

Committee on Natural Resources
Field Public Hearing
Brownsville, Texas
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Public and private lands along the United States – Mexico Border, between the ports of entry, have been a point of entry and exit for criminals since the Official Border was laid out over one hundred years ago. If everyone in the world did not engage in criminal activity and respected our laws, a secure border would not be absolutely necessary. Such is not the case and we live in an increasingly dangerous world.

We are a nation of free people. We are daily engaged in our own pursuit of happiness and therefore we do not keep up with the constant changes that are taking place along our land borders or the legislation that affects them. The urgent need to secure our borders as soon as possible has never been so clear. Proof that many among us do not respect and understand this present need is as close as your local newspaper or news outlet.

I must point out that all of the information in this report is available to anyone that reads the newspapers, listens to the current news and pays attention to current events. The failure of the media to accurately report these facts appears to be an intentional failure to report the truth.

Congress authorized the Department of Homeland Security to build a border fence along America's southern border. Intermittent sections of this fence have been erected in various places on the border. Where this fencing is designed to conform to the terrain and natural land features for the purpose of stopping or severely deterring people and vehicles to enter the United States illegally, it has been very successful. If the fence is carelessly constructed or a purpose other than maximum effectiveness is followed, the fencing will be less effective. We do not represent that any fence will completely stop all illegal traffic. No fence will make the United States totally secure. However, without a maximum efficiency fence erected and maintained where practical we are at greater risk.

Congress is considering several Legislative Bills affecting the U.S. Mexico border that will certainly make America less safe. These two Bills are HR-3287, The Tumacacori Highlands Wilderness Act, and HR-2593, The Border Conservation and Security Act of 2007. A third action is the current movement to nullify the previously authorized waivers for Homeland Security to build the border fence. Congressmen that claim to protect America and then turn around and knowingly support official action and legislation that will make America less safe should not be in office. We must have elected officials that place American security first.

The National Association of Former Border Patrol Officers is calling upon all Americans in every state, territory and outlying possession to come together and demand that

Congress secure our land borders and make our country a safer place for us to live and raise our families. In the following pages we will lay out the facts as they presently are and ask you to consider the facts in making your future decisions concerning the fence and legislation that would make America less safe.

The primary duty of today's Border Patrol is to detect and apprehend terrorists. The ideal is to stop them at the border, before they come into the United States. We know that terrorists enter the United States across the Mexican border. Located at Sierra Vista, Arizona, is a Top Secret U.S. Army Intelligence School called Fort Huachuca. On February 12, 2008, two persons living in Sierra Vista, were stopped at Patagonia, Arizona, by the local Constable. Both were determined to be of middle eastern descent and both were on the National Terrorist Watch List. They were driving to Nogales, Arizona, to bond out their associate that had crossed illegally into the United States the night before and was apprehended by the Border Patrol.

(<http://nogalesinternational.com/articles/2008/02/26/news/news8.prt>)

I personally interviewed three Syrian Citizens that had entered the United States illegally and one subsequently claimed to me that he was a terrorist who was coming to the United States to engage in terrorism. These persons entered the United States illegally from Mexico near Nogales, Arizona, and were apprehended by Nogales Border Patrol Agents.

In 2006 approximately 10% of the illegal aliens apprehended by the U.S. Border Patrol had criminal records. In 2007 the U.S. Border Patrol apprehended 876,700 illegal aliens, 144,000, or 16.4% had criminal records. Of the 144,000 that had criminal histories, 11,706 were for Dangerous Drugs. Ninety-nine percent of the meth produced in Mexico crosses the Mexican border into the United States. Ninety percent of the cocaine consumed in the United States crosses the Mexican border. Mexico is the largest supplier of marijuana to the United States and the bulk of this marijuana crosses the Mexican border into the United States. No one knows for certain how many illegal aliens or terrorists successfully enter the United States that are not detected or apprehended. We must conclude that we do not come any where near catching them all under the conditions that presently exist at the border. During my tenure as a Field Supervisory Border Patrol Agent at Nogales, Arizona, 1988-2003, I studied this aspect of the Immigration problem. My evaluation of the situation indicated that we were indeed fortunate to apprehend as much as 10% of the total traffic on any given day. On some days we would apprehend over 3,000 at Nogales. I continue to live in the Nogales area and I am certain that a very significant percentage is still making it into the interior of the United States, undetected. Arizona in particular needs all of the tools available to stem this flow. An effective Border Fence is one of those tools.

Organized illegal alien Gangs trafficking in illegal drugs are a significant percentage of the violent crime associated with the selling of dangerous drugs in the United States. The exact extent of the problem is unknown. In March 2008, Mexico estimates that the MS-13 Gang in Central America number 100,000 members, 63% of whom are Mexican citizens. The United States estimates for the MS-13 Gang, mostly in Los Angeles County, California, at 30,000 members, 56% of them are Mexican Citizens. These MS-

13 gang members, and members of several other gangs, likely cross the Mexican border illegally without interruption to their enterprise. These combined numbers are roughly the number of U.S. troops currently deployed to Iraq. This is according to an Associated Press Article in the Arizona Daily Star April 3, 2008. I have recently received yet unconfirmed information that MS13 is setting up shop on Mount Vernon Avenue in Pentagon City and that they have taken over the gang turf in Santa Barbara, California. We will have to wait and see what develops because no one seems to be working to effectively prevent the expansion and replication of their influence in the United States.

The Arizona Daily Star reports that for the first three months of 2008, homicides are up approximately 100% in the City of Tucson, which does not include greater Pima County.

Organized Gangs, believed to be predominately illegal aliens, operate out of the Tucson and Phoenix, Arizona, areas. These gangs stage kidnappings of illegal alien smuggling loads from alien smugglers. They have engaged in running gun battles on back roads and on the Interstate Highways. They also wait for drug mules and alien smuggling loads on the mountain trails of the proposed Tumacacori Wilderness Area and in the Santa Rita Mountains Wilderness areas. Their method of operation is extremely violent. Tiny Santa Cruz County Arizona alone has had 30 such shooting incidents in the past two years. Numerous illegal aliens have been shot and killed and many illegal aliens have been shot and wounded by these heavily armed gangs operating up to 60 or more miles inside the United States. (<http://nogalesinternational.com/articles/2008/01/22/news/news12.prt>) (<http://www.gvnews.com/articles/2007/04/19/news/news02.prt>) Congressmen that seek to pass legislation to confer Wilderness status on the Tumacacori Highlands and on other public lands on or near the Mexican border are not acting in America's best interest. Only the terrorist and smuggler will significantly benefit from the passage of HR-2593 and HR-3287. This legislation is an impediment to Law Enforcement efforts at the border.

Illegal aliens shot by bandits and illegal aliens injured in vehicle accidents incur significant unrecoverable expense to local Arizona hospitals and overload the capacity of the hospitals to treat patients. The return from the United States government on this Federally mandated care is reported to be fifteen cents on the dollar. Therefore, the costs must be passed on to U.S. Citizens in increased costs when they visit these hospitals. This practice has caused hospitals to close their doors completely. (<http://azstarnet.com/sn/printDS/230998>) (<http://.kold.com/global/story.asp?s=8131193&ClientType=Printable>) (<http://azstarnet.com/sn/printDS/233584>)

There is also the increasing incidence of contagious diseases brought into the United States by illegal aliens that sneak across the Mexican border daily. To name a few, hepatitis, measles, cholera, tuberculosis, drug resistant tuberculosis, and various STD's. What is disturbing is that a significant number of infected illegal aliens work in food processing centers in the U.S. (<http://www.judicialwatch.org/blog/another-illegal-immigrant-spreads-tuberculosis>)

Numerous reported Rape Trees have been identified in and near the current Pajarita Wilderness and the proposed Pajarita Wilderness Extension near the U.S. Mexico border.

Rape Trees mark the location where drug and alien smugglers habitually sexually assault and rape illegal alien females that are being brought into the United States across the Mexican border. These locations are marked by the perpetrators who prominently display and hang the brassiers and underwear of their victims on a particular tree. I visited one such reported tree on March 27, 2008, and noticed 30 sets of womens panties and 11 brassiers near the location of the suspect tree. A local rancher near Arivaca, Arizona, reports 14 rape trees on his ranch and he estimates that 7 are currently active. These Rape Tree trails begin at the Mexican border and many travel through the Pajarita Wilderness and the proposed Pajarita Wilderness Expansion (HR-2593) before entering the proposed Tumacacori Wilderness area, outlined in HR-3287.

Law Enforcement Officers are killed by illegal aliens who are engaging in criminal activities after they have crossed the Mexican border illegally. Border Patrol Agent Alexander Kirpnick was shot and killed by a drug smuggler in Potrero Canyon west of the Meadow Hills Golf Course in June 1998. Two Border Patrol Agents were shot and wounded by smugglers east of Nogales, Arizona, in June 2005. Last year Phoenix Police Officer Nick Erfle was shot and killed by an illegal alien gang member. In August 2002 at Organ Pipe Cactus National Monument in Arizona, Park Ranger Kris Eggle was shot and killed by narco traffickers. (<http://www.nps.gov/orpi/historyculture/kris.htm>) This was after environmental groups insisted that Border Patrol Agents stay out of the area because of damage they were doing to the environment. The illegal alien traffic habitat damage that followed the Border Patrol's departure was far more severe than that caused by Law Enforcement Patrols.

I worked the Rio Grande River area near McAllen, Texas, from 1979-1988. I saw first hand in the Santa Ana Refuges and in Bentsen State Park the way illegal aliens and smugglers defile Parks and Refuges. I heard testimony by Mark South on November 17, 2007, at a Congressional Hearing in Washington, D.C., concerning HR-2593 and HR-3287, where he described having worked for the Forest Service to establish hiking trails in the Santa Rita Mountains and those Wilderness designated areas, only to return as a Wildland firefighter later to view the trashing and destruction wrought by illegal aliens and smugglers on those trails, and to fight the fires they had caused. Such has been my experience. When a Wilderness or Refuge area is established near the border, the criminal element moves in and trashes it because the restrictive Wilderness or Refuge status accorded to these lands effectively prevents all law enforcement from effectively working the area. In other words, the Refuge or Wilderness designation actually serves to put the environment at greater risk of being seriously damaged and defaced. Law Enforcement must have common, unrestricted, free access to all lands near the U.S. Border. By near I mean at least 50 miles because that is ordinary walking distance for illegal aliens and drug smugglers traveling on foot. I have seen and heard evidence or aliens who walked from the Mexican border north bound to pick up locations that are north of Interstate 8 and Interstate 10 in Southern Arizona.

Organized Mexican Drug Traffickers from Mexico are sent throughout the world to engage in the illegal drug trade. Major cartels operating in Mexico are presently challenging the government of Mexico and the Mexican Army for control of Mexico.

There have been over 4,000 drug related assassinations reported in Mexico for 2006-2007. This number is under reported, by how much we do not know. Estimates run at least 25% of these crimes are never reported. Why? The mortality rate for Mexican Journalists is extremely high. Therefore they are loathe to report anything they are “advised” not to report.

In fact the Gulf Drug Cartel recently recruited their Narco Terrorists, called Zetas, by placing a banner near a Mexican Army post in Tamaulipas, Mexico. The accompanying Newspaper Article said they were particularly interested in Merida trained soldiers and policemen. The Merida Initiative is a 1.4 billion dollar program financed by the United States Government to train Mexican Soldiers and Police by U.S. Special Forces and other U.S. Agencies in our latest border security and protection techniques. The Drug Cartels then seek to hire these U.S. trained personnel to ply the drug trade wide. These Zetas then become American Law Enforcements adversaries at the border and in the interior of the United States. Take a look at the job benefits offered to these trained soldiers and policemen. The Gulf Cartel is right up there with General Motors in benefits provided. (<http://www.tamaulipasenlinea.com/>)

