



A Line in the Sand: *Confronting the Threat at the Southwest Border*



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EXECUTIVE SUMMARY AND FINDINGS

The Subcommittee on Investigations of the Committee on Homeland Security issues this interim report summarizing its findings regarding the criminal activity and violence taking place along the Southwest border of the United States between Texas and Mexico. The Texas-Mexico border region has been experiencing an alarming rise in the level of criminal cartel activity, including drug and human smuggling, which has placed significant additional burdens on Federal, State, and local law enforcement agencies. This interim report will examine the roots of the criminal enterprise and its effects on the local populations, what steps are being taken or should be taken to counter the threat, and the significance of these issues for the overall homeland security of the United States.

The United States border with Mexico extends nearly 2,000 miles along the southern borders of California, Arizona, New Mexico and Texas. In most areas, the border is located in remote and sparsely populated areas of vast desert and rugged mountain terrain.



U.S.-Mexico border in New Mexico

The border's vast length and varied terrain poses significant challenges to U.S. law enforcement efforts to control the entry of individuals and goods into the United States. The U.S. Customs and Border Protection (CBP) within the Department of Homeland Security (DHS) is the federal agency with primary responsibility to detect and prevent illegal entry into the United States. As of the date of this report, approximately 11,000

CBP agents patrol the nearly 6,000 miles of international border the United States shares with its neighbors Mexico and Canada.

In addition to Federal agents, State and local law enforcement also patrol the border areas. In remote areas along the border, many sheriffs' departments are called upon to address border-related criminal matters and serve as a backstop to CBP operations. In many cases, these local law enforcement agencies do not have the resources necessary to patrol the thousands of square miles of border territory under their respective jurisdiction, leaving the security of the border vulnerable.



U.S.-Mexico border in Arizona

While the Southwest border hosts robust legal commercial activity, the border also is the site of violent criminal enterprises. These enterprises are carried out by organized criminal syndicates and include the smuggling of drugs, humans, weapons, and cash across the U.S.-Mexico border.

During 2005, Border Patrol apprehended approximately 1.2 million illegal aliens; of those 165,000 were from countries other than Mexico. Of the non-Mexican aliens, approximately 650 were from special interest countries. Special interest countries are

those “designated by the intelligence community as countries that could export individuals that could bring harm to our country in the way of terrorism.”¹

A significant portion of illegal activity at the border relates to illegal drug smuggling. Below is a summary of FY 2005 Federal drug seizures, which shows a total of 1,129, 275 pounds of cocaine and 6,866,465 million pounds of marijuana.

FY2005 Federal Drug Seizures

<u>Federal Agency</u>	Cocaine (in lbs)	Marijuana (in lbs)	Methamphetamine (in lbs)
Border Patrol	12,000	1,200,000	728
ICE	345,031	1,036,241	3,501
Coast Guard	338,206	10,026	N/A
DEA	49,172	2,143,260	1,215
FBI	384,866	2,485,962	11,346
Total	1,129,275	6,866,465	16,790

Source: U.S. Customs and Border Protection, U.S. Coast Guard, DEA, and FBI

Federal law enforcement estimates that 10 percent to 30 percent of illegal aliens are actually apprehended and 10 percent to 20 percent of drugs are seized.² Therefore, in 2005, as many as 4 to 10 million illegal aliens crossed into the United States; and as much as 5.6 to 11.2 million pounds of cocaine and 34.3 to 68.6 million pounds of marijuana entered the United States.

The triple threat of drug smuggling, illegal and unknown crossers, and rising violence are the reality facing communities. While many illegal aliens cross the border searching for employment, not all illegal aliens are crossing into the United States to find work. Law enforcement has stated that some individuals come across the border because they have been forced to leave their home countries due to their criminal activity. These dangerous criminals are fleeing the law in other countries and seeking refuge in the United States.

Along the border with Mexico, there are 43 Ports of Entry, 18 in Texas, connecting with major U.S. interstate highways. These Ports or Entry and highway systems are intended to facilitate lawful trade and commerce. However, the Mexican drug cartels have been able to use these highways for their own ends, seeing in them an efficient means to transport their drugs and illegal aliens across the border.

¹ “Strengthening Border Security Between Ports of Entry: The Use of Technology to Protect Our Borders: Hearing Before the Subcomm. On Immigration, Border Security and Citizenship and the Subcomm. On Terrorism, Technology and Homeland Security of the Senate Comm. On the Judiciary, 109th Cong. (Apr. 28, 2005) (written statement of David Aguilar, Chief, Border Patrol, U.S. Department of Homeland Security).

² Interview by Subcomm. Staff with Federal law enforcement personnel (Aug. 21, 2006).

Mexican drug cartels operating along the Southwest border are more sophisticated and dangerous than any other organized criminal enterprise. The Mexican cartels, and the smuggling rings and gangs they leverage, wield substantial control over the routes into the United States and pose substantial challenges to U.S. law enforcement to secure the Southwest border. The cartels operate along the border with military grade weapons, technology and intelligence and their own respective paramilitary enforcers.

In addition, human smugglers coordinate with the drug cartels, paying a fee to use the cartels' safe smuggling routes into the United States. There are also indications the cartels may be moving to diversify their criminal enterprises to include the increasingly lucrative human smuggling trade.

Moreover, U.S. law enforcement has established that there is increasing coordination between Mexican drug cartels, human smuggling networks and U.S.-based gangs. The cartels use street and prison gangs located in the United States as their distribution networks. In the United States, the gang members operate as surrogates and enforcers for the cartels.

Murders and kidnappings on the both sides of the border have significantly increased in recent years. The violence along the U.S.-Mexican border has increased so dramatically, the United States Ambassador to Mexico, Tony Garza, during the last year, has issued an unprecedented number of diplomatic notes to the Mexican Government and threat advisories to U.S. citizens traveling to Mexico. During August 2005, the Ambassador closed the U.S. consulate in Nuevo Laredo for one week in order to assess security.

This new generation of sophisticated and violent cartels, along the Southwest border, is presenting significant challenges to U.S. law enforcement. These criminal syndicates have unlimited money to buy the most advanced weapons and technology available. The cartels monitor the movements and communications of law enforcement and use that intelligence to enable the criminals to transport their cargo accordingly.

In addition to the criminal activities and violence of the cartels on our Southwest border, there is an ever-present threat of terrorist infiltration over the Southwest border. Data indicates that there are hundreds of illegal aliens apprehended entering the United States each year who are from countries known to support and sponsor terrorism.

- U.S. Immigration and Customs Enforcement investigations have revealed that aliens were smuggled from the Middle East to staging areas in Central and South America, before being smuggled illegally into the United States.
- Members of Hezbollah have already entered the United States across the Southwest border.
- U.S. military and intelligence officials believe that Venezuela is emerging as a potential hub of terrorism in the Western Hemisphere. The Venezuelan

government is issuing identity documents that could subsequently be used to obtain a U.S. visa and enter the country.

In response to the increasing criminal activity and violence along the Texas-Mexico border, the State of Texas, in partnership with the Federal government, recently launched Operation Rio Grande, an initiative to increase border security. Under Operation Rio Grande, Texas has conducted targeted, short duration, and high intensity regional operations that integrate local, State and Federal law enforcement.

The Texas border security strategy includes four key areas of focus: 1) increasing patrols and law enforcement presence; 2) centralizing command, control and intelligence operations; 3) increasing State funding and deployment of State resources for border security; and 4) making better use of technology to fight border crime. By focusing on these areas, Texas has been able to mount an aggressive defense which has significantly reduced crime in areas of operations; and substantially decreased transnational drug and human smuggling enterprise activities between Ports of Entry.

Additionally, Texas has utilized a number of new tactics and strategies to achieve a reduction in crime on the border. A cornerstone of this new strategy has been the use of Joint Operations Intelligence Centers (JOIC) and a Border Security Operations Center (BSOC).

During the respective operations, crime in the border regions decreased anywhere from 30% to 75% in the targeted areas. This reduction was sustained even after the operation ended as local, State and Federal agencies continue to implement lessons learned and best practices. The net effect of these efforts is that Texas is developing the capability to curtail border-related criminal enterprises.

INTRODUCTION

The following interim report focuses on the criminal activity and violence along the Texas-Mexico border. The findings contained in this report reflect the work of the Subcommittee on Investigations, Committee on Homeland Security, U.S. House of Representatives.

At the direction of Congressman Michael McCaul, Chairman of the Subcommittee on Investigations and Vice Chairman of the U.S./Mexican Interparliamentary Group, the objective of this interim report is to document the state of border security along the Texas-Mexico border.

This interim report represents the culmination of several months of investigation by the Subcommittee. During 2006, the Subcommittee held hearings on border security examining the expanding crisis of violence on the Southwest border. On February 7, 2006, the Subcommittee convened to examine a particularly troubling incursion into the sovereign territory of the United States by armed individuals who were driving military-

style vehicles, carrying military type weapons, and appeared to be wearing Mexican army uniforms. On August 16, 2006, the Subcommittee convened a field hearing in Houston, Texas to hear testimony from Texas State and local government officials and law enforcement officials regarding border violence and criminal activity.

In addition, Subcommittee staff traveled to Texas, New Mexico, and Arizona and met with Federal, State and local law enforcement officials, county attorneys, and local residents and ranchers to gather facts relevant to this report. To understand the unique challenges facing law enforcement on the Southwest border, Subcommittee staff also accompanied law enforcement personnel as they patrolled the border.

Based on a review of the data, interviews conducted and other information collected, Subcommittee staff finds that:

1. *Drug trafficking organizations and human smuggling networks are proliferating and strengthening their control of key corridors along our Nation's Southwest border.*
2. *The Mexican drug cartels wield substantial control over the U.S.-Mexican border. Law enforcement on the border agree that very little crosses the respective cartel territories, or "plazas," along the Southwest border without cartel knowledge, approval, and financial remuneration.*
3. *These criminal organizations and networks are highly sophisticated and organized, operating with military style weapons and technology, utilizing counter surveillance techniques and acting aggressively against both law enforcement and competitors.*
4. *Drug trafficking organizations, human smuggling networks and U.S. based gangs are increasingly coordinating with one another to achieve their objectives.*
5. *Federal, State and local law enforcement report new and ever-increasing levels of ruthlessness and violence associated with these criminal organizations, which are increasingly spilling across the border into the United States and moving into local communities.*
6. *Each year hundreds of illegal aliens from countries known to harbor terrorists or promote terrorism are routinely encountered and apprehended attempting to enter the U.S. illegally.*
7. *The existing resources of the U.S. Border Patrol and local law enforcement must continue to be enhanced to counter the cartels and the criminal networks they leverage to circumvent law enforcement.*

I. Dangerous Criminal Enterprises Operating Along the Southwest Border

A. The Emerging Influence and Power of Mexican Drug Cartels

Mexican drug trafficking organizations and criminal gangs have emerged in recent years as the most influential drug traffickers in the United States. Though Mexico's cartels have existed for some time, they have become increasingly powerful with the demise of the Medellin and Cali cartels in Colombia and have now come to dominate the U.S. illicit drug market.

