antonio Division of the FBI has 26 pending kidnapping cases. We have offered all available resources to assist Mexican law enforcement and have followed every domestic lead to locate these kidnapping victims.

The Laredo Resident Agency received complaints from families of U.S. citizens Janet Martinez and Brenda Yadira Cisneros after they disappeared in September of 2004 in Nuevo Laredo. They remain missing. Investigation revealed that alleged members of Los Zetas kidnapped those two individuals. Mexican authorities have cooperated, and we're working and reviewing the evidence with them in this matter.

The San Antonio Division of the FBI has over 50 OCDETF—Organized Crime Drug Enforcement Task Force—investigations. These are joint investigations by definition. These target Mexican drug-trafficking organizations and related activities, including

money laundering and gang violence. One of the investigations, Operation Cazadores, led to the indictment of Gulf Cartel leader Osiel Cardenas-Guillen. The investigation continues to pursue fugitive Gulf Cartel leaders indicted along with Guillen. Other pending investigations in Laredo, Houston, and Dallas focus on the leadership of these organizations.

These Mexican drug cartels responsible for border violence have also cemented ties to street and prison gangs on the U.S. side. U.S. gangs retail drugs purchased from Mexican traffickers and often work as cartel surrogates or enforces on U.S. soil. Intelligence suggests Los Zetas have hired members of various gangs at different times, including the Mexican Mafia, Texas Syndicate, MS-13, and Hermanos Pistoleros Latinos, to further their criminal endeavors. The FBI is well equipped to deal with these groups. In conjunction with our law enforcement partners, we have established a National Gang Intelligence Center at FBI Headquarters. In addition, we have established task forces throughout the country to disrupt the gang activity. The San Antonio Division currently operates two Safe Street-Gang task forces addressing border violence in San Antonio and the Rio Grande Valley.

The FBI continues to collect and share intelligence with other Federal, State, and local law enforcement agencies. Through Safe Streets task forces, we are collecting the intelligence and exploring the connections between the cartels and the gangs. We are participating in "Operation Black Jack," an interagency endeavor led by ICE in conjunction with Mexican authorities. Through this program we have exchanged vital targeting intelligence on Los Zetas and the Gulf Cartel with our law enforcement colleagues, including ATF, DEA, ICE, and other appropriate elements of DHS. More broadly, at the core of our intelligence-gathering effort lies the FBI's McAllen Intelligence Center, the MIC. It is comprised of representatives from all of those agencies just mentioned. It is a central repository for border violence-related intelligence. It collects and analyzes criminal intelligence from all law enforcement agencies along the border. The center routinely shares that intelligence with Mexican officials and over 300 law enforcement agencies in South Texas. This includes materials involving Mexican officials, gang activities along the border, and drug trafficking.

We have had several operational successes along the border. Some of the information that has been disseminated by the MIC has led to the raiding and search of two Zeta safe houses where 44 kidnapping victims were rescued. We have met with our Mexican counterparts and discussed the location of several suspected Zeta-owned ranches. Based on information furnished by the FBI, Mexican authorities conducted surveillance of the locations and provided us with the intelligence.

The FBI is taking proactive measures to assess and confront this heightened threat to public safety on both sides of the border, including participation in multiple bilateral, multiagency meetings and working groups to hone strategies to address the problem. Our intelligence provide windows into these organizations and their operations while our investigative efforts strive to disrupt and dismantle these criminal organizations and reduce violence in the regions.

Paramilitary groups such as Los Zetas and Los Negros, which is the group that supports Chapo Guzman and what is known as the Federation, which is in opposition to the Gulf Cartel and has resulted in most of the violence down in that region, work for, these paramilitary groups work for the cartels as enforcers and are a serious threat to public safety on both sides of the border. We have documented kidnappings and forays that go across the border into the U.S. part, where in one case they have even attempted to kill—kidnap and kill a U.S. law enforcement officer, a Laredo police officer. They are well financed and well equipped. Their willingness to shoot and kill law enforcement officers on both sides of the border make these paramilitary groups among the most dangerous criminal enterprises in North America. Working with our local and Federal partners and the Government of Mexico, we continue to investigate these cartels and their paramilitary enforces, gathering evidence for prosecution where U.S. jurisdiction exists.

Thank you for the opportunity to be here again. I am happy to answer any questions.

[The prepared statement of Mr. Swecker follows:]

PREPARED STATEMENT OF CHRIS SWECKER

Good afternoon Mr. Chairmen, Ranking Members, and Members of the Subcommittees. I appreciate this opportunity to discuss the FBI's efforts to combat recent violence along the South Texas border with Mexico. The region between the Texas cities of Del Rio and Brownsville has experienced high levels of drug-related turmoil since 2003. The focal point of much of this activity is Nuevo Laredo, Mexico, a border city situated directly across the Rio Grande River from Laredo, Texas. Drug traffickers have exacted an especially bloody toll in Nuevo Laredo and neighboring Mexican towns. Significant levels of violence and drug-related criminal activity also plague Laredo. As you know, this bloody drama revolves around the Gulf Cartel drug trafficking organization which dominates the region and commands smuggling operations along this stretch of the American southwest. One of their enforcement groups, known as Los Zetas bears primary responsibility for the violence. They have been fighting a turf war on behalf of the Gulf Cartel against rival drug trafficking organizations. Because the Bureau focuses on large-scale enterprise investigations which target the command and control structures of criminal groups, we are well suited to help dismantle these trafficking organizations.

KIDNAPPINGS

One of the most significant ramifications of the unrest along the border has been a string of kidnappings involving US citizens. Between May 2004 and May 2005, there have been 35 reported abductions of US citizens in this region.[1] Thirty-four of these abductions occurred in Nuevo Laredo, Mexico, and involved US citizens who had crossed the border. Twenty-three victims were released by their captors, nine victims remain missing, and two are confirmed dead. These numbers likely represent only a fraction of the actual occurrences, because many kidnappings of US citizens go unreported. There are two reasons for the underreporting of abductions along the border. First, victims and their families fear reprisal from kidnappers. Second, since many victims are alleged to be involved in drug trafficking, they and their families are reluctant to cooperate with law enforcement. The San Antonio Division has 26 pending kidnapping cases. We have offered all available resources to assist Mexican law enforcement and have followed every domestic lead to locate the US kidnapping victims.

The Laredo Resident Agency received complaints from the families of US citizens Janet Yvette Martinez and Brenda Yadira Cisneros after they disappeared on September 17, 2004 in Nuevo Laredo. They remain missing. Investigation revealed that alleged members of Los Zetas kidnapped Martinez and Cisneros. Mexican authorities have cooperated and we are working with them to review evidence in this case.

[1] Much larger numbers of Mexican citizens have been abducted along the border. From January to mid August 2005, 202 kidnappings occurred in the Mexican state of Tamaulipas, the Gulf Cartel's operational center which includes the cities of Matamoros, Nuevo Laredo, and Reynosa.

The FBI has interviewed all cooperative kidnapping victims subsequent to their release. In cases where the victim remains missing, we have tried to obtain DNA samples to identify any human remains, if recovered. In the one case where the kidnapping occurred within the United States (Laredo), the FBI helped rescue the victim before he was transported to Mexico. This investigation is pending and the Assistant United States Attorneys in Laredo and Houston are pursuing charges.

INVESTIGATIONS TARGETING CARTEL ACTIVITY

The San Antonio Division has over 50 Organized Crime Drug Enforcement Task Force (OCDETF) investigations. These target Mexican drug trafficking organizations and related activities including money laundering and gang violence. One of the investigations, Operation Cazadores, led to the indictment of Gulf Cartel leader Osiel Cardenas-Guillen. The investigation continues to pursue fugitive Gulf Cartel leaders indicted along with Cardenas-Guillen. Other pending investigations in Laredo, Houston, and Dallas, Texas focus on the leadership of organizations affiliated with Cardenas-Guillen.

GANG ACTIVITY

Mexican drug cartels responsible for recent border violence have also cemented ties to street and prison gangs on the US side. US gangs retail drugs purchased from Mexican traffickers and often work as cartel surrogates or enforcers on US soil. Intelligence suggests Los Zetas have hired members of various gangs at different times including the Mexican Mafia, Texas Syndicate, MS-13, and Hermanos Pistoleros Latinos to further their criminal endeavors. The FBI is well-equipped to deal with these groups. The Bureau, in conjunction with our law enforcement partners has established a National Gang Intelligence Center at FBI Headquarters. In addition, we have established task forces throughout the country to disrupt gang activity. The FBI's San Antonio Division currently operates two Safe Street/Gang task forces addressing border violence in San Antonio, and the Rio Grand Valley. These FBI-led task forces include FBI Special Agents, other Federal Agents and local law enforcement officers.

- The San Antonio Safe Streets/Gang Task Force is comprised of nine FBI Special Agents and 13 task force officers.
- The Rio Grande Valley Safe Streets/Gang Task Force is comprised of eight FBI Special Agents and five task force officers.

INTELLIGENCE GATHERING

The FBI continues to collect and share intelligence with other federal, state, and local law enforcement agencies. Through Safe Streets task forces, we are collecting intelligence and exploring the connections between Mexican cartels and gangs along the border. We are participating in Operation Blackjack, an interagency endeavor in conjunction with Mexican authorities. Through this program we have exchanged vital targeting intelligence on Los Zetas and the Gulf Cartel with our law enforcement colleagues including DEA, ATF, and appropriate elements of DHS. More broadly, at the core of our intelligence-gathering effort lies the FBI's McAllen Intelligence Center. The MIC, as it is commonly known, is comprised of representatives from various local, state, and federal agencies in Texas. This is the central repository for border violence-related intelligence. The MIC collects and analyzes criminal intelligence from state, local, and federal investigations along the Texas/Mexico border. The center routinely shares intelligence with Mexican officials and over 300 law enforcement agencies in South Texas. This includes material regarding corrupt Mexican officials, gang activity along the border, and drug trafficking. The McAllen Intelligence Center also maintains a comprehensive database of Zetas, their associates, and members of both the Gulf Cartel and its rivals.

We have had several operational successes based on intelligence we have gathered and passed on to Mexican officials. Some of the information the FBI provided to Mexican officials helped Mexican federal and military authorities locate two Zeta safe houses in Nuevo Laredo in June 2005 where they rescued 44 kidnapping victims. FBI officials recently met with their Mexican counterparts and discussed the location of several suspected Zeta-owned ranches. Based on information furnished by the FBI, Mexican authorities conducted surveillance of the locations and provided us with the resulting intelligence.

Eight FBI Special Agents in our Resolution 6 program cover five major cities in Mexico working in DEA offices which affords complete coordination with DEA resources and investigations. These agents develop intelligence regarding the activities of Mexican criminal enterprises to support US investigations. All of this work is coordinated with representatives from key DEA offices and Mexican officials. Re-

cently Mexican authorities used FBI Resolution 6 intelligence to conduct several drug seizures including seven tons of marijuana attributed to Joaquin Guzman-Loera, arch rival of the Gulf Cartel. In September 2005, FBI Headquarters deployed analytical resources to Monterrey, Mexico, to provide case support.

The FBI continues to aggressively pursue the major organizations and violent criminals responsible for lawlessness along the border. The FBI along with our colleagues at the Department of Homeland Security and Department of State are working with the Mexican Attorney General's Office and the US Consulate in Monterrey to identify Los Zetas members and their associates in order to revoke their immigration documents. This measure will make it more difficult for them to enter and operate in the United States. We are also cooperating with other US law enforcement agencies in investigations targeting Los Zetas, the Gulf Cartel and their enemies.

On October 13, 2005 the Attorney General announced the creation of an ATF-led Violent Crime Impact Team (VCIT) in Laredo, Texas. In combination with the VCITs already established in Los Angeles, Tucson, Albuquerque and Houston, the Laredo VCIT will address cross-border violence. The VCIT model combines local police resources with ATF investigative and technical expertise and the resources of ICE, CBP, and other federal law enforcement partners to reduce the violence that plagues our most crime-ridden communities. We look forward to working with our colleagues from ATF in combating gang violence and other violent crime along the border with Mexico.

The FBI is taking pro-active measures to assess and confront this heightened threat to public safety on both sides of the US/Mexico border, including participation in multiple bi-lateral multi-agency meetings and working groups to hone strategies to address the problem. Our intelligence gathering activities provide windows into these organizations and their operations while our investigative efforts strive to disrupt and dismantle these criminal organizations and reduce the violence in the region.

Para-military groups such as the Zetas, Los Negros, Los Numeros, and others who work for Mexican drug cartels as enforcers are a serious threat to public safety on both sides of the entire U.S./Mexico border. They are well financed and well equipped. Their willingness to shoot and kill law enforcement officers on both sides of the border make these para-military groups among the most dangerous criminal enterprises in North America. Working with our federal, state, and local partners, and the Government of Mexico, the FBI continues to investigate these cartels and their para-military enforcers, gathering evidence for prosecution where U.S. jurisdiction exists.

Thank you again for the opportunity to be here today. I would be happy to answer any questions.

Mr. COBLE. I thank you, Mr. Swecker.

In the sense of fairness, Mr. Swecker had 6 minutes, so you all will be allowed 6 minutes as well. Mr. Reid.

TESTIMONY OF WILLIAM REID, ACTING ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. REID. Good morning, Chairmen Coble and Hostettler, Ranking Member Scott, and Subcommittee Members. Thank you for the opportunity to speak with you today about U.S. Immigration and Customs Enforcement and our ongoing efforts to improve the security situation along the Mexican/United States border, specifically in the Laredo and Nuevo Laredo areas. ICE is working closely with a number of agencies and organizations in both the United States and Mexico regarding "Operation Black Jack," an ICE-coordinated initiative. ICE brings to bear all of its law enforcement and investigative powers in "Operation Black Jack" to make the border safer by attacking the smuggling organizations that operate on both sides of the border.

ICE's mission is to protect the American people by using our law enforcement and investigative authorities to prevent acts of ter-

rorism by targeting the people, money, and materials that support terrorist and criminal activity. In Laredo and elsewhere, that means targeting and dismantling criminal networks, syndicates, and organizations that seek to exploit our borders for criminal purposes. While we agree that the criminal activity we have seen in Laredo and elsewhere along the border in itself demands a strong law enforcement response, there is an additional, compelling strategic reason why we must continue to respond forcefully. Intelligence reporting shows that terrorists have indicated an interest and a desire to exploit vulnerabilities along the border as a means of entering the United States. By aggressively targeting and defeating the criminal networks—specifically, their leadership—that exploit our borders, we simultaneously make it more difficult for potential terrorists to insert themselves, their supporters, or their weapons into this country through traditional human- or drug-smuggling networks and routes.

Our Laredo office is staffed with 72 criminal investigators and 26 personnel from the Office of Detention and Removal. In addition, there are agents and officers from U.S. Customs and Border Protection. CBP is the primary, front-line interdictors of aliens and drugs seized at and between the ports of entry. While CBP focuses on the physical border, ICE targets and takes down the organizational muscle and the leadership that drives and sustains this flow of illegal activity.

The Southwest border situation: As we assess the smuggling threats, there is no location in the United States that has greater operational tempo and varied smuggling threat than the Southwest border of the United States. While no one should minimize its significance, violence between smuggling organizations is not a new phenomenon along the Southwest border. Competition between smuggling organizations for control of smuggling routes has been a source of violence on both sides of the border for generations. However, smuggling organizations also know that violence brings unwanted attention from law enforcement, particularly when innocent victims get caught in the crossfire.

While violence has traditionally been associated with cross-border violent activity, the current level of violence in the Nuevo Laredo area dramatically exceeds historical norms. The violence in the Nuevo Laredo area is caused by intense competition between the remnants of the Gulf Cartel and the members of the Federation that is attempting to take control of the important plaza. Each of these competing cartels has established relationships with very violent criminal gangs that act as enforcers and sow violence in support of their cartels. The Gulf Cartel is supported by Los Zetas and other criminal gangs, the Texas Syndicate, and Hermandad De Pistoleros Latinos. Los Negros, including individual members of the Mexican Mafia and MS-13, support the Federation. The competition between these two cartels and the criminal gangs that support them provides the fuel for the increase in violence that we have seen in the last few years.

While ICE focuses on the violence occurring in Nuevo Laredo and Laredo, we also remain committed to targeting the people and organizations who support, organize, and profit from sophisticated human-smuggling operations, a number of which are responsible

for tragic deaths of many who perish while being smuggled into the United States. I brought a chart with me today—which would be my first slide—that depicts the deaths—the concentration of deaths in the Hebbronville, Texas, area in the last year and that we are actively investigating under "Operation Black Jack," and this slide is presently visible.

"Operation Black Jack." In response to the smuggling organizations and networks responsible for this violence, in 2005, ICE and our Federal law enforcement, State, and local law enforcement agencies created "Operation Black Jack." "Operation Black Jack" has two strategic goals: to gather information on criminal activity in this area and to share it among the Federal agencies—Federal, State, and local agencies and make the tie between that intelligence in the criminal activity and the cartels, and attack the human- and drug-smuggling organizations that provide the fuel for the violence. Through "Operation Black Jack," ICE works with the Mexican law enforcement authorities to target organized criminal activity, drug smuggling, money laundering, alien smuggling, arms and human trafficking, public corruption activities that result in the border violence on both sides.

An important first step in the establishment of "Operation Black Jack" was the development of an agreed-upon threat assessment that identifies the most violent and prolific human and drug-smuggling organizations and cells. We prioritized a list of targets for dismantling these organizations. The threat assessment and the prioritized list was prepared by a collocated intelligence unit, the Laredo Intelligence Center, which is a HIDTA-funded initiative, with participation from ICE, CBP, the Drug Enforcement Administration, the Texas National Guard, the Union Pacific Railroad Police, and the Laredo Police Department. This unit has a well-established relationship with the Federal Bureau of Investigation's McAllen Intelligence Center, the El Paso Intelligence Center, and the U.S. Border Patrol intelligence unit in Laredo.

The threat assessment and the target list of organizations were provided to two blended enforcement groups: one that focuses on the investigation of drug and money-laundering groups identified in the assessment; and another is attacking the most violent human-smuggling and human-trafficking organizations.

A couple of successes from "Operation Black Jack" that I'd like to highlight.

On October 11, 2005, U.S. Border Patrol agents assigned to Black Jack received information about a residence where a homicide suspect might be located. The information was shared with the Laredo Police Department who investigated. The next day the Laredo Police Department contacted "Operation Black Jack" when the investigation revealed that the homicide suspect was not there, but $342,880 in currency and 10 automatic weapons had been discovered. ICE agents, Border Patrol agents, and ATF agents, all assigned to Black Jack, responded. The investigation revealed that the occupant at the residence, an illegal alien, was guarding the weapons and currency prior to export from the United States into Mexico or smuggling into Mexico. The individual worked for a cell, the Joaquin "Chapo" Guzman organization. ICE agents seized the money, ATF agents seized the assault rifles, and arrested the indi-

vidual for alien in possession of a firearm. That would be my second photograph, the currency and the automatic weapons.

And then the next example I would like to highlight——

Mr. COBLE. Mr. Reid, if you could wrap up. Your time is about up.

Mr. REID. Okay. The second example was information that was received about individuals operating away from Laredo in a suburb of Rockwall, Texas. The agents went up and did a search of the residence and arrested a couple of individuals for entry without inspection. One was a subject of a 2003 murder in Laredo, one was a fugitive from the United States Marshals Service.

Since its inception, Black Jack has seized more than $1 million, 300 pounds of marijuana, 300 pounds of cocaine, and assorted weapons.

Operation Black is truly a collaborative operation with CBP, ATF, DEA, the FBI, the Laredo Police Department, the Texas Department of Public Safety, the Marshals Service, the Texas National Guard, and support from the United States Attorney's Office. It is a model that we would like to replicate—that we intend to replicate in other parts of the United States on the Southwest border because of the effectiveness that we have seen in this operation.

Thank you very much, and I would be glad to take questions.

[The prepared statement of Mr. Reid follows:]

PREPARED STATEMENT OF WILLIAM REID

CHAIRMEN COBLE AND HOSTETTLER, RANKING MEMBERS SCOTT AND JACKSON LEE, AND MEMBERS OF THE SUBCOMMITTEES: Thank you for the opportunity to speak with you today about U.S. Immigration and Customs Enforcement (ICE) and our ongoing efforts to improve the security situation along the Mexican/United States border, specifically in the Laredo and Nuevo Laredo areas. ICE is working closely with a number of agencies and organizations in both the United States and Mexico regarding Operation Black Jack, an ICE-coordinated initiative. ICE brings to bear all of its law enforcement and investigative powers in Operation Black Jack to make the border safer by attacking the smuggling organizations that operate on both sides of the border.

As the Department of Homeland Security's (DHS) largest investigative agency and with critical responsibilities both along our borders and within the interior, ICE can provide Congress with a comprehensive assessment of the border-related threats to the American people, including those we see today in Laredo. Our assessment is derived from our presence, operations, intelligence collection and investigations at the Ports of Entry, between them and throughout the Nation's interior.

ICE's mission is to protect the American people by using our law enforcement and investigative authorities to prevent acts of terrorism by targeting the people, money and materials that support terrorist and criminal activities. In Laredo and elsewhere, that means targeting and dismantling criminal networks, syndicates and organizations that seek to exploit our borders for criminal purposes. While we agree that the criminal activity we have seen in the Laredo area and elsewhere along the border, in itself, demands a strong law enforcement response, there is an additional, compelling strategic reason why we must continue to respond forcefully. Intelligence reporting shows that terrorists have expressed an interest and a desire to exploit the existing vulnerabilities in our border security to enter or attack the United States. By aggressively targeting and defeating the criminal networks—specifically, their leadership—that exploit our borders, we simultaneously make it more difficult for potential terrorists to insert themselves, their supporters or their weapons into this country through traditional human or drug smuggling networks and routes.

ICE has the combined authorities for enforcing both customs and immigration laws, which makes our approach to fighting organized criminal activity and border violence very effective. By combining immigration enforcement authorities with expertise in financial investigations, we have an additional tool to hit these criminal organizations where it hurts—by going after their money. This combination of au-

thorities is a powerful tool because suspects frequently commit overlapping or related Title 8 and Title 19 violations. ICE has tools in its toolbox with which we can pursue alleged violators.

That is what we are doing in Laredo.

There we have 72 criminal investigators and 26 personnel from our Office of Detention and Removal. In addition, there are agents and officers from U.S. Customs and Border Protection. CBP is the primary, front-line interdictors of aliens and drugs seized at and between the Ports of Entry. While CBP focuses on the physical border, ICE targets and takes down the organizational muscle and leadership that drives and sustains this flow of illegal activity.

THE SOUTHWEST BORDER SECURITY SITUATION

As we assess the smuggling threats, there is no location with a greater operational tempo and varied smuggling threat than the Southwest border of the United States. While no one should minimize its significance, violence between smuggling organizations is not a new phenomenon along the Southwest border. Competition between smuggling organizations for control of smuggling routes has been a source of violence on both sides of the border for generations. However, smuggling organizations also know that violence brings unwanted attention from law enforcement, particularly when innocent victims get caught in the crossfire.

While violence has traditionally been associated with cross-border criminal activity, the current level of violence in the Nuevo Laredo area dramatically exceeds historical norms. The violence in the Nuevo Laredo area is caused by intense competition between the remnants of the Gulf Cartel, which continues to be supervised by Osiel Cardenas Guillen despite his arrest in 2003, and Joaquin "Chapo" Guzman Loera and Arturo Beltran Leyva, who are members of the "Federation" that is attempting to take control of this important "Plaza." Each of these competing cartels has established relationships with very violent criminal gangs that act as enforcers and sow violence in support of their cartels. The Gulf Cartel is supported by Los Zetas and two other criminal gangs, the Texas Syndicate and Hermandad De Pistoleros Latinos (The Brotherhood of Latin Pistoleros). Los Negros, including individual members of the Mexican Mafia and Mara Salvatrucha ("MS-13") support the Federation. The competition between these two cartels and the criminal gangs that support them provides the fuel for the increase in violence that we have seen in the last several years.

The phrase "Plaza" is used to describe the corridor that extends from Southern Mexico up to the Nuevo Laredo area. Control of this corridor translates into control of all smuggling, both of humans and drugs, in the area and any organization that wants to smuggle in this area has to pay a tax to the cartel that controls the "Plaza." This area is also important because of the infrastructure on the U.S. side of the border. First, the Laredo Port of Entry is the busiest land Port of Entry on the Southwest border, handling approximately 6,000 commercial vehicles a day. U.S. Interstate Highway 35 starts in Laredo, Texas and provides ready access to both San Antonio and Dallas, where both drugs and aliens can be staged prior to movement to other parts of the United States.

However, there are aspects of the violence we are seeing that is distinguished from other periods of instability between competing cartels. For instance, the murder of public officials, particularly the public execution of the Chief of Police of Nuevo Laredo within hours of his appointment, is a sign of the lengths to which the cartels are going to attack anyone who seeks to thwart their efforts to gain control of the "Plaza."

As a point of reference, so far in 2005 the Laredo Police Department has responded to 20 homicides, of which 13 have been identified as drug related. Reports indicate there have been 157 reported homicides in Nuevo Laredo in 2005. Also in 2005, the Laredo Police Department has received 10 reports of kidnappings, but 6 of these victims have been recovered or returned. Reports from Nuevo Laredo indicate that there have been 63 reported kidnappings this year. By comparison, in 2004 there were 15 homicides reported in Laredo, Texas, and 68 in Nuevo Laredo. In 2004 there were 9 kidnappings reported in Laredo, Texas, and 46 reported in Nuevo Laredo.

While ICE focuses on the violence occurring in Nuevo Laredo and Laredo, we also are targeting the people and organizations who support, organize and profit from sophisticated human smuggling operations, a number of which are responsible for the tragic deaths of many who perish while being smuggled into the United States from Mexico. For example, in fiscal 2005, 49 aliens died while seeking entry. The previous year, 22 died. Because of the willingness of smugglers to subject aliens to the extreme dangers of walking for days in the vast areas between the Ports of

Entry, more and more aliens are dying a horrible and painful death due to dehydration and exhaustion. These smugglers are also paying the cartels that control the "Plaza" for the privilege of smuggling in this area.

The Department has been working closely with its counterparts from the Government of Mexico in several areas, including securing our common border, facilitating the safe, flow of people and goods across the border, and ramping up law enforcement efforts on both sides of the border. ICE, in collaboration with the Government of Mexico, has established the first Binational Alien Protection Unit (BAPU) to address human alien smuggling matters within the San Antonio region. BAPU has developed, received and analyzed information that has prevented violators, criminals and contraband from penetrating the borders of the United States.

It is important to note that when the violence wrought by these two warring cartels spreads into the United States, state and local law enforcement are the first responders. This is why the sharing of intelligence between ICE, U.S. Customs and Border Protection (CBP), our other federal partners at Operation Black Jack and the State and local officers who are the first to respond to these incidents is so important. It provides a mechanism to enhance the free flow of information between the federal agencies responsible for Border Security and the agencies that respond to crimes driven by border related violence. We also coordinate information sharing with various federal agencies in Mexico; this ensures bilateral mechanisms are closely coordinated.

OPERATION BLACK JACK

In response to the smuggling organizations and networks responsible for this violence, in July 2005, ICE and our partners in Federal, state and local law enforcement created Operation Black Jack. Operation Black Jack has two strategic goals. 1) Increase the flow of information between the federal agencies that are responsible for or contribute to border security and State and local law enforcement so that crimes of violence can be tied to the cartels that are responsible. 2) Attack the human and drug smuggling organizations that provide the "fuel" for this violence. Through Operation Black Jack, ICE works with Mexican law enforcement to target organized criminal activity; drug smuggling, money laundering, alien smuggling, arms and human trafficking, public corruption activities and the resulting border violence. Based upon the real-time exchange of tactical law enforcement information between the United States and Mexico, Operation Black Jack has successfully targeted numerous individuals involved in the drug cartel-related violence in the Nuevo-Laredo region.

An important first step in the establishment of Operation Black Jack was the development of an agreed-upon threat assessment that identifies the most violent and prolific human and drug smuggling organizations and cells. We then prioritized this list of targets for dismantling. The threat assessment and the prioritized target list was prepared by a co-located intelligence unit, the Laredo Intelligence Center (a HIDTA funded initiative), with participation from ICE, CBP, the Drug Enforcement Administration (DEA), the Texas National Guard, the Union Pacific Railroad Police and the Laredo Police Department. The unit also has a well-established relationship with the Federal Bureau of Investigation (FBI)'s McAllen Intelligence Center, the El Paso Intelligence Center and the U.S. Border Patrol intelligence unit in Laredo.

The threat assessment and the target list of organizations were provided to two blended enforcement groups—one that is focused on investigating the drug and money laundering groups identified in the assessment; another that is focused on attacking the most violent human smuggling and trafficking organizations.

RECENT OPERATIONAL SUCCESSES

I want to describe for the Subcommittees a few of the recent enforcement successes that highlight the collaborative working environment of Operation Black Jack and the contributions we are making to disrupt and dismantle the organizations that cause the violence on both sides of the border.

On October 11, 2005, U.S. Border Patrol agents assigned to Operation Black Jack received information about a residence where a homicide suspect might be located. The information was shared with the Laredo Police Department who investigated. The next day the Laredo Police Department contacted Operation Black Jack when the investigation revealed that the homicide suspect was not located there, but $342,880 in currency and 10 automatic weapons had been discovered. ICE agents, Border Patrol agents and agents from ATF, all assigned to Operation Black Jack, responded to the scene. The investigation has revealed that the occupant at the residence, an illegal alien, was guarding the weapons and currency prior to them being smuggled to Mexico and was working for a cell that operates on behalf of Joaquin

"Chapo" Guzman. ICE agents seized the money as drug proceeds while ATF agents seized the assault rifles and arrested the subject for being an alien in possession of firearms. This kind of combined enforcement operation in which each agency brings its expertise and experience to the table is exactly how Operation Black Jack is operating daily.

On October 27, 2005, Operation Black Jack team members, including the Laredo Police Department, traveled to Rockwall, Texas, after receiving information that two subjects wanted for murder in Laredo lived there. A search of the residence resulted in the arrest of the two subjects wanted for drug related murders that occurred as far back as 2003. During the warrant execution at the residence, agents also encountered four additional subjects that were arrested for various crimes. Two subjects were arrested by ICE for Entry Without Inspection. One was also a person of interest in a 2003 murder in Laredo. One subject was a fugitive from the U.S. Marshals Service. Another, the occupant of the residence, was arrested for possession of cocaine and marijuana. The execution of the search warrant also resulted in the seizure by the Rockwall Police Department of $132,991, a handgun, money counter, scales and other evidence of drug distribution. These arrests illustrate the value of pursuing information regarding subjects wanted for crimes of violence, even when it means traveling outside Laredo. It also demonstrates how federal resources and authorities can contribute to taking violent individuals off the street.

