



Official Testimony Presented by:

Andy Ramirez, Chairman
Friends of the Border Patrol

Submitted to:

House Committee on Homeland Security
Subcommittee on Border, Maritime,
and Global Counter-Terrorism

The Honorable Loretta Sanchez, Chairman

March 8, 2007 – Washington, DC

TABLE OF CONTENTS

Table of Contents.....	2
Andy Ramirez Testimony.....	3-32
Section-1 Introduction.....	3-10
Section-2A Technology and Infrastructure – The Facts Undermining It...11-12	
Section-2B Technology and Infrastructure – Project Athena.....	12
Section-2C Technology and Infrastructure – RVS & Tunnel Detection...12-16	
Section-2D The Human Element – The U.S. Border Patrol.....	16-25
Section-3 The Impact On America’s Agents – In Their Own Words.....	26-27
Section-4 Commissioner Bernie Kerik Statement re: Compean & Ramos..	28-29
Section-5 FBP Statement on Compean & Ramos.....	29-30
Section-5 Recommendations to Congress.....	30-32

INTRODUCTION

Good morning Madame Chairman, Ranking Member Souder, members of the committee, distinguished fellow panelists, and guests.

Thank you for calling me to testify today on behalf of Friends of the Border Patrol and for calling this important hearing as the growing threat of terrorism focuses national attention to the vulnerability of our borders. I must emphasize borders because this includes the Northern and Southern borders. While the southern border in the words of a Texas Sheriff goes western after dark, the northern border is just as vulnerable. The reason for this is not the Congress though this August body in talking about things such as Amnesty continues to provide the incentive that brings people here.

I must caution the Congress that the American people are not interested in hearing political partisanship and the blame game. The Congress while partially responsible also sought to assist the Department of Homeland Security by removing endless layers of red-tape and bureaucracy that prevented enforcement of our federal immigration laws. Officials at DHS and inside the Border Patrol used this gaping opening to carry out an agenda that did not continue the highest traditions such as "Honor First" that they were known for, and instead have contributed to the high level of instability, fear, mistrust, and corruption that exists today.

Ultimately, there is no escaping the fact that the current administration has compromised its citizens through treaties and agreements and has demonstrated itself to be more interested in commerce than national security.

Need proof? Chief George Carpenter issued an internal memo to CBP agents regarding documentation requirements at the El Paso Port of Entry on January 16, 2007. The critical point states as follows, "Anytime that an officer feels that a permit should not be granted for whatever reason, the supervisor should be advised. Again, we do not refuse a permit or send applicant back for more documentation or proof. They are not required to present proof of employment, residence, or solvency, in Mexico."

This type of memo is proof beyond any shadow of a doubt as to the lack of concern for public safety, and that officials at DHS are more concerned with commerce than national security. I have personally read the in-house memo that I am mentioning here and was told that "this" type of written, standing order "is the recipe for a Sleeper Cell."

For all the billions of dollars that have been appropriated by the Congress since 9-11-2001 Attack on America by terrorists, this administration has failed American's here at home by not employing the most simple of tactics and securing America's borders, seaports, and waterways.

Ironically, while most Americans are not aware of the details that I am prepared to provide you today, they are well known to the drug smugglers, human traffickers, and terrorists around the world. They all know our weaknesses.

“Border Security: Infrastructure, Technology, and the Human Element” individually and as a whole are but one aspect of issues that I am prepared to discuss today and I guarantee everyone that what is being officially pre-scripted by DHS and stated to Members is not what the agents on the front line report.

I am prepared to discuss examples of obstruction and misinformation by the Department of Homeland Security, and the truth from line agents and border residents. I have also provided our reports on the Border Patrol, RVSS camera systems, and other items involving infrastructure, technology, and the human element.

During my recent field investigation a federal law enforcement agent stated the following to me:

“Mexico does not know what corruption is. They have to come to El Paso to learn.”

This statement tells it as it is, and was from a senior federal agent, who shall remain anonymous as this administration has no qualms about ordering U.S. Attorneys to prosecute agents even when it means protecting narcotic and human traffickers who assault, brandish firearms, or use a vehicle as a weapon against law enforcement while attempting to evade and escape apprehension and capture.

The Managers of the Border Patrol continue to mislead the nation and the Congress as to Mexican Military Incursions that I have been informed directly by federal agents as well as state and local law enforcement officers as to having taken place, some of which resulted in casualties.

To substantiate what I just stated. In the Tucson Border Patrol Sector going back to Chief David Aguilar’s tenure as Sector Chief, their Public Information Office provided to agents a “Military Incursion Card that states, “REMEMBER, Mexican Military are trained to escape, evade, and counter-ambush if it will effect their escape. You will find the full text of this card in Section 2D

In the 3rd Section of my testimony, I have provided statements as told directly to me by our law enforcement officers tasked with the dangerous responsibility of security our nation along America’s borders.

I am prepared to discuss “The War On Law Enforcement” and how the government of the United States has maliciously prosecuted a number of federal law enforcement officers including in this order:

Border Patrol Agent David Sipe
St. Georges County (MD) Police Officer Stephanie Mohr
Border Patrol Agent David Brugman
Border Patrol Agent Ignacio Ramos
Border Patrol Agent Jose Alonso Compean

CBP Customs Agent Robert Rhodes
Edwards County (TX) Deputy Sheriff Gilmer Hernandez

Madame Chairman, these cases must be investigated and hearings must be held by the Congress because it is clear that in some of these cases prosecutions were pushed by foreign governments including Mexico and the People's Republic of China.

Regarding the Compean and Ramos case, I want to make one thing clear today. There are many trying to prevent this case from being investigated by the Congress and prevent hearings being held due to it being the proverbial opening of "Pandora's Box" this case provides. Everything wrong about the practices and policies of this administration will be opened up for everyone to see. DHS will be exposed for its incompetent leadership and the culture of corruption and power-mongers that have consumed it. There is no question in my mind, or in the minds of the agents who serve at DHS that we must overhaul and reform it today. It is clear too, that Agents Compean and Ramos were hung out to dry by their own agency.

Osbaldo Aldrete-Davila was protected in the professional estimation of a number of law enforcement officers, though not a confidential informant, or CI, as Aldrete-Davila leads to someone and our government has protected that individual, or group while ignoring the facts of the dooper's actions in multiple incidents.

Having brought the case of U.S. v. Compean & Ramos to the attention of the nation, I have discovered that a pattern of prosecutorial abuse exists in each of these cases involving illegal aliens who were breaking a number of laws, all of which were ignored by the government, who all ignored a U.S. Supreme Court Ruling, U.S. v. Verdugo-Urquidez 1990. I am certain there are many more cases out there, and I hope to discuss some of these cases today.

I must also inform you that there have been other cases prosecuted by the Office of Johnny Sutton that I have personally investigated that also require greater scrutiny and review, these being the U.S. v. Hardrick Crawford, FBI Special Agent In-Charge of El Paso (Retired), and U.S. v. Noe Aleman, U.S. Border Patrol Agent, both of whom were personally targeted and victimized by our own government. The players in these particular cases are the same that were involved in U.S. v. Ramos.

I caution everyone to consider that the government ignored the fact that a career narcotic smuggler violated a number of laws, and this was ignored by our government who chose to prosecute two respected agents who committed mere administrative violations. Some of the policies they may or may not have violated, are detrimental to the safety of the agents in enforcing their duties some of which I call this committee to overhaul.

One example of this is the pursuit policy, which prevents agents from pursuing anyone that the pursuing trained agent may believe to be in violation of our laws. Let me point out why agents are often directed to break off, because the leadership of DHS and the

U.S. Border Patrol are more worried about civil lawsuits than they are about apprehensions, which by the way are manipulated by the very agencies and Mexico.

Another example is the federal firearms policy as followed by the U.S. Border Patrol. In this policy rank and file agents below supervisory level are not allowed to file a written report on shooting incidents. That responsibility is left to supervisors, who can suddenly develop a case of amnesia or be internally ordered to develop a case of amnesia, and that leaves agents hung out to dry as Compean and Ramos were.

Both of these policies must be overhauled today, so that our agents will not have their safety or ours compromised, which will greatly assist them in doing their job and enforce our laws, the same laws enforced globally by every other nation on this planet.

This brings me back to the smugglers and terrorists who know that with cases such as these on record, that this government will protect them regardless of the crimes they commit. As a result our law enforcement officers, many of whom you have direct oversight over, have had their safety compromised.