According to the National Drug Intelligence Center, Mexican cartels are "the predominant smugglers, transporters, and wholesale distributors of cocaine, marijuana, methamphetamine, and Mexico-produced heroin in the United States" and "are expanding their control over the distribution of these drugs in areas long controlled by Colombian and Dominican criminal groups, including areas of New York and Florida."³

In addition to drug trafficking, cartels have been tied to both human and arms smuggling, and U.S. intelligence officials report they expect to see human smuggling become another component of the drug cartels' business.⁴ This fact is of particular import in a post 9/11 environment and at a time in history when the United States is more concerned than ever about securing its borders.

Mexican cartels are also increasing their relationships with prison and street gangs in the United States to facilitate trafficking drugs within the United States.⁵ For example, gangs including the Latin Kings and Mara Salvatrucha buy methamphetamine from Mexican drug cartels for distribution in the southwestern United States.⁶

The U.S. Drug Enforcement Administration reports that the Mexican drug syndicates operating today along our Nation's Southwest border are far more sophisticated and dangerous than any of the other organized criminal groups in America's law enforcement history.⁷ Indeed, these powerful drug cartels, and the human smuggling networks and gangs they leverage, have immense control over the routes into the United States and continue to pose formidable challenges to our efforts to secure the Southwest border.

³ U.S. Department of Justice National Drug Intelligence Center, *National Drug Threat Assessment* (January 2006).

⁴ Interview by Subcomm. Staff with Federal law enforcement personnel in Wash, D.C. (September 18, 2006).

⁵ *Id.*

⁶ *Id.*

⁷ *Pushing the Border Back: the Role Intelligence Plays in Protecting the Border: Hearing Before the House Permanent Select Comm. on Intelligence*, 109th Cong. (August 17, 2006) at 6 (written Statement of John S. Comer, Assistant Special Agent in Charge Phoenix Field Division, Drug Enforcement Administration).

B. Smuggling Routes Along the Texas-Mexico Border

Along the Texas-Mexico border, drug cartels and organized criminal groups have established a robust presence in key strategic areas. The Texas-Mexico border is particularly attractive to these criminal networks as it spans approximately 1200 miles, includes 18 Ports of Entry, and has major interstate highways in Brownsville, McAllen, Laredo, and El Paso, thereby providing the organized crime groups with access to the rest of the Nation.

The South Texas region covers approximately 625 miles of border territory – a total area of 20,963 square miles and borders three separate Mexican States. Inside the territory are 11 Ports of Entry that include 15 international bridges. Directly across the cities of Brownsville, McAllen, and Laredo are major Mexican cities, each with a population between 600,000 and 800,000.



Trains from Central America and Mexico en route to the U.S. border

McAllen and Brownsville host interstate highways and thoroughfares, providing drug traffickers and human smugglers with ready access to the Nation's interior. Trains, usually 90 to 160 cars in length, traveling from Central America through Mexico to Brownsville, McAllen, and Laredo, are one mode of transportation illegal aliens use to enter the United States.⁸ Each year thousands of illegal aliens cling to the sides and tops of the rail cars for the journey to the north.⁹

⁸ Interview by Subcomm. Staff with Federal law enforcement personnel, in McAllen, Tex. (Aug. 21, 2006).

⁹ *Id.*



Trains from Central America and Mexico en route to the U.S. border



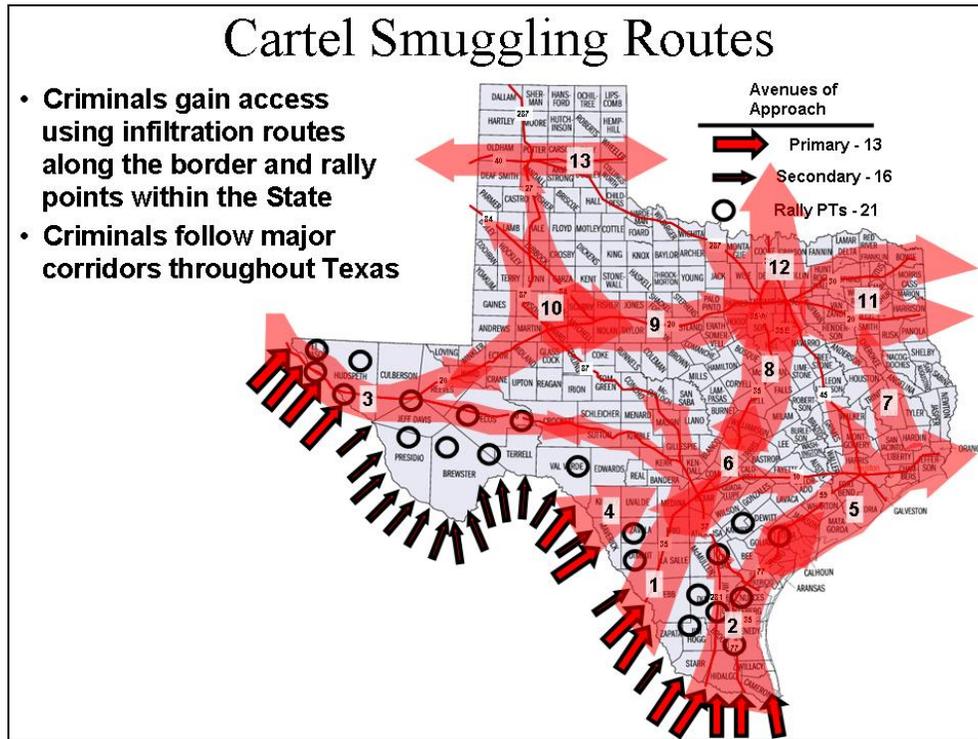
Train routes from Central America and Mexico with U.S. Destinations

The El Paso-Juarez corridor in west Texas also serves as the gateway for drugs destined to major metropolitan areas in the United States. Mexican drug cartels transport significant quantities of marijuana and cocaine through the El Paso Port of Entry using major east/west and north/south interstate highways. These highways provide the Mexican cartels with transportation routes for drug distribution throughout the United States. Drug cartels also obtain warehouses in El Paso for stash locations and recruit

drivers from the local area to transport the drugs to various destinations throughout the United States.¹⁰

The Alpine area is largely rural and sparsely populated, encompassing the Big Bend corridor, a transshipment route for drugs entering the United States from Northeast Mexico. The drug cartels maintain command and control elements to the north in the Midland-Odessa area and in the border towns to the south in Presidio and Redford.¹¹

The Laredo Port of Entry is the busiest and most heavily traversed land Port of Entry on the Southwest border, handling approximately 6,000 commercial vehicles a day. Forty percent of all Mexican exports cross into Laredo, Texas, where Interstate 35 connects directly to Dallas, and from there throughout the United States. U.S. Border Patrol Chief John Montoya describes this Port of Entry as “the key ingress into the United States.” “It’s called a gateway city, not only into Mexico but into the United States as well.”¹² The very conditions that make the Laredo Port of Entry so attractive to legitimate commerce also make the city ideal for the illicit drug and human smuggling trade.



Drug and human smuggling routes from Mexico into the United States

¹⁰ Press Release, Drug Enforcement Agency, Jun. 1, 2006; available at <http://www.usdoj.gov/dea/pubs/States/texas.html>.

¹¹ *Id.*

¹² Chris Bury, *Drug 'War Zone' Rattles U.S.-Mexico Border*, ABC NEWS, Aug. 30, 2006.

C. Cartels Waging Violent Turf Battle Over Control of Key Smuggling Corridor

Nuevo Laredo, Laredo's neighboring city on the Mexico side of the border, is the most important launching point for illegal contraband entering the United States. Nuevo Laredo is also where much of the violence and drug cartel activity has taken place in recent years. The violence is due to the fact that the major drug cartels are currently battling for control over this highly coveted corridor into the United States known as a "plaza."

The plaza proceeds through major cities with large highway systems where both aliens and drugs can be staged prior to movement to other parts of the United States. Control of this corridor translates into control of all illegal smuggling, both of humans and drugs. Any criminal organization that wants to smuggle through this established safe passage into the United States is required to pay a tax to the cartel that controls the plaza.¹³

The Sinaloa cartel began to contest the Gulf Cartel's domination of this coveted corridor following the arrest of Gulf Cartel leader Osiel Cardenas in March 2003. While in prison, Arellano Felix, head of the Tijuana cartel, and Cardenas forged an alliance against the Sinaloa and its ally the Juarez cartel. As a result, the cartels are now largely aligned into two blocks, some which support the Gulf Cartel and others which support the Sinaloa Cartel. It is these two blocks that are involved in the massive and violent turf wars which are currently being carried out in Nuevo Laredo.¹⁴

To protect and expand their criminal operations, Mexican drug cartels maintain highly developed intelligence networks on both sides of the border and have hired private armies to carry out enforcement measures.¹⁵ For example, the Gulf Cartel leader Cardenas employs a group of former elite military soldiers known as "Los Zetas."¹⁶ The Zetas are unique among drug enforcer gangs in that they operate as "a private army under the orders of Cardenas' Gulf Cartel, the first time a drug lord has had his own paramilitary."¹⁷ The Zetas have been instrumental in the Gulf Cartel's domination of the drug trade in Nuevo Laredo, and have fought to maintain the cartel's influence in that city following the arrest of Cardenas.¹⁸ The Zetas' activities are not limited to defending the Gulf Cartel's terrain in northern Mexico. The paramilitary force is also believed to control trafficking routes along the eastern half of the U.S.-Mexico border.¹⁹

The Zetas are believed to be a serious threat to public safety on both sides of the Southwest border. They are well-financed and well-equipped and have demonstrated a

¹³ Interview by Subcomm. Staff with Federal law enforcement personnel, in Wash, D.C. (Sept. 27, 2006).

¹⁴ Interview by Subcomm. Staff with Federal law enforcement personnel, in McAllen, Tex. (Aug. 21, 2006).

¹⁵ Interview by Subcomm. Staff with Federal law enforcement personnel (Sept. 25, 2006).

¹⁶ *Id.*

¹⁷ Oscar Becerra, *New Traffickers Struggle for Control of Mexican Drug Trade*, JANE'S INTELLIGENCE REVIEW (Sept. 1, 2004).

¹⁸ Interview by Subcomm. Staff with Federal law enforcement personnel, in McAllen, Tex. (Aug. 21, 2006).