Since its inception in July 2005, Operation Black Jack has resulted in the seizure of more than $1 million, 300 pounds of marijuana, 300 pounds of cocaine, 18 assault rifles, 2 handguns, 3 vehicles and the arrest of 20 subjects.

In summary, Operation Black is a collaborative project that wouldn't be possible without the active involvement of CBP, ATF, the DEA, the FBI, the Laredo Police Department, the Texas Department of Public Safety, the U.S. Marshals Service, the Texas National Guard and the United States Attorney's Office, which has devoted resources to prosecute Operation Black Jack cases.

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

ATTACHMENT

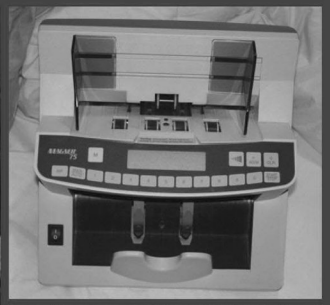
Operation Blackjack

Seizure of Fully-Automatic Assault Rifles and $342,880 in Laredo, Texas • October 12, 2005

U.S. Immigration
and Customs
Enforcement

Operation Blackjack

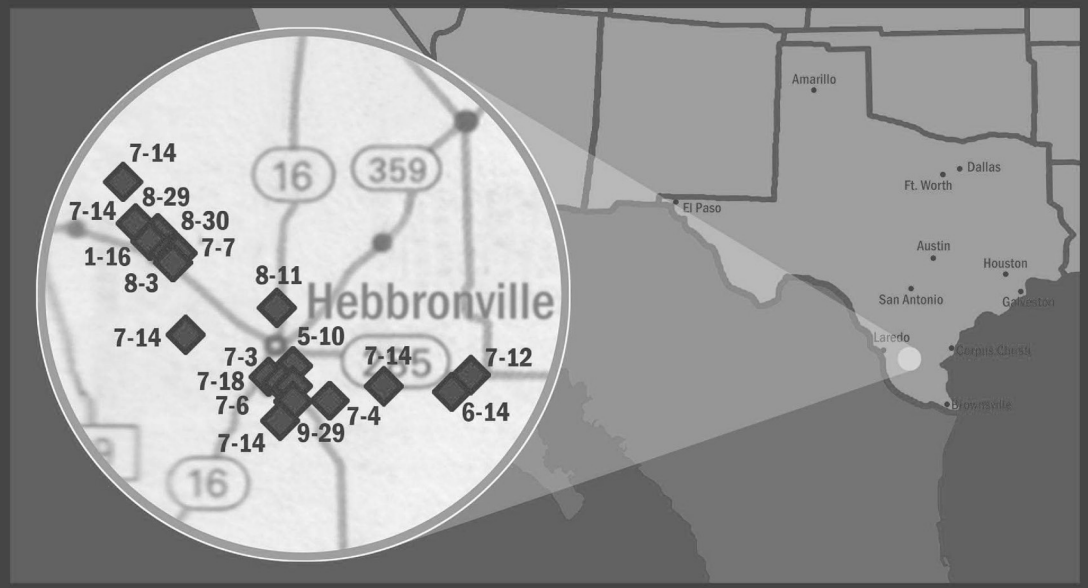
Arrest of Homicide Suspects and Seizure of Currency in Rockville, Texas • October 27, 2005



U.S. Immigration
and Customs
Enforcement

Operation Blackjack

Hebbronville, Texas Border Deaths • January–September, 2005



U.S. Immigration and Customs Enforcement

Mr. COBLE. I thank the gentleman.

We have been joined by the distinguished gentleman from Texas, Mr. Lamar Smith, and the distinguished gentleman from Iowa, Mr. King.

Mr. Garza.

STATEMENT OF REYNALDO GARZA, DEPUTY CHIEF PATROL AGENT, OFFICE OF BORDER PATROL, RIO GRANDE VALLEY SECTOR, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. GARZA. Good morning, Chairman Coble, Chairman Hostettler, Ranking Members, and distinguished Committee Members. I am honored to appear on behalf of the Office of Border Patrol as we share your interest in the safety of our U.S. citizens, as well as our dedicated agents that serve along the border. I am pleased to discuss the successes and challenges in reducing violence along the U.S.-Mexico border and how they affect border security, as demonstrated by the operations and law enforcement initiatives of the Office of Border Patrol, a component of the U.S. Customs and Border Protection. I would like to begin by giving you a brief overview of our agency and mission.

CBP, as the guardian of the Nation's borders, safeguards the homeland—foremost by protecting the American public against terrorists and the instruments of terrorism, while at the same time enforcing the laws of the United States and fostering the Nation's economic security through lawful trade and travel. Contributing to all this is the Border Patrol's time-honored duty of interdicting illegal aliens and drugs and those who attempt to smuggle them across our borders between the ports of entry. We are concerned that terrorists may conduct attacks and violent criminals will prey on our homeland by exploiting smuggling routes while illegally entering the United States. Reducing illegal migration across our borders may help in disrupting possible attempts by terrorists or violent criminals to enter our country.

CBP Border Patrol's National Strategy has made a centralized chain of command a priority and has increased the effectiveness of our agents by using intelligence-driven operations to deploy our resources. The strategy recognizes that border awareness and cooperation with our law enforcement partners is critical in disseminating information and tactical intelligence that assists in the quick and nimble response which is essential to mission success.

The Office of Border Patrol is the first line of defense in DHS' multi-agency effort to dismantle the violent smuggling organizations that threaten American quality of life, especially in South Texas. This line of defense comes at a price: Border Patrol agents were assaulted on 548 occasions in fiscal year 2005, 513 in fiscal year 2004, a drastic increase from 200 assaults in fiscal year 2003. If they assault law enforcement officers, we know they will assault the citizens of our country.

Recognizing that we cannot control our borders by merely enforcing at the immediate border, our strategy incorporates a "defense in depth" component, including transportation checks on the U.S. side of the physical border. These checkpoints are critical to our patrol efforts, for they deny major routes of egress from the borders

to smugglers intent on delivering people, drugs, and other contraband into the interior of the United States. Permanent checkpoints allow CBP Border Patrol to establish an important second layer of defense and help deter illegal entries through improved enforcement. This tiered enforcement approach in the State of Texas contributed to the seizure of over 252,000 pounds of marijuana and 9,100 pounds of cocaine in South Texas. The 9,100 pounds represents 73 percent of the cocaine seized nationwide by the Office of Border Patrol.

Another example is the partnership between DHS and the Department of Justice to develop the IDENT/IAFIS integrated workstation for identity checks. With immediate access to IAFIS nationwide, Border Patrol agents have identified thousands of egregious offenders in fiscal year 2005, including 444 homicide suspects, 598 sex crime suspects, 149 kidnapping suspects, and 11,844 suspects involved in dangerous drugs or trafficking, which otherwise may have gone undetected. The 31,000 major crime hits and over 120,000 IAFIS hits through fiscal year 2005 has demonstrated significant steps toward improving national security and greatly enhancing our ability to secure our Nation's borders.

CBP Border Patrol's objective is nothing less than a border under operational control. We recognize the challenges that lie ahead and the need for a comprehensive enforcement approach. Our national strategy gives us the means by which to achieve our ambitious goal. We face these challenges every day with vigilance, dedication to service, and integrity as we work to strengthen national security and protect America and its citizens. I would like to thank you for the opportunity to present this testimony today and for your support of CBP and DHS. I would be pleased to respond to any questions you may have at this time.

[The prepared statement of Mr. Garza follows:]

PREPARED STATEMENT OF REYNALDO GARZA

CHAIRMAN COBLE, CHAIRMAN HOSTETTLER, RANKING MEMBERS SCOTT AND JACKSON LEE, AND DISTINGUISHED COMMITTEE MEMBERS: My name is Reynaldo Garza, and I am the Deputy Chief Patrol Agent of the Border Patrol's Rio Grande Valley Sector. I am honored to appear on behalf of the Office of Border Patrol as we share your interest in the safety of U.S. citizens, as well as our dedicated agents that serve along the border. I am pleased to discuss the successes and challenges in reducing violence along the U.S./Mexico border and how they affect border security, as demonstrated by the operations and law enforcement initiatives of the Office of Border Patrol, a component of U.S. Customs and Border Protection (CBP). I would like to begin by giving you a brief overview of our agency and mission.

CBP, as the guardian of the Nation's borders, safeguards the homeland—foremost, by protecting the American public against terrorists and the instruments of terrorism; while at the same time, enforcing the laws of the United States and fostering the Nation's economic security through lawful travel and trade. Contributing to all this is the Border Patrol's time-honored duty of interdicting illegal aliens and drugs and those who attempt to smuggle them across our borders between the Ports of Entry. We are concerned that terrorists and violent criminals may exploit smuggling routes to illegally enter the United States. Reducing illegal migration across our borders will help mitigate the danger of possible attempts by terrorists or violent criminals to enter our country.

As the Secretary noted in his June 9 statement before the Government Reform Committee, DHS has a cross-cutting initiative to protect the southwest border. It encompasses the efforts of several DHS agencies, and each agency plays an integral role. The operations themselves involve patrolling the border, generating information, and taking enforcement actions. The uniqueness of the Department of Home-

land Security is that it has the capability within one department to do all of these things.

With regard to CBP, the Border Patrol's National Strategy has made a centralized chain of command a priority and has increased the effectiveness of our agents by using intelligence-driven operations to deploy our resources. The Strategy recognizes that border awareness and cooperation with our law enforcement partners is critical. Partnerships with Immigration and Customs Enforcement (ICE), Department of the Interior, DEA, FBI, Department of Transportation, as well as other interagency partners, state, local, and tribal law enforcement agencies and state Homeland Security offices play a vital role in having and disseminating information and tactical intelligence that assists in a quick and nimble response, which is essential to mission success.

Operation Black Jack is an example of DHS efforts in the state of Texas. Operation Black Jack has two strategic goals. 1) Increase the flow of information between the federal agencies that are responsible for or contribute to border security and State and local law enforcement so that crimes of violence can be tied to the cartels that are responsible. 2) Attack the human and drug smuggling organizations that provide the "fuel" for this violence. Since July 2005, Operation Black Jack has resulted in the seizure of over 1 million dollars, 18 assault rifles, 2 handguns, and the arrest of 20 subjects.

The Office of Border Patrol (OBP) is the first line of defense in DHS' multi-agency effort to dismantle the violent smuggling organizations that threaten American quality of life, especially in South Texas. This line of defense comes at a price: Border Patrol Agents were assaulted on 548 occasions in FY 2005 and 523 in FY 2004, a drastic increase from 220 in FY 2003.

The Office of Border Patrol's Laredo Sector has been recognized as an expert in South Texas in combating alien gangs. Earlier this year, representatives from OBP in Laredo were invited to conduct gang presentations in San Antonio, Beeville, El Paso, Houston, and Victoria. We are pleased to convey that Border Patrol trained over 500 law enforcement and correctional personnel, as well as offered presentations on gangs to numerous local organizations.

To highlight our gang enforcement activity, the Office of Border Patrol has arrested 132 Mara Salvatrucha (MS-13) gang members. One hundred of these arrests occurred in South Texas. However, MS-13 members have been arrested on all borders, including Northern and Coastal, which reflects the national scope of this problem.

The Laredo Sector Prosecutions Program participated in a pilot program for electronic filing of criminal complaints and prosecuted 8,447 individuals, including 2,151 felony complaints. The Del Rio Sector has instituted a Fugitive Removal Program that carries out operations by assigning Border Patrol agents to the Mexican Liaison Unit (MLU) to work with the U.S. Marshal Service's Mexican Investigative Liaison (MIL) Program. Law enforcement authorities approached Del Rio Sector MLU Agents from Coahuila, Mexico, concerning the possibility of repatriating Mexican citizens who had committed serious crimes in Mexico and who were seeking refuge in the United States. We have experienced great success in working this reciprocal program with Mexico in the MIL. In 2005, eight fugitives, including four murder suspects and one kidnapper, were turned over to the U.S. Marshal Service by the Mexican authorities. The kidnap victim was safely returned. All of this was accomplished as a direct result of coordinated efforts provided by the Del Rio Sector MLU in the MIL.

Recognizing that we cannot control our borders by merely enforcing at the immediate border, our strategy incorporates a "defense in depth" component, including transportation checks on the U.S. side of the physical border. These checkpoints are critical to our patrol efforts, for they deny major routes of egress from the borders to smugglers intent on delivering people, drugs, and other contraband into the interior of the United States. Permanent checkpoints allow CBP Border Patrol to establish an important second layer of defense and help deter illegal entries through improved enforcement. This tiered enforcement approach in the state of Texas contributed in the seizure of over 252,799 LBS of marijuana and 9122 LBS of cocaine in the Laredo, Rio Grande Valley, Del Rio, and Marfa Sectors. The 9122 LBS represents 73% of the cocaine seized nationwide by the Office of Border Patrol.

DHS will continue to assess, develop, and deploy the appropriate mix of technology, personnel, and information sources to gain, maintain, and expand coverage of the border in an effort to use our resources in the most efficient fashion. As an example, the use of technology, including the expansion of camera systems, biometrics, sensors, air assets, and improving communications systems can provide the force multiplier that CBP Border Patrol needs to be more effective.

An example is the partnership between DHS and the Department of Justice to develop the IDENT/IAFIS integrated workstation, which captures a single set of fingerprints and submits them simultaneously to DHS' Automated Biometric Identification System (IDENT) and DOJ's Integrated Automated Fingerprint Identification System (IAFIS) for identity checks. With immediate access to IAFIS nationwide, Border Patrol agents have identified thousands of egregious offenders in FY 2005, including 444 homicide suspects, 598 sex crime suspects, 149 kidnapping suspects, and 11,844 suspects involved in dangerous drugs or trafficking, which otherwise may have gone undetected. With 31,414 major crime hits and 120,268 total IAFIS hits through fiscal year 2005, we have made significant strides towards improving national security and greatly enhancing our ability to secure our Nation's borders.

The United States continues to experience a rising influx of nationals other than Mexicans (OTMs) illegally entering the country. OTM apprehensions totaled 165,175 for FY05 over FY 04's record number of OTM apprehensions of 75,389. The 219% increase in the apprehension of OTM illegal entrant aliens has created additional challenges in bringing a level of operational control to the border. In response, DHS expanded the use of Expedited Removal (ER) proceedings for OTMs throughout the Southwest border. ER proceedings, unlike section 240 removal hearings between apprehension and removal, shorten the duration of time between apprehension and removal. In September 2005, Secretary Chertoff announced the expansion of ER across the southwest border. A significant increase in bed space was allocated to support this expansion. Brazilian nationals were the initial focus for the ER program, and the influx of Brazilian nationals across the southwest border has been significantly reduced. ER has proven to be an effective enforcement tool for the southwest border.

CBP is also working with the Government of Mexico on various initiatives including:

- **Information Sharing**—Border Patrol Liaison Program units share information related to terrorist threats and special interest aliens with the Government of Mexico. This effort has resulted in 468 arrests of non-Mexicans in violation of Mexican immigration laws. Mexican authorities have identified many criminal organizations and issued multiple arrest warrants for alien smuggling.
- **Border Security Initiative**—As this hearing is about both safety and security, I would like to mention the Border Patrol's "Border Safety Initiative or BSI. In Fiscal Year 2005, southwest border deaths increased by 41% (464 in FY05 vs. 330 in FY04) and southwest border rescues have increased by 91% (2570 in FY05 vs. 1347 in FY04). These statistics indicate that a secure border will not only have an important law enforcement component, but also yield the humanitarian benefit of saving lives. Security and safety and inextricably linked.