Before moving onto the human impact, I have to continue to address the impact of smugglers and terrorists. They know now that with the National Guard and Border Patrol backing off in the face of smugglers, bandits, and Mexican military personnel, the policy of the United States is one of non-confrontation and to cede the position instead. Can you imagine the impact on a soldier just back from fighting in Iraq or Afghanistan who may have watched their fellow soldiers blown up in front of their very eyes? We must question the national leadership who issues such orders, and it is imperative that you understand that the National Guard is under the operational control of the Border Patrol during Operation Jumpstart.

Rank and file Border Patrol agents report that USBP stations and sector offices are subject to regular visits by Mexican Government officials. However, this is nothing new with this administration as the Mexican Military has official liaison representation at the highly sensitive North-Comm facility according to sources that have actually seen and spoken with the officers.

I need to make another thing clear. To the law enforcement agent working along the border they do not see Mexico as a law enforcement partner unlike their managers. Before anyone jumps to an unfair conclusion, this is not about race, or discrimination against a foreign national here illegally. This is about national security and enforcing the laws we have. Some believe that real reform can only happen through so-called comprehensive immigration reform. There is absolutely nothing wrong with the laws on the books. No, instead the only real immigration reform begins with the federal agencies responsible for enforcing them as they are all following an administrative policy that is based on commerce, not enforcement and certainly not concerned with national security.

I'll tell you why this has happened, it's because this administration has grown out of control and the only way to address this is by the Congress putting partisanship and race aside in the interest of national security and supporting our federal agents.

I have discussed with current and former retired leaders of numerous law enforcement agencies such as the Texas Border Sheriffs and most recently, I met with and discussed this case with retired NY City Police Commissioner Bernie Kerik who has released a statement, which I have provided today”

“If this drug runner was, instead, trying to smuggle explosives or a dirty bomb, would the two agents then be hailed as heroes? Yes, and probably presented with a presidential medal, because border security is a vital element in our continuing effort to keep America safe from terrorist attacks. Remember that the 19 hijackers of September 11th passed through U.S. border security checkpoints a total of 68 times, leaving and entering this country as they planned their murderous plot. Consider also, in testimony before the U.S. Senate in 2005, James Loy, deputy secretary of the Department of Homeland Security, stated; "several al-Qaeda leaders believe operatives can pay their way into the country through Mexico and also believe illegal entry is more advantageous than legal entry for operational security reasons.”

And one has to ask what kind of message this trial and conviction sends to the thousands of dedicated local and state police, and federal agents from the CIA, FBI and DHS who risk danger every day to ensure our safety.”

As you will see in his commentary Commissioner Kerik has called for a presidential pardon for the agents.

There has been a big public propaganda campaign to mislead the public and Members of Congress as that doper who entered America on multiple occasions and was protected and his very crimes hidden from the jury has led to compromising the safety of both the public and law enforcement officers. Part of the propaganda campaign by the administration has led to the Department of Homeland Security's Office of Inspector General to mislead Congress in a meeting with four Members representing the Texas Delegation with one goal, to get Congress to back off this case by besmirching Agents Compean and Ramos with allegations that they confessed to knowingly shooting an unarmed man, and had set out that day wanting to shoot a Mexican. OIG provided no proof and admitted last month while under oath that they misled the Members. It was a preposterous allegation without any substantiation that is indicative of the type of case Sutton's office tried to build against the agents who were accused by the government of turning on one of their own. In my opinion, this is obstruction of justice, plain and simple and DHS and OIG should be held accountable.

But here, you might not be aware that OIG has not been effective or accountable since former Inspector General Clark Kent Irvin left his office after his recess appointment expired. He was holding agencies accountable and reporting such things as a financial

award program, in which Border Patrol managers and sectors were rewarded for staying in budget, which in layman terms means for not doing their jobs and enforcing the law.

But there are other types of obvious corruption along our southern border. In the modern DHS agencies of today, individuals blatantly approach federal agents of all ranks who offer them sacks of money, in exchange for turning the other way. When that does not work, they threaten family members as many agents have ties across the southern border.

OIG/OIA is something all agents fear, but not because they are doing their jobs with complete integrity, but as the Compean & Ramos case has magnified, and numerous agents have reported to me these offices are used to enforce political objections.

This brings to mind the critical problem faced by agents and I cannot state it enough. Border Patrol managers undermine their own agents for trying to do their job. One day an agent such as one I know of in Texas performs what is known as a turn-back, where the illegal alien is returned to Mexico without apprehension and is placed on the “rubber gun squad.” Yet, the next day, a “monkey boy” for the brass does the same thing, and receives no discipline and gets away with it. This statement is based on an actual incident in El Paso Sector. The agent faces termination for a turn-back, though after his suspension proposal was issued by sector, the sector chief actually issued a policy clarification.

Look at a statement by Agent Compean to his then Sector Chief Luis Barker, which says it best, “the way everything it’s been at the station the last two, three years... I mean everything always comes down to the alien. The agents are as soon as anything comes up it is always the agents fault. The agents have always been cleared but with management, it’s always been the agent’s fault. We’re the ones that get in trouble.”

We also have Assistant U.S. Attorneys who question Border Patrol Agents as to why they have attempted to stop narcotic interdiction:

In the Compean & Ramos case, Assistant U.S. Attorney Debra Kanof did just that in asking Agent Ramos why he didn’t join the DEA or ICE if he wanted to catch dopers instead of the Border Patrol. I must remind everyone that narcotic interdiction and seizure is a specific goal of the U.S. Border Patrol as stated in the National Border Patrol Strategy and in an Inter-Agency Memorandum of Understanding.

Here brings another problem, which I previously mentioned that being the “rubber gun squad,” which is where agents are placed on administrative duties and lose their badges and guns for anything that a superior officer decides violates a policy. It is the most shameful and humiliating form of discipline in the Border Patrol and agents are treated as though they were a dirty agent. This form of discipline goes on for lengthy time periods and the impact on agents and their families alike is something no Member of Congress can imagine. If a person is placed on administrative duty, place them on paid leave, give them non-field duties for a stated time period, but don’t treat them like an un-indicted criminal. I implore you to take action and outlaw this policy today.

Those that tell you that people with a badge and a gun should be held to a higher standard in that sense are correct, but they are not telling you the entire story, one which is begging to be told of high corruption in El Paso. I have a number of agents who need whistleblower protection in order to do their duty and report to Congress as they have me do on their behalf for oversight as this involves our national security. This administration has placed a gag order on them and prevented them from doing their duty, and they have received no help when filing complaints with their local elected representatives.

Consider that at the Office of Border Patrol the impact of the mass retirements of Chief Patrol Agents including Paul Blocker of Miami, Darryl Griffen of San Diego, Carl McClafferty of El Centro, Mike Nicely of Tucson, Lynne Underdown of McAllen/Rio Grande Valley, and the National Deputy Chief of the Border Patrol Kevin Stevens. In Griffen's case, his is an early retirement well before his mandatory 57. This is not an accident that so many are choosing to retire right now. Operationally speaking, this means that the entire southern border will not have a sector chief with experience of two years in any sector. The chief of Yuma Sector will be the closest with nearly two years, while the El Paso Chief is being re-detailed to Tucson after 1½ years. In the professional opinion of many of my friends and sources of active-duty and retired agents, this is not an accident or mere coincidence. Many other senior managers over the past two years also chose early retirement rather than hanging on until they reached mandatory 57.

In the Border Patrol, agents used to think of the names Newton & Azrak, which is an award given to agents and was named in honor of two agents murdered in cold blood in the line of duty.

Today all law enforcement officers along our borders think that no matter what they do, they (the agents) are wrong and the aliens will be protected regardless of the crime, and this has directly impacted not only our national security, but the morale of each agent in federal law enforcement along our borders. Even more alarming is that our own Border Patrol will hang agents out to dry as happened to Compean and Ramos. Agents fear becoming the next Compean & Ramos, the first agents to go to prison for doing their job.

Take the stream of reports from agents who report that younger, less experienced agents ask what they are supposed to do if someone pulls a firearm on them, "do we wait for them to draw and shoot first?" Many a senior agent has responded "if you wait, the next think you'll know if that a bullet will be removed from your body at the morgue."

I myself have not been able to escape this as I, too was contacted by an agent, my sources referred to as a managerial "monkey boy" though I cannot discuss it further in open session after consulting with sources and friends in law enforcement, who instructed me to treat it as a threat, and bribe attempt. I will provide this information in closed session due to continued security concerns.

Agents feel they are not backed by many here in Washington who like the administration appear to be more interested in race, and commerce, while paying lip service to the agents and their real needs.

What are their needs you ask? That is what I am here to say on their behalf, they want genuine support, and you to hold their managers and this administration accountable. They want Congress, Democrats and Republicans alike to put the partisanship aside and support them. Defend them from corruption, conduct open hearings, subpoena witnesses, and demand the truth. Appoint an independent counsel and give the counsel prosecutorial powers so we can finally get to the bottom of this whole mess. This is administration is up to their eyeballs in their involvement and cannot be trusted to conduct a proper, let alone independent review of any of the cases mentioned above. This is the job of Congress to provide and maintain oversight on this out of control administration.