¹⁹ *Id.*

willingness to shoot, torture, and kill law enforcement officers, or rival cartel and gang members on both sides of the border. Federal law enforcement officials deem the Zetas among the most dangerous criminal enterprises in the Americas.²⁰

Reports indicate that while the Zetas were initially comprised of members of the Mexican military's Special Forces, they now include Federal, State, and local law enforcement personnel as well as civilians. Moreover, according to U.S. intelligence officials, Zetas are recruiting former Guatemalan Special Forces military personnel known as Kaibiles and members of the notorious cross-border gangs known as Maras, including the violent Mara Salvatruchas (MS-13).²¹

The cartels' methods of torture and killing are particularly brutal. On September 6, 2006, masked gunmen entered a nightclub in the Michoacan, fired guns in the air and rolled five severed human heads onto the dance floor.²² The gunmen left a sign among the severed heads that read:

“The family doesn't kill for money. It doesn't kill women. It doesn't kill innocent people, only those who deserve to die. Know that this is divine justice.”²³

According to Federal law enforcement officials; this hideous act was a revenge killing between warring gangs. Decapitations are becoming quite common in many areas in Mexico where cartels and gangs battle for control over lucrative smuggling corridors. Heads are publicly displayed for the purpose of intimidation.

Another brutal means of torture and death is called “guiso.” This practice involves putting a person into a 55 gallon drum, usually dead, but not always, and pouring various flammable liquids over the body and lighting it on fire. A variation on this method is to place a burning tire around the neck of an individual, burning the victim alive. The remains are dumped on roadsides as a message to others who would consider crossing the cartels.²⁴ The ruthless methods employed by these cartels to torture and kill their competitors are no different than the techniques used by Al Qa'ida and other terrorist organizations. This level of brutality is particularly troubling as the cartels are executing these vicious murders a mere stones-throw from U.S. soil.

Sometimes the violence and intimidation is captured on video. In 2005, a video was anonymously delivered to the *Dallas Morning News* showing four men, handcuffed and badly beaten in front of a backdrop of black plastic, describing to off-camera interrogators their work as cartel assassins. The men were members of the Zetas. The video ends when one of the Zetas is shot in the head at point blank range by an off-

²⁰ *Id.*

²¹ *Id.*

²² National Public Radio, *A Cult of Death in Michoacan*, npr.com, September 20, 2006; available at <http://www.npr.org/templates/story/story.php?storyId=6117539>.

²³ *Id.*

²⁴ Interview by Subcomm. Staff with Federal law enforcement personnel, in McAllen, Tex. (Aug. 21, 2006).



“La Barbie,” head of the Sinaloa enforcers alleged to have killed members of Zetas

camera captor. Law enforcement authorities have never found the body of the murdered Zeta, nor the other three men, dead or alive.²⁵

U.S. law enforcement officials are struck with the resiliency and determination of these criminals. In the words of one law enforcement official: “They [the Zetas] have the Texas-Mexico border wired.”²⁶ For example, in 2005, just six hours after being sworn in as Nuevo Laredo’s Police Chief, Alejandro Dominguez was killed. He had announced a crackdown on the cartels. He was shot more than 50 times.²⁷ During mid-September 2006, a group of 25 individuals in Nuevo Laredo were gathered in a local hotel with visas to travel to the U.S. for work. The Zetas mistakenly thought the workers were from a rival cartel and kidnapped and tortured them. The workers were released when the cartels realized their mistake. U.S. Federal law enforcement authorities said Mexican police would not respond to the emergency calls for help that were made during the incident.²⁸

The violence is beginning to spread to neighboring Mexican States also sharing a border with Texas. Nuevo Leon, once thought to be one of the safest States and home to some of the richest families in Mexico, has seen the murders of three top law enforcement officials who had spoken out against the drug cartels. Also, during September 2006, two police chiefs were killed as well as the top crime investigator.²⁹ In the past two years, six journalists covering drug trafficking along the border have also been killed.

²⁵ *Id.*

²⁶ Alfredo Corchado, THE DALLAS MORNING NEWS (Sept. 24, 2006).

²⁷ Interview by Subcomm. Staff with Federal law enforcement personnel (Sept, 27, 2006).

²⁸ *Id.*

²⁹ *Id.*

The Zetas have now become completely entrenched in Nuevo Laredo and have grown to more than five hundred with hundreds more in a support network throughout Mexico.³⁰ In an example of the Zeta's capabilities, a shootout on September 22, 2006 in Nuevo Laredo between the Zetas and an assassination target lasted approximately 40 minutes. The shootout included bazookas and grenades and reportedly killed approximately five Zetas and injured approximately five others.³¹

In response to such aggressive efforts on the part of the Zetas to defend and control parts of Mexico and its border with the U.S., the Sinaloa cartel established its own heavily-armed enforcer gang, "Los Negros." The group operates in a similar fashion to the Zetas. Los Negros, attempting to wrest control from the Zetas over the local police in Nuevo Laredo are believed to be responsible for the recent rise in violence there.³² According to Webb County Sheriff Rick Flores, the warring cartels and the increase in violence wrought by these paramilitary enforcers have provoked a major cross-border human exodus from Nuevo Laredo into Laredo, Texas.³³

D. Increasing Coordination Between Mexican Drug Cartels, Human Smuggling Networks, and U.S.-Based Gangs

Federal, State, and local law enforcement officials are witnessing a growing nexus between the Mexican drug cartels, illegal alien smuggling rings, and U.S. based gangs.³⁴ The human smuggling networks that operate along the Southwest border cannot move their human cargo through drug cartel controlled corridors without paying a fee.³⁵ The typical Mexican illegal alien now pays approximately \$1,200 to \$2,500. For aliens from countries other than Mexico this price is often considerably higher, and may even be more alluring for the cartels.³⁶ Foreign nationals are often charged an exorbitantly higher fee ranging anywhere from \$45,000 to \$60,000 per person.³⁷ Indeed, it is estimated that human smuggling through Mexico into the United States each year puts billions of dollars into criminal hands.³⁸

According to U.S. law enforcement officials, tremendous incentive exists for drug cartels to diversify their criminal enterprises to include the human smuggling trade.³⁹ Human smuggling can be more lucrative than the illicit drug trade and the benefits far outweigh the risks for the cartels. There are many reasons for this. Law enforcement is dealing with a different type of commodity – drugs don't hide themselves as humans are able.

³⁰ Interview by Subcomm. Staff with Federal law enforcement (Sept. 26, 2006).

³¹ *Id.*

³² Laurie Freeman, *State of Siege: Drug-Related Violence and Corruption in Mexico*, (Wash. Office in Latin America) (June 2006).

³³ Interview by Subcomm. Staff with Rick Flores, Webb County Sheriff's Office, Laredo, Tex. (Aug. 23, 2006) [hereinafter Aug. 23 Interview with Flores].

³⁴ Interview by Subcomm. Staff with Federal law enforcement personnel, in McAllen, Tex. (Aug. 21, 2006); Interview by Subcomm. Staff with Federal law enforcement (Sept. 26, 2006).

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ Telephone interview by Subcomm. staff with Federal law enforcement personnel (Oct. 13, 2006).

Consequently, smugglers can transport large numbers of illegal aliens across the border at one time and meet with some success.

Moreover, prosecutions for human smuggling are abysmally low.⁴⁰ Typically, groups of illegal aliens apprehended attempting to cross the border will not identify the smuggler in the group. For those smugglers that are identified and captured, most are simply returned to their country of origin. Thus, there is a revolving door for the smugglers. Since it is unlikely the smuggler will be prosecuted he or she can opt for voluntary removal, face no criminal penalties and smuggle again. As human smugglers charge anywhere from \$2,000 to \$60,000 per alien and face little or no consequences if caught, human smuggling is a far less risky business endeavor than the drug trade.

Federal law enforcement officials also report that the cartels are not only increasingly engaged in the human smuggling business, they are also actively coordinating with existing human smuggling rings, using diversionary tactics to protect their loads.⁴¹ It is not uncommon for cartels to facilitate the crossing of fifty or more illegal aliens across the U.S.-Mexico border to divert Border Patrol resources away from an area they plan to transport large amounts of drugs across.

Mexican drug cartels have also increasingly “cemented” ties to street and prison gangs on the U.S. side.⁴² U.S. gangs retail drugs purchased from Mexican traffickers and often work as cartel surrogates and enforcers on U.S. soil.⁴³ Mara Salvatrucha, (MS-13) is one such gang involved in the cross-border drug smuggling business. MS-13 has established a growing presence in cities across the United States. Law enforcement agencies in twenty-eight States have reported MS-13 members are engaged in retail drug trafficking. Drug proceeds are subsequently laundered through seemingly legitimate local businesses.⁴⁴

On September 28, 2006, in Laredo, Texas, twelve gang members were indicted in Laredo, Texas on seventeen counts of illegal drug and firearm offenses. Charges against the defendants include engaging in a continuing criminal enterprise, conspiracy to possess with intent to distribute cocaine, possession of cocaine, felons in possession of weapons and possession of weapons during and in relation to a drug trafficking crime. All twelve defendants are believed to be members of or associated with the Hermandad de Pistoleros Latinos (Brotherhood of Latin Gunmen) prison gang and working for the Gulf Cartel.⁴⁵ Federal and State officials report that a growing number of gangs are increasingly collaborating with the major drug cartels to facilitate cross-border smuggling of not only

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Interview by Subcomm. Staff with Federal law enforcement (Sept. 26, 2006); *Combating Violence at the U.S. Southwest Border: Hearing Before the Subcomm. on Crime, Terrorism, and Homeland Security and the Subcomm. on Immigration, Border Security and Claims of the House Comm. on Judiciary*, 109th Cong. (Nov. 2005) at 1-2 (written Statement of Chris Swecker, Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation).

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Press Release , U.S. Department of Justice, *Pistolero Gang Leader Convicted*, (Sept. 29, 2006).

drugs, but also humans. These gangs include MS-13, Mexican Mafia, and the Texas Syndicate. In August 2006, Mexico's Deputy Attorney General for Organized Crime, Jose Luis Santiago Vasconcelos, postulated these gangs are becoming increasingly more powerful as they fill the void left by the cartels when their leadership is arrested by the Mexican government.⁴⁶

In February 2005, FBI Director Robert Mueller described U.S. based-gangs as "more organized, more violent, and more widespread than ever."⁴⁷ The Department of Justice estimates there are approximately 30,000 gangs with more than 800,000 members in the U.S.⁴⁸ Mueller believes these violent gangs pose a growing threat to the safety and security of Americans.⁴⁹

Many members of violent street gangs are actively involved in other crimes such as rape, robbery, and murder. U.S. Immigration and Customs Enforcement has found that approximately half of the apprehended gang members have violent criminal histories, with arrests and convictions for crimes such as robbery, assault, rape and murder.⁵⁰ This figure includes only those whose criminal histories are known. Approximately 90 percent of U.S. MS-13 members are foreign-born illegal aliens and depend upon the Texas-Mexico border smuggling corridor to support their criminal operations.⁵¹ MS-13 members are involved in a variety of other types of criminal activity, including rape, murder, and extortion.⁵²

The foreign nationals who belong to these gangs often ignore Federal immigration laws, regularly entering the United States illegally. They then travel to the nation's interior cities to join with other gang members and participate in criminal activity. A Federal investigator told Committee staff of a recent interview he conducted with an MS-13 member who described the ease with which he had routinely traversed the Southwest border. The gang member decided to return to his native country of Guatemala to spend Christmas with his mother. To save his own money, he voluntarily turned himself into authorities and was flown home at U.S. Government expense under the expedited

⁴⁶ *Mexico: Gunmen Taking Over the Cartels*, LATINNEWS WEEKLY REPORT, Aug. 8, 2006.