CBP Border Patrol's objective is nothing less than securing operational control of the border. We recognize the challenges that lie ahead and the need for a comprehensive enforcement approach. Our national strategy gives us the means by which to achieve our ambitious goal. We face these challenges every day with vigilance, dedication to service, and integrity as we work to strengthen national security and protect America and its citizens. I would like to thank you for the opportunity to present this testimony today and for your support of CBP and DHS. I would be pleased to respond to any questions that you might have at this time.

Mr. COBLE. Thank you, Mr. Garza.

Mr. Bonner.

TESTIMONY OF T.J. BONNER, PRESIDENT, NATIONAL BORDER PATROL COUNCIL, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

Mr. BONNER. Thank you, Chairman Coble, Chairman Hostettler, other distinguished Members of the Subcommittees. The National Border Patrol Council represents about 10,000 Border Patrol employees, and we have a slightly different take on the reasons for this increase in violence. It is the law of unintended consequences.

When we began the crackdown at the border back in the mid-1990's, very few people anticipated that what we would do would

be to line the pockets of the smugglers. The cost of smuggling has increased tenfold since that time, from $200 to $300 per person, to $2,000 to $3,000 per person, and we are just talking about people coming from Mexico to the United States. The farther away from the United States you get, the more the profit margin rises. This has led to a squeezing out of the small-time operators and a taking over of these operations by the drug cartels and other organized criminals. And now what we are seeing is a power struggle between these organized criminal elements battling for control over the very lucrative human smuggling component.

Obviously, the drug-smuggling component remains lucrative, but the human-smuggling element ranks right up there at the present time. This is very troubling, and it is something that can be easily prevented by recognizing why all of these people are coming to the United States.

Back in the 1992 Presidential campaign, Democratic political strategist James Carville had a sign over his desk, which read, "It's the Economy, Stupid," reminding him that that was the issue.

I would suggest that Secretary Chertoff and every member of this Administration who has anything to do with immigration enforcement needs to put a sign over their desk saying, "It's the Jobs, Stupid." That's why people are coming to this country. And as long as we pretend that we can stop people at the border from seeking a better way of life, people who are making on average $2 to $4 a day and can come up here and make 15 to 50 times more working in the United States in an unskilled job, they will come. And we are not enforcing the laws at the work site now, and we need to start doing that.

The laws that we have are somewhat flawed, I admit that. What we need to do is simplify it so that an employer has one document to scan through a reader, call an 800 number, and get an answer in very short order telling that employer, yes, this person is authorized to work here, or, no, this is person is not authorized to work here.

Turning off the jobs magnet will eliminate 98 percent of the people coming across the border, allowing Federal law enforcement and State and local law enforcement agencies to focus on those drug smugglers and other criminals who operate within impunity right now at the border. We are not being very effective in stopping anything, either people coming across or drugs. If you look at the street price of drugs now, it is lower than it has been for some period of time, indicating that the supply it outpacing the demand.

On the other hand, the supply of people coming across is—there's a great demand in the United States for people coming to work here illegally, as evidenced by the fact that the illegal population continues to grow. The latest low-end estimate is 11 million people, and it could be as high as 15 or 20 million people in this country illegally. And they're primarily here for one purpose—to get jobs.

Now, I'm not saying that we don't need additional resources to fight against the terrorists and the criminals. We clearly do, and legislation that was introduced by Congresswoman Jackson Lee addresses many of those concerns. It would provide the Border Patrol and other border law enforcement agencies with necessary resources to carry out the fight against criminals and terrorists cross-

ing our borders. But until we address the underlying cause of people coming across the border, we should not be surprised when people come across by the millions every year, and we should not be surprised that violence is escalating because we have contributed to this perfect storm. We have set the stage for this to become a very lucrative industry for organized crime.

I thank you for your attention and look forward to your questions.

[The prepared statement of Mr. Bonner follows:]

PREPARED STATEMENT OF T.J. BONNER

The National Border Patrol Council thanks the Subcommittees for the opportunity to present the views and concerns of the 10,000 front-line Border Patrol employees that it represents regarding the growing problem of violence along the southwest border of the United States.

Although violence along the border between the United States and Mexico is by no means new, the frequency and ferocity of the latest surge are cause for alarm on both sides of the border. In the past year, for example:

- More than 150 people have been murdered in the town of Nuevo Laredo, Mexico, just south of the U.S. border town of Laredo, Texas, many of them as a result of the struggle between the rival Gulf and Sinaloa cartels for control of the highly profitable smuggling corridor leading into the United States. This caused the U.S. Department of State to issue a travel advisory earlier this year warning tourists of the potential dangers associated with that region.
- The number of assaults against Border Patrol agents nearly doubled, increasing from 354 in Fiscal Year 2004 to 687 in Fiscal Year 2005.

In order to curb these disturbing trends, it is first necessary to understand their causes:

In the early 1990's, the Federal Government embarked on an ambitious project designed to secure our borders. Over a dozen years later, although that goal remains as elusive as ever, a few lessons are emerging. Predictably, in those areas where significant resources were allocated, illegal cross-border traffic was significantly reduced. The Border Patrol's "strategy of deterrence," which emphasizes high-visibility positioning of vehicles within a few yards of the international border, has made agents vulnerable targets for an increasing number of attacks. These include hand-thrown rocks and Molotov cocktails, various projectiles launched by slingshots, as well as bullets fired from guns. Although most of these attacks are carried out as diversions intended to facilitate smuggling operations, their consequences are no less dangerous to Border Patrol agents.

Despite significant budgetary and personnel increases for the agencies charged with securing our borders, the overall volume of traffic did not decline; it merely shifted to different areas. Upon reflection, the reasons for this are fairly obvious: The standard of living in developing nations has not improved significantly, and the disparity between unskilled wages in the United States and in those countries remains high. This, coupled with the nearly complete lack of worksite enforcement in the United States, continues to lure millions of people annually in search of employment. As long as illegal aliens are able to find work and settle in the United States without fear of detection and removal, they will continue to cross our borders illegally in large numbers.

Long before the current crackdown at the border began, drug cartels also engaged in a limited amount of alien smuggling to facilitate their primary illicit operations. As the difficulty of being smuggled into the United States increased, the cost of being smuggled into the United States also began to rise, and small-time smugglers were squeezed out of the picture. The current cost of passage into the United States is about ten times greater than it was before the crackdown began. Gangs such as Mara Salvatrucha, commonly known as MS-13, have also entered the smuggling arena. All of these factors have resulted in violent struggles for control of these lucrative smuggling operations. Although most of this violence is directed at rival organizations, there is an inevitable spillover that touches innocent civilians and law enforcement officials on both sides of the border.

The United States and Mexico share the blame for this deplorable situation. Both countries have largely turned a blind eye to illegal immigration, vainly hoping that borders which are essentially wide-open to millions of laborers desirous of crossing

can somehow be sealed off against terrorists and other criminals. Because of this hypocritical policy, traditional law enforcement responses to the problem of violence along the border will do little to reduce it. The only meaningful solution lies in effectively addressing the underlying cause of illegal immigration.

Until the employment magnet is dramatically weakened or eliminated, millions of impoverished people will continue to attempt to enter the United States illegally every year. Their desperation will cause them to do whatever it takes, including paying whatever price is asked, to be smuggled across our borders. This is problematic for two reasons. First, it perpetuates an extremely profitable illicit trade that engenders violent rivalries among cartels and gangs. Second, the massive volume of this influx makes it nearly impossible for law enforcement agencies to focus on vital anti-terrorism efforts or effectively prevent other criminals from illegally entering the United States.

The Illegal Immigration Enforcement and Social Security Protection Act of 2005 (H.R. 98) would provide powerful disincentives to those seeking to cross our borders illegally in search of employment, as no employer would hire them unless they possessed a valid counterfeit-proof Social Security card. For this reason, the National Border Patrol Council strongly supports that legislation.

This would effectively put an end to the lucrative human smuggling trade, and allow the Border Patrol and other law enforcement agencies to focus their limited resources on preventing terrorists and other criminals from entering the United States. In order to achieve this goal, these agencies need adequate and suitable resources, policies, and support. The Rapid Response Border Protection Act of 2005 (H.R. 4044) would provide many of these much-needed measures, and is also strongly endorsed by the National Border Patrol Council.

In summary, the growing problem of violence along our borders is largely attributable to failed government policies that have resulted in the disintegration of the enforcement of our immigration laws. Until the underlying cause of the problem is addressed, it is unrealistic to expect that the symptoms will miraculously disappear.

Mr. COBLE. Thank you, Mr. Bonner, and I want to thank each of the witnesses for the role that you all perform each day. It's very vital, and I appreciate it very much.

Mr. Cuellar, even though you don't sit on the Judiciary Committee, you do represent Laredo, very vital to this hearing. We would be happy for you to come to the podium if you would like to sit up here.

Mr. CUELLAR. No, thank you. I will just listen.

Mr. COBLE. Gentlemen, we impose—incidentally, we have been joined by the distinguished lady from—gentlelady from Texas, Ms. Jackson Lee, and the distinguished gentleman from South Carolina, Mr. Inglis.

Gentlemen, we impose the 5-minute rule against ourselves as well, so if you all could be terse with your answers, that way we can move along.

Mr. Swecker, Mexico has become a major source of heroin as well as a principal transit and distribution point for cocaine being transported from Mexico to U.S. markets. In fact, I have been advised that Mexican cartels may well be displacing Colombian traffickers to this end.

What measures is the FBI taking, Mr. Swecker, to circumvent Mexican drug cartels and dismantle their organizational structure and drug-trafficking network?

Mr. SWECKER. Chairman Coble, we have liaison officers in five different cities along the border. They work directly with our Mexican counterparts, and we have, as I mentioned, over 50 OCDETF investigations. What's significant about that is that we have designated certain drug-trafficking organizations through the OCDETF process as consolidated priority targets. That means ev-

erybody is going after them at the same time with all of their resources.

I think one of the reasons that we're experiencing all of this violence just across the border is because we have, in fact, indicted both leaders of the Gulf Cartel: Juan Garcia Abrego, who is in jail, an American jail now; Osiel Guillen took over from him. He's also indicted, is in a Mexican jail at this point.

So we're a little bit a victim of our own success because that splintered the—and we've had several cartels now go after the Gulf Cartel because they're perceived to be in a weakened state, and that is why they're moving into their territory. That's the primary cause of the violence. But we continue to go after the leadership of both sides of these two—there's another group, as I mentioned, called the Federation. We're going to after all of their leaders as well.

All the agencies along the border are working this.

Mr. COBLE. Thank you, sir.

Mr. Garza, with four bridge crossings and millions of pedestrians and vehicular traffic crossing between Laredo and Nuevo Laredo each year, the task facing CBP, Customs and Border Protection, obviously is daunting, particularly considering that many criminals cross the border without contraband, yet having the intent to commit crime on the U.S. side of the border.

What training and intelligence do your agents receive in order to ensure that individuals crossing into the United States are not members of a gang or cartel and are not crossing specifically to commit a crime?

Mr. GARZA. Chairman, beyond the basic academy, both the CBP officers at the ports of entry who actually work at the international bridges and the U.S. Border Patrol agents, we have the on-the-job training, the senior patrol agent training dealing with antiterrorism. Gang-related information and intelligence is shared with each of the officers that are working at both the ports of entry and speaking specifically about Border Patrol agents and what training we get nationwide, has to do with mandated CBP and Office of Border Patrol National Headquarters training that we receive, each agent receives regarding not only how to deal with them but how to recognize them. And then each intelligence office, which is established in every sector and at every port of entry—well, I can't say every port of entry, but the office in charge in the case of Laredo would be one office over three or four of the bridges. Each one of those offices receives information and direction from headquarters to have this training, and it is periodic. We do it within our office semiannually.

Specifically, the intelligence offices in each one of those sector offices and the ports of entry offices are responsible for getting this training to each one of the officers. It is name recognition. It is face recognition. It is actual on-the-job type work and training.

Mr. COBLE. Thank you, sir.

Mr. Bonner, how effective do you believe is the level of cooperation between Federal law enforcement agencies with one another, and between Federal law enforcement agencies and State and local agencies?

Mr. BONNER. There is definitely room for improvement in all of those areas, sir. One of the issues that's being debated now is whether CBP and ICE should remain as separate entities or be merged together. One of the problems from that division was the lack of communication between those two entities, and that has hampered the cooperation that is necessary to address some of these very severe problems. And I would just like to comment on the earlier question about the training.

The training and the systems that we have in place I believe are pretty much adequate for identifying people coming in to do us harm, except for terrorists who have no record and there's no way of making that recognition. The problem is we're only catching 25 to 33 percent of the people who are crossing the border, so the ones who get by you, you don't have any inkling of who they are and what they might want to do once they get by us.

Mr. COBLE. I thank you. My time has expired.

The gentleman from Indiana, the Chairman of the Immigration Subcommittee.

Mr. HOSTETTLER. I thank the Chairman.

At the outset, Mr. Bonner, you touched on an issue of tremendous concern to me and put it in a context for this hearing that I think is important to understand. Let me ask you a question. You talked about the jobs magnet and that if we turned off the jobs magnet, we would—I think you said that we would take care of 98 percent of the illegal crossings. Is that correct?

Mr. BONNER. Right.

Mr. HOSTETTLER. So let me ask you this: In the context of violence, cross-border violence and violence committed by illegal aliens in the country in general, if the jobs magnet does not fuel violence as a result of what you are talking about, does it give oxygen to the fire of violence that is sweeping across our country, and especially in the border regions?

Mr. BONNER. I think it does because you have criminal enterprises that are taking advantage of the desperation of people who are willing to pay whatever price it takes to get into the United States. You know, when you have people from China paying $50,000 to be smuggled into the United States—and these are peasants who can't afford that—they sell themselves into indentured servitude for 7 to 10 years to pay that bill. It shows the level of desperation of people, and what we have here is a situation wherein the criminals are taking advantage of that desperation, charging high rates, and now we have that power struggle because it has become such a lucrative industry.

Mr. HOSTETTLER. It also seemed in your testimony that it's growing at such a rate that it's, if not more lucrative, growing more lucrative than even the drug trade.

Mr. BONNER. I believe it is. I believe that it has probably equaled, perhaps not surpassed, but it has become an extremely lucrative industry for the smugglers. And whereas, before, the drug trade would have some human trafficking so that they could have people act as mules to bring the drugs across or to serve as diversions, now it's become their bread and butter.

Mr. HOSTETTLER. Very good.

Mr. Swecker, do we know how these—in your investigation of these gang members, especially gang members but those that are not—that are foreign-born that commit significant crime in our country, do we know how they cross the border, meaning do they cross the border in stealth as gangs, or do they come across the border in groups of individuals that we would potentially refer to as "economic refugees," those that are coming to America for a better way of life? Do they meld into those groups of people, or do they come here in gangs as gang members when they come here?

And then to follow on that, are most of these gang members illegally in the country? And how do the gangs recruit? Do they recruit from the illegal immigrant population or the legal immigrant population?

