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Written Testimony on

***“Examining Preparedness and Coordination Efforts of First Responders Along
the Southwest Border”***

Before the

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Committee on Homeland Security

Subcommittee on Emergency Communications, Preparedness, and Response
Honorable Dr. Henry Cuellar, Chairman

Chairman Cuellar, Ranking Member Rogers, Members of the Subcommittee, it is an honor and a privilege to be invited to appear before this subcommittee to discuss and examine preparedness and coordination efforts of first responders along the southwest border.

In May of 2005 sixteen Texas sheriffs whose counties border the Republic of Mexico formed the Texas Border Sheriff's Coalition. This coalition was formed out of frustration in what we felt was the inadequacy of our federal government to protect our border in preventing a potential terrorist and their weapons of mass destruction from entering our country. We felt then, and still do, that the 1,276-mile Texas border with the Republic of Mexico is very much unprotected, wide-open, and extremely porous. In late March 2007, also because of their frustration, sheriffs from New Mexico, Arizona, and California joined the Texas coalition in our efforts and we formed the Southwestern Border Sheriff's Coalition. The 2,000 miles of southwestern border of this great country of ours needs protection and immediate attention. Some of the goals of these coalitions are interoperability in the event of an emergency, a border area records management system, and information sharing. We continue to believe that terrorists have expressed an interest and a desire to exploit the existing vulnerabilities in our border security to enter or attack the United States.

Although some of the matters of which I offer testimony today may seem as if I criticize federal agencies, I want to make sure that we understand that neither I nor our coalitions blame the agents of the United States Border Patrol, ICE, or any other federal agency, but, rather, we sometimes criticize the policies that they have to adhere to. In most areas of the southwest border we do not know what we would do without CBP/USBP presence.

One other matter that concerns us along the border is the cross-border violence that at times terrorizes the more than 5 million people that live along the southwest border of our country. After all, as border sheriffs we are responsible for 98,480 square miles of land along the border.

The one thing that border sheriffs deal with on an almost daily basis is "narco-terrorism", or better yet: **Domestic Terrorism**—Defined—Code of Federal Regulations—"...the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives."¹ For the exception of the last seven words of this definition, people living along the border, and other areas in the United States, have, at one time or another, and are presently experiencing "domestic terrorism". Whether or not they are involved in drug trafficking, innocent bystanders, including family members, stand to suffer for the actions of individuals that may have crossed, knowingly or not, a member of a drug cartel.

Emergency Preparedness and Readiness

Violence along the southwest border has intensified along some areas since the latter part of 2004. More and more, we learn of abductions, kidnappings, carjackings, home invasions,

¹ 28 C.F.R. Section 0.85 and http://www.fbi.gov/publications/terror/terror2000_2001.htm

murders, and large-scale incidents. These violations of law are attributed to spillover violence from Mexico.

Through intelligence information and investigations it has been learned that several murders along the Texas—Mexico border have been orchestrated by members of drug cartels operating on both sides of the border. These drug cartel enforcers cross our international border, some illegally in areas other than a designated port of entry, commit their murders in the United States, then go back to Mexico. They are very well armed and are very accurate in what their assignment is.

The cartels operating in Mexico and the United States have demonstrated that the weapons they possess can and will be used in protecting their caches. One informant familiar with the operations of these cartels mentioned to us that the weapons we use are water guns compared to what we will have to come up against if we ever have to. These cartels, known to frequently cross into the United States, possess and use automatic weapons, grenades, and grenade launchers.



Weapons seized in Matamoros, Tamaulipas, Mexico by Mexican Military in February 2007.

In confirming the above, the National Drug Intelligence Center has stated that “drug traffickers in the South Texas HIDTA region use sophisticated surveillance, counter-surveillance, and communication techniques to aid their trafficking operations. Mexican Drug Trafficking Organizations maintain cells that monitor law enforcement activities and the smuggling operations of rival traffickers.”²

In late January 2006, Immigration and Customs Enforcements’ Border Enforcement and Security (BEST) Task Force confiscated components of Improvised Explosive Devices (IEDs) in Laredo, Texas. It is believed that these components were to be sent to Mexico for use by the cartels or possibly to be used against us at the appropriate time.³

On December 28, 2005, and for the next three days, a sniper in Mexico shot at Border Patrol agents that were working along the banks of the river in the area of the cities of Rio Bravo/El Cenizo, which are located a few miles south of Laredo, Texas. This continued, sporadically, for three days. Agents reported seeing several individuals wearing military style

² National Drug Intelligence Center, U. S. Department Of Justice, Drug Market Analysis, South Texas High Intensity Drug Trafficking Area, 2008.

³ Testimony of Ms. Marcy M. Forman, Director of Office of Investigations, United States Immigration and Customs Enforcement, Department of Homeland Security, March 1st, 2006, before the U. S. Senate Committee on the Judiciary, Subcommittee on Immigration, Border Security and Citizenship and Terrorism, Technology, and Homeland Security.

uniforms on a hill on the Mexican side. One of them was using what was believed to be a high-powered rifle with scope.



On July 12th, 2006, deputy sheriffs of the Hidalgo County, Texas, Sheriff's Office and Border Patrol agents were fired upon from Mexico after they tried to rescue two individuals. This incident happened south of Donna, Texas. Hidalgo County Sheriff Guadalupe "Lupe" Trevino was quoted as saying that 300 to 400 continuous rounds were fired from automatic weapons from the Mexican side of the Rio Grande. It was also reported that shots were also fired at the officers from the east, the United States side. The FBI has indicated that this was the third incident of shootings from Mexico at local or federal officers in the first seven months of 2006 between Laredo and Brownsville, Texas.

Cameron, Hidalgo, and Starr Counties in Texas have continuous problems with pseudo-cops coming from Mexico to extort and kidnap citizens in these counties. This area is the fastest growing area in the nation. They have seen their share of terrorist activity as it relates to the migration of many members of ruthless gangs that come into this country for reasons other than legitimate employment.

In my county, Zapata County, as well as in other counties along the border, we get reports from informants of kidnappings in our counties. Individuals are kidnapped and taken to Mexico for ransom. Family members seldom file official reports due to fear of further retaliation.

As previously submitted to this legislative body, on February 10th, 2005, a high-ranking member of the *Mara Salvatrucha*, or 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 28 persons, including six children, and the wounding of 14 others, in a bus explosion in his native country. These people, as many others, find it very easy to come into our country through a very porous, wide-open, and unprotected border.

According to the 2008 report of the National Drug Intelligence Center, drug traffickers and gang members involved in drug smuggling frequently commit assault, automobile theft, burglary, extortion, and murder throughout the South Texas border area to facilitate smuggling activities and to protect their operations from rival trafficking organizations and gangs.

On July 1st, 2006, twenty-six year old Starr County, Texas, Detention Officer Gilberto Hernandez, Jr. went across the river from his hometown of Roma to visit his girlfriend. The detention officer failed to return and his parents reported him missing the following day. On July 3rd his badly beaten body was found in Mexico several miles from the border. His hands

had been tied behind his back and his eyes had been bandaged. It is believed that he was tortured before being shot through the head, from behind, the bullet exiting through his forehead. During his funeral services a kidnapping was taking place across the street from the funeral home. One of the kidnapers was a Mexican National who had an outstanding warrant for a murder that he had committed a year before in the same county.

Other threats that our offices have to deal with along the border on a daily basis include, but are not limited to, the following:

- Kidnappings
- Carjackings
- Home Invasions
- Extortions
- Shooting from Mexico at law enforcement officers.
- Armed individuals escorting drug and human loads into the United States.
- Members of Mexican Drug Trafficking Organizations (DTO's) visiting the homes of U. S. officers to threaten them and their families.
- Drug/Prison/Gang members working for Mexican DTO's.
- Documented/Deported criminals re-entering the United States, including murderers and child sex molesters.
- Auto theft (vehicles are used for smuggling of humans and drugs).

These criminal violations are spill-over violence from Mexico.

Cross-Border Communications and Information-Sharing Capabilities / Emergency Response Resources and Personnel

We have always maintained that if you don't live on the border you don't know how vulnerable this country is for a terrorist attack. Persons living 50 miles or more away from the border have the impression that this border is very well protected. This is a farce. The border is not protected.

It is known that many of the operatives of cartels in Mexico live in the United States. Information received by our respective agencies indicates these criminals are living in our communities. They come to our cities and towns when things get too hot in Mexico. They come here to escape the possibility of apprehension in Mexico. Information received is that they are living along the border on the United States side.

Employees of our offices have also seen incursions into this country of persons seeming to be members of the military of Mexico. On March 3rd, 2005, several officers assigned to do surveillance by the Rio Grande River by the Zapata/Webb County line in Texas observed approximately 20-25 persons walking on a gravel road, coming from the area of the riverbanks, marching in a cadence. These individuals were dressed in battle dress uniforms (BDUs), carrying what officers believe to be automatic weapons, very clean cut, and in very good physical condition. They were carrying backpacks and large duffle bags and walking two abreast.