⁴⁷ *Global Threats to the U.S. and the FBI's Response: Hearing Before the Senate Comm. On Intelligence*, 108th Cong. (Feb. 16, 2005) at 15 [written statement of Robert S. Mueller, Director, Federal Bureau of Investigation].

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Federal Strategies to End Border Violence: Hearing Before the Subcomm. on Immigration, Border Security and Citizenship and the Subcomm. on Terrorism, Technology and Homeland Security of the Senate Comm. on the Judiciary*, 109th Cong. (Mar. 1, 2006) at 11-13 (written Statement of Marcy Forman, Director, Office of Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security).

⁵¹ *Federal Strategies to End Border violence: Hearing Before the Subcomm. on Immigration, Border Security and Citizenship and the Subcomm. on Terrorism, Technology and Homeland Security of the Senate Comm. on the Judiciary*, 109th Cong. (Mar. 1, 2006) at 11-13 (written Statement of Marcy Forman, Director, Office of Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security).

⁵² *Gangs and Crime in Latin American: Hearing Before the Subcomm. on the Western Hemisphere of the House Comm. on International Relations*, 108th Cong. (Apr. 20, 2005) at 4 (written Statement of Chris Swecker, Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation).

removal program, spent the holidays with his family, and returned by illegally crossing the Southwest border. The gang member boasted this process is so easy he has repeated it several times.⁵³

The Zetas are also one of the main groups smuggling illegal aliens and drugs into the United States from Mexico. A recent FBI bulletin noted that “FBI intelligence indicates that Los Zetas are becoming increasingly involved in systematic corruption as well as alien smuggling, including smuggling special interest aliens into the United States.”⁵⁴ The Zetas wield their control over the movement of people across the border through an elaborate network of spies, checkpoints and use of sophisticated technology. Some of those networks are deepening their ties to Texas cities, including Houston and Dallas, with the help of gang members.⁵⁵

In 2005, law enforcement linked at least three drug related killings in the Dallas area to the Zetas. Texas law enforcement authorities believe a squad of Zeta members, as many as ten, might be operating inside Texas as assassins for the Gulf Cartel. Authorities said the cartel is protecting nearly \$10 million in daily drug transactions in Texas.⁵⁶ Zetas are also known to have established smuggling routes in residential neighborhoods on the U.S. side of the border that are used to smuggle “high-value” illegal aliens.⁵⁷

E. Human Smugglers’ Disregard for Human Lives

In most instances, alien smuggling organizations have shown complete disregard for the lives under their control. In a trafficking case in McAllen, Texas, two smuggled women from Central America were found on the side of a road beaten and without clothing. Their captors intimidated the victims by shooting weapons into the walls and ceiling as they were raped.⁵⁸ U.S. law enforcement officials say it is a virtual certainty that women will be sexually assaulted or raped on their journey across the Southwest border into America.⁵⁹

In May 2006, Webb County, Texas sheriff’s deputies found 56 illegal immigrants locked inside a refrigerated trailer. An anonymous call led the deputies to the trailer in a warehouse district of Laredo, Texas. When the deputies arrived on the scene, there was no driver in sight and no way for the individuals locked inside to escape. The forty-three

⁵³ Interview by Subcomm. Staff with a Federal investigator (Sept. 19, 2006).

⁵⁴ See Blas Nunez-Neto, Cong. Res. Serv., Order No. RL33097, *Border Security: Apprehensions of “Other Than Mexican” Aliens* (June 20, 2006) [hereinafter Blas Nunez, *Apprehensions of “Other Than Mexicans”*].

⁵⁵ Interview by Subcomm. Staff with Federal law enforcement (Sept. 26, 2006); *Combating Violence at the U.S. Southwest Border: Hearing Before the Subcomm. on Crime, Terrorism, and Homeland Security and the Subcomm. on Immigration, Border Security and Claims of the House Comm. on Judiciary*, 109th Cong. (Nov. 2005) at 1-2 (written Statement of Chris Swecker, Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation).

⁵⁶ Jerry Seper, *Mexico: Former Members of An Elite Force of Anti-Drug Commandos Aiding Drug Traffickers*, THE WASHINGTON TIMES, Feb. 24, 2005.

⁵⁷ Aug. 23 Interview with Flores.

⁵⁸ *Id.*

⁵⁹ *Id.*

men, eleven women and two children had been in the truck for approximately six hours and many were near death by the time they were rescued.⁶⁰

In another case, two individuals were convicted on February 2, 2006, in Tucson, Arizona for causing death and serious bodily injury while smuggling illegal aliens and attempting to evade arrest. The smugglers were transporting illegal aliens in a stolen truck on an Arizona Interstate and, during a high speed pursuit, caused an accident that involved ten vehicles. The accident resulted in the deaths of five people, including an elderly couple hit head on, and injured thirty-eight individuals.⁶¹

The illegal aliens smuggled into the United States on rail trains coming from Mexico into Brownsville, McAllen, and Laredo, Texas are often robbed, beaten, and sexually assaulted by gangs and corrupt law enforcement officials along the way.⁶² Sadly, these examples are not rare, but are instead daily occurrences in the multi-billion dollar human smuggling business.

F. Border Violence Against Law Enforcement and U.S. Citizens

The violence on the Southwest border encountered by U.S. Border Patrol and local law enforcement is increasing at an alarming rate. From 2004 to 2005, violent incidents against Border Patrol agents on the Southwest border have increased 108%. During FY 2006, there have been 746 violent incidents against Border Patrol agents, including 435 incidents of rock assaults, 173 physical assaults, 46 vehicle assaults, and 43 firearm assaults. In January 2006, the Department of Homeland Security sent a confidential memo to Border Patrol agents warning that they could be the targets of assassins hired by alien smugglers.⁶³

⁶⁰ *Id.*

⁶¹ Press Release, U.S. Immigration and Customs Enforcement “*ICE Initiatives to Combat Southwest Border Violence*” (Mar. 8, 2006); Interview by Subcomm. Staff with Ed Rheinheimer, Cochise County Attorney, in Bisbee, Ariz. (July 24, 2006).

⁶² Interview by Subcomm. Staff with Federal law enforcement personnel, in McAllen, Tex (Aug. 21, 2006).

⁶³ See Blas Nunez-Neto, Cong. Res. Serv., Order No. RL33097, *Border Security: Apprehensions of “Other Than Mexican” Aliens* (June 20, 2006) [hereinafter Blas Nunez, *Apprehensions of “Other Than Mexicans”*].

Rocking Violence Against Border Patrol Agents



Injuries suffered by Border Patrol agents from rocks thrown

According to Texas Homeland Security Director Steve McCraw, the ruthlessness and violence of these criminal networks are unprecedented. At one time, members or associates of Mexican drug cartels would drop the drugs or abandon their vehicles when confronted by U.S. law enforcement. Similarly, human smugglers would simply give up when approached or stopped on the highway. This is no longer the case. The drug cartels no longer tolerate compliance. Loads of both drugs and humans are vigorously protected by direct confrontation, high speed chases, and standoffs at the Rio Grande River.⁶⁴

In today's climate, U.S. Border Patrol agents are fired upon from across the river and troopers and sheriff's deputies are subject to attacks with automatic weapons while the cartels retrieve their contraband. In May 2006, the Zapata County Sheriff's Office received information that the cartels immediately across the border plan to threaten or kill as many police officers as possible on the United States' side.⁶⁵

⁶⁴ *Criminal Activity and Violence Along the Southern Border: Hearing Before the Subcomm. on Investigations of the House Comm. on Homeland Security*, 109th Cong., (Aug. 16, 2006) at 2 (written Statement of Steve McCraw, Director, Governor's Office of Homeland Security, Tex).

⁶⁵ Interview by Subcomm. Staff with Sigifredo Gonzalez in Laredo, Tex (Aug. 23, 2006).

Laredo, Texas Incident 12/28/2005



On December 28, 2005, while apprehending a group of undocumented aliens, two border patrol agents were fired upon by an unknown assailant on the Mexican side of the border. A CBP Remote Video Surveillance camera operator was able to capture pictures of the likely assailants, shown above. Since this incident, the same assailant (2nd from the left) has been tied to three other incidents involving shots fired at CBP Border Patrol Agents.

Between May 2004 and July 2006 there have been forty-nine reported abductions of U.S. citizens in the region between the Texas cities of Del Rio and Brownsville. Thirty-four of these abductions occurred in Nuevo Laredo 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, as many kidnappings of U.S. citizens go unreported.⁶⁶

Yvette Martinez, 27, and her friend Brenda Cisneros, 23, are among nine Americans who the FBI says have simply disappeared along the border in the last two years. Martinez and Cisneros crossed the border in September 2004 to attend a concert in Nuevo Laredo – and never came back. The FBI revealed in testimony that alleged members of Los Zetas are believed to have kidnapped Martinez and Cisneros.⁶⁷ The violent brazenness of these criminal groups knows no limits. In broad daylight, a young man was gunned down in a Laredo parking lot as his pregnant wife looked on. The ambush had all the markings of a cartel assassination.⁶⁸ Webb County, Texas Sheriff Rick Flores is concerned with the level of brutality that accompanies the cartels as they move their merchandise across the border. Flores says these cartels show no mercy for women or children.⁶⁹

⁶⁶ *Combating Violence at the U.S. Southwest Border: Hearing Before the Subcomm. on Crime, Terrorism, and Homeland Security and the Subcomm. on Immigration, Border Security and Claims of the House Comm. on Judiciary*, 109th Cong. (Nov. 2005) at 1-2 (written Statement of Chris Swecker, Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation).

⁶⁷ *Id.*

⁶⁸ Aug. 23 Interview with Flores.

⁶⁹ *Id.*

In response to the violence in Nuevo Laredo, Ambassador Tony Garza has been compelled to take an unprecedented number of actions to address the escalating crisis. On August 1, 2005, Ambassador Garza suspended operations at the U.S. Consulate in Nuevo Laredo for one week in order to assess the security of consulate employees. The closure followed a violent battle involving unusually advanced weaponry between armed criminal factions.⁷⁰

On January 25, 2006, the Ambassador sent a Diplomatic Note to the Mexican Government regarding the January 23, 2006 border incursion in Hudspeth County, Texas. Ambassador Garza requested the Mexican government fully investigate the January 23 incident in which individuals dressed in military uniforms, carrying military-style weapons, and using military vehicles intervened to prevent a drug shipment from being intercepted by U.S. law enforcement operating in the United States.⁷¹



Cartel members unloading drugs after failed attempt at U.S. entry during alleged military incursion January 23, 2006

Ambassador Garza also stated “the violence of late along our border highlights the need for increased enforcement efforts by the United States and serves to bolster the arguments of those who seek the creation of physical barriers along our border. It also makes recent assertions that the United States is somehow exaggerating the problems along our border all the more untenable, and highlights the inability of the Mexican government to police its own communities south of the border.”⁷²

⁷⁰ Press Release, U.S Embassy in Mexico, Ambassador Tony Garza, (July 29, 2005).