Mr. SWECKER. Okay. As far as how they come in, I think they take advantage, of course, of the daily flow of illegal immigrants across the border. They obtain false documentation whenever they can. I think the answer is all of the above. But you do know also that these ports of entry are controlled mostly by the drug traffickers, and in most instances, that's why the violence is taking place there, is to not only controlling the drug-trafficking corridors but in some cases—in many cases the illegal migration corridors as well.

As far as how they recruit, you're absolutely right, they take advantage of the sort of separation and alienation that these youth experience when they come into the United States and they don't have that support structure and they don't have anything to belong to, and particularly if they're young, in their teen years, when they're very vulnerable to recruitment, they catch them when they're 16, 17, 18, and 19, sometimes even younger than that.

Mr. HOSTETTLER. Are they in the country illegally? Not only are they young, but are they in the country illegally? Or are they—do they have family members, parents that are in the country illegally? Or is there any correlation there, significant correlation?

Mr. SWECKER. I don't have any hard data for you, but I think that's both as well. But I think most of the young members that they're recruiting are here legally.

Mr. HOSTETTLER. Legally. All right.

Mr. SWECKER. They're second generation, third generation.

Mr. HOSTETTLER. Okay. Thank you.

I thank the Chairman.

Mr. COBLE. I thank the gentleman.

The distinguished gentleman from Virginia, Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman.

Mr. Garza, what ID—if an American goes to Mexico and comes back, what kind of ID do you need to cross the border?

Mr. GARZA. Basic—what kind of ID?

Mr. SCOTT. Yes.

Mr. GARZA. That would be—actually, the inspector doesn't really require a U.S. citizen—through discussions with the person who is either driving, walking, coming across the port of entry at the bridge, will hold a discussion, ask a question, and through their training and their law enforcement experience, make a determination about whether they're telling the truth or not and whether

they are entering the country and are a legal citizen of the United States.

Mr. SCOTT. There's no formal ID requirement?

Mr. GARZA. No, sir. If they ask for—the inspector at—whether it's at the inspection lane, vehicular, or in the pedestrian lane, will ask the question of the person coming to present themselves, and will ask enough questions and probe enough to satisfy that they are U.S. citizens, and if they're not, then they require the documents of that person.

Mr. SCOTT. Okay. Mr. Swecker, or, I guess, anybody, recently they have formed a lot of task forces to try to deal with this issue. What kind of operational results can we show to demonstrate that these task forces are actually successful?

Mr. SWECKER. You know, we can talk about arrests, we can talk about drug seizures. I guess the real result we're all looking for is the elimination of the violence, and what I would suggest to you, sir, is I spent 8 years in South Florida working drugs on the streets down there, as did my colleague behind me. When we saturated South Florida with law enforcement, that squeezed everything down to the Mexican Southwest border. That was a business decision that was made by the drug traffickers and——

Mr. SCOTT. Well, if the goal is to try to reduce drug use in America, squeezing it and changing it, does that help accomplish a goal? You spend all that money squeezing and changing, and the drug dealer—or the drug user in southern Florida goes to his dealer and he still gets the drugs. Is that right?

Mr. SWECKER. That's right, as long as there's a market and a demand in the U.S. for the drugs. What I'm suggesting——

Mr. SCOTT. Wait. So long as there's a demand and a market for drugs, all of this just changes how it gets there. You haven't reduced the drug use in America with all this Border Patrol and everything else. Is that right?

Mr. SWECKER. Yes, sir. What I'm suggesting is that how many arrests, how many seizures—we've been doing that for 25 years. That doesn't—I don't believe that's a measure of success necessarily. It's reducing the demand in the U.S.

Mr. SCOTT. Okay. I'm not sure who this would be aimed at, but some of the people coming across illegally are children. Is that right, Mr. Garza?

Mr. GARZA. Yes, sir. A small percentage are juveniles.

Mr. SCOTT. What do you do to make sure they are treated humanely?

Mr. GARZA. Depending on the country that they are from, Congressman, but the majority being from the country of Mexico, we have a very close relationship with the Mexican Consul. There are several in our area of responsibility, particularly from the Rio Grande Valley Sector, Deep South Texas, and there are three offices there. We deal directly with them. Upon the apprehension or detention of someone under age, we immediately contact that consul—in this case, the Mexican consul. If they are from another country other than Mexico, then we contact the Office of Detention and Removal, and they contact that particular consul, whether it be Honduran, Guatemalan, wherever they may be from. And then they do get special care. They are taken to—if we do not have the

detention space, they're taken to a place where we have contracted with so they can get the proper care there until they can be either joined up with their family members or returned to their country.

Mr. SCOTT. Changing subjects a little bit, I represent a shipping port, and one of the challenges is trying to inspect the material without gumming up the commerce. When you are trying to get stuff, a lot of it trying to deliver in 24 hours, if you're stuck at the port for 3 days, you know, the commerce gets adversely affected.

How does this work in a land port crossing the Mexican border? Can you facilitate commerce and still inspect the cargo?

Mr. GARZA. Yes, at the ports of entry, they have equipment—they're not all equipped, and I don't believe that all of them are adequately equipped—with what they call gamma ray scanners, and most of them are now on a rail system which allows for many multi-truck lanes to be checked and cargo—a lot at the land ports does come by truck, some by railroad. But those—that's one way that they are dealing with the enormous amounts, and Laredo is one——

Mr. SCOTT. But you could do more inspections if you had more equipment.

Mr. GARZA. That's correct.

Mr. SCOTT. Did anybody request, make a budget request for that equipment?

Mr. GARZA. Yes, sir, we did.

Mr. SCOTT. And what happened to it?

Mr. GARZA. I don't know—because I'm representing the Office of Border Patrol, I would not be able to answer that, Congressman Scott. It's the Office of——

Mr. SCOTT. But to the best of your knowledge, the equipment hasn't been purchased. Notwithstanding the fact that you requested the money, you didn't get the money. Is that right?

Mr. GARZA. I cannot speak to that, Congressman.

Mr. SCOTT. Where could we track down what the request was?

Mr. GARZA. We can get those for you from the office of the district that's in charge of that.

Mr. SCOTT. Thank you.

Mr. COBLE. I thank the gentleman.

We've been joined by the distinguished gentleman from Ohio, Mr. Chabot. Good to have you with us, Steve.

The gentlelady from Texas, Ms. Jackson Lee, who is the Ranking Member for the Immigration Subcommittee.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. This is obviously a hearing long in coming, and I am delighted that we have the combined Committees with the Ranking Members and other Members of the Subcommittee on Crime and the Subcommittee on Immigration and Claims.

Allow me, first of all, to ask unanimous consent that my entire opening statement may be submitted into the record.

Mr. COBLE. Without objection.

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

1PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, MEMBER OF SUBCOMMITTE ON CRIME, TERRORISM, AND HOMELAND SECURITY

Although I am concerned about the violence in Nuevo Laredo, territorial integrity is my main concern as the Ranking Member of the Subcommittee on Immigration, Border Security, and Claims.

On August 12, 2005, New Mexico's Governor Bill Richardson issued an Executive Order declaring a State of Emergency along the New Mexico-Mexico border. Governor Richardson declared that the southern border of New Mexico had been devastated by the ravages and terror of human smuggling, drug smuggling, kidnaping, murder, destruction of property, and the death of livestock.

On August 15, 2005, Arizona Governor Janet Napolitano declared a State of Emergency along the Arizona-Mexico border. According to Governor Napolitano, illegal border crossings run as high as 3,000,000 a year, and this has resulted in an increase in the threat to public health and safety from gangs, coyotes, and others engaged in dangerous criminal activities along the Arizona-Mexico border.

On October 12, 2005, Texas Governor Rick Perry announced a comprehensive security plan for the Texas-Mexico border region. Governor Perry asserted that Al Qaeda and other terrorists and criminal organizations view the porous Texas-Mexico border as an opportunity to import terror, illegal narcotics, and weapons of mass destruction.

State Governors should not have to resort to such drastic actions. I know, however, that the federal government is working on the border security problems. For instance, the administration announced recently that it is abandoning its "catch and release" policy, which was being applied to aliens who are from countries other than Mexico (known as "OTMs").

Although Mexican nationals who are caught crossing the border illegally can be returned to Mexico, the Mexican government will not accept the return of OTMs. Due to the lack of detention facilities, the OTMs have had to be released. More than 100,000 OTMs have been released already this year. Terrorists can use this situation as an opportunity to enter the country illegally without drawing any attention to themselves. It is not possible to thoroughly screen more than 100,000 OTMs a year before deciding whether to release them. I am pleased that the administration intends to stop the catch and release practice, but I do not know how the administration can detain the OTMs with the available detention facilities.

Mexico also has cooperated in dealing with the OTM situation. Most of the OTMs come from Latin American countries, and Mexico recently restricted access to its visa waiver program and established visa requirements for the citizens of most Latin American countries, including Brazil and Ecuador. This will make it more difficult for people from Latin American countries to use Mexico as a stepping stone to make an illegal entry into the United States.

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

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

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

Thank you.

Ms. JACKSON LEE. And I will summarize it but also say that my tardiness to this meeting was because I was in a Homeland Security meeting voting on the Committee product that would ultimately go to the floor on border security.

To my dismay, of course, some of the vital issues that we're discussing right now may not have had a full impact, and let me just suggest the following: We are very concerned about violence at the border, in particular coming from Texas, knowing full well the extent and the range of the needs there on the border, including New Mexico, Arizona, and other border States like California also having firsthand experience, watching the Border Patrol and ICE agents in place and in operations and standing at border sites watching the inspectors work and doing a very good job in detaining and/or detecting fraudulent and false documents.

But it speaks to the point that, one, we must find the crux of the reason for such a flow of undocumented illegal immigrants and illegal immigration, and I think Mr. Bonner has made a very excellent point, and for someone who represents Border Patrol agents to be so sensitive that we're dealing with an economic crisis.

I'm delighted that my colleague, Congressman Cuellar, is here and was in the room because he has been a steadfast, if you will, advocate for some reasonable response to the crisis in the border.

But to the two chairmen and Ranking Member, what speaks to this crisis is that we have three States—New Mexico, Arizona, and Texas—where the Governors have had to themselves take up, if you will, arms and issues on the question of border security. I maintain that the whole question of the failed policies of the United States as it relates to border security have resulted in these crisis States. I do believe that we have the capacity, the talent, and should have the resources that the security of the border should be a Federal responsibility. And to do that, we must provide the funding and the staffing and the resources for those who are entrusted with the responsibility.

The Minutemen of the early Founding Fathers certainly brings to us great patriotism, and we certainly welcomed them in that historical perspective. I don't believe we welcome them as securers of the border. It is violent. It is difficult. It is long. It is large. And that is not the appropriate way to begin to address the questions of border security.

Let me thank all of the front-line men and women who serve every single day, struggling with resources and, of course, needing more resources that could make them more effective. We know today that as it relates to OTMs that was just mentioned, that even today we are having difficulty with Mexico in this situation. Although Mexico has cooperated with the various requests on OTMs, it is understood that although Mexican nationals who are caught crossing the border illegally can be returned to Mexico, at this point the Mexican Government will not accept the return of OTMs. And due to the lack of facilities, the OTMs have had to be released. And more than 100,000 OTMs have been released already this year. Terrorists can use this situation as an opportunity to enter the country illegally, to address the question of drugs and otherwise.

I offer into the amendment, Mr. Chairman, this following article: "Eight people accused of smuggling girls for prostitution." It was the second suspected sex ring to be targeted in 2 months, November 15, 2005, the Houston Chronicle. I ask unanimous consent.

Mr. COBLE. Without objection, it will be received.

Ms. JACKSON LEE. Thank you, Mr. Chairman.
[The article follows:]

ARTICLE SUBMITTED BY THE HONORABLE SHEILA JACKSON LEE: "8 PEOPLE ACCUSED OF SMUGGLING GIRLS FOR PROSTITUTION," HOUSTON CHRONICLE (NOVEMBER 15, 2005)

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Nov. 15, 2005, 5:22PM

8 people accused of smuggling girls for prostitution

It was the 2nd suspected sex ring to be targeted in the past 2 months

By HARVEY RICE
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The promise of legitimate jobs was used to lure girls and young women to Houston from Central and South America, federal authorities said Monday.

Rape, beatings — and the threat of even worse — were used to force them into prostitution once they were here, investigators said.

The U.S. Attorney's Office accused eight Houston residents of smuggling girls and young women here to work as prostitutes in local bars. The group is the second alleged international sex-trafficking ring targeted in the past two months by the Human Trafficking Rescue Alliance, a task force of local and federal agencies.

The six men and two women were arrested Sunday and 100 women from Central and South America were arrested on immigration charges by the Immigration and Customs Enforcement Bureau, according to the U.S. Attorney's Office.

U.S. Magistrate Judge Calvin Botley told the eight, all Salvadorans or U.S. citizens of Salvadoran descent, that they are accused of conspiracy to recruit, transport and force girls and women into commercial sex acts.

Charged were:

•Walter Alexander Corea, 39, owner and operator of the El Cuco Restaurant, which adjoins the Mi Cabana Sports Bar. Agents say he headed the sex-trafficking ring.
•Maximino "Chimino" Mondragon, 57, owner of El Potrero de Chimino bar in the 12000 block of Hempstead Highway and the adjoining La Margarita Restaurant.

•Victor Omar Lopez, 38, and Oscar Mondragon, 47, operators of the Mi Cabana Sports Bar in the 8100 block of West Tidwell.
•Kerin Josue Silva, 19, Corea's son.
•Olga Mondragon, 45, wife of Oscar Mondragon and operator of the El Huetamo Nite Club, also known as the La Leona Club, in the 1800 block of Ojeman.
•Maria Fuentes, 35, who is accused of keeping records of payments to prostitutes.
•Lorenza "Comadre" Reynosa, age undetermined.
Botley scheduled an arraignment and detention hearing for Thursday after Assistant U.S. Attorney Ruben Perez opposed the suspects' release on bail.

The criminal complaint also names several suspects who remain at large.

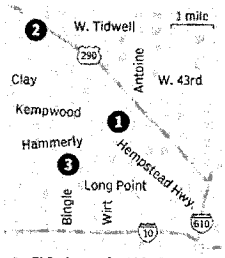
Authorities say the eight promised girls and women from El Salvador, Guatemala and Honduras jobs as waitresses earning $500 a month, then forced them to work as prostitutes to pay smuggling fees ranging from $8,000 to $13,000.

Some women told investigators that customers were charged $200 to $500 for a night with them, but that the women were not allowed to keep any money. Others said they earned $500 to $600 per week selling drinks to male customers, but received only $50 per week after living expenses were deducted.

Women who refused to work as prostitutes or tried to leave were coerced with threats to their homes or families, the complaint alleges.

One woman told officers that Oscar Mondragon raped her and then said his brother also wanted sex with her.

OUT OF BUSINESS
Federal agents arrested eight people and took about 100 women into custody in an investigation of alleged sex trafficking at these Houston businesses:



1 **El Potrero de Chimino bar and the adjoining La Margarita restaurant,** 12000 block of Hempstead Highway — owned by Maximino Mondragon.
2 **Mi Cabana bar and El Cuco Restaurant,** 8100 block of W. Tidwell — owned by Walter Alexander Corea.
3 **El Huetamo Nite Club,** 1800 block of Ojeman — operated by Olga Mondragon.
Source: U.S. Attorney's Office CHRONICLE

Four Mexican nationals were indicted in September on accusations that they lured Mexican girls and young women here and forced them into prostitution. Two more Mexican nationals accused of participating in that ring were indicted last week.

harvey.rice@chron.com

Ms. JACKSON LEE. Accused eight Houstonians of smuggling girls into—girls and young women. The opening paragraph says, "'The promise of legitimate jobs was used to lure girls and young women to Houston from Central and South America,' Federal authorities said Monday. But what they got is rape, beatings, and the threat of even worse were used to force them into prostitution once they were here. The women told the investigators that the customers were charged $200 to $500 per night, but that the women were not allowed to keep any money. Others said $500 to $600 per week selling drinks to male customers but received only $50 a week."

