

U.S. SENATE COMMITTEE ON THE JUDICIARY

JOINT HEARING BETWEEN THE SUBCOMMITTEE ON TERRORISM, TECHNOLOGY,  
AND HOMELAND SECURITY AND THE SUBCOMMITTEE ON IMMIGRATION, BORDER  
SECURITY, AND CITIZENSHIP.

HEARING – ‘FEDERAL STRATEGIES TO END BORDER VIOLENCE’

MARCH 1, 2006

INTRODUCTIONS

Good morning. I want to thank our distinguished witnesses for joining us today to examine the problem of violence on the southern border of the United States.

Paul K. Charlton has served as the United States Attorney for the District of Arizona since 2001, when he was appointed by the President and confirmed by the Senate for that position. In his 16 years as a career prosecutor representing the United States and the citizens of Arizona, Mr. Charlton has become very familiar with the smugglers and criminal networks that are responsible for the increasing levels of violent crime along the border.

David V. Aguilar assumed the position of Chief of the Office of Border Patrol in 2004. He has served with the Border Patrol for over 26 years, and spent a good portion of that time on the border in Arizona and Texas. He will testify on incursions into United States territory by what appear to be Mexican military units supporting drug traffickers, and on the dangers encountered by Border Patrol Agents every day.

Marcy M. Forman is the Director of the Office of Investigations for U.S. Immigration and Customs Enforcement (ICE). Ms. Forman began her 26-year law enforcement career with U.S. Customs. She presently oversees 5,600 Special Agents whose mission is to protect Americans from threats arising from the movement of people and goods into the United States. She will testify about the Federal and State partnerships that are employed to combat criminal organizations on the border.

Our second panel of witnesses includes Larry A. Dever, Sheriff of Cochise County, Arizona. The people of Cochise County first elected him as their Sheriff in 1996, following a 20-year career working in Cochise County law enforcement. Sheriff Dever will share his observations on the dangers that smugglers pose to Americans and to aliens illegally entering the United States.

Allen D'Wayne Jernigan is the Sheriff of Val Verde County, Texas. He was first elected to the position in 1996. He is a 40-year law enforcement veteran, and a member of the Texas Border Sheriff's Coalition. Sheriff Jernigan will testify about the drug cartel violence he has witnessed in Texas.

Lavoyger J. Durham is the manager of El Tule Ranch in South Texas, located about 75 miles north of the Mexican border. Mr. Durham has managed El Tule Ranch for 16 years, and in that time has directly experienced the miseries arising from human smuggling across the Ranch.

T.J. Bonner is President of the National Border Patrol Council, which represents more than 10,000 front-line Border Patrol employees. Mr. Bonner is a 27-year veteran of Border Patrol. He is familiar with Mexican military incursions into the United States, and with the causes of increasing violence on the border.

## STATEMENT

In calling this joint hearing, Senator Cornyn and I wanted to reacquaint the public and our Senate colleagues with the dire consequences that have resulted from the Federal government's failure to control the southern border of the United States. And, while the Senate is engaged in discussing comprehensive immigration reform, we wish to remind our colleagues that no reform of the immigration system will be successful unless Congress makes a definitive commitment to ensure that the agencies responsible for interdicting illegal aliens and contraband have the resources that they need to get the job done.

Our open border with Mexico has permitted a historically unprecedented number of foreign nationals from over 120 countries to enter the United States illegally. While recognizing that the majority of illegal migrants to our country only come here to seek better wages and a better standard of living, we cannot ignore the fact that at least ten percent of the aliens apprehended along the border are criminals. In the last five months, the Border Patrol has arrested no less than 42,722 aliens with criminal records on the border. Among them were 6,770 felons; 148 persons wanted in connection with a homicide; 42 associated with a kidnapping; 164 associated with a sexual assault; 298 associated with a robbery, 1,957 wanted for assault, and 4,161 connected with drug crimes. DHS recently advised us that about 139,000 of the 1.1 million people apprehended on the border in 2005 were criminal aliens seeking to illegally reenter the United States. The U.S. Government Accountability Office reported last year that criminal aliens made up nearly one-third of the Federal prison population, and that the number of aliens incarcerated jumped from 42,000 in 2001 to 49,000 in 2004. In 2003, State prisons held about 74,000 criminal aliens. Our Federal and State governments have expended hundreds of millions of dollars incarcerating them.

Now, I share the belief that a temporary worker program will reduce some of the pressure along the southern border because those coming here for work will have a legal avenue to do so, and will not resort to hiring violent smugglers to get them across. But you can be sure that the hundreds of thousands of criminal aliens who will be barred from participating in any temporary worker plan will continue trying to reenter the United States, as will the minions of the hyper-violent drug cartels located just across the border. We must have the resources in place to defeat them.

I have frequently heard the argument that the United States cannot stop the flow of illegal migrants and contraband across the border. That's wrong. First, while we have increased the presence of Border Patrol Agents on the border, we have never had nearly enough of them. In 2005, the Border Patrol had 11,268 Agents patrolling 9,071 miles of U.S. border. That does not compare favorably with the City of New York, which employs 39,110 police officers to patrol its five boroughs. Until we have an adequate force of Border Patrol agents to protect our borders, and have equipped them with the technology and infrastructure that they need to accomplish the mission, I will not buy into the notion that the borders are beyond our control.

Second, the United States has been slow to make a concerted effort to place strategic fencing and vehicle barriers along the border to prevent narco-traffickers, human smugglers, and illegal aliens from simply crossing the border at will. Much of our border with Mexico is simply delineated by a rusted strand of barbed wire that has been beaten into the dirt by thousands of illegal crossers. We know that fences work: the fence in the San Diego Sector has dramatically reduced illegal migration and drug trafficking across that Sector. We must expand our strategic use of pedestrian fences and vehicle barriers around urban areas and more remote locations that we know are being used by smugglers. This will also help prevent confusion about the location of the border, and prevent Mexican military units and law enforcement officers from inadvertently entering the United States.

Finally, I believe that the United States, like other nations, has both the obligation and the right to control its borders – indeed, it is difficult to imagine a more fundamental, primary role of government. The Federal government alone is responsible for maintaining the integrity of the immigration system, and for ensuring that foreign nationals who would harm our citizens and residents are denied entry. That is a great responsibility, and we members of Congress must live up to it.