⁷¹ Press Release, U.S Embassy in Mexico, Ambassador Tony Garza, (Jan. 25, 2006).

⁷² *Id.*

On January 27, 2006, Ambassador Garza issued a second Diplomatic Note. He again addressed the increasing violence on the Mexican side of the border and the recent attacks against U.S. Border Patrol where agents had been shot or fired upon.⁷³

As recently as September 14, 2006, Ambassador Garza issued an advisory to Americans traveling to Mexico describing the increased violence and asking them to exercise caution. “Violence in the U.S.-Mexico border region continues to threaten our very way of life, and as friends and neighbors, Mexicans and Americans must be honest about the near-lawlessness of some parts of our border region....Drug cartels, aided by corrupt officials, reign unchecked in many towns along our common border.”⁷⁴

One week later, on September 21, 2006, U.S. officials from several Federal law enforcement agencies met with their Mexican counterparts in Laredo, Texas to discuss the violence along the border. The officials all agreed that an immediate response to violence and increasing criminal activity and ending the culture of impunity is needed, especially in border zones like Nuevo Laredo and Tijuana.⁷⁵

G. The Sophisticated Technology and Advanced Resources of the Drug Cartels

According to El Paso County Sheriff Leo Samaniego, drug cartels operating along the southwestern U.S. border are a “country unto themselves” with intelligence capabilities, weaponry and communications equipment that challenges the Border Patrol and local law enforcement.⁷⁶ Sheriff Samaniego advises his deputies to “back off” when they see well armed individuals from cartels and other criminal organizations.⁷⁷

Zapata County, Texas Sheriff Sigifredo Gonzalez reports having been told by a number of informants familiar with drug cartel operations that local law enforcement is armed with woefully inadequate weaponry when compared with the automatic assault weapons used by the drug cartels.⁷⁸ And in Hidalgo County, Sheriff Luca Trevino reports that in the summer of 2006, two of his deputy sheriffs came under attack as 300 to 400 rounds were fired from automatic weapons originating on the Mexican side of the river.⁷⁹

This new breed of cartel is not only more violent, powerful and well financed, it is also deeply engaged in intelligence collection on both sides of the border.⁸⁰ The tactics used

⁷³ Press Release, U.S Embassy in Mexico, Ambassador Tony Garza, (Jan. 27, 2006).

⁷⁴ Press Release, U.S Embassy in Mexico, Ambassador Tony Garza, (Sept. 14, 2006).

⁷⁵ Press Release, US Embassy in Mexico, Ambassador Tony Garza, (Sept. 21, 2006).

⁷⁶ Cybercast New Service, *Southern Border Sheriffs Outgunned by Drug Cartels*, CNSnews.com, August 25, 2006; available at <http://www.cnsnews.com/ViewSpecialReports.asp?Page=/SpecialReports/archive/200608/SPE20060825a.html>.

⁷⁷ *Id.*

⁷⁸ Email correspondence from Sheriff Sigifredo Gonzalez to Subcomm. Staff (Oct. 12, 2006) (6:07p.m.).

⁷⁹ *Criminal Activity and Violence Along the Southern Border: Hearing Before the Subcomm. on Investigations of the House Comm. on Homeland Security*, 109th Congress, (Aug. 16, 2006) at 20-24 (Statement of Rep. Poe, Member, U.S. House of Representatives).

⁸⁰ Telephone Interview by Subcomm. Staff with Steve McCraw, (Sept. 27, 2006).

by these sophisticated networks include placing spotters with high-powered binoculars and encrypted radios in the mountains to guide smugglers past Border Patrol and other law enforcement agencies operating along the border.⁸¹ A Library of Congress report on Criminal and Terrorist Activity in Mexico describes how smugglers carry on a “technological arms race” with CBP and ICE.⁸²

Webb County, Texas Sheriff Rick Flores indicated that he is disturbed by the level of resources the cartels and criminal organizations possess and utilize against local law enforcement noting that the cartels utilize rocket propelled grenades...automatic assault weapons, and “level four” body armor and Kevlar helmets similar to what the U.S. military uses.⁸³ Some local officials are taking steps to protect their officers from these weapons. The Sheriff for Hidalgo County, Texas Sheriff has prohibited the deputies in his department from patrolling along the banks of the Rio Grande River because of the threat of violence from the cartels.⁸⁴

The criminal organizations are indeed extremely advanced, well-equipped, and highly adaptable to enforcement measures marshaled against them. In January 2006, ICE agents, along with ATF agents and Laredo Police Department officers seized an enormous cache of weapons in Laredo, Texas. Authorities confiscated two completed improvised explosive devices (IEDs) materials for making thirty-three more, military style grenades, twenty-six grenade triggers, large quantities of AK-47s and AR-15 assault rifles, 1,280 pounds of ammunition, silencers, machine gun assembly kits, 300 primers, bulletproof vests, police scanners, sniper scopes, narcotics and cash. These seizures clearly illustrate the level of violence along the border, especially in Nuevo Laredo and Juarez area.⁸⁵

⁸¹ Blas Nunez, *Apprehensions of “Other Than Mexicans.”*

⁸² Ramon J. Miro, *Organized Crime and Terrorist Activity in Mexico, 1999-2002*, Library of Congress, (Feb. 2003).

⁸³ *Criminal Activity and Violence Along the Southern Border: Hearing Before the Subcomm. on Investigations of the House Comm. on Homeland Security*, 109th Congress, (Aug. 16, 2006) at 47 (Statement of Rick Flores, Sheriff, Webb County, Tex.).

⁸⁴ *Id.*

⁸⁵ Interview by Subcomm. Staff with Federal law enforcement personnel in Laredo, Tex. (Aug. 23, 2006).



Weapons cache seized in Laredo, Texas January 26, 2006

Drug cartels and the other criminal organizations they leverage and employ continue to develop new techniques that impede detection by law enforcement agencies. Despite the more than one thousand border patrol agents who work in the Laredo area, despite the dozens of thermal imaging cameras along nearly 200 miles of border, and despite the checkpoints along major highways, local law enforcement officers have indicated that the smugglers know how to slip through by using private property to circumvent the roadblocks. According to Sheriff Flores of Webb County, Texas, “[f]or all the beefed up enforcement on the border, the drug cartels appear stronger and more violent than ever.”⁸⁶

In short, the manpower, resources, and technology utilized by U.S. law enforcement needs to be enhanced to combat the highly organized and sophisticated cartels. These criminal enterprises have seemingly unlimited money to purchase the most advanced technology and weaponry available. The cartels are able to break the encryptions on both Border Patrol and sheriffs’ deputies’ radios.⁸⁷ Lookouts for the cartels, using military grade equipment, are positioned at strategic points on the U.S. side of the border to monitor movements of U.S. law enforcement.⁸⁸ In response, the cartels then move their cargo accordingly.⁸⁹ The cartels use automatic assault weapons, bazookas, grenade launchers and IEDs. In contrast, U.S. Border Patrol agents are issued .40 caliber Beretta semi automatic pistols.

⁸⁶ Chris Bury, *Drug ‘War Zone’ Rattles U.S.-Mexico Border*, ABC NEWS, (Aug. 30, 2006).

⁸⁷ Interview by Subcomm. Staff with Federal law enforcement personnel in Laredo, Tex. (Aug. 23, 2006).

⁸⁸ *Id.*

⁸⁹ *Id.*

II. Illegal Alien Crimes Against U.S. Citizens

Not all illegal aliens are crossing into the United States to find work. Law enforcement officials indicate that there are individuals coming across the border who are forced to leave their home countries because of their criminal activity. These dangerous criminals are fleeing the law in other countries and seeking refuge in the United States. For instance, it is known that many of the operatives of cartels in Mexico actually live in the United States. Information received by several law enforcement agencies indicates these criminals are living in our communities and that they come to the U.S. to escape the possibility of apprehension in Mexico.⁹⁰

The Violent Crimes Institute conducted a 12 month in-depth study of illegal immigrants who committed sex crimes and murders for the time period of January 1999 through April 2006. This study makes it clear that the U.S. faces a dangerous threat from sexual predators that cross the U.S. borders illegally.⁹¹

The Institute analyzed 1,500 cases in depth, including serial rapes, serial murders, sexual homicides, and child molestation committed by illegal immigrants. Police reports, public records, interviews with police, and media accounts were all included. Offenders were located in thirty-six states, with the most of the offenders were located in States with the highest numbers of illegal immigrants. California was ranked first, followed by Texas, Arizona, New Jersey, New York, and Florida.⁹²

Based on an estimated illegal immigrant population of 12,000,000 and the fact that young males make up more of this population than the general U.S. population, the Institute concluded that sex offenders in the illegal immigrant group make up a higher percentage. ICE reports and public records show sex offenders comprising 2% of illegals apprehended. Based on this 2% figure, which is conservative, the Institute estimates that there are approximately 240,000 illegal immigrant sex offenders in the United States.⁹³

The study concluded, when applied to ongoing illegal immigration at the borders, these estimates translate to 93 sex offenders and twelve serial sexual offenders coming across U.S. borders illegally per day. The 1,500 offenders in this study had a total of 5,999 victims. Each sex offender averaged four victims. This puts the estimate for victimization numbers around 960,000 for the 88 months examined in this study.⁹⁴

The violence of illegal aliens is not confined to border communities. Residents and law enforcement in the interior cities are also vulnerable to criminals crossing the border. The following are examples of crimes committed by illegal aliens:

⁹⁰ *Id.*

⁹¹ Deborah Schurman-Kauflin, PhD., *The Dark Side of Illegal Immigration: Nearly One Million Sex Crimes Committed by Illegal Immigrants in the United States*, The Violent Crimes Institute, (2006).

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

- In testimony before the House Committee on Homeland Security's Subcommittee on Investigations, Carrie Ruiz, a Houston resident, described how her 17 year old daughter was murdered in October 1999 by an illegal immigrant from Venezuela who escaped prosecution by returning to his home country. Ruiz's daughter was stabbed more than thirty-nine times after she helped authorities identify a gang member.
- On February 10, 2005, a high-ranking member of the Mara Salvatrucha (MS-13), was apprehended in Brooks County, Texas. He had been previously deported at least four times. This MS-13 gang member is believed to have been responsible for the killing of twenty-eight persons, including six children, and the wounding of fourteen others, in a bus explosion in his native country. Information was received in late April of this year that he was on his way back into the United States, or that he was already in the country, and was threatening to assassinate any officer that attempted to apprehend him.⁹⁵
- On March 22, 2006, Texas State Trooper Steven Stone was shot six times at point blank range by two illegal aliens during a routine traffic stop. Ramon Ramos and Francisco Saucedo were charged with fourteen counts of aggravated assault on a public servant. An investigation showed that Ramos had been criminally deported from the United States on two different occasions on Federal weapons and drug charges. Ramos had been living illegally in the United States for approximately three to four years prior to the March 22 shooting.