Mr. Swecker, let me ask a series of questions. Mr. Swecker, what I understand is happening at the border—and, by the way, would

you answer whether or not the FBI has been investigating or is involved in helping to investigate the missing Americans that are on the border? But what I understand this violence has generated around is the whole question of drugs. And I think it's important in this hearing to separate out the violence dealing with drugs and the violence dealing with the question of smuggling or illegal immigrants so that when we develop policy initiatives and resources, we will understand what the best approach is.

If my good friend Mr. Garza could answer the question just simply about what our friends at the border need, meaning our Border Patrol agents—for example, portable computers, handheld global positioning system devices, night vision equipment, body armor, weapons, power boats, helicopters, whether this kind of package—and, of course, the collecting of detention beds that might be helpful in some of the detainment issues—would be helpful? And would you also comment on your distinguishing between the violence of drugs and individuals coming over for economic reasons, though they may be undocumented and illegal, how that distinguished in your work. Mr. Swecker?

Mr. SWECKER. Yes, with respect to kidnappings, we're working each one of them—I mean, there are many that are not reported, as I mentioned earlier, for fear of reprisals, for fear of the fact that some of these individuals may or may not be involved in the drug trade. We have 35 open investigations right now. We estimate there's another 40 or so that have not been reported. We can't get the information out of the victims. So we're working those very, very aggressively. Twice now we have passed information to the Mexican authorities which resulted in the rescue of about 44 kidnapping victims down there, only one of which was a U.S. citizen, and that citizen was wanted in the U.S. for murder.

So we're working very aggressively, to answer that question.

Ms. JACKSON LEE. If you'll give me a written report, if you would, I'd appreciate it.

Mr. SWECKER. Yes, ma'am.

Ms. JACKSON LEE. Thank you.

Mr. SWECKER. And you had a second question about——

Ms. JACKSON LEE. Drugs.

Mr. SWECKER. Drugs and the violence associated with the drugs. As we talked about earlier, there's been a lot of good enforcement activity down on the border on both sides. The resulting violence has been the type of situation that results from the leadership of these cartels being taken out and other groups perceiving weakness and trying to move in on the lucrative corridors. And you have the Mexican authorities on the other side who either are thoroughly intimidated or part of the problem in the form of corruption or who just can't do anything about it. They're not as powerful as the cartels, the cartels having hired essentially their own armies to go at it. And they're going at it with AK-47s and grenades and RPGs and that type of thing. I've seen some horrendous videos. One instance, it was actually a documented video of the battle in the streets for 30 minutes.

So it does stem from the drug trade, and as I mentioned earlier, there wouldn't be a drug trade if we didn't have the high demand on this side.

Ms. JACKSON LEE. Thank you.

Mr. Garza?

Mr. GARZA. Yes, ma'am, thank you for the question.

In response to the resources and equipment, most definitely we can always use more. We have a lot of territory to cover, in the Rio Grande Valley Sector, if I could speak specifically about the sector I work in, 313 or so river miles, 250 coastal miles that we're responsible for in the State of—the lower State of Texas that goes down to the mouth of the river at Brownsville, Texas, or Port Isabel, to cover that much territory.

We know that an increase in resources—that a combination of the increase in those resources, not only manpower resources but what America's Shield Initiative is doing now in getting the technology into us, to our area, the infrared cameras. Of course, the helicopters with infrared and flare capability are a big, positive thing for the type of law enforcement we're involved in. But it has to be a combination of those things in the way of resources.

As far as illegal drugs and aliens, we have found in our intelligence gathering—and this is working very closely with the Mexican Government, our partners at ICE, FBI, and other agencies, Federal agencies and local, is that the smugglers—part of the reason for—another reason for the violence there is that they are trying to move both—trying to move both types of commodities, both contrabands, both people and any type of contraband in the drug realm through and trying to see who can take control of those particular people.

As Mr. Bonner gave testimony to earlier about the smuggling groups and the type of people that are coming in and how they're trying to come in and the reasons they're coming in, it's a combination of those two, using both those type of contrabands to get—rather, I'm sorry, the smuggling organizations fighting over to bring in both types.

We have found that some of the organizations are moving both types of contraband, and that's the reason for the violence and the turf wars that they have there.

Mr. COBLE. The gentlelady's time has expired. We'll try to do a second round.

Ms. JACKSON LEE. I thank the distinguished gentleman.

Mr. COBLE. You bet. We have two more Members. The gentleman from Ohio is recognized for 5 minutes.

Mr. CHABOT. I thank both chairmen for holding this very important hearing. This is a problem that we've faced for many years in this country, and I want to thank this panel for being here, and apologize also for having a conflict in my scheduling and not having been here at the early part of this hearing. So if I ask anything that's already been asked, I apologize for that in advance as well.

I happen to represent the city of Cincinnati. Could you tell me what measures are being taken to capture and detain members or connections with the Mexican cartels in U.S. cities? So if they've made it in here and they have connections where a lot of the drugs are going, what involvement do you have with respect to American cities? And I'll throw that open to anybody.

Mr. REID. I would like to take a stab at answering that. I think that when we're looking at drug-smuggling investigations, gen-

erally speaking, what happens at the border and information that we obtain from either the border investigations or information that we obtain in Mexico from the Mexican Government or through investigations we have in Mexico is shared throughout the country. For example, ICE agents that would be working in Cincinnati would have the access and availability to any information that was gathered in any drug-smuggling investigation in any office, any ICE office in the country.

In addition to that, I think that, generally speaking, the Federal agencies work well in task forces, for example, the OCDETF task forces and the HIDTA task forces, in which there is identification of the organizations that are—that do the smuggling and the distribution into the United States.

So among the sharing of information, working jointly on task forces, I think that we are attacking the problem anywhere and everywhere that it exists in the United States.

Mr. CHABOT. Thank you.

Does anybody else want to take a stab at that? Mr. Swecker?

Mr. SWECKER. Just briefly, with respect to the OCDETF program and cities like Cincinnati, which are what we call the heartland cities, there was a time when we just went after targets of opportunity. Whoever—whatever information you had, you moved on that particular drug organization.

At this point we share intelligence on a national level, and we've designated certain drug organizations as the top organizations to go after collectively. Those are called CPOTs, consolidated priority target list organizations. There's another level down called RPOTs, which are regional targets. We go over those as well, and they're approved by a committee. The idea is to have everybody focused at the same time at the same targets. A city like Cincinnati would have an inventory of those types of cases, and they would have both RPOT and CPOT type cases. They'd be working major cartels as they related to the node in Cincinnati, and they would be working in conjunction with whoever else had open investigations on that CPOT target, but also their own targets, who would be one tier down as well.

I think it's a good approach because it's an intelligence-driven approach to drug cases.

Mr. CHABOT. Thank you.

My second question has to do with—so many times we find out that while you all are fighting the battle or your colleagues or associates are fighting the battle, there's corruption at various levels, whether it be officers or sometimes all the way to the top on the other side.

How do you go about determining whether or not we're all on the same team and who the bad apples are and making sure that they're not tipping off or putting your people in even more dangerous situations than they otherwise would be? What is the process that you go through there? And is there any way it could be improved? Is there any way we could help, for example? Whoever would, again, like to answer that. Mr. Reid?

Mr. REID. Yes, I think that you're referring to the notion of corruption in Mexico and the sharing of information.

Mr. CHABOT. Yes.

Mr. REID. I worked on the Southwest border in the middle part of my career in the 1990's, and at that time we were very reluctant to share information with either the Federal or the State or local law enforcement agencies within Mexico for the fear of corruption. But at that time, even at the Federal level, we were able to get cooperation. In fact, as a case agent on a significant money-laundering case in Tucson, I was able to get records from the Hacienda, which is the Mexican version of the Treasury.

What I observe from the mid-1990's to 2005 is that the Mexican Government seems to have made a concerted effort at cleaning up its law enforcement from the Federal Government on down, so that we are able to share more closely information with the Mexican Government, specifically or particularly at the Federal level, with CESIN, their intelligence operation, and with AFI, their version of the FBI, that we work very well with them, which translates to work we can do at the border, work we can do targeted toward the smuggling organizations in Cincinnati in other places.

So at the Federal level, I think we're doing okay. When it gets down to the Mexican state level and the municipal level I think is where we have more problems. And the way I look at it is this: It's that in the Mexican economy, the law enforcement officers at the state and local level do not get paid very much, and looking at the drug cartels and the significant amount of money that's generated by the trafficking and the smuggling of drugs and by the taxes—taxes, if you will—that they charge the human-smuggling organizations, et cetera, to move through their territory, the wealth that they have is significant.

And when you're looking at the law enforcement at the state and municipal level over there, you look at an officer who may not get paid very much in his or her job, and the cartel, which has significant money, and so that there is, you know, some buy-off of the state and local officers.

Mr. COBLE. The gentleman's time has expired, and do you want to wrap up real quickly?

Mr. REID. If I can make one more.

Mr. COBLE. All right.

Mr. REID. In addition to that, there's the threats of extortion and intimidation on the local law enforcement officers, even ones who are not—who would not be willing recipients of the bribes from the cartels.

Mr. CHABOT. Thank you.

Mr. COBLE. I thank the gentleman from Ohio.

The distinguished gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Thank you, Mr. Chairman. And thank you. I apologize for not having heard the testimony. I've looked through some of the written testimony.

Mr. Reid, can you estimate how many of those coming across the border, let's say the Mexican border, into either California, Arizona, or New Mexico or Texas, are coming with criminal activities in mind or as drug runners or smugglers?

Mr. REID. Are you asking how many people——

Mr. FLAKE. Yes, what percentage of the total that are coming across.

Mr. REID. That's a figure that I don't have and——

Mr. FLAKE. Would anybody venture a guess as a percentage?

Mr. BONNER. Congressman, when they married the Border Patrol's fingerprint system with that of the FBI, in the first 4 months 8 percent of the people had criminal records to some degree. Now, obviously, not all of these people were murderers or rapists. A few of them were. So I think that that's—and that's just the ones that we caught, which is perhaps 25 to 33 percent of the total traffic coming across.

Mr. FLAKE. Okay. But most estimates put it around—well, some say as many as 99 percent of those coming across are coming across for solely economic reasons. But say it's 95 or so. Mr. Garza, if we were to have a legal framework for workers to come and then return home through border checkpoints, assuming that if they could come for work through a legal channel and then return home, how much easier would that make it for the Border Patrol to actually—and for Customs and for our entire enforcement operation, to actually target those who are coming for reasons other than work?

Mr. GARZA. Congressman, there would definitely be—for the people who were involved in the program, there would be—the safety issues would—the officer safety issue basically would go away. However—and I can't speak to the investigative side of the house. We don't have that responsibility. But the fraud and all that we've seen historically in any type of a program that would have some sort of a worker program would increase for that agency, whether ICE would be involved in that or—more than likely it would be ICE. But I believe that enforcement-wise there might be a slight decrease in the issue of the violence and so forth because you're going to have some sort of legal mechanism, and as long as it's for the people who are outside of the country making application for that type of program; however, if you do it within the country, then I don't believe that that's going to change any of the issues. And the people outside the country will feel like I should have been there when that benefit was given and withdraw at that——

Mr. FLAKE. Well, we are talking about a benefit that would in some way touch those who are here legally now, but it would also provide an avenue for those coming, say, from Mexico or through Mexico who are able to secure a legal job or legal presence through a temporary worker program. Under the old bracero programs—and nobody's trying to replicate that—there were a lot of problems with it. But it was said that apprehensions at the border went down about 95 percent because there was a legal avenue for people to come through.

All I'm trying to suggest—and I want your input and, Mr. Bonner, you may want to comment on it. Wouldn't it be easier to actually target those with the resources that we have, even enhanced resources, if some 90 percent, 95 percent are actually coming through legal border checkpoints? Then the resources that we have could be better focused on those who are coming to do us harm, the criminals that we're worried about. Mr. Bonner?

Mr. BONNER. Assuming that you're willing to close the back door. As long as you leave open the possibility that people can come in and get work if they're in the country illegally, why would anyone bother to use the front door?

Mr. FLAKE. Right. That's a very important point, and that's why you've got to have the interior enforcement and workplace enforcement that really would make any program like this work. But assuming you could and people knew that the only way that they could get here and work is through a legal process, then certainly targeting those who are coming for criminal activity would be easier, would it not? Mr. Reid or Mr. Swecker, do you want to comment on that?

Mr. REID. Yes. In our view, from the investigation's point of view, it certainly would be. But I think that you have hit it right, Congressman, that in addition to that, you need to have the effective work site enforcement or the interior enforcement program that perhaps increases penalties, civil and criminal, for those who knowingly or blindly knowingly—you know, willful blindness, hire illegal aliens. I mean, there has to be that part of that—that part of it has to be more effective.

Mr. FLAKE. I couldn't agree more. Couldn't agree more. Any other comments? Yes.

Mr. SWECKER. Just briefly, I think the best thing that's happened recently is the marriage of the fingerprint systems, the two fingerprint systems. The only way to know who's really coming across the border is biometrically. Documents can be forged easily, and when we finally merged those two systems, I think it was a revelation as to who was coming across.

Mr. FLAKE. Thank you.

Thank you, Mr. Chairman.

Mr. COBLE. Folks, we have a vote on right now. There's going to be three votes, and I dislike having to inconvenience the panel, but I do think this probably warrants, if you all don't mind, if you all will cool your heels, as the old saying goes, then we'll be back as soon as we can.

Let me start my second question. I think we can get to that before we go. Los Zetas and similar type enforcement arms of the cartels have engaged, obviously, in violent activities, even threatening the security of U.S. nationals. Given these factors, do you all think it would be appropriate to designate the Zetas as a foreign terrorist organization, A? And would such designation aid in your efforts to prevent them from further extending their tentacles into our area? Whoever wants to handle that. Mr. Swecker?

Mr. SWECKER. I'm not sure we really—i think we would be mixing apples and oranges and confuse the definition of a terrorist organization. And we define a terrorist organization as an organization that's trying to effect political change through violent means in our country. The Zetas are purely an enforcement arm of a criminal organization that's engaged in the pursuit of profit, money. And I think—I don't think that that would be a viable thing to do to mix and match those, but I think we should give them special designation of some kind to go after them.

Mr. COBLE. Mr. Reid, very briefly.

Mr. REID. Very briefly, I don't think—also, I don't think it would aid us in any way to designate them as terrorist organizations because the substance of what they do is violent criminal activity, and we have the laws—State, Federal, local—to go after that sort of violent activity.

Mr. COBLE. Well, let me extend what the gentleman from Ohio said. This becomes very delicate territory. He talked to you about corruption, and I think it's commonplace, I have been told, that corruption in sensitive areas in Mexico is, in fact, rampant.

Conversely, do we have any evidence that such corruption is practiced on this side, on our side of the border in sensitive areas—border guards, Customs agency, for example?