Agents and officers from a wide array of agencies have informed me that they are more afraid of our own government, the crocodiles behind them, then they are of the dangerous criminals in front of them as they can easily see the regular bad guys, unlike the hidden one's that wear the disguise of a uniform similar to their own. It is only a matter of time before our government gets our own agents killed, and in order to prevent that, I'd just as soon see DHS disbanded. But you can overhaul this disaster today and prevent further heartache for agents and their families, such as what has been experienced by agents such as Compean and Ramos.

Madame Chairman, I thank you for the opportunity to appear as a witness today and look forward to not only answering the questions of you and your fellow committee members, but also working with the committee in the future.

TECHNOLOGY, INFRASTRUCTURE AND THE HUMAN ELEMENT

Technology and Infrastructure – The Facts Undermining It

One of the biggest topics when it comes to the subjects of technology, and infrastructure is the money pit known as SBI, the highly touted contract awarded to Boeing last year for virtual technology on the border. Now don't get me wrong, Boeing knows how to build an aircraft and all that, but agents tell us that Boeing is providing the technology to identify where the illegal alien traffic is. However, we already know where they are. We're not able to slow them down enough to apprehend them or get to them for lack of border fences and roads. A camera and PDA in an agent's hand is worth nothing if we can't get to them to apprehend them.

Over two billion dollars is being spent on a program that provides no benefit to the taxpayer. It does not deter or apprehend. It only identified where they are crossing. We already know where they cross and how to cut sign.

That same money that is being spent could be better used for a reasonable amount of appropriate border infrastructure of multiple types of fences, lights, cameras, roads, ground-radar, and the appropriate balance of agents. Through this method will come Chief Aguilar's long-established goal of bringing balance, which is how you can control our borders. You cannot have one individual component or part, without the others.

For months there have been rumors of competition and analysis for different types of border fencing and roads. As of yet, nothing has been looked at by DHS or Boeing. Contract awards have been given to vendors and the vendors that have been excluded could provide the same product for 30% less.

Also, the current vendor, one of the reasons they are providing their service so cheaply is that they are using materials purchased from the People's Republic of China, and Taiwan. Currently, one of the vendors is looking into a purchase of material manufactured in Mexico. The disturbing principle here is we are using foreign manufactured materials for infrastructure that is for national security. Both may be legally correct, but is this the intention of the Congress? What does this say to the sovereignty and national security of our nation by this administration? Is our security and sovereignty for sale to the lowest bidder?

The Border Patrol and DHS plan, re-plan, and continue to re-plan when it comes to infrastructure but the fact is, that's all they do is plan. Nothing is ever implemented. In each sector are comprehensive enforcement plans that are responsible, effective, and within a reasonable budget to provide security along our borders. Oftentimes these plans are trumped by high level bureaucrats that have no idea what it takes to secure a border, but because of partisan politics nix everything. Some only seek to serve the temporary masters elected every four years to the Executive Branch. Their achieved goal is to stay

employed and do not do anything that may jeopardize their standing with a future administration. These are the career bureaucrats who have long been in business to be in business and just want to collect a paycheck. How grand would it be if these employees could provide the truth and provide the security that this nation so sorely needs?

The greatest problem is that the federal government refuses to work with the local border communities, officers, and residents, and solely rely on corporate America to provide an unqualified answer at huge, exorbitant cost with minimal benefit to the public.

The Project that worked by Aguilar rejected – Project Athena

Madame Chairman I would also like to address an item known in the Border Patrol as Project Athena, developed by the Raytheon Corporation. In Project Athena, the Border Patrol has proven that they can monitor shipping traffic as it approached the U.S. coastline, and along our international waterways. The cost was minimal compared to other systems currently being utilized such as “remote video surveillance” (RVS) cameras and other items that have provided a virtual wall that has been proven to be a bottomless, and ineffective money-pit. I can use the name Project Athena, as it is in the public domain and can be looked up on the internet. The operational names I learned that Project Athena has been called in USBP testing are Operation Lake View and Gulf View. Chief Aguilar would be a better respondent, as I am certain that he has been properly debriefed.

Local Border Patrol Sector Chiefs requested to Chief Aguilar and Headquarters Office of Border Patrol that “Project Athena” or subsequent generations of similar capabilities be funded and provided to meet the goal of secure our coastlines, lakes and waterways.

This program, which can monitor maritime traffic up to 95-100% capability, including the unexpected result of low-flying aircraft will not be implemented. Clearly our having such technology available, but not implemented though the testing ran one and one half years ago is definitive proof that DHS and HQ-OBP under Chief Aguilar lack the intent regardless of the requests by local Sectors for those very needed items that ensure their mission, and are leaving us vulnerable. Instead they continue to tell Congress that everything is fine, and improving when I am demonstrating in the words of the front line agents the facts in their own words and as we have investigated.

Facts about RVS Cameras and Tunnel Detection, what Congress and the public aren't being told

Friends of the Border Patrol has developed and offered technology that we call FREEDOM (Free Electronic Domestic Observation and Monitoring) border surveillance cameras. We have also developed tunnel detection equipment. We have provided a few facts for committee members to review. We would be happy to provide our paper on the FREEDOM Camera System to committee members upon request.

I personally have discussed our technology at all levels of SDC Sector and was informed that our technology was superior to anything that they had, including their own security cameras. To me this states the obvious, regardless of their dire need in an “attempt” to gain operational control of the border, OBP headquarters, and the Bush Administration will continue to talk about, not provide what’s needed in the field to improve their chances, and will continue to pay lip-service by blatantly lying to the public about our improving border in-security, while the clock continues to tick on our lives. In addition, insiders who are retired managers within the Border Patrol, or people associated or related to them will continue to gain contracts, some of which are to provide technology already acknowledged in DHS testimony as ineffective. These facts that I have presented here are beyond any shred of doubt. Period.

When describing the fiscal, managerial and national security catastrophe -- which is DHS -- it is sometimes good to use local examples. It’s good to be able to talk about things right outside this room's door rather than in abstruse, ethereal, and abstract concepts.

The Border Patrol has just installed its latest and most modern technological wonders right along San Diego’s border with Mexico. These new Monuments to Border Security are to assist in illegal alien detection and apprehension

This technology consists of tall poles topped with video cameras. Most of these poles are mounted within the very narrow “no man’s land” between the primary and secondary border fences separating our two “Great Nations.”

Installed at immense cost (present real-dollar estimates are \$800,000 per camera pole), these cameras offer the Border Patrol technology not seen since about 1986. Total cost since implementation are at \$429 million since 1997, and the cameras take 20 months to install according to testimony by DHS Inspector General Richard Skinner presented to a Congressional Homeland Security Subcommittee last December 16, 2005.

Twenty year old technology might seem anachronistic in a world of Burt Rutan and actual space ports being built across our Midwest, but to the Border Patrol it is still better than what they had before – which was nothing.

The problem is that these cameras look at the border just as you would if you were peering through a toilet paper tube. You can look to the east through that toilet paper tube and you can look west through that toilet paper tube but God help you if while you are looking one place as there’s a stampede north just a few feet from where you are looking – because you won’t see it.

But it gets worse.

Half of their new cameras are touted as “night vision” cameras. The problem with them is that many nights you can’t see anything. Further, it is child’s play to blind them – even permanently. It would be a breach of National Security to say what happens naturally or

what can be done purposely to make these incredibly expensive cameras worthless, so I won't except in closed session. I know you'd be overwhelmed by how simple it is.

What these people really need are "staring eye" cameras taking in wide swaths of the border all at one time and then other cameras that can even get mug shots of the border perpetrators.

Further, the cameras should not be mounted right along the border but *north* of it so that a wide swath of border can be viewed all at one time and so border crossers aren't just flickering points of light flittering across the camera field but instead are to the cameras like the US Marine Corp Band marching in lock step in the Rose Parade.

If you mount the cameras on the border you see crossers usually for not more than 30 seconds and that is only if you happen to have your toilet paper tube looking at them at the very moment they decide to cross.

If you mount the cameras north of the border then you can watch them even for 30 minutes as they trudge north; with or without their musical instruments.

Lastly, we have a truly serious threat to our national security that is being purposely ignored. That threat is border tunnels. It would be the height of stupidity to believe that campesinos are digging tunnels even 80 feet below ground and 2,500 ft long just so that they can go pick strawberries in Fresno, make a right turn on I-40 (where San Diego based Border Patrol agents have been beached for running traffic operations) and go cut meat in Kansas City, or pick tomatoes in Florida.