On the night of the shooting, Ramos and Saucedo were in possession of body armor, a rifle modified for automatic fire, a handgun modified for automatic fire, two or more handguns, numerous knives, drugs and alcohol.⁹⁶

- On June 27, 2006, a teenage girl from Mexia, Texas was forced off the road by two illegal aliens and kidnapped. She was sexually assaulted by both men. The two illegals tried unsuccessfully to break her neck and strangle her. They then dragged her out of the car and put her into a ditch where they began kicking, beating, and stabbing her with broken glass. She sustained massive injuries to her head, face and upper body. After the suspects left her for dead, she was able to walk about one-half mile to the nearest house and ask for help. The suspects are identified as Noel Darwin Hernandez and Javier Guzman Martinez. An immigration hold has been placed on each suspect.⁹⁷

⁹⁵ *Border Vulnerabilities and InterNational Terrorism Part II: Hearing Before the Subcomm. On InterNational Terrorism and Nonproliferation of the House Comm. On International Relations*, 109th Cong. (July 7, 2006) at 3 (written Statement of Sigifredo Gonzalez, Sheriff, Zapata County, Tex.).

⁹⁶ *Criminal Activity and Violence Along the Southern Border: Hearing Before the Subcomm. on Investigations of the House Comm. on Homeland Security*, 109th Cong., (Aug. 16, 2006) (statement of Steven Stone, State Trooper, Tex.).

⁹⁷ Mike Anderson, *Texas Woman Spent Two Hours 'in Hell' After Being Beaten, Raped*, WACO TRIBUNE-HERALD, June 30, 2006.

- On September 21, 2006, in Houston, Texas an illegal immigrant from Mexico, Juan Leonardo Quintero, was charged in with capital murder in the shooting death of Houston Police Officer Rodney Johnson. Quintero had been deported in the past. His record shows in 1998 he was charged with indecency with a child.⁹⁸

On September 29, 2006, one week after Officer Johnson was killed by an illegal alien, Houston Mayor Bill White announced a change in the way Houston Police officers process suspected illegal immigrants. The Houston police will fingerprint suspected illegal immigrants detained on minor violations, and those with identification police believe to be fraudulent. That information will then be provided to Federal authorities.⁹⁹

III. Vulnerability to Terrorist Infiltration

The number of aliens other than Mexican (“OTMs”) illegally crossing the border has grown at an alarming rate over the past several years. Based on U.S. Border Patrol statistics there were 30,147 OTMs apprehended in FY2003, 44,614 in FY2004, 165,178 in FY2005, and 108,025 in FY2006. Most of them were apprehended along the U.S. Southwest border.¹⁰⁰

The sheer increase of OTMs coming across the border makes it more difficult for Border Patrol agents to readily identify and process each, thereby increasing the chances that a potential terrorist could slip through the system. Moreover, there is no concrete mechanism for determining how many OTMs evade apprehensions and successfully enter the country illegally.

The U.S. Department of Homeland Security (DHS) pays particular attention to OTMs apprehended by the Border Patrol who originate from thirty-five nations designated as “special interest” countries. According to Border Patrol Chief David Aguilar, special interest countries have been “designated by our intelligence community as countries that could export individuals that could bring harm to our country in the way of terrorism.”¹⁰¹

Though the majority of overall apprehensions made by the Border Patrol occur in the Tucson sector of Arizona, the Texas border – specifically the McAllen sector – far outpaces the rest of the country in OTM and Special Interest Alien apprehensions. Since September 11, 2001, DHS has reported a 41% increase in arrests along the Texas/Mexico border of Special Interest Aliens.

⁹⁸ Jennifer Leahy, James Nielsen and Mike Tolson, *Illegal Immigrant Charged in HPD Shooting Death*, HOUSTON CHRONICLE, Sept. 22, 2006.

⁹⁹ Houston, Texas 11 News reports, Sept. 29, 2006 (3:18 PM).

¹⁰⁰ Information provided by U.S. Border Patrol to Subcomm. Staff. (Oct. 3, 2006).

¹⁰¹ *Strengthening Border Security Between Ports of Entry: The Use of Technology to Protect Our Borders: Hearing Before the Subcomm. On Immigration, Border Security and Citizenship and the Subcomm. On Terrorism, Technology and Homeland Security of the Senate Comm. On the Judiciary*, 109th Cong. (Apr. 28, 2005) (written statement of David Aguilar, Chief, Border Patrol, U.S. Department of Homeland Security).

From FY2001 to March 2005, 88 percent of Special Interest Alien apprehensions for both the Southwest and Northern borders occurred in Texas. During that same period, 75 percent of Special Interest Alien apprehensions on the Southwest border occurred in the Laredo, McAllen, and Del Rio Sectors. Since September 11, 2001 to the present hundreds of illegal aliens from special interest countries (such as Iran, Jordan, Lebanon, Syria, Egypt, Saudi Arabia, Kuwait, Pakistan, Cuba, Brazil, Ecuador, China, Russia, Yemen, Albania, Yugoslavia and Afghanistan) were apprehended within the South Texas region alone.¹⁰²

The data indicates that each year hundreds of illegal aliens from countries known to harbor terrorists or promote terrorism are routinely encountered and apprehended attempting to enter the U.S. illegally between Ports of Entry. Just recently, U.S. intelligence officials report that seven Iraqis were found in Brownsville, Texas in June 2006.¹⁰³ In August 2006, an Afghani man was found swimming across the Rio Grande River in Hidalgo, Texas;¹⁰⁴ as recently as October 2006, seven Chinese were apprehended in the Rio Grande Valley area of Texas.¹⁰⁵

Items have been found by law enforcement officials along the banks of the Rio Grande River and inland that indicate possible ties to a terrorist organization or member of military units of Mexico.¹⁰⁶ A jacket with patches from countries where al Qaeda is known to operate was found in Jim Hogg County, Texas by the Border Patrol. The patches on the jacket show an Arabic military badge with one depicting an airplane flying over a building and heading towards a tower, and another showing an image of a lion's head with wings and a parachute emanating from the animal. The bottom of one patch read "martyr," "way to eternal life" or "way to immortality."¹⁰⁷

¹⁰² Telephone Interview by Subcomm. Staff with Federal law enforcement personnel, in Wash. D.C. (Oct. 13, 2006).

¹⁰³ Interview by Subcomm. Staff with Federal law enforcement personnel, in McAllen, Tex. (Aug. 21, 2006).

¹⁰⁴ *Id.*

¹⁰⁵ Telephone Interview by Subcomm. Staff with Federal law enforcement personnel, in Wash. D.C. (Oct. 13, 2006).

¹⁰⁶ *Border Vulnerabilities and International Terrorism Part II: Hearing Before the Subcomm. On International Terrorism and Nonproliferation of the House Comm. On International Relations, 109th Cong.* (July 7, 2006) at 4 (written Statement of Sigifredo Gonzalez, Sheriff, Zapata County, Tex.).

¹⁰⁷ *Id.*



Military patches found along the Texas border.

On January 28, 2006, Border Patrol Chief David Aguilar was asked by a reporter from KGNS television station in Laredo, Texas, about the outcome of the investigation of the jacket. Chief Aguilar responded that the patches were not from al Qaeda but from countries in which al Qaeda was known to operate.¹⁰⁸

According to ICE testimony, on September 8, 2004, ICE agents arrested Neeran Zaia and Basima Sesi. The human smuggling organization headed by Zaia specialized in smuggling Iraqi, Jordanian, and Syrian Nationals and was responsible for the movement of more than 200 aliens throughout the investigation.¹⁰⁹ The investigation was initiated when a confidential informant familiar with the organization reported ongoing smuggling activities by Zaia, who had been previously convicted of alien smuggling. Investigative efforts revealed that the aliens were smuggled from the Middle East to staging areas in Central and South America. Once in these staging areas, the conspirators would arrange to smuggle the aliens from these sites into the U.S. or its territories.¹¹⁰

Members of Hezbollah, the Lebanon-based terrorist organization, have already entered to the United States across our Southwest border. On March 1, 2005, Mahmoud Youssef Kourani pleaded guilty to providing material support to Hezbollah.¹¹¹ Kourani is an

¹⁰⁸ *Federal Strategies to End Border Violence: Hearing Before the Subcomm. On Immigration, Border Security and Citizenship and the Subcomm. On Terrorism, Technology, and Homeland Security of the Senate Comm. On the Judiciary*, 109th Cong. (Mar. 1, 2006) at 4 (written Statement of A. D'Wayne Jernigan, Sheriff, Val Verde County, Tex.).

¹⁰⁹ *Setting Post 9/11 Priorities at the Bureau of Immigration and Customs Enforcement: Hearing Before the Subcomm. on National Security, Emerging Threats and International Relations of the House Comm. On Government Reform*, 109th Cong. (Mar. 28, 2006) at 4 (written Statement of Robert A. Schoch, Deputy Assistant Director, National Security Division, Office of Investigations).

¹¹⁰ *Id.*

¹¹¹ Press Release, U.S. Attorney, Eastern District of Michigan, Department of Justice, Mar. 1, 2005; available at <http://detroit.fbi.gov/dojpressrel/pressrel05/hizballahsupport030105>.

illegal alien who had been smuggled across the U.S.-Mexico border after bribing a Mexican consular official in Beirut for a visa to travel to Mexico. Kourani and a Middle Eastern traveling partner then paid coyotes in Mexico to guide them into the United States. Kourani established residence among the Lebanese expatriate community in Dearborn, Michigan and began soliciting funds for Hezbollah terrorists back home in Lebanon. He is the brother of the Hezbollah chief of military operations in southern Lebanon.