Mr. GARZA. Chairman, while we do have a very small percentage of people that we must discipline or terminate within our organization—and we attribute that to the supervision—supervisory levels and the supervisory training that we have and the current ratio, which we're trying to get down to a 5:1 ratio of agents. And that basically that type of supervision over your employees—and, of course, in our uniformed type of operation, it's easy for us to tell who is who. I couldn't speak for the investigative branch, but I assure you, it's a very small, small percent.

Mr. COBLE. Well, I was hoping that would be the answer.

Yes, Mr. Reid? Again, quickly, because we have got to get to the floor.

Mr. REID. Okay. There is no comparison between the corruption that we see in Mexico and what——

Mr. COBLE. I wouldn't think so.

Mr. REID. There's the human nature factor. That's it.

Mr. COBLE. Well, when greed rear its ugly head, all of us are vulnerable, I guess.

Thank you all. If you all will stand in recess——

Mr. GOHMERT. Mr. Chairman?

Mr. COBLE [continuing]. And then—yes, sir?

Mr. GOHMERT. Would you yield for just a moment on that same question?

Mr. COBLE. Very quickly.

Mr. GOHMERT. Are you aware of how many complaints there are pending against people at the higher levels of ICE and CIS?

Mr. REID. No, I don't have those——

Mr. GOHMERT. You don't have any numbers on that?

Mr. REID. No, I don't.

Mr. COBLE. If you could get numbers, we'd be glad to get those.

If you all stand in recess, folks, we will—some of us will return. Thank you all for your patience.

[Recess.]

Mr. COBLE. I appreciate your patience and the patience of those in the hearing room. I know the gentlelady from Texas has another question. I think I've exhausted my questions. If we can get Ms. Jackson Lee in, we can conclude this. Is she on her way?

Very well. While we are treading water and stalling for time, I just want to thank you all for your appearance here today and for your patience. Oftentimes, this—sometimes—I don't mean this in a demeaning way, but sometimes we operate not unlike a circus around here, and we never know when that bell's going to ring, and inevitably it oftentimes rings right in the middle of a hearing, as was the case this morning.

So if you all will suspend for the moment, and if anybody wants to be heard while we're waiting for Ms. Jackson Lee, anybody have any issues on your mind that we haven't touched upon?

[No response.]

Mr. COBLE. Okay. Well, we'll just rest easy until she gets here then. Thank you.

[Pause.]

Mr. COBLE. The gentleman from Indiana is here, so we will yield to him and recognize him for 5 minutes. Thank you, Mr. Hostettler.

Mr. HOSTETTLER. Thank you, Mr. Chairman.

Mr. Reid, I tend to agree with Agent Bonner with regard to the jobs magnet and the part that it plays in the way I look at it being creating a haystack, if you will, a huge haystack which law enforcement must deal with the needles in that haystack from time to time. And that haystack is created as a result of literally millions of people coming into our country every year illegally and wanting to better their economic status and get a job in our country.

That being said, under the former INS, special agents performed many tasks that are essential to the enforcement of our Nation's immigration laws, such as employer sanctions audits and jail checks for criminal aliens.

The first question is: Does ICE believe that special agents should perform these tasks today? I guess that's my first question.

Mr. REID. Okay. We recognize the necessity for those type of tasks, but whether they should be for special agents, no. Special agents are criminal investigators, as are the FBI special agents or DEA, et cetera. And the focus of our criminal investigations needs to be organizations, et cetera, organizations that smuggle—that participate in human smuggling, facilitate the human smuggling, et cetera. So the agents do the criminal investigative work.

In the 2006 budget, we were fortunate enough to get money to hire within Investigations different job classes, which we are working the details out on that right now where we would look at hiring auditors who would go out and do the—to work sites and do the I-9 audit, that kind of thing. But they would not be special agents. They would be auditors in the same—perhaps in the same sense that DEA has a compliance unit and ATF would have a compliance unit.

Mr. HOSTETTLER. Okay. So this is not a holdover policy that is taking place in ICE as it was in INS.

Mr. REID. Well, at the present, yes, it is. But we are working toward, you know, creating a different organization. So working——

Mr. HOSTETTLER. So that special agents do——

Mr. REID. Criminal investigation, yes.

Mr. HOSTETTLER. But in the old INS, they did employer sanctions audits.

Mr. REID. Employer—now, if we're talking about work site enforcement, work site enforcement is a very important part of our criminal investigation program, and it really has—there are three elements to it that we're looking at. One is that we're looking for the large employers that could potentially hire illegal aliens in certain job markets—retail, agricultural, et cetera—to the largest employers, looking toward those larger to develop cooperative agreements with them in which they would patrol their own police forces, in a sense. It's a compliance concept that is very similar to what is conducted by CBP in the trade area, where you create an environment in which employers will look at their own workforces

or their own trade goods in the CBP arena to work toward the common goal of keeping, you know, illegal aliens out of the workforce. So that's one part of it.

A second part of it would be where we look at what we call egregious violators, and that would be the criminal, looking at criminal violations with respect to the hiring of illegal aliens. And a part of that, as Secretary Chertoff has stated on a number of occasions, would be to increase and enhance the civil and criminal penalties related to the hiring of illegal aliens.

And then the third part of the work site enforcement is what we call critical infrastructure, the CIP program, where we look at employers who are involved in any sort of critical infrastructure. For example, on military bases, contractors on the military bases making sure that their workforces do not include—or create an environment in which the illegal aliens can be part—can be on the base and, you know, perhaps in secure areas.

So work site enforcement is very important, and special agents will continue to do that.

Mr. HOSTETTLER. I appreciate the testimony and the sentiment that work site enforcement is very important. I believe it is, too. But the problem that we have is convincing our constituents of that. For example, the GAO did a study recently that found there were three notices of intent to fine that were actually issued in 2004. When I talk to my constituents about that, the only thing that we can collectively gather from that is, according to this Administration, that there were three locations in the United States of America that had employed illegal aliens in 2004.

Most of our folks are not willing to accept that, and I appreciate that work site enforcement is important, and I think numbers would go a long way to prove that to our constituents.

Let me move on now so that—my time is limited. Let me ask Agent Garza—and, without objection, may I have an additional minute?

Mr. COBLE. An additional minute will be granted.

Mr. HOSTETTLER. Thank you.

Agent Garza, we saw some pretty troubling slides with regard to the fire power that is available for the people that you and your fellow agents have to deal with. Are Border Patrol agents adequately resourced, adequately armed to meet—we heard earlier about grenades and RPGs—full auto assault weapons, RPGs, grenades. Are you well armed, adequately armed, adequately resourced to meet this onslaught?

Mr. GARZA. Fortunately, we have recently received resources that have brought our firearms capabilities to a much higher level. We, of course, all receive a firearm, a sidearm that we carry in our holster on our belt when we leave the academy. All other training for long arms—or, rather, issuance of long arms is done at the sector headquarters. Each individual sector does that. Each one of the sectors has a long arm, an automatic—well, that's a semiautomatic M-4, and shotguns available to each agent for checkout.

In addition to that, we have our special response teams at each sector that also have the fully automatic versions of the—well, different manufacturers make them for us, but we have fully auto-

matic weapons for a particular corps of special response team members.

As far as adequate training, we train—our training requirement, firearms training requirement, is more than, I think, anyone else, I think Federal, and any State and local for sure. We do that quarterly. Every agent must be trained in all weapons that he or she is authorized to carry four times a year.

And so I'll speak for my sector individually. Everyone there has access to one of these types of firearms, especially the sidearm, but any other long arm they are entitled to.

Now, is that—can we combat—with that fully automatic weapon, even in the hands of a Border Patrol agent, can you combat things and the type of weapons that can be brought upon us by a terrorist? At this point, no, we wouldn't be prepared for a hand grenade attack or an RPG attack. That's one thing. And we're very vulnerable. On the river, as we use boats in our sector to actually get on the international border, in the Rio Grande River, for more than anything else a deterrent effect and gather intelligence—we don't do any interceptions on the river, but you can see that someone—an agent's there, and the safety issue, officer safety factor, where they have a 360 degree—yes, where they can potentially get attacked from. But with what we have now and what we do in those particular areas that we patrol, we have the best that we can acquire at this time.

Mr. HOSTETTLER. Thank you.

Mr. GARZA. You're very welcome.

Mr. COBLE. The gentleman's time has expired. I thank the gentleman.

Ms. Jackson Lee is recognized.

Ms. JACKSON LEE. I thank the distinguished gentleman. I hope that that partnership between the Chairman and Ranking Member of the Subcommittee on Crime, that your partnership with Chairman Hostettler and myself, I think we need to have a border security bill out of this Committee. And I would hope that maybe we would have one with a lot of the elements that we've discovered here today.

Might I start off with Mr. Bonner, and I want to thank him for being engaged in law enforcement. And, frankly, every time he has an opportunity to speak, he confronts the reality of our immigration system that we will not be able to stop illegal immigration without countering it with issues dealing with the economic concerns and dealing with—I think we were also discussing employer sanctions as I came in, or those questions were being raised.

But your point is vital because if we can't come together around some of the larger issues that we have an economic system that is broken in Mexico and other parts of South America—I am sure there would be some who take issue to my terminology of "broken," but might I just simply say there are large numbers of individuals who come for economic reasons.

If we're given that, I think that we should then spend a lot of our time in addition to a comprehensive immigration system, and as you well know, I've written Save America Comprehensive Immigration bill that includes protecting American jobs. But we must look at border security realistically, and it disturbs me that there

is a sense of penny-pinching and also that there is a sense that the front-line officers may not be doing all that they can do.

Help me—you mentioned earlier the Rapid Response Border Protection Act of 2005, which was a result of inquiring of a number of law enforcement agencies, which include the Border Patrol, also, of course, ICE officers and DEA officers, some very front-line individuals. It also covers my going to the border, walking along the borders, being there at night, watching, if you will, the lack of equipment, but really the lack of personnel. And Mr. Garza said it very well—I want him to restate that—when I asked him a question. The miles—I know he said 313 river miles, which really requires helicopters, and then he will recite for me the land miles.

But let me ask you, if you would, to speak about, Mr. Bonner, specifically this approach in legislation and how we can pierce the understanding on it. Let me raise these points.

Speak to what comes out of Border Patrol agents having the ability to deploy 1,000 additional Border Patrol agents to a place of crisis, like Laredo, for example. Speak to the value of having a sufficient number of detention beds. We have supported anywhere from 40,000 increase to legislation that includes 100,000 beds, and, of course, not unrealistically, but gathering together Federal, State, and local facilities. Speak to the idea of what additional helicopters and powerboats and reliable radio communications, handheld GPS devices, and body armor and night vision may do, but also I think it's important to get on the record what it means to have a good recruitment process and what it means to be able to have Border Patrol agents who feel comfortable in the bargaining process.

Now, I have never heard of Border Patrol agents striking or doing something untoward away from their duty. But it would be helpful to know how valuable that is for the men and women on the front lines to know that we care enough about them that we want to hear their issues, we want to discuss their issues, we want to fix their recruitment program, and we want to work on these facets.

Mr. Garza, I'd like you to answer—I'm interested in re-establishing the Border Patrol anti-smuggling unit. I know that it was moved, but you have to teach us. And I believe that if you even had two and those two segments worked together between ICE and between Border Patrol—and I know that we're supposed to be coordinated. But I think there was something to the front-line individuals confronting these smugglers right there on the scene and being able to track their prosecution. Remember, I'm the State that had the tragedy of Victoria. I'm the State that is seeing constantly the utilization abuse of women. And so I'd like you to speak forward-like and straightforward-like. Mr. Bonner, would you—I yield to you.

Mr. COBLE. Mr. Bonner, if you'll suspend, I'm not trying to put anybody on an assembly line deal here, but we got to get out of here pretty soon, so if you all could be very terse, if it's okay, in response to——

Ms. JACKSON LEE. And we thank the Chairman for his indulgence.

Mr. COBLE. You are indeed welcome.

Mr. Bonner?

Mr. BONNER. Picture the illegal flow of whatever—people, drugs—as a long, skinny balloon that stretches from one part of the border, the Pacific Ocean, to the Gulf of Mexico. You squeeze it in one spot, and it's going to migrate to another spot, which is why it's important to have the ability to rapidly response, because we've seen it in San Diego. When we put pressure there, it moved over to other parts of California, ultimately to Arizona. As we put pressure on Arizona, we are seeing it emerge in New Mexico and in Texas, and back in California. That is important.

Equipment for Border Patrol agents to do their job is also absolutely vital. You can't just expect agents to go out there with the sidearm and a radio that in some parts of the country, many parts of the country where we patrol, can't communicate with other radios because of inadequate infrastructure.

All of these things are necessary if we expect our Border Patrol agents to do the job that they were hired to do. And in the interest of time, I'll yield to Mr. Garza.

Ms. JACKSON LEE. Thank you.

Mr. Garza?

Mr. GARZA. Thank you. In regards to the smuggling unit, even prior to us becoming part of DHS and specifically CBP, even under INS the anti-smuggling unit were special agents. They were designated as special agents.

The Border Patrol has never been an investigative branch or had an investigative branch within the Border Patrol. These agents—at that time, anti-smuggling agents were assigned to the sector chiefs, and, yes, they were a very valuable tool to us because of the immediate intelligence that we could pass on to them, the furtherance of an investigation. It was someone who was within the same office.

However, I believe now—and we've gone through the transition period. It's been a couple of years now with ICE and other law enforcement—Federal law enforcement agencies, but specifically ICE because they now have the assets that were once ASU, under their direction, anti-smuggling unit agent went directly over to the ICE office, now working for them, and they do a number of different types of investigations, of course, narcotics and alien smuggling.

Our direct contact with them, because there was a separation of an office, anyway, when it was ASU, is really no different. Yes, the chief would—no doubt some of the chiefs, and maybe the majority, would like to have that under their command as a sector entity organization. However, the fact that they—that ICE still and has proceeded to create a smuggling—a human-trafficking unit, they have group supervisors in charge of that. We reach out to them, and the working relationship—at least I can speak directly for several Texas sectors—is outstanding. Any calls that we have, any intelligence, we pass on to ICE. We have a joint task force where Border Patrol agents—again, not investigators—but do work closely with that task force and our members of the task force are there with ICE. The information is passed on immediately, and we get immediate reaction from the ICE agents in that investigative——

Ms. JACKSON LEE. If I may, the Chairman is getting ready to gavel, but I assume if Congress decided they'd like to have the

anti-smuggling unit as it was before, to create that hand-in-glove relationship, you all would welcome it.

Mr. GARZA. Yes, ma'am.

Ms. JACKSON LEE. Mr. Bonner, let me just—you speak to a lot of agents on the ground. Would that be a comfortable fit if that was to be restored again? Because that investigatory arm would be right close up to those who are out on the field.

Mr. BONNER. Absolutely. It's something that we sorely miss. And not to contradict Mr. Garza too much, but the level of investigations—the number of investigations, rather, has declined, the smuggling investigations. We're simply not putting people out of business the way we used to. And, yes, others would rise up and take their place, but we miss that, and that's a tool that we need back.

Ms. JACKSON LEE. Well, let me, Mr. Chairman—and the two chairmen, let me thank you all very much. I do want to put something on the record. We worked in a bipartisan manner on these two Committees. I want DHS Leg. Affairs to know that when a Democrat Ranking Member asks for a witness, it is acceptable for that witness to be a witness of a Democrat. We all happen to be citizens of the United States committed to promoting the support and issues that are important. Let us not have that kind of petty party politics in an issue as important as border security and the securing of America.