The people and things crossing through those tunnels are the most dangerous and violent possible.

A 2,500 ft long tunnel is not fantasy. Such a tunnel was handed to the Border Patrol on a phoned in tip.

That tunnel took the removal of about 300 full sized dump trucks of earth – or about 2,000 pickup truck loads. Technology of even 1972 would have detected the change in seismic activity south of the border as those trucks of dirt were hauled away.

That simple hardware exists to find such tunnels is – by now you should know it's all true – already available. But instead of funding people who will do something, the organization tasked with a solution -- JTF-6 (now known as JTF-North) -- only have jobs so long as they *seek* an answer rather than actually solving the problem. So nothing is actually accomplished because if it was... then they would be out of a job.

Of course, the politicians launch themselves into the fray with inane legislation telling us that now all will be well. Gloriously, California Senators Diane Feinstein and Barbara Boxer have actually made it illegal to dig a tunnel into the USA. Now, we all are safe.

Please notice that they have no interest or intention to actually stop the tunnels, they just added another few years to the life sentence the perpetrators will already be facing for drug smuggling, WMD smuggling, and terrorist smuggling.

It took a local 12-year old child to demonstrate a working tunnel detection system. Yes, he did it in San Diego. While certainly the child is some kind of little genius, the fact is that anyone can do a Google search on tunnel detection and discover that 20 years ago the US Army proved a simple and effective technology to find tunnels. All that kid did was implement what the US Army already proved works a decade before he was even born. I have attached the Aberdeen Proving Ground research document for you and a video of the child and his tunnel detector.

The child's technology was covered by the major news outlets. The day after the news event that 2,500 ft tunnel was reported to the DEA. Somebody should understand that while DHS might not think what the kid has works.. there's a good chance that the drug cartels do:

<http://www.kfmb.com/features/crimefighters/story.php?id=35277>

Google:

[Feasibility of cosmic-ray muon intensity measurements for tunnel ...](#)

Title: Feasibility of cosmic-ray **muon** intensity measurements for **tunnel detection**

Authors: Celmins, Aivars Affiliation: AA(Ballistic Research Labs., ...

adsabs.harvard.edu/abs/1990brla.reptQ....C - [Similar pages](#)

Title:	Feasibility of cosmic-ray muon intensity measurements for tunnel detection
Authors:	Celmins, Aivars
Affiliation:	AA(Ballistic Research Labs., Aberdeen Proving Ground, MD.)
Publication:	Final Report, Feb. 1989 - Feb. 1990 Ballistic Research Labs., Aberdeen Proving Ground, MD.
Publication Date:	06/1990
Category:	Space Radiation
Origin:	STI
NASA/STI Keywords:	COSMIC RAYS, MUONS, RADIANT FLUX DENSITY, RADIATION DETECTORS, SIGNAL DETECTION, STRUCTURAL PROPERTIES (GEOLOGY), UNDERGROUND STRUCTURES, DEPTH, FEASIBILITY, GEOPHYSICS, MATHEMATICAL MODELS, MINERALS, ROCKS, TOMOGRAPHY
Bibliographic Code:	1990brla.reptQ....C

Abstract

Subsurface cosmic-ray muon intensity depends on the amount of material above the point of reference and is therefore influenced by anomalies in rock density. Because such anomalies might be caused by geological structures (e.g. ore bodies), cosmic-ray intensity measurements have been used for geophysical exploration. Recently, cosmic-ray muon intensity measurements have been also proposed as a method to detect tunnels. The feasibility of this application depends on the type of radiation detection apparatus (it must fit into a bore hole) and on the magnitude of the signal by a tunnel. If the signal is too weak, then the required observation times are estimated for a projected bore-hole radiation detector and for tunnels with a 2m diameter. The estimates show that a reasonable upper bound for the detector depth is about 30 to 40m if the observations are to be used in a tomographic reconstruction of the density field. The required observation times at that depth are of the order of days. The upper bound for the depth of detectable tunnels is less than the quoted bound for the detector depth. It might be possible to use the method at greater depths if special data interpretation techniques are developed that take into account prior knowledge about the tunnel, e.g. its anticipated direction.

The fact is that these “technological wonders” that the Border Patrol claims are so desperately needed, and that they claim are not available when my own organization presented the very technology in a briefing with San Diego’s Border Patrol Sector (SDC) managers nearly one year ago.

The Human Element within the U.S. Border Patrol

The latest method used to maintain silence among former Border Patrol managers is the annuities plan, which brings back retired managers and supervisors with a ridiculously high paycheck to bring them back into the fold and be used as hush money to keep these former employees from telling the truth. This was the very reason these employees left the agency in the first place, so they could tell the truth and not have to lie anymore.

Last year David V. Aguilar, Chief of the Border Patrol claimed we did not have Mexican Military incursions, other than by accident or impersonators (testimony before then-Chairman McCall’s Homeland Security Subcommittee on Investigations), and that the Southwestern border is secure. But that was a blatant falsehood and this is well known within the Border Patrol. Otherwise, how does one explain Mexican Military incursion cards when they continue to be provided to agents in Tucson Sector, the very sector that Mr. Aguilar was the Chief Patrol Agent of, prior to ascending to his current appointment as national chief? We must keep in mind, that if we cannot admit to the Mexican Military incursions, though we provide agents instructions in the event of an incursion, and we cannot prevent millions of illegal aliens consisting of Mexicans, and OTMs (or Other Than Mexican), I guarantee we cannot prevent Special Interest Aliens, which potentially include terrorists who have obtained IDs and are portraying themselves as Mexican or other aliens from Latin American nations.

Last year, I received a copy of an Officer Safety Report released to some Border Patrol agents by the Department of Homeland Security, based on FBI reports, dated December 21, 2005, warning “Unidentified Mexican Alien Smugglers Plan To Hire MS-13 (Gang) Members To Kill U.S. Border Patrol Agents. However, many Border Patrol agents and other law enforcement agencies were unaware of the existence of the document.

That Officer Safety Report follows a card issued for several years by the Tucson Sector that addressed Military Incursions. It states: **Remember S.A.L.U.T.E.** This is based on the long-used Army border policy of the same name and intention. On this double-sided card, the following is stated:

Immediately communicate the following:

Size of the unit (Number of personnel)

Activity

Location and direction of travel

Unit (Identify if possible)

Time (If reporting an earlier encounter)

Equipment of the personnel

The other side states:

REMEMBER:

Mexican Military are trained to escape, evade, and counter-ambush if it will effect their escape.

- *Secure detainees and pat down immediately.*
- *Separate leaders from the group.*
- *Remove all personnel from proximity of the border.*
- *Once scene is secure, search for documents.*

Additional Tips:

- *Keep a low profile*
- *Use cover and concealment*
- *Don't move excessively or abruptly.*
- *Use shadows and camouflage to conceal yourself.*
- *Stay as quiet as possible but communicate!*
- *Hiding near landmarks is easier to locate.*

Avoid it!

So clearly the Border Patrol has identified that the Mexican Military will counter-ambush our agents and citizens, and that violent MS-13 gang members, drug cartels, and zetas that have been recruited to move the drugs and engage Border Patrol agents.

I would be remiss if I did not bring to your attention the following information, which numerous sources have provided during the course of our investigation.

“We cannot get a straight answer when it comes to how many Special Interest Aliens have been apprehended by CBP or ICE, other than a standard response of “Pending Investigation.” Yet, the Border Patrol knows how many teddy bears it gives away, how many cheese crackers it has in reserve (I would bet down to the individual cracker), diapers, etc., so the fact that it keeps absolutely no statistics on the people caught from terrorist countries as a mere accident defies all credibility. Obviously, the BP does not keep these statistics as a matter of policy and the reason is pretty transparent. Let me also add that the media has attempted to gain those very figures as well as the dispositions of apprehensions of SIAs that they learn about through sources. However, those results are seldom, if ever released, so the public has no way to learn if there is any information beyond what has been reported by sources.”

Madame Chairman, here are some facts about a few Border Patrol Sectors from well-placed sources who asked me to present this information to the committee today on their behalf. The reason that those sources are unable to do so themselves would be to place their careers at risk for retribution by Border Patrol and DHS managers at Headquarters in Washington, DC. The reason for their’ fears is well established and acknowledged as the Compean – Ramos case has demonstrated beyond all reasonable doubt.

The Congress and the American public have been completely misled by Border Patrol’s managers at Headquarters in DC. The northern border is nowhere near secure though Chief of the Border Patrol David Aguilar would inform you otherwise. Chief Aguilar was quoted in several newspapers, both Canadian and U.S. that "measures have been taken to bolster agent strength in the affected areas to include overtime payments." According to my sources, the statement by Mr. Aguilar was inaccurate and never happened. There was no high alert, no overtime and no additional bodies. It is nothing but business as usual, and the policy of misinformation regardless of national security.