In December 2002, Salim Boughader Mucharrafille, a café owner in Tijuana, Mexico, was arrested for illegally smuggling more than two hundred Lebanese illegally into the United States, including several believed to have terrorist ties to Hezbollah.¹¹² Just last month Robert L. Boatwright, Assistant Chief Patrol Agent of the El Paso Texas Sector, reported, “We have apprehended people from countries that support terrorism...they were thoroughly debriefed and there was a tremendous amount of information collected from them.”¹¹³

Statements made by high-ranking Mexican officials prior to and following the September 11, 2001 terrorist attacks indicate that one or more Islamic terrorist organizations has sought to establish a presence in Mexico. In May 2001, former Mexican National security adviser and ambassador to the United Nations, Adolfo Aguilar Zinser, reported, that “Spanish and Islamic terrorist groups are using Mexico as a refuge.”¹¹⁴

Federal Bureau of Investigation Director Robert Mueller has confirmed in testimony “that there are individuals from countries with known al-Qa’ida connections who are changing their Islamic surnames to Hispanic-sounding names and obtaining false Hispanic identities, learning to speak Spanish and pretending to be Hispanic immigrants.”¹¹⁵

These examples highlight the dangerous intersection between traditional transnational criminal activities, such as human and drug smuggling, and more ominous threats to national security. Sheriff Sigifredo Gonzalez summed it up this way: “I dare to say that at any given time, daytime or nighttime, one can get on a boat and traverse back and forth between Texas and Mexico and not get caught. If smugglers can bring in tons of marijuana and cocaine at one time and can smuggle 20 to 30 persons at one time, one can just imagine how easy it would be to bring in 2 to 3 terrorists or their weapons of mass destruction across the river and not be detected. Chances of apprehension are very slim.”¹¹⁶

¹¹² Associated Press, *Terror-Linked Migrants Channeled into U.S.*, FOXNEWS.COM, July 3, 2005; available at <http://www.foxnews.com/story/0,2933,161473,00.html>.

¹¹³ Chris Roberts, *Agency Focuses Fight Against Smuggling*, Terrorism, EL PASO TIMES, Sept. 13, 2006.

¹¹⁴ Ramon J. Miro, *Organized Crime and Terrorist Activity in Mexico, 1999-2002*, Library of Congress, (Feb. 2003) at 43.

¹¹⁵ *FBI FY 2006 Budget Request: Hearing Before the House Comm. On Appropriations*, 108th Cong. (Mar.8, 2005) (Written Statement of Robert Mueller, Director, Federal Bureau of Investigations).

¹¹⁶ *Border Vulnerabilities and International Terrorism Part II: Hearing Before the Subcomm. On International Terrorism and Nonproliferation of the House Comm. On International Relations*, 109th Cong. (July 7, 2006) at 2 (written Statement of Sigifredo Gonzalez, Sheriff, Zapata County, Tex.).

Furthermore, according to senior U.S. military and intelligence officials, Venezuela is emerging as a potential hub of terrorism in the Western Hemisphere, providing assistance to Islamic radicals from the Middle East and other terrorists.¹¹⁷

General James Hill, commander of U.S. Southern Command, has warned the United States faces a growing risk from both Middle Eastern terrorists relocating to Latin America and terror groups originating in the region. General Hill said groups such as Hezbollah had established bases in Latin America. These groups are taking advantage of smuggling hotspots, such as the tri-border area of Brazil, Argentina and Paraguay, and Venezuela's Margarita Island, to channel funds to terrorist groups around the world.¹¹⁸

Venezuela is providing support—including identity documents—that could prove useful to radical Islamic groups, say some U.S. officials. The Venezuelan government has issued thousands of cédulas, the equivalent of Social Security cards, to people from places such as Cuba, Columbia, and Middle Eastern nations that host foreign terrorist organizations. The U.S. officials believe that the Venezuelan government is issuing the documents to people who should not be getting them and that some of these cédulas could be subsequently used to obtain Venezuelan passports and even American visas, which could allow the holder to elude immigration checks and enter the United States.¹¹⁹ Recently, several Pakistanis were apprehended at the U.S.-Mexican border with fraudulent Venezuelan documents.¹²⁰

“Hugo Chavez, President of Venezuela, has been clearly talking to Iran about uranium,” said a senior administration official quoted by the Washington Times. Chavez has made several trips to Iran and voiced solidarity with the country's hard-line mullahs. He has hosted Iranian officials in Caracas, endorsed Tehran's nuclear ambitions and expressed support for the insurgency in Iraq. The Times reports Venezuela is also talking with Hamas about sending representatives to Venezuela to raise money for the militant group's newly elected Palestinian government as Chavez seeks to build an anti-U.S. axis that also includes Fidel Castro's Cuba. “I am on the offensive,” Chavez said on the al Jazeera television network, “because attack is the best form of defense. We are waging an offensive battle....”¹²¹

Given all that is happening in Chavez's Venezuela, some American officials regret that terrorism is seen chiefly as a Middle East problem and that the United States needs to look looking to protect its southern flank. A U.S. intelligence official expressed concern that “Counterterrorism issues are not being aggressively pursued in this hemisphere.” Another intelligence official stated terror suspects held at Guantanamo Bay are not being interrogated about connections to Latin America. The bottom line, when it comes to

¹¹⁷ Linda Robinson, U.S. News & World Report, “Terror Close to Home,” October 6, 2003.

¹¹⁸ Andy Webb-Vidal, *Terror Groups 'Relocating to U.S.'s Backyard*, THE FINANCIAL TIMES, March 5, 2003.

¹¹⁹ *Id.*

¹²⁰ Interview by Subcomm. Staff with Federal investigator (Sept. 18, 2006).

¹²¹ Rowan Scarborough, *Chavez Turns to Iran on Military, Uranium*, WASHINGTON TIMES, Apr. 10, 2006.

terrorism so close to U.S. shores, says the official, “We don’t even know what we don’t know.”¹²²

Islamic radical groups that support Hamas, Hezbollah and Islamiya Al Gamat are all active in Latin America. These groups generate funds through money laundering, drug trafficking, and arms deals, making millions of dollars every year via their multiple illicit activities. These cells reach back to the Middle East and extend to this hemisphere the sophisticated global support structure of international terrorism. While threats to our nation from international terrorism are well known, lesser known threats spawned by narcoterrorism reach deeply into this country.¹²³

Federal law enforcement entities estimate they apprehend approximately 10 to 30 percent of illegal aliens crossing the border.¹²⁴ U.S. intelligence officials along the southwest border, on the other hand, are less optimistic. To be sure, it is unclear how many illegal aliens of any nationality evade capture by law enforcement each year and succeed in entering the United States illegally. It is especially difficult to provide the total number of Special Interest Aliens entering the U.S. illegally because they pay larger amounts of money (\$15,000 to \$60,000 per alien) to employ the more effective Mexican alien smuggling organizations and are less likely to be apprehended.

One thing, however, is known for certain – hundreds of people from countries known to harbor terrorists or promote terrorism are caught trying to enter the United States illegally along the land border, and the massive flow of immigrants and our porous border create various and abundant opportunities for concealment. Given the ever-present threat posed by al-Qa’ida and other terrorist organizations – a threat that has been underscored by the recent events in London and the vulnerability of our borders – the need for immediate action to enforce our borders could not be more apparent.

IV. Texas Border Security Initiatives

In response to the increasing criminal activity and violence along the Southwest border, on February 9, 2006, the State of Texas, in partnership with the Federal government, launched Operation Rio Grande. The strategy focuses on four key areas: 1) increased patrols and law enforcement presence; 2) centralized of command, control, and intelligence operations; 3) increased State funding and deployment of State resources for border security; and 4) enhanced utilization of technology to fight border crime.¹²⁵ By concentrating on these areas, Texas has mounted an aggressive defense to significantly reduce crime in areas of operations. When executed, these operations have significantly

¹²² Linda Robinson, *Terror Close to Home*, U.S. NEWS AND WORLD REPORT, Oct. 6, 2003.

¹²³ Lt. Gen. James E. Hill, Commander, U.S. Southern Command, Remarks to the Association of the U.S. Army Annual Meeting, Wash., D.C., (Oct. 6, 2003).

¹²⁴ Interview by Subcomm. Staff with Federal law enforcement personnel, in McAllen, Tex. (Aug. 21, 2006).

¹²⁵ Information provided by Tex. Homeland Security Director Steve McCraw to Subcomm. Staff (Oct. 2006).

impeded transnational drug and human smuggling enterprise activities between the Ports of Entry.¹²⁶

As part of Operation Rio Grande, a series of targeted, short duration, high intensity operations were conducted in a fully integrated local, State, and Federal construct. These operations were designed to target international criminal enterprises and reduce crime and violence along the entire south Texas border region. The operations were named for the principal county and surrounding counties in which they were conducted. These operations included:

- Operation Del Rio – 2-27 June
- Operation Laredo – 8-20 July
- Operation El Paso – 3-17 August
- Operation Big Bend – 18-31 August
- Operation Valley Star – 8-21 September¹²⁷

Each operation utilized a number of new tactics and strategies to achieve a reduction in crime on the border. A cornerstone of this new strategy has been the use of Joint Operations Intelligence Centers (JOIC) and a Border Security Operations Center (BSOC). Six JOICs were dispersed throughout the state to assist in Operation Rio Grande. Located in Amarillo, Corpus Christi, El Paso, McAllen, San Antonio, Tyler and Waco, the JOICs receive operational reports from law enforcement agents in the field, as well as intelligence reports from all source intelligence centers and the BSOC. The JOICs then analyze and plan deployment of law enforcement assets in response to real time threats.¹²⁸

One of the key cornerstones of Operation Rio Grande is the increased cooperation among Federal, State, and local law enforcement. During the duration of each regional operation, U.S. Border Patrol and border sheriffs received the support of various and key State resources. For example, the Department of Public Safety (DPS) reinforced law enforcement patrols with fixed-wing and rotary aviation assets, the Department of Transportation assisted operations with specialized equipment such as road barriers, the National Guard dedicated resources for training, and DPS Trooper Strike Teams dispatched covert surveillance units to the border.¹²⁹

In Val Verde County, which was the focus of the Operation Del Rio law enforcement effort, experienced a 76% reduction in major crime when compared to the same 30-day period last year. The operation brought together the sheriffs from Kinney, Maverick, Val Verde, Zavala, and Dimmit counties, the police departments of Del Rio and Eagle Pass, U.S. Customs and Border Protection, the Department of Public Safety, the Texas

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

National Guard, the Texas Parks and Wildlife Department, the Civil Air Patrol, and the Governor's Division of Emergency Management.¹³⁰

As a result of Operation Del Rio, drug smugglers temporarily closed down their operations in the affected areas as the risk of being caught became too great. Indeed, major felonies—homicides, burglaries, and thefts—were down in Val Verde County by three-quarters during Operation Del Rio.¹³¹ Neighboring Maverick County reported a one-quarter drop in crime. The other three counties—Dimmit, Zavala, and Kinney—also experienced significant reductions.¹³² According to law enforcement officials, Operation Laredo resulted in a 65% to 75% reduction in all crimes across five counties.¹³³

Generally, for all the regional operations, officials reported crime in the border regions decreased anywhere from 30% to 75% in the targeted areas.¹³⁴ This reduction was sustained even after the operation ended. Indeed, joint Federal, State and local agencies continue to share information and coordinate operations, and the procedures that were put into place during operations are continuing. Each operation built upon the best practices from previous operations.¹³⁵ The net effect of these operations is that Texas is developing the capability to address illegal activity at the border and the related criminal enterprises. The Texas example clearly illustrates that increased law enforcement presence and resources can be highly effective in eliminating, or at least diminishing criminal activity along the border.