With that, Mr. Chairman, I yield back and thank you for this hearing.

Mr. COBLE. Well, again, I thank Chairman Hostettler and Ranking Member Jackson Lee from——

Ms. JACKSON LEE. Chairmen, plural.

Mr. COBLE [continuing]. Texas—pardon?

Ms. JACKSON LEE. Chairmen, plural.

Mr. COBLE. Oh, yes. And the gentleman from Virginia, who is not—I think he's in another Committee right now. But I thank the witnesses as well. The Subcommittee very much appreciates your contribution.

In order to ensure a full record and adequate consideration of this very important issue, the record will be left open for additional submissions for 7 days. Also, any written questions that a Member wants to submit should be submitted within that same 7-day period.

This concludes the joint oversight hearing on "Weak Bilateral Law Enforcement Presence at the United States-Mexico Border Area: Territorial Integrity and Safety Issues for American Citizens." Thank you again for your cooperation, and the Subcommittee stands adjourned.

[Whereupon, at 12:49 p.m., the Subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

Reponses to questions for the Record from Chris Swecker, Assistant Director, Federal Bureau of Investigation

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 3, 2006

Honorable Howard Coble
Chairman
Subcommittee on Crime, Terrorism,
and Homeland Security
The Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Enclosed please find responses to questions posed to FBI Assistant Director Chris Swecker, following Mr. Swecker's appearance before the Subcommittee on November 17, 2005. The subject of the Subcommittee's hearing was "Weak Bilateral Law Enforcement Presence at the U.S.-Mexico Border: Territorial Integrity and Safety Issues for American Citizens."

We hope that this information is helpful to you. The Office of Management and Budget has advised that there is no objection to the presentation of these responses from the standpoint of the Administration's program. If we may be of additional assistance, please do not hesitate to contact this office.

Sincerely,

William E. Moschella

William E. Moschella
Assistant Attorney General

Enclosure

cc: The Honorable Robert C. Scott
Ranking Minority Member

**Responses of the Federal Bureau of Investigation
Based Upon the November 17, 2005 Hearing Before the
House Committee on the Judiciary
Subcommittee on Crime, Terrorism, and Homeland Security
Regarding "Weak Bilateral Law Enforcement Presence
at the U.S. - Mexico Border:
Territorial Integrity and Safety Issues for American Citizens"**

1. Recently, there has been an obvious and dramatic increase in the level of violence in the Laredo region and I understand the U.S. Federal law enforcement community has responded with additional personnel. Do you think that the current level of federal agents is adequate to effectively combat the violence and prevent it from spreading into the United States?

Response:

Currently, violence on the U.S. side of the border is addressed through the coordination and leveraging of resources by U.S. federal law enforcement agencies in conjunction with additional focused support to address particular matters or events. The FBI is working with other federal entities and reviewing personnel levels to determine whether the assignment of additional personnel is necessary to prevent an increase in violence in the U.S. portion of this region.

The FBI has been advised by the Department of State (DOS) that, on the Mexico side of the border, DOS is working to assign Diplomatic Security (DS) Special Agents, known as Regional Security Officers, to the Consulates in Nuevo Laredo, Matamoros, and Nogales. DOS believes the assignment of these DS Special Agents to the border Consulates will facilitate improved information sharing between Mexican and U.S. law enforcement and intelligence authorities. According to DOS, DS Special Agents currently assigned in the border consulates of Tijuana and Ciudad Juarez have proven to be instrumental in cross-border investigations and threat counteractions.

2. Much of the violence along the border is attributed to narcotics trafficking. Would you agree with this characterization? Is it safe for U.S. citizens who are not connected to narcotics trafficking to visit Nuevo Laredo?

Response:

We believe that much of the violence along the Mexican side of the border historically has been attributable to the combination of narcotics trafficking and justice institutions that are more susceptible to corruption, rather than due to the mere presence of narcotics trafficking alone. However, the recent escalation of violence in the border area appears to be specifically

attributable to a drug cartel war over control of the Nuevo Laredo/Laredo corridor, or "plaza." Strong and effective justice institutions and greater law enforcement presence in the U.S. serve as a deterrent to violence because they increase the likelihood of apprehension and incarceration. DOS issues travel advisories to U.S. citizens who travel abroad and is the appropriate agency to comment on the safety of visits to Nuevo Laredo.

3. In June, it was reported that Mexican troops and federal officers took over law enforcement activities in Nuevo Laredo. How would you rate the success of this initiative by the Mexican government? How long do you anticipate they will be present and what type of atmosphere do you foresee once they leave?

Response:

Pursuant to Operation "Secure Mexico," there was an initial period of several weeks in the early summer of 2005 during which Mexican federal officers replaced Nuevo Laredo Municipal Police Officers. While violence was not reduced during this period, the presence of Mexican federal law enforcement and military officials in Nuevo Laredo disrupted the operations of the Gulf Cartel and its enforcement arm, the Zetas, to some degree as high-value Cartel members temporarily fled the area, leaving subordinates to control the drug trafficking "plaza" in their absence. It is not clear, however, that overall drug activity was reduced, since the Cartel likely continued its operations unabated in other areas. At the end of this period, approximately 300 members of the municipal police force were fired and 250 members were re-armed and allowed to resume their duties in Nuevo Laredo. The federal military and law enforcement presence in Nuevo Laredo lessened around August 2005, but the "Secure Mexico" program continues today.

A continued Mexican federal law enforcement and military presence in the border areas over the next 12-18 months could have a significant impact on border violence in the Nuevo Laredo area if a regular rotation of federal personnel is used to avoid the compromise or corruption of these units by drug trafficking organizations and if there is improved coordination between federal and local Mexican law enforcement authorities. A reduction in drug trafficking and related violence in the broader region would require the additional use of focused, intelligence-driven operations against those who plan, direct, and engage in violence.

4. In your testimony, you outline the problem of kidnapping in the region and specifically point to the disappearance of Yvette Martinez and Brenda Cisneros. How would you describe the level of cooperation you have received from the Mexican authorities and what limitations does your agency face when attempting to locate these victims?

Response:

Notwithstanding the difficulties presented when two very different legal systems are involved, there is generally good cooperation between the FBI and Mexican authorities when we

are investigating crimes in Mexico involving United States victims. Typically, the exchange of information between FBI investigators and Mexican authorities is coordinated by FBI agents assigned as Border Liaison Officers. This liaison occurs with respect to the investigations of both non-drug related violent crimes along the U.S.-Mexico border and kidnappings, murders, home invasions, and other violent crimes motivated by drug trafficking activities. In all cases, the focus of these Border Liaison Officers is the identification of those responsible for these crimes and the safe return of any kidnapping victims.

This task is often quite challenging, because the families of kidnap victims and other victims of border violence are often unwilling to cooperate with either U.S. or Mexican authorities. This lack of cooperation may be founded on a fundamental lack of trust for law enforcement authorities, a fear of further retaliation from the criminals, or worry that law enforcement authorities will learn that the victim or family were involved in drug trafficking or other criminal activity that led to the kidnapping or other offense.

According to ordinary protocol, Mexican and U.S. authorities have exchanged information regarding the disappearance of Yvette Martinez and Brenda Cisneros. Unfortunately, as often occurs in such cases, few leads have been developed because those with information have been difficult to identify. Currently, there are few investigative avenues to pursue.

5. In August of 2005, Ambassador Garza temporarily closed the U.S. Consulate in Nueva Laredo due to the escalation in violence in the city. Does the FBI work with the State Department in protecting U.S. Citizens in the region considering the extreme proximity to U.S. soil?

Response:

Through its Border Liaison Officers, the FBI's San Antonio Division maintains contact with DS Special Agents and other personnel assigned to the U.S. Consulates near the U.S.-Mexico border, and U.S. Consulate personnel pass along to the FBI information relevant to violent crimes and other matters under the FBI's investigative jurisdiction. Among other things, the FBI has included DOS personnel in briefings conducted by Mexican authorities regarding violent crime in the Nuevo Laredo area and in meetings with Mexican and U.S. authorities to discuss methods of reducing border violence and better coordinating cross-border efforts. The FBI insures the timely dissemination of information regarding criminal activity in the border areas so the State Department and others can take appropriate action. The FBI also enhances U.S. efforts to protect citizens in these areas through the assignment of FBI Special Agents to Drug Enforcement Administration offices in this region pursuant to the "Resolution 6" agreement.

DOS has informed the FBI that, while the Consulates in Nuevo Laredo, Matamoros, and Nogales are currently covered as constituent posts by Regional Security Officers in Monterrey and

Ciudad Juarez, DOS is working to assign dedicated Special Agents to these Consulates in response to the increased violence in these border areas and to enhance the U.S. government's investigative capabilities regarding visa fraud and illegal trafficking in humans. DOS further advises that, during the temporary closure of the Consulate in Nuevo Laredo, DS Agents and other personnel were sent there to provide additional security and an intelligence/threat assessment, and that DS also provided additional security personnel to other border Consulates during 2005. DOS believes DS is crucial in keeping its Consular Affairs up to date by providing timely and relevant security and crime information that is also disseminated to U.S. citizens and law enforcement agencies.

RESPONSES TO QUESTIONS FOR THE RECORD FROM RAY GARZA, DEPUTY CHIEF PATROL AGENT, U.S. CUSTOMS AND BORDER PROTECTION

Post-Hearing Questions for the Record Oversight Hearing on "Weak Bilateral Law Enforcement Presence at the US-Mexico Border: Territorial Integrity and Safety Issues for American Citizens."

Mr. Rey Garza

Once a crime has been committed where the suspect is thought to be crossing back over the border immediately, how soon does your agency receive the information and what steps does CBP take to prevent this from happening?

1. These notifications can be broadcast and delivered within minutes of the actual event or within an hour or two. An exact time cannot be placed on the notification process.

Do you think that the current level of federal agents is adequate to effectively combat the violence and prevent it from spreading into the United States?

2. The Border Patrol has entered into multi-agency tasks forces to assist in combating the cross border violence. Operation Blackjack is one these task forces that is being utilized to specifically target the violence from Nuevo Laredo, Mexico into Laredo, Texas.

Is it safe for U.S. Citizens who are not connected to narcotics trafficking to visit Nuevo Laredo?

3. A majority of the violence is connected to narcotics trafficking but the violence is not limited to this area. Control of entry points, human trafficking, gang activities and control of other types of illegal contraband play a role in the cross border violence in this area. This is unable to be determined.

How would you rate the success of this initiative by the Mexican government? How long do you anticipate they will be present and what type of atmosphere do you foresee once they leave?

4. At the present time the success of this initiative is unable to be determined. There is no accurate way to determine the length of the current operation. The determining factor will be if the Mexican government continues to maintain these resources in this area.

RESPONSES TO QUESTIONS FOR THE RECORD FROM WILLIAM REID, ACTING ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT

House Committee on the Judiciary
Subcommittee on Crime, Terrorism and Homeland Security
"Weak Bilateral Law Enforcement Presence at the U.S.-Mexico Border: Territorial Integrity and Safety Issues for American Citizens"
November 17, 2005

Current as November 17, 2005.

QUESTION 1:
This growing violence among Mexico's drug cartels has extended to some U.S. cities, including Dallas. According to a State Department report, "The violence of warring Mexican cartels has spilled over the border from Mexico to U.S. sites on the other side."

Has U.S. Immigration and Customs Enforcement determined the approximate number of illegal members of Mexican cartels operating in U.S. cities? Where are they concentrated?

RESPONSE:
While it is clear that some aliens, who entered both legally and illegally, are involved to varying degrees in the operation and management of drug smuggling organizations within the United States, U.S. Immigration and Customs Enforcement (ICE) is unable to determine the actual or approximate number of cartel members operating in this country.

What procedures are taken once they are detained?

RESPONSE:
When ICE or other agencies encounter criminal aliens who are eligible for removal from the United States, ICE can use a broad range of administrative measures to remove them. An alien who then returns to the United States illegally after a formal order of removal has been entered against him is also subject to potential criminal penalties.

QUESTION 2:
Recently, there has been an obvious and dramatic increase in the level of violence in the Laredo region and I understand the U.S. Federal law enforcement community has responded with additional personnel.

Do you think the current level of federal agents is adequate to combat the violence effectively and prevent it from spreading to the United States?

RESPONSE:
Through Operation Black Jack and other multi-agency intelligence driven operations, we believe that we can leverage current staffing by sharing intelligence and prioritizing for dismantlement and prosecution the organizations responsible for the violence. It is also important that, when appropriate, we coordinate these intelligence-driven operations on both sides of the border to insure that we maximize the impact we have on the smuggling organizations.

QUESTION 3:
Much of the violence along the border is attributed to narcotics trafficking.

Would you agree with this characterization?

RESPONSE:
Violence traditionally has been associated with cross-border criminal activity. The current level of violence in the Nuevo Laredo area dramatically exceeds historical norms. The violence in the Nuevo Laredo area is associated with the intense competition between the remnants of the "Gulf Cartel" and the "Federation." These criminal organizations are attempting to take control of the drug and human smuggling routes that extend from Southern Mexico to the Nuevo Laredo area and ultimately into the United States. Each of these competing cartels has established relationships with violent criminal gangs that act as enforcers and spread violence in support of their cartels.

Is it safe for U.S. citizens who are not connected to narcotics trafficking to visit Nuevo Laredo?

RESPONSE:
Based on the following section of a Department of State Consular Information Sheet dated July 26, 2005, U.S. citizens should exercise extreme caution when visiting Nuevo Laredo and the border region.

"CRIME IN BORDER CITIES: Visitors to the U.S. - Mexico border region, including the cities of Tijuana, Ciudad Juarez, Nuevo Laredo, Nogales, Reynosa and Matamoros, should remain alert and be aware of their surroundings at all times.

Drug-related violence has increased dramatically in recent months, and shows no sign of abating. While U.S. citizens not involved in criminal activities are generally not targeted, innocent bystanders are at risk from the increase in violence in the streets of border cities. In Ciudad Juarez, Nuevo Laredo and Tijuana, shootings have taken place at busy intersections and at popular restaurants during daylight hours. The wave of violence has been aimed primarily at members of drug trafficking organizations, criminal justice officials and journalists. However, foreign visitors and residents, including Americans, have been among the victims of homicides and kidnappings in the border region. In recent months, the worst violence has been centered in the city of Nuevo Laredo in the Mexican state of Tamaulipas, where more than 45 U.S. citizens were kidnapped and/or murdered between August 2004 and July 2005. U.S. citizens are urged to be especially aware of safety and security concerns when visiting the border region and exercise common-sense precautions such as visiting only legitimate business and tourist areas of border towns during daylight hours."

QUESTION 4:
In June, it was reported that Mexican troops and federal officers took over law enforcement activities in Nuevo Laredo.

How would you rate the success of this initiative by the Mexican government?

RESPONSE:
We were pleased to see that Mexico responded to concerns about the violence in the Nuevo Laredo region with the deployment of military and federal police, and we continue to look forward to attendant reductions in both the number of homicides and the flow of drugs. We would defer the evaluation of that effort to Mexican authorities.

How long do you anticipate they will be present and what type of atmosphere do you foresee once they leave?

RESPONSE:
We will continue to coordinate with Government of Mexico and share information so that our law enforcement efforts will be closely coordinated to ensure the safest environment possible in the Laredo-Nuevo Laredo area. It is up to the Mexican Government to determine any timetable for future deployments or withdrawals of Mexican personnel from the Nuevo Laredo area.