As a matter of fact, several networks, both cable and broadcast, stated that there are 1,000 agents on the Northern Border. Wrong again. No detailers, nada. One Sector on the northern border has not received agent attrition replacements in about 2 years now. This same sector is currently authorized at 147 agents and, because of details (mandated), sick leave, maternity leave, rubber gun squad, etc. etc. This sector last I heard was at an actual strength of just over 100. Though, as I understand it, this sector has been traditionally ignored for agent and support personnel staffing. If you want to put this in percentage terms, this sector’s personnel, agent-wise is down 31%.

Let me add that at one particular station in this sector bordered by water, they are lucky to have two agents on during a 24-hour period. It takes two agents to run a boat. Previously, they have had a total of 5 agents, with 8 vacancies, obviously not enough to monitor boat traffic. Keep in mind that the Canadian City of Toronto was named last year as a possible terrorist target and is on the other side of that very station’s area of responsibility.

According to sources, Chief Aguilar, and retired Deputy National Chiefs Barker and Stevens were personally and repeatedly warned about potential threats, and ignored such information. Of course that would not be the first time HQ-OBP has ignored intel

requests, or that the chief's office remained silent on challenges to his inaccurate public statements. This type of action is not unprecedented when one recalls that one year ago, DHS Secretary Michael Chertoff stated that reports on Mexican Military incursions were being overblown. However, I know of other incidents including one that took place on Saturday, July 1, 2006 at 13:10 hours, according to a civilian source in Tucson Sector. This incursion included a drug load.

In 2004, I personally challenged a statement Chief Aguilar made to The Daily Sentinel on August 31, 2004, regarding border security, in which he declared the southwest border to be secure. His statement was countered by numerous sources including Michael Shelby, U.S. Attorney from the Southern District of Texas.

Additionally, in a Washington Times article published October 13, 2004, entitled "Chechen terrorists probed." The article stated, "U.S. security officials are investigating a recent intelligence report that a group of 25 Chechen terrorists illegally entered the United States from Mexico in July.... Members of the group, said to be wearing backpacks, secretly traveled to northern Mexico and crossed into a mountainous part of Arizona that is difficult for U.S. border security agents to monitor, said officials speaking on the condition of anonymity."

In fact, the Border Patrol Sector Chiefs have also been informed that they would receive additional agents to fill their numerous vacancies and technology holes. I understand that the agents and technology often mentioned is to be used to implement a "virtual wall" would be provided by Secure Border Initiative funding. It is our opinion that this is yet another empty promise, or if you will, "fool's gold" to those sector chiefs, and I look forward to elaborating on why RVS Camera Systems and Tunnel Detection are ineffective during this hearing, leaving our nation wide-open, and also why we will not get those boots on the ground promised by the administration and DHS.

They know as we do how the 30:1 ratio it takes to come up with one recruit for the Border Patrol, screening process, academy capacity, which is grossly inadequate, and difficulties of graduating due to the Spanish language requirement, and the ten-month exam that takes place after the academy. They also know the actual attrition rate. The reports of the high numbers of agents throughout the service seeking employment opportunities elsewhere are not just rumors but are fact. Even more so today due to the well-publicized Compean & Ramos case as well as the others.

In fact, I'd be remiss if I did not share that each time I speak with an agent, Border Patrol and otherwise, they inform me of their concern and outright fear as a result of these convictions. I know the Border Patrol, and over the past few years, the highest complement an agent gives is that they'd take a bullet for this agent or that agent. Today, that esprit de corps has been replaced with fear and mistrust and everyone looking out for them selves. The Border Patrol is filled with stories of tradition but that is the old and honored "Legacy INS Patrol" not the new patrol of today.

Many BP Agents deserve an opportunity to tell their facts, and expose the truth, which is how DHS has ordered agents to stand down, and not report all the facts in order to prevent Congress from learning the truth. Outside of an extremely limited few, Border Patrol Agents' voices have been silenced. All statements provided, and Congressional tours are pre-scripted and approved by Mr. Aguilar's office, as he is the ultimate micro-manager. Any Sector Chief you speak with, including my friend my friends in management know as I do that they have to answer to Mr. Aguilar, as he is the top agent in the chain of command. I am certain you would hear the reality if they were authorized to provide it, on their own without retribution from Mr. Aguilar. Yet, the fact is, under regulations implemented in 2004 by the Department of Homeland Security, you will never get anything that strays from the official approved script. That is why it is important you have witnesses who do not have to worry about being retired by DHS or detailed from what is considered a good managerial detail to an outpost such as Ramey.

If you do not believe the extent of the mistrust of many law enforcement agencies with the federal government and the Border Patrol, then you must not be paying attention to what many border sheriffs have been stating for months. Like me, they're not doing it for publicity or electoral reasons, they are telling the truth and standing by it because they are concerned about our nation's being compromised and vulnerable to terrorists entering our borders. In March 2006, I witnessed an incident that took place in El Paso Texas during a break between meetings of the Border Sheriffs Coalition and Border Patrol. It defines the mistrust many have with the Border Patrol, and the administration.

Madame Chairman, if we are to discuss vulnerability along our borders, we must not forget the clearly forgotten Ramey Border Patrol Sector, located at Aquadilla, Puerto Rico. As badly undermanned as the northern border is, our greatest strategic weakness is Ramey due to its strategic proximity in the Caribbean Sea near Venezuela, Columbia, and Cuba. Here I must thank Congressman Ted Poe who immediately took action and took DHS to task when I first informed him about Ramey and what agents there confront. While Ramey agents face a better situation today, we have a long road to go.

DHS has begun planning to increase manpower levels, which I cannot identify here, due to national security, but there mission will continue to be compromised as long as the agency is more concerned about appearance than it's mission of protecting the homeland as stated in the National Border Patrol Strategy. For the level of staffing being planned, it is illogical to call this a Border Patrol Sector, so that it will have increases in managerial staffing, when the same command structure can be achieved by detailing a Patrol Agent In-Charge (PAIC), and would be better served by attaching Ramey as a Border Patrol Station to the Miami Sector. This action would save money for Ramey consists of one solitary station, not several unlike the other sectors. Furthermore, what a waste of taxpayer dollars to pay for these additional managers, while agents are still restricted from performing enforcement duty beyond Search and Rescue when agents are requested to literally "pick-up" illegal aliens attempting to incur by sea who land on Mona Island, and when their area of operation remains restricted to the northwest corner of Puerto Rico.

Last year the Inland Valley Daily Bulletin of Ontario, CA published a number of reports indicating the vulnerability of this strategic island, which has dealt with sea incursions using Yola boats for years. Their manpower level is so grossly under-strength that it defies all logic. I understand that many of the agents want to leave the island for other duties or agencies, and regularly see their agents detailed to southwestern border sectors or the academy, without being replaced.

Yet, the irony is that they have nearly as many managers as agents. Their manpower is so under strength that they are limited to one corner of the island, and has to completely eliminate one shift for lack of available personnel. One thing agents have reported is that OTMs, or Other Than Mexican illegal aliens actually self-report with their flight tickets already in their possession for CONUS (Continental U.S.) destinations as the word is out in the region that after receiving their documents requesting a return for court appearance they will be free to leave the island for other destinations. For the record, the USBP agents do not have access to San Juan, where illegal aliens, which could include Special Interest Aliens, acquire phony identification documents. That is ICE-turf.

It's obvious that while countless agents have their complaints about "Legacy INS, the current state of the Border Patrol is in dire need of the Congress to engage in an immediate overhaul without delay.

On the northern border, numerous sources have reported that ICE regularly requests Border Patrol assistance, as they do not have the manpower or resources to apprehend or detain on their own. It is to the degree that the Border Patrol is often requested to provide transport for illegal aliens detained, and that the Border Patrol can provide agents depending on availability due to operations and on a priority level.

Madame Chairman, it is well documented as to the level of compliance by Border Patrol managers in Washington, DC with the policies and requests by the Mexican Government. Consider the parrot-like statements of our own government when it comes to Mexico. For anything and everything, Mexico provides a declaratory conclusion to a matter before even convening more than a surface investigation followed by concurrence by our own government. After that, come the so-called investigation and more discrediting info.

