

# **U.S. SENATOR JOHN L. KYL (R-AZ) HOLDS A HEARING ON BORDER SECURITY ISSUES**

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SENATE JUDICIARY COMMITTEE

U.S. SENATOR JOHN L. KYL (R-AZ), CHAIRMAN

PAUL CHARLTON, U.S. ATTORNEY, DISTRICT OF ARIZONA DAVID AGUILAR, CHIEF OF **BORDER** PATROL, U.S. CUSTOMS AND **BORDER** PROTECTION MARCY FORMAN, DIRECTOR OF INVESTIGATIONS, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT REAR ADMIRAL TIMOTHY SULLIVAN, SENIOR MILITARY ADVISER TO THE HOMELAND, SECURITY SECRETARY, T.J. BONNER, PRESIDENT, NATIONAL **BORDER** PATROL COUNCIL LAVOYGER DURHAM, TEXAS RANCHER A. D'WAYNE JERNIGAN, SHERIFF OF VAL VERDE COUNTY, TX LARRY DEVER, SHERIFF OF COCHISE COUNTY, AZ KYL: WELCOME TO THIS JOINT HEARING BETWEEN THE SUBCOMMITTEE ON, TERRORISM, TECHNOLOGY AND HOMELAND SECURITY AND THE SUBCOMMITTEE ON, IMMIGRATION, **BORDER** SECURITY AND CITIZENSHIP OF THE SENATE JUDICIARY, COMMITTEE. I'M SENATOR KYL. SENATOR FEINSTEIN AND I ARE THE CHAIRMAN AND, RANKING MEMBER RESPECTIVELY OF THE FIRST SUBCOMMITTEE. AND SENATOR CORNYN AND SENATOR KENNEDY ARE CHAIRMAN AND RANKING, MEMBER OF THE OTHER COMMITTEE AND I'M TOLD WILL BE HERE SHORTLY. A COUPLE OF HOUSEKEEPING MATTERS. WE'VE GOT A COUPLE OF, DIFFERENT PANELS HERE, AND WE WERE SUPPOSED TO BE DONE BY 11:00, WHEN, WE HAVE A JOINT SESSION OF CONGRESS WITH SILVIO BERLUSCONI, BUT WE'VE, ALSO JUST BEEN ADVISED AT 10:00 THERE IS A FINAL PASSAGE VOTE ON THE, PATRIOT ACT, WHICH IS A GOOD THING, BUT IT DOES DISRUPT OUR HEARING., THAT VOTE WILL BE HELD OPEN FOR US, BUT IN SOME WAY WE'LL HAVE TO PLAY, MUSICAL CHAIRS HERE. IF I LEAVE TO VOTE, I WILL TURN THE GAVEL OVER TO SENATOR, FEINSTEIN OR WE'LL FIGURE OUT A WAY TO DEAL WITH THAT. SO, SINCE THE OTHERS WILL BE ARRIVING, LET ME BEGIN WITH MY, STATEMENT. AND I WANT TO BEGIN BY THANKING OUR DISTINGUISHED, WITNESSES FOR JOINING US TODAY TO EXAMINE THE PROBLEM OF VIOLENCE ON, THE SOUTHERN **BORDER** OF THE UNITED STATES. PAUL K. CHARLTON HAS SERVED AS THE UNITED STATES ATTORNEY FOR THE, DISTRICT OF ARIZONA SINCE 2001, WHEN HE WAS APPOINTED BY THE, PRESIDENT, CONFIRMED BY THE SENATE FOR THAT POSITION. IN HIS 16 YEARS, AS A CAREER PROSECUTOR, REPRESENTING THE UNITED STATES AND THE, CITIZENS OF ARIZONA, MR. CHARLTON HAS BECOME VERY FAMILIAR WITH THE, SMUGGLERS AND CRIMINAL NETWORKS THAT ARE RESPONSIBLE FOR THE, INCREASING LEVELS OF VIOLENT CRIME ALONG THE **BORDER**. DAVID V. AGUILAR ASSUMED THE POSITION OF CHIEF OF THE OFFICE OF, THE **BORDER** PATROL IN 2004. HE HAS SERVED WITH THE **BORDER** PATROL FOR, OVER 26 YEARS AND SPENT A GOOD PORTION OF THAT TIME ON THE **BORDER** IN, ARIZONA AND TEXAS. HE WILL TESTIFY ON INCURSIONS INTO THE UNITED, STATES TERRITORY BY WHAT APPEAR TO BE **MEXICAN** MILITARY UNITS, SUPPORTING DRUG TRAFFICKERS, AND ON THE DANGERS ENCOUNTERED BY THE, **BORDER** PATROL **AGENTS** EVERY DAY.,

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MARCY M. FORMAN IS DIRECTOR OF THE OFFICE OF INVESTIGATIONS FOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, SOMETIMES REFERRED TO AS, ICE. MS. FORMAN BEGAN HER 26-YEAR LAW ENFORCEMENT CAREER WITH THE, U.S. CUSTOMS. SHE PRESENTLY OVERSEES 5,600 SPECIAL **AGENTS** WHOSE, MISSION IS TO PROTECT AMERICANS FROM THREATS ARISING FROM THE MOVEMENT, OF PEOPLE AND GOODS INTO THE UNITED STATES. SHE WILL TESTIFY ABOUT, THE FEDERAL AND STATE PARTNERSHIPS THAT ARE EMPLOYED TO COMBAT, CRIMINAL ORGANIZATIONS ON THE **BORDER**. OUR SECOND PANEL OF WITNