



**U.S. Customs and
Border Protection**

JUN 08 2006

The Honorable Jack Kingston
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Kingston:

I appreciate the opportunity to respond to your May 11, 2006, letter and to address recent inaccurate and misleading media coverage of the Department of Homeland Security (DHS). I assure you that it is not DHS policy to participate in the recently reported activities referenced in your letter. I will address the media report that you have referenced as well as provide responses to your specific questions.

The Tuesday, May 9, article in the Inland Valley Daily Bulletin confuses several issues and is unequivocally wrong in its core allegation. U.S. Customs and Border Protection (CBP) disputes the accuracy of the article and has requested a retraction. The article is based on a report on a Web site maintained by the Government of Mexico. Portions of the Web site concerning meetings between San Diego Sector Chief Darryl Griffen and Mexican officials are cited in the article and, in my view, are inaccurately translated. An accurate translation reveals that Chief Griffen told the Mexican Under Secretary for Foreign Relations that the Border Patrol will not permit any violations of the law and that it is aware of the activities of non-law enforcement groups. Chief Griffen was simply assuring the Mexican Government that he and DHS were aware of Mexican concerns regarding non-law enforcement civilian groups on the border.

Regarding your question of the Border Patrol's alleged policy to notify Mexican Government officials regarding the locations and activities of civilian border patrols, CBP has no policy directing Border Patrol officers to report civilian efforts to identify illegal aliens to the Mexican Government. For added context regarding the referenced media report, neither the Government of Mexico's report nor its Web site state that the Border Patrol is to notify the Mexican Government as to the location of any non-law enforcement civilian groups operating on the border. The locations of these groups are not a secret to anyone with access to any number of media outlets. In fact, the exact opposite is true—these civilian groups take great pains to publicize their operations. These groups go so far as to hold press conferences from their locations on the border. Furthermore, the Mexican Government acknowledges on its Web site that its very own consulates, not the Border Patrol, are responsible for the information contained in the report and on its Web site.

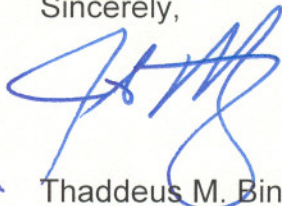
The Vienna Convention on Consular Relations provides that an arrested or detained foreign national must be advised that he may request consular notification and access. This provision of the Vienna Convention gives nations a tool to protect their nationals when they are detained by a foreign country. Just as the United States would provide such notice, so too would Mexico should it detain an American citizen.

Wholly apart from the Vienna Convention, the Border Patrol has a policy concerning the information provided to consulates in instances of injury or mistreatment of an illegal immigrant. If an illegal immigrant asserts that he has been mistreated, injured, or otherwise harmed, he is more likely to request access to consulate offices. In such instances, the Border Patrol policy is to allow the access and to inform the appropriate consulate of the alleged treatment or harm as well as the circumstances surrounding that treatment. That information may, if an allegation of mistreatment during apprehension is made, include the circumstances of the immigrant's apprehension. Border Patrol policy is to not unilaterally contact the consulate, except in cases where it is determined there is a legitimate law enforcement need or a humanitarian exigency.

DHS has investigated these false allegations and found them without merit. I appreciate your interest in this matter and your desire to set the record straight in the face of these irresponsible articles and reports.

I appreciate your interest in Customs and Border Protection. If we may offer further assistance, please contact me at (202) 344-1760.

Sincerely,



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Thaddeus M. Bingel
Assistant Commissioner
Office of Congressional Affairs