V. Federal Border Security Efforts

The Federal government has launched numerous successful initiatives to secure our Nation's Southwest border. Operation Hold the Line in El Paso, Texas and Operation Gatekeeper in San Diego, California were introduced in September 1993 and October 1994, respectively. Both programs led to a significant drop in apprehensions of illegal aliens.

Under Operation Hold the Line, Border Patrol agents were reassigned to duty on the border, thereby mobilizing resources along the border around the clock. Agents assumed positions along the border, visible to both would-be crossers and to each other. This deployment effectively stopped numerous day-crossers, resulting in a 70% drop in apprehensions. This operation demonstrated that adequate resources are the key to obtaining control over border areas.¹³⁶

Under Operation Gatekeeper, a similar plan was implemented. Many agents were transferred to high visibility positions along the border and a three-tiered system of agent

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ www.usdoj.gov/iog/special.9807/gkp01.htm.

deployment was instituted to facilitate apprehensions of illegal aliens who evaded capture through the first line of defense. The Border Patrol in San Diego also received new equipment, including four wheel drive vehicles, infrared night scopes, electronic sensors and portable radios.¹³⁷

More recently, the Department of Homeland Security (DHS) launched the Secure Border Initiative (SBI), a comprehensive multi-year plan to secure the borders of the United States' and reduce the number of illegal aliens crossing the borders. SBI includes:

- More agents to patrol our borders, secure our ports of entry and enforce immigration laws;
- Expanded detention and removal capabilities to eliminate “catch and release;”
- A comprehensive and systemic upgrading of the technology used in controlling the border, including increased manned aerial assets, expanded use of UAVs, and next-generation detection technology;
- Increased investment in infrastructure improvements at the border – providing additional physical security to sharply reduce illegal border crossings; and
- Greatly increased interior enforcement of our immigration laws – including more robust worksite enforcement.¹³⁸

On September 21, 2006 DHS awarded a contract to implement SBInet along the United States Northern and Southwest borders. The SBI plan is an integrated mix of increased staffing, increased interior enforcement, greater investment in detection technology and infrastructure, and enhanced coordination on international, Federal, State, and local levels. A critical component of the SBI strategy is SBInet, a program focused on transforming border control through technology and infrastructure. During the next eight months, SBInet technology will be deployed on the Southwest border. Following this initial deployment, additional task orders will be issued focusing first on the Southwest border.¹³⁹

On May 15, 2006, President Bush announced the National Guard would assist U.S. Customs and Border Protection. Under Operation Jump Start, up to 6,000 National Guard will be sent to the Southwest border for a two-year deployment to assist CBP with logistical and administrative support, operate detection systems, provide mobile communications, augment border-related intelligence analysis efforts and build and install border security infrastructure.

Recently, the Federal government implemented another important action to secure the Southwest border. In July 2006, ICE ended its so called “catch and release” program. Currently, 99 percent of illegal aliens apprehended are now being detained for return.¹⁴⁰

¹³⁷ *Id.*

¹³⁸ http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0868.xml.

¹³⁹ Press Release, U.S. Department of Homeland Security, *DHS Announces SBINET Contract Award to Boeing*, Sept. 21, 2006.

¹⁴⁰ Press Release, Department of Homeland Security, Aug. 23, 2006; *available at* www.dhs.gov/dhspublic/display?theme=43&content=5808&print=true.

Prior to initiating this policy, most individuals who were apprehended for crossing the border illegally were not detained, but instead provided with a notice to appear for adjudication of their immigration status and released into the general population pending a hearing. Unfortunately, a very small percentage of these individuals appeared at their scheduled time. Most ignored the notice and simply became part of the illegal alien population residing in the United States. Ending this policy is a major step forward in securing our border and addressing the issue of illegal immigration. DHS has also implemented an interior repatriation program. Under this program, Mexicans who are apprehended at the border are returned to their hometowns in the interior of the country. By returning illegal aliens to the interior, far from the border, it is more difficult to reattempt illegal entry into the United States.¹⁴¹

DHS is also working to end the Orantes injunction. The Orantes injunction, issued more than 17 years ago, mandates that the U.S. Government provide Salvadorans with a specific notice of rights indicating that they are entitled to a hearing before an immigration judge. The injunction was based heavily on civil rights abuses in El Salvador which do not currently exist and affords Salvadorans arrested by immigration officers greater protections than aliens of other nationalities.¹⁴² El Salvadorans account for the largest number of apprehended illegal aliens, with the exception of Mexicans. An injunction imposed in the 1980's interferes with El Salvadorian removals. This outdated injunction is a major obstacle in DHS' effort to implement a policy of "catch and return." DHS is seeking court and legislative action to end it.¹⁴³

Also, in response to the increased criminal activity and violence along the Texas-Mexico border, especially in Nuevo Laredo and Laredo, ICE established Operation Black Jack in July 2005. Operation Black Jack subsequently evolved into the Border Enforcement and Security Task Force (BEST). The ICE task force includes Federal, State and local law enforcement represented by the Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Federal Bureau of Investigation, U.S. Marshals Service, Laredo Police Department, Texas Department of Public Safety, and Mexico's Federal Protective Police (PFP). To date, BEST has made 63 arrests and seized more than 700 pounds of marijuana, more than 300 pounds of cocaine, 42 assault rifles 18 handguns, almost \$5 million, hundreds of rounds of ammunition, and material to make IEDs.¹⁴⁴

The FBI's Joint Terrorism Task Forces (JTTFs) is also a vital component of border security. The mission of the JTTF is to detect and investigate terrorists and terrorist groups and prevent them from carrying out terrorist acts directed against the United States. The JTTFs are units within the FBI's field offices, and select Resident Agencies, that focus primarily on addressing terrorism threats and preventing terrorist incidents.

¹⁴¹ Press Release, Department of Homeland Security, Aug. 28, 2006; *available at*; www.dhs.gov/dhspublic/display?theme=44&content=4951&print=trueDHS.

¹⁴² Press Release, U.S. Department of Homeland Security, *U.S. Government Seeks to End Litigation Undermining Expedited Removal of Salvadorans*, November 17, 2005.

¹⁴³ Press Release, Department of Homeland Security, Aug. 23, 2006; *available at*; www.dhs.gov/dhspublic/display?theme=43&content=5808&print=true.

¹⁴⁴ *Id.*

The JTTFs are operational units because they respond to terrorism leads and conduct terrorism investigations. The JTTFs also combine the resources and expertise of multiple agencies to collect and share counterterrorism intelligence. The JTTFs share classified and unclassified information with their Federal, State, and local partners.

On July 31, 2006, DHS announced the Department of Justice will add 25 Assistant United States Attorneys to the five Federal law enforcement districts along the border. The 25 Assistant U.S. Attorneys will prosecute only immigration-related crimes including alien smuggling, entering the U.S. without inspection, illegal re-entry, possession of firearms as an alien, illegal employment of undocumented aliens, human trafficking and document fraud.¹⁴⁵

On October 4, 2006, the President signed the FY07 Homeland Security Appropriations bill. The bill provides \$21.3 billion for border protection and immigration enforcement including 1,500 border patrol agents, 6,700 detention beds, and \$1.2 billion for border fencing, vehicle barriers, technology, and tactical infrastructure. The bill provides:

- \$5.2 billion for the Secure Border Initiative
- \$2.27 billion for border patrol, adding 1,500 new Border Patrol agents, for a total of 14,800;
- \$1.2 billion for border fencing, vehicle barriers, technology and infrastructure;
- \$4.2 billion for Immigration and Customs Enforcement (ICE);
- \$3.1 billion for the Coast Guard's homeland security missions;
- \$1.38 billion for ICE custody operations, adding 6,700 detention beds, for a total of 27,500;
- \$28.2 million to assist State and local efforts to enforce immigration law;
- \$238 million for transportation and removal of undocumented aliens;
- \$600 million for Air and Marine Operations for border and airspace security;
- \$183 million for a total of 75 fugitive operations teams Nation-wide, an increase of 23;
- \$137 million for the Criminal Alien Program;
- \$44 million for Alternatives to Detention;
- \$362 million for the US-VISIT program; and
- \$135 million to support immigration verification systems.

The appropriations bill also includes provisions criminalizing the creation of tunnels to illegally cross U.S. borders. The Border Tunnel Prevention Act of 2006 enacts stiff penalties on those who use and construct tunnels, as well as those who allow them to be constructed on their property.

On September 29, 2006, Congress passed the Secure Fence Act of 2006. This Act provides 700 miles of two-layered reinforced fencing along the Southwest border with prioritized placement at critical, highly populated areas. The Act also provides border personnel with the authority and ability to disable fleeing vehicles, similar to the

¹⁴⁵ Press Release, U.S. Department of Homeland Security, *Twenty-Five Federal Prosecutors to be added to U.S./Mexico Border Districts*, July 31, 2006.

authority the Coast Guard currently possesses for vessels. The Act enhances border security through a “virtual fence” that deploys cameras, ground sensors, unmanned aerial vehicles and integrated surveillance technology, and an evaluation of the Northern border and determining what actions are needed to secure those areas.¹⁴⁶

VI. Conclusion

The Federal government has taken positive steps to secure its borders, but much more is needed to combat an increasingly powerful, sophisticated, and violent criminal network which has been successful in smuggling illegal contraband, human or otherwise, into our country. The growth of these criminal groups, along the Southwest border, and the potential for terrorists to exploit the vulnerabilities which they create, represents a real threat to America’s national security.

It is imperative that immediate action be taken to enhance security along our nation’s Southwest border. Greater control of the border can be achieved by:

- enhancing Border Patrol resources, including expanding agent training capacity, and technical surveillance abilities;
- constructing physical barriers in vulnerable and high-threat areas;
- implementing state-of-the-art technology, cameras, sensors, radar, satellite, and Unmanned Aerial Vehicles to ensure maximum coverage of the Nation’s Southwest border;
- making permanent the “catch and return” policy;
- expanding the use of the expedited removal policy;
- establishing additional detention bed space;
- improving partnerships and information sharing among Federal, State, and local law enforcement;
- building a secure interoperable communications network for Border Patrol and state and local law enforcement;
- mandating a comprehensive risk assessment of all Southwest border Ports of Entry and international land borders to prevent the entry of terrorist and weapons of mass destruction;
- promoting both international and domestic policies that will deter further illegal entry into the United States; and
- Enhancing intelligence capabilities and information sharing with our Mexican counterparts and improving cooperation with the Mexican government to eradicate the Cartels.

The Subcommittee will continue its investigation of border security matters and plans to issue a more comprehensive report on the entire Southwest border. The Subcommittee will hold future hearings, as warranted, on border security.

¹⁴⁶ Press Release, House Committee on Homeland Security, *Four Major King-led Homeland Security Measures to Become Law*, Sept. 20, 2006.