Consider that Tucson Sector agents represented by Local 2544 of the National Border Patrol Council has gone on record by posting on their website as to the level of access and control by the Mexican Government, which has placed agents along the southwestern border often in dangerous, compromised situations. Also, consider that Border Patrol Headquarters continues to deny that Mexican Military incursions regularly occur, and that Sector Chiefs provided information about civilian border observation locations to the Mexican Government though clearly lacking Congressional authority, and clearly exceeding the Vienna Convention Treaty. While the Border Patrol denied the Inland Valley Daily Bulletin's published report, and attempted to discredit reporter Sara Carter after Agent Mario Martinez, their PIO who responded to her inquiry, after he initially admitted that such info was shared.

I met with a Border Patrol Sector Chief Patrol Agent one year ago who took responsibility, and apologized for the disclosure of a property our organization used as a base-camp for border observations last summer as he understood my outrage, that our “secret” location I had personally provided to law enforcement, was provided to the Mexican Government. My meetings with a number of Chief Patrol Agents have been the only ones between civilians and Border Patrol managers to my knowledge. However, the Mexican Government and DHS have both expended great energy in attempting to discredit the news coverage in their denials and by stating that such locations were self-provided on websites, which was not the case of our location, including lying in numerous written responses to Congress and news interviews before the nation.

It is interesting to note that Chief Patrol Agent Darryl Griffen of the San Diego Border Patrol Sector, a person that I consider to be a personal friend, was the sole chief patrol agent mentioned on their website though I understand several sectors provided similar information about activities and locations of lawful civilian border observations to Mexico. The Mexican Government endangered U.S. citizens by publishing such information on their website where drug cartels, their enforcers, military personnel, and violent gangs could have gathered such intel and plotted to harm, or even murder concerned citizens, including me. Yet, not one Congressional hearing has been conducted by any committee of either the House or Senate to look into that serious issue.

The Mexican Government also attempted to undermine the chief personally by solely publishing his name and no others, as he has been quite proactive in the fight to secure our portion of the border and quite creative. I am certain that by damaging his name and reputation, they felt Congress would have seen him removed or reassigned. To me, this action demonstrates the level of cooperation by the Border Patrol managers at HQ, which undermines their very mission to secure America’s borders; especially considering that the Mexican Government is long identified by its corruption.

When did the Congress relinquish authorization or control of the Border Patrol to Mexico City? Is this why Grupo Beta, previously an effective Mexican agency, was reduced to less than security guards, as they have been replaced by our own taxpayer financed Border Patrol? These are questions that must be answered before we even think to consider reconciling bills. Consider that I’ve scarcely even mentioned the failure known as ICE, a completely ineffective agency that should be absorbed into the Border Patrol, or Customs whose managers believe the best way to secure the border is by securing the ports of entry, which has been the mentality of CBP while leaving the borders wide open to incursion by violent terrorists, smugglers, and Mexican Military personnel.

Madame Chairman, it is outrageous that there is such coordination and cooperation, lest any of us forget about the maps and comic books they provide to illegal aliens, which include terrorists. Perhaps the Members are unaware but the State Department provided the funding for our Border Patrol to train personnel of Grupo Beta and other Mexican Government entities along their southern border such as sign-tracking and other tactics used by the patrol. With Mexico’s record, how can this government continue to see them as a partner, when they have done absolutely nothing to prevent terrorism?

Madame Chairman, I would be completely remiss if I did not mention to the committee today that such behavior by the Mexican Government would not be unprecedented as border residents for years have been terrorized for years by violent gangs, bandits, drug cartels, smugglers, local Mexican law enforcement officials and even personnel of the Mexican Military who assist with smuggling operations.

Allow me to share a couple of stories with you today about local border residents, who are our fellow U.S., citizens. Victoria Hope lived in San Diego's East County region. She did what many of us do for our neighbors. She was looking after her neighbor's property while her neighbors were away. When you live in the border region, it is imperative that you work with your neighbors as livestock gets out, or bandits and smugglers often trespass your property, which endangers one's family and neighbors. Mrs. Hope was viciously murdered by illegal aliens who, as if this heinous crime was not nearly enough, these same individuals stole her car.

Madame Chairman, my friends who live along the border and face this form of terrorism 24/7 have long concluded that due to the presence of the organized crime cartels and gangs who orchestrate the majority of the smuggling of drugs, people and contraband here in San Diego, that they do not believe that such individuals would hesitate to smuggle items that would be used to cause harm to America and her citizens--especially if the price was right. A concern that many law enforcement agencies concur with, as do we.

However, this is not an isolated story. Over the past two years, I have met with and earned the trust, support, and friendship of many San Diego border area residents, which is not given, but earned. They have dealt with wrong-way drivers of load vehicles, which involve narcotic, or human smuggling loads, sometimes both. The load drivers when spotted, or they think they've been spotted by law enforcement officers including Border Patrol agents cross to the wrong side of the road. This practice utilized to evade and escape Border Patrol agents, CHP officers, and Deputy Sheriffs happens often along the border. This is yet another type of terrorism our fellow citizens face. Imagine the day that the load vehicle hits a busload of school children on the way to or from school. Deaths have occurred as a result of wrong-way drivers and it is completely avoidable if we secure our borders and protect our citizens.

That's a critical point we hope everyone here today considers. Terrorism is not limited to people that are members of violent terrorist organizations with bombs, sniper rifles, or detonators. Terrorism includes those very types of groups and individuals I mentioned above that have not been dealt with for far too long. We have no business calling groups gangs when they bring chaos, mayhem, violence, mayhem, and murder to our cities, neighborhoods, parks, and schools. It is pure and simple, they are terrorists, too, and must also be broken up and brought to justice for those are the most obvious people to recruit here within our own nation and entering our Swiss-cheese borders. Or does calling people that are terrorizing and murdering our fellow citizens terrorists not happen because of the

propaganda that the War on Terror is in Iraq and Afghanistan and does not include our own borders?

That is something that this committee and the House of Representatives must recognize as fact, publicly acknowledge. The supporters of open borders in the House and Senate as well as the Bush Administration know this, which is why we are inundated with fancy slogans or politically correct terminology, the dog and pony press events, and the smoke and mirrors about willing workers doing jobs Americans won't, which continues to exclude Americans being displaced from the labor force. By campaigning in such a way, this is why our borders remain vulnerable and why we get such absurd proposals from Washington. It is why many people within the Border Patrol and other agencies felt it imperative that I appear as a witness, to discuss these items publicly that are being hidden from the Congress and public.

Far too many people today are in this nation, and we do not know who they are, or their backgrounds, and Mexico will never cooperate with U.S. law enforcement requests, though they'll make every demand on us to adhere to their demands though they continue to plan protests, monitor civilians and public figures alike, and undermine our sovereignty.

This happens because our government does not tell the Mexican Government to back off, and mind their own store. Instead, our government parrots their lies, endangers law enforcement officers and civilians alike, and allows such behavior to continue, which I consider to be open espionage against the United States.

My active duty sources in the Border Patrol have risked their careers and futures in order to provide me the truth, which I, in turn, have forwarded to Congressional leaders, and shared with other law enforcement agencies or Members of Congress. Each of them deserves an opportunity to tell their facts, and expose the truth, which is how this administration through DHS has ordered agents to stand down, and even lie in order to prevent Congress from learning the truth. But their voices, outside of a handful others are being squelched as this administration and Chief Aguilar rules his fiefdom with an iron fist. All statements and tours Members take are pre-scripted and approved by his office. He is the ultimate micro-manager. Any Sector Chief you speak with, including my friend Chief Griffen knows as I do that he has to answer to Mr. Aguilar, as he is the top agent in the chain of command. I am certain you would hear the reality if they were authorized to provide it, on their own without retribution from Mr. Aguilar. Yet, the fact is, under the new rules and regulations implemented since 2004 by the Department of Homeland In-Security, you will never get anything that strays from the official approved script. That is why it is important you have witnesses who do not have to worry about being retired by DHS or detailed from what is considered a good managerial detail to an outpost such as Ramey.

Border Patrol agents want to provide info to Congress but cannot make themselves vulnerable to what our sources and many news outlets have reported as the "culture of corruption" at HQ-OBP that has led to such fear and retribution within the agency. As a

result, the Mexican Government continues to undermine our nation, and people, while assisting terrorists. This is how the Chief of the Border Patrol continues to put his agents at risk, because nobody under his command trusts our Congress to fight for them so they can step forward and tell the truth, beyond citizens such as myself who have earned their trust and the trust of key leaders here within the Congress knowing that we will present the truth on their behalf to Congress. I don't represent a corporation or think-tank. I represent real law enforcement agents and officers who cannot speak for themselves.

In 2005, agents were pleased that civilians took action and went to the borders to see what was happening themselves. It is a shame that we have to depend on civilians staging publicity stunts to take cameras out to the desert under horrible conditions in the hopes that something will happen in front of the news media so that the truth gets out.

As I was informed during meetings along the northern border, it is a shame that civilians have to provide technology that DHS can easily provide for themselves, but refuse to do. But someone has to do it, and this particular official as well as numerous others were pleased that someone was willing to step forward and do so. Instead we are reduced to watching the continuation of the sham being perpetrated by our own government who each day looks more like a two-bit dictatorship, as they constantly mislead and hide the truth from our citizens.

If you do not believe the extent of the mistrust that many law enforcement agencies with the federal government and the Border Patrol, then you must not be paying attention to what many border sheriffs have been stating for a couple of years now. Like me, they're not doing it for publicity or electoral reasons, they are telling the truth and standing by it because they are concerned about our nation's being compromised and vulnerable to terrorists entering our borders.

I encourage the Members to review an interview I did with the New American Magazine published in May 2006 in which I discussed an incident that took place in El Paso Texas during a break between meetings of the Border Sheriffs Coalition and Border Patrol. It underscores and exemplifies the mistrust many have with the Border Patrol. Sheriff Arvin West and others can tell volumes of stories about this problem.

Until Congress steps up to the plate and fixes by overhauling DHS, CBP, ICE, CIS and the Border Patrol, the invasion of our nation will continue without anyone to stop it. As a result the quality of life of our fellow Americans residing along the borders will continue to deteriorate as will the threat against our lives throughout the nation for if we ignore terrorists, how long will it take for the next 9-11, and as everyone knows, our nation's leaders were targets of that tragic days attack, including the Pentagon, World Trade Center, and even you, our nation's leaders in Washington, D.C. For the fact remains, the only effective agency remaining in the Department of Homeland Security is the very one responsible for the protection of the President and Vice President of the United States, while the rest of us depend on the agents and officers being outgunned and out-manned on our borders and in our cities.

THE IMPACT ON AMERICA'S AGENTS – IN THEIR OWN WORDS

Here is a statement taken from the National Border Patrol Council's Local 2544 website. This local represents agents in the Tucson Sector.

*“After the recent shooting incident in Naco, managers and investigators **failed to separate the witnesses**, and allowed them to "get their stories straight" before speaking to the Mexican Consulate. "Investigation 101" mandates that you immediately separate ALL witnesses so that they can't conspire. You transport them separately. Then, if separated witnesses give wildly diverse stories about what happened you know that someone is not being truthful. In this case, **the Mexican Consulate's star witnesses are all related to the alleged "victim"**. Further, while management claims they have completed a "thorough investigation" into the matter of the Mexican Consulate improperly gaining access to witnesses prior to anyone from law enforcement, **they inexplicably failed to speak with either of the rank-and-file agents present that day**. The only people they interviewed that we're aware of are managers. Again, "investigation 101" mandates that you speak with all available witnesses, not just those who are likely to support your preferred version of events. A short written statement from the agents is insufficient in this case. Other questions have arisen since the agents originally submitted their statements. Those questions require clarification. This isn't brain surgery. Isn't it ironic that if management is trying to pin something on an agent, they start with ordering the agent and any witnesses to write memoranda, then ask for more information, followed by exhaustive "interviews". If they're trying to exonerate a manager, they suddenly don't need anything other than the original short written statements to complete their "thorough" investigation. No follow-up necessary.”*

From a retired Border Patrol manager...

I still get sick thinking about what those idiots in DC have done to the outfit. The BP is just a bad dream to me. (Name redacted) is one of them, I had serious problems with a Chief, brought it to his attention and he ignored me, along with (Name redacted).

*Seriously, I still get sick thinking about the outfit, can't believe how Aguilar mentally controls the field leaders..I have no respect for them either...they do not have b***s anymore.*

Why doesn't anyone complain? Maybe I just have (had) a bad attitude because I couldn't see the big picture.

Also, from another anonymous Border Patrol agent...

Maybe the people out there do care? They may not care to hear about border security, but their response to the two jailed agents makes me feel good for once! The Border Patrol leaders didn't support the agents and wonder why they can't recruit enough agents? This coverage will not help recruit quality agents, it will help recruit the wrong people (ie racists and wackos).

Yeah the agents didn't report the shooting, but shootings are so common and the reporting SOP is so overwhelming that if we reported every shooting, you would be in the office most of your career just typing. The guys in the field are learning from the best, the leaders in HQ, hell they hire their buddies without any shame. No more job competition within EEO guidelines anymore. They just do what they want...and the arrogance is spilling down to the field. From yet another anonymous Border Patrol agent...

“Not only is everything we do wrong, right or wrong is determined by inconsistency. What’s wrong for one manager or sup is right with the next one that comes along moments later. If I had it to do over, I’d have stayed a policeman for less money then go through the BS that I do here.”

From an agent’s spouse...

“Screw up, move up. To get along, you have to go along.”

From an anonymous Customs agent...

“My Senior manager at our Port of Entry tells me and my fellow agents, I’m proud to work for Mexico. How did this guy ever get to be a high-ranking agent if that’s his belief? He does not allow us to perform secondary inspections at our port and tells us we are Customer Service, not Law Enforcement .The standing order is you will move everyone. You won’t check everyone.”

Another agent points out the following...

“They took away our ability to vet our own applications for the designated commuter lane, which now goes through Vermont, due to the level of corruption involved at our ports of entry. Dopers have been able to use the DCL, which is how we lost control of the vetting process in the first place.”

From yet another agent...

“Every dooper tied to the Crawford witch-hunt case is a DCL applicant in El Paso. How does Crawford get convicted, yet these publicly identified dopers can get through the port while claim to be meeting my own boss for lunch?”

From another agent...

“As bad as the Ports of Entry in San Diego and Laredo are, the corruption is nowhere near as bad as it is here in El Paso. All a person has to do is say they’re a Friend Of (Name redacted) and they get no inspection and are not stopped at all. We get yelled at for even talking to them and threatened with our job.”

Yet, another agent...

“We once had a student try to cross the bridge with explosives minus the detonator. Our managers told us to ignore it and let the person pass. We told El Paso PD as the City owns the bridge, and EPPD and the FBI showed up, took over the investigation and detonated the explosive on the bridge in place. Yah, real improvement in Homeland Security here.”

From a final agent...

“Incompetent and unqualified cronies of certain leaders run our Ports of Entry and the Border Patrol. They moved us to a different Department, got rid of everyone, and even got rid of the agency. The reality is we’re still there, just wearing a different disguise.”

Statement from Commissioner Bernie Kerik on U.S. v. Compean & Ramos Case

The criminal prosecution and harsh sentencing last year of two border patrol agents convicted of wounding an illegal immigrant trying to smuggle some 700 pounds of marijuana over the border has ignited a controversy that has people on both the right and left calling for an investigation. Well, let the investigation begin. And let's hope that it results in a presidential pardon for agents Ignacio Ramos and Jose Alonso Compean.

Yes, the actions of the agents after the shooting in failing to report the incident—the suspect ran over the Mexican border and kept running, and the agents' say they were unaware that he was hit—merit discipline. But the agents' initial actions of challenging the suspect and firing when then they thought they were about to come under fire themselves, does not warrant the 11 and 12 year sentences each received, respectively, at sentencing.

Why? Because they were doing their jobs protecting the security of this country. Consider the fact that since the attacks of 9/11 more than 6 million people have been stopped at the borders trying to enter the country illegally. Yes, most were likely entering to get work. But surely not all and certainly not the illegal immigrant involved in this case, who, by his own admission, was hired to run drugs over the border to a stash house.

If this drug runner was, instead, trying to smuggle explosives or a dirty bomb, would the two agents then be hailed as heroes? Yes, and probably presented with a presidential medal, because border security is a vital element in our continuing effort to keep America safe from terrorist attacks. Remember that the 19 hijackers of September 11th passed through U.S. border security checkpoints a total of 68 times, leaving and entering this country as they planned their murderous plot. Consider also, in testimony before the U.S. Senate in 2005, James Loy, deputy secretary of the Department of Homeland Security, stated; "several al-Qaeda leaders believe operatives can pay their way into the country through Mexico and also believe illegal entry is more advantageous than legal entry for operational security reasons."

And one has to ask what kind of message this trial and conviction sends to the thousands of dedicated local and state police, and federal agents from the CIA, FBI and DHS who risk danger every day to ensure our safety. It's not as if the two agents prosecuted in this case have bad records. They are good agents with no disciplinary history. In fact, Agent Ramos was nominated for Border Patrol Agent of the year in 2005. Instead, he sits in jail while the illegal drug runner is suing the U.S. Government for millions.

Prior to their trial last March, the agents were each offered, and declined, a one-year plea deal. Had they accepted, they would be out of jail today with time served. But that is not the point, because although the plea carried less time, it was still recognition that their actions were criminal. And that is the real travesty here.