It is no wonder that in April 2008, the United Nations found that Mexico ranked number one in the category of “violent crime” in the use of firearms and excessive violence. Mexico was so designated this over less developed countries such as Brazil, Colombia and Venezuela. (El Imparcial, Hermosillo, Sonora, Mexico, 04/23/08.) This finding by the United Nations may explain the belated response by the United States Department of State which issued a Travelers Warning Mexico, on April 14, 2008. Belated because this current level of violence has been ongoing for several years, apparently unnoticed by the Department of State until the United Nations called their attention to the problem.

http://travel.state.gov/travel/cis_pa_tw/pa/pa_3028.html

In southern Arizona we are experiencing increased incidences of wildfire from two primary sources. The first source is illegal aliens that cross into the United States illegally and start fires through carelessness. The second source is from illegal aliens engaged in other criminal enterprises that start wildfires to create a diversion so they can smuggle things into or out of the United States. Wildland Firefighters have encountered gun fire on several occasions when going out on a wildfire along the Mexican border. The fire approach rule now includes a mandatory armed escort before going out on a wildfire along the Mexican border and in the proposed Tumacacori Highlands Wilderness area. As a matter of fact, on 04/20/08 as I sit here typing this report I can see and smell the smoke from a wildfire that is presently burning in the Pajarita Wilderness area, southwest of and in sight of my home. (<http://www.azstarnet.com/sn/mailstory-clickthru/235272.php>) This fire is human caused and began in a very remote canyon near the Mexican border and quite distant from any road. The fire is in the Pajarita Wilderness Area. The firefighters on the fire line report extensive illegal alien and drug smuggling trails throughout the area. Today, 04/23/08, I see another Wildfire burning on the highest reaches of the Tumacacori Mountains, north of Hells Gate, which is in the proposed Tumacacori Highlands Wilderness Area proposed by HR-3287. This is near

the location that the armed bandits operate out of when preying on illegal aliens and drug smugglers, especially in the Aliso Springs Area near Tubac, Arizona.

As I travel around the United States I talk to Americans about the Mexican Border situation. The subject simply comes up when they find out I am retired from the Border Patrol. In particular I talk with people that visit the Mexican Border here near Nogales and friends that live away from the border keep me up to speed on their thinking on border issues. This information really became clarified and focused during the debate about the McCain-Kennedy Comprehensive Immigration Reform Bill proposed by Congress last year. From nearly every state in the Union I have heard about the negative personal experiences that American Citizens have had with illegal aliens. If the citizen has not personally had a negative experience, then they know someone that has and they do not want to become victims themselves. A somewhat humorous example that comes to mind was related by a family from Maine that owns blueberry ground. They said that they hired illegal aliens to harvest the blueberries on their land. After a few days they noticed that in the surrounding towns illegal aliens were selling blueberries door to door and set up blueberry stands at prominent road intersections. Quite by accident they discovered that the illegal aliens that they had hired to harvest their blueberries were skimming and hiding blueberries on their ground, then coming back at night and retrieving those blueberries for their families to sell during the day while they were harvesting their blueberries for pay. They fired the illegal aliens and hired high school students to finish picking their blueberries.

Even tiny Rhode Island, thousands of miles from the Mexican Border is taking steps to curtail their illegal Immigration problems.

http://www.projo.com/news/pdf/2008/0327_immigrationorder.pdf

Most illegal alien stories usually are much more serious. I read about a serial rapist in Phoenix, Arizona, that specialized in young school girls on their way to morning school bus stops. I am sure we all read about the Railroad Rapist that terrorized the Southwest for months. Stories of illegal aliens involved in home invasion robberies and in fatal vehicle accidents that frequently involve other illegal activity including drugs and alcohol are common. No person or family in the United States is safe from the potential harm caused by illegal aliens.

<http://www.ojjpac.org/memorial.asp>

http://www.gopusa.com/news/2007/february/0222_illegals_report.shtml

Americans know this, particularly Americans that live away from the immediate border area. They are angry and they are focusing their anger on the politicians both local and national that have sat by and not demanded that our Immigration laws be enforced. They view these politicians as to source of the problem, not the illegal alien.