More and more we are seeing armed individuals entering our country through our counties. We feel that it is a matter of time before a shootout will occur. In the unfortunate event of a shootout, federal, state, and local officers along the southwest border are not adequately armed. Compared to the ruthless and brazen and open behavior of the cartels we face, we are most certainly outmanned. In the event of a shootout, many casualties will likely occur. Federal, state, and local officers all along the southwest border of the United States are outgunned and outmanned.

The federal government must provide funding to local law enforcement agencies in order to assist in securing the borders of this country.

In Texas, because of the efforts of the Texas Border Sheriff's Coalition, Texas Governor Rick Perry has opened up the Border Security Operation Center. This center, along with six other ones along the Texas/Mexico border, houses analysts and intelligence officers. Most are officed at Border Patrol sector headquarters. Every day all law enforcement agencies that participate in Operation Border Star, the border security initiative presently being used, send in their intelligence information. At least once a day these centers, called Joint Operations Intelligence Centers (JOIC's) disseminate the collected information back to the field officers.

SUMMARY

The 31 member sheriffs (20 from Texas, 5 from New Mexico, 4 from Arizona, and 2 from California) of the Southwestern Border Sheriff's Coalition are very concerned with the very unique problems along our border. Border Patrol is doing the best they can with the resources that are available to them. Immediate help is needed for them and for southwestern border sheriffs for the protection of our country.

We are seeing more and more persons coming across our southwestern border than ever before. From what we are seeing, we feel that most of these persons are not coming into the country to look for legitimate employment. We feel that terrorists are already here and continue to enter our country on a daily basis. Our border is wide open; it is very porous and definitely unprotected and vulnerable.

Putting pressure on the Mexican government to enforce drug laws and provide the assistance mandated by the Merida Initiative is like filling up a balloon with air and then starting to squeeze it a little bit at a time. After squeezing it much, the balloon will burst. It is better that this balloon burst towards the southern border of Mexico and not toward the United States.

It has been almost eight years since the worst terrorist attack in this country and we are still as vulnerable, if not worst, that before September 11, 2001. We have seen no funding for any projects along the southwest border. On the contrary, as time goes by we see less funding opportunities.

In five years we have seen broken promises of protecting our great nation. September 11, 2001, was a dark day in American history and the protection of a great nation. What has changed since that day along the border and in my backyard? Nothing. As I speak before you

today, funding aimed at border security along the southwest border didn't come from Washington, DC, it came from Austin, Texas.

The governor of Texas is in the same position we in law enforcement have been in for years. We are fed up and tired of failed policies and promises. Texas is the can do state and Governor Perry has decided to fund a border security initiative that has literally shut down criminal enterprises in several Texas counties.

We did this with state funds and working with federal partners on an initiative that puts law enforcement in the driver's seat instead of the carters, smugglers, and border crossing criminal entrepreneurs. This should have been done on September 12, 2001, by our federal government. Washington, DC didn't just fail me and my law enforcement comrades....it has failed Americans. Just shy of eight years from that day and the border remains open to smuggling operatives, criminal organizations and people aimed at destroying this nation.

On the southwest border you left us no choice; we have had to pick up the fight to save our counties. We didn't ask for this battle on the border.....but we refuse to lose to criminals!

POSSIBLE SOLUTION

In Texas, we have implemented Operation Linebacker, a second line of defense in the protection of our country. The United States Border Patrol being the first line of defense. The problems along the border are federal problems. Our governor, the Honorable Rick Perry, could not wait for a peace officer to get killed along the border. He, just as we, is very much concerned. The Texas Legislature appropriated \$110 million as seed money for us to start Operation Border Star. Operation Border Star is an operation that partially funds Operation Linebacker and makes available all state resources for the protection of the border. Operation Linebacker and Operation Border Star have proven to be successful. Deterrence has been very successful. These are proven operations that should be funded by the federal government.

CONCLUSION

Committee Members, there cannot be homeland security without border security. Border Security, the prevention of spillover violence from Mexico, and information sharing is not a blue issue or a red issue. It is a red, white, and blue issue. Our southwest border needs immediate attention. Local officers, sheriffs, not federal officers, answer emergency calls for assistance made by our constituents. We are the first responders! Must we wait for another terrorist act or until an officer gets killed before we act?

I want to express my most sincere appreciation for allowing me the opportunity to appear before you and thank you for the work you do for our country, the United States of America.

Chairman Cuellar, this concludes my statement. I will be pleased to answer any questions that you or Members of the Sub-Committee may have.