And now a new furor has erupted over the recent beating of Agent Ramos in prison at the hand of other inmates. Investigations are being requested, questions are being asked about the type of protection, or lack thereof, that was afforded this former federal agent in prison, and some are calling for the resignation of the warden of the federal facility in Mississippi .

Questions do need to be asked about the beating. But that should not cloud the real question that needs to be asked here. And that question is when will Agents Ramos and Compean be freed to return to their families and have their conviction wiped clean? Their only guilt is that of doing their job defending our country.

This injustice at the border needs to be righted.

BERNARD B. KERIK
40th Police Commissioner (Retired)
City of New York

FBP calls for Independent Counsel to investigate pattern of abuse by U.S. Attorney

Friends of the Border Patrol continues our call for the terminations of U.S. Attorney Johnny Sutton along with AUSAs Kanof, Gardes, Gonzales, and Gregory for their malicious prosecution of Border Patrol Agents Jose Compean and Ignacio Ramos. Also, for hiding key evidence from, and lying to, the American people, as well as harboring, aiding, and providing comfort to a known drug smuggler – Osbaldo Aldrete-Davila who illegally entered the U.S. from Mexico, assaulted Agent Compean, brandished a firearm towards two federal agents, resisted arrest, and transported narcotics across international boundaries on multiple occasions.

Additionally, we continue to call for the resignation of Judge Kathleen Cardone who did everything possible to aid the prosecution in this witch-hunt, including sealing evidence and testimony that clearly would have damaged the credibility of the government's case and their alleged "victim." Furthermore, when Aldrete-Davila withheld information though given immunity under the terms of his agreement the Court should have ordered him taken into custody immediately and charged for both narcotic incidents, while immediately ordering Agents Compean and Ramos released and terminating the trial.

It is clear that Judge Cardone abused her power to ensure the conviction of Agents Compean and Ramos. Her rulings before, during, and after the trial clearly identify this as demonstrated by not only the recently released transcripts, but also continuing news coverage. This includes her Feb. 13, 2006 ruling that border violence, including military incursions, assaults, etc would be taken on a case by case basis further denying Agents Compean and Ramos of a fair and just trial, and instead chose to provide the type of

justice found in the courtrooms of Mexico, and the former Soviet Union, while violating the civil rights of Agents Compean and Ramos who were not given a fair trial.

Furthermore, we continue our call for all sealed information, testimony, and documents including the October 2005 indictment against admitted narcotic trafficker Osbaldo Aldrete-Davila to be unsealed and publicly provided to the Congress and American people without redaction. This includes the testimony of BP Agent Nolan Blanchette as listed on Transcript 14 in the index.

We maintain our call for an independent counsel to be authorized with full prosecutorial powers to investigate this case and other similar cases in order to determine what other misconduct by the government has taken place and has led to innocent officers being imprisoned. This administration cannot be trusted to further manage, or review this case as they are tainted by the actions of their subordinates in multiple departments and agencies.

FBP's RECOMMENDATION TO CONGRESS

Madame Chairman, we have several recommendations to make to the Congress today, and these are but the beginning.

First, we call on the Congress to investigate and conduct full committee oversight hearings on the War On Law Enforcement perpetrated against our agents and officers by the administration starting with Compean and Ramos. The pattern of abuse is there and DOJ and DHS officials must be held accountable. Each case I mentioned in my testimony must be looked at as one case maybe, two well... but approaching 10 is more than a mere coincidence and demands oversight. When you cannot trust justice to get it right, and instead they repeatedly withhold evidence by sealing and preventing law enforcement from a fair and just trial, we become another two-bit 3rd world dictatorship in the worst traditions of the former Soviet Union, or what people originally left behind when they came to America.

Second, we call on this very committee to overhaul the Firearms and Pursuit Policies used by the Border Patrol so that the travesty that took place in the Compean & Ramos case will never happen again.

Third, that this committee bans the humiliation tactic known in the Border Patrol as the Rubber Gun Squad. It serves no purpose other than to get people in line and trains monkey boys and robots, as they are known in the patrol.

Fourth, don't just accept the pre-scripted guided tour approved by HQ-OBP, do what Congressman Steve King did and go out and see it for yourselves, or call me, and we'll give you a tour of Southern California so you can see it for yourself, just as Mr. Poe did.

There are many others, but I'll close on this critical point as this Congress plans on addressing so-called Comprehensive Immigration Reform.

Based on our information via numerous sources in law enforcement and from numerous citizens residing along our borders, the worst thing the Congress can do would be to compromise and assent to the Senate's amnesty bill. DHS would promptly certify that the border is under control. DHS is the fox guarding the henhouse considering agreements now in place, and the fact that Border Patrol Sector Chief Patrol Agents along the Mexican border overstepped Vienna Convention mandates for co-signers by providing the location of civilian border observations to the Mexican Government, though that's been justified in the name of a good neighbor policy, and by agreements not made public between the Department of Homeland Security and Mexico's Secretariat of Governance, which was signed on March 3, 2006.

Sources of ours report that DHS and CBP have been informing the public through the media that the Border Patrol has achieved "operational control" of the borders and that crossers had a "substantial probability of apprehension". If the House falls for this type of conditional provision, DHS will immediately certify that the border is secure, which ensures that amnesty can go ahead. DHS is, after all, run by the most incompetent group of handpicked bureaucrats our government has ever seen rise to such positions. We, at Friends of the Border Patrol, often refer to this as a FEMA syndrome. In one case, one such agency head is the most unqualified choice of them all whom could not even pronounce Nuevo Laredo at her first press conference. Of course she recommended herself to the president though numerous leaders were both qualified and available.

It is our position after investigating the insecurity of our nation and regular contact with our law enforcement sources that we are vulnerable to Mexican Military incursion, smugglers, drug cartels, and violent gangs. To be perfectly honest, the only thing that DHS and the Border Patrol have excelled at is convincing America that the border is secured and they certainly wouldn't suddenly decide to tell the truth with so much at stake. Hopefully Congress recognizes what a con game this would be and declines any amnesty.

Ask Chief Patrol Agent Bill King (USBP retired), a mentor, friend and the sole living director who administered the previous amnesty of 1986. He and other friends including retired Agent Michael Cutler who worked the fraud squad for over 30 years will tell you it cannot work and would be an even greater failure than it was in 1986.

I respectfully will remind the committee that it is impossible to even talk about such things as amnesty/guest worker programs as no bill authored over the past few years addresses the greater problem.

I am declaring the Border Patrol to be a broken organization in dire need of an overhaul. This was an agency whose headquarters motto used to be "serving the field." Now you have over 200 personnel at HQ, when we need boots in the field. It is imperative that Congress overhauls the Border Patrol, remove the manager who rules by fear and you'll find countless witnesses who will appear before you and provide the facts, upon which you'll know the truth and begin to win the war on terror. Want to stop terrorists? Fix

DHS and the USBP first and tell Mexico to fix their own house and stop exporting terrorists, criminals, and narcotics illegally across our borders while conducting espionage in our house.

The Bush Administration needs to cease and desist from providing an incentive for illegal aliens to come to America. They need to put the American worker first, not those whose nations of origin are responsible for providing for their own people. President Bush repeatedly speaks of “good hearted people doing jobs that Americans no longer do.” Since when do Americans not work in construction, fast food, and other service industries? The fact remains that Americans do every last one of those jobs that are no longer being offered to Americans, and especially not at slave wages, which is also why so many employers have outsourced jobs to other parts of the planet. It’s all about cheap labor, and profits, over American citizens, jobs, and public safety.

The American people are opposed to guest worker/amnesty and have made that point very clear though it’s not needed as the Border Patrol are currently prohibited from interior enforcement operations under 2004’s National Border Patrol Strategy and Memo of Understanding between Customs and Border Protection and ICE released to the agencies on November 16, 2004. It’s time to put America and our security first, by restoring funding, cutting off the job magnet, and letting the agents enforce the laws. Elected officials from both parties primary job is to support and defend the Constitution, not undermine immigration laws as they have done, and continued to do.

This administration is noted for its slogans, so I’ve got one for them. How about calling this attempt to “reform immigration” by the Bush Administration what it really is, “No backroom deal with Mexico (or good hearted-doper reduced to trafficking drugs to help buy medicine for his poor sick mother) – left behind...”

Respectfully submitted by:
Andy Ramirez, Chairman
Friends of the Border Patrol
Website: FriendsOfTheBorderPatrol.com & FOBP.us

In keeping with clause 2(g)(4) of House Rule XI regarding grant or contract disclosures, Friends of the Border Patrol has not received any contract or grant award since our inception in 2004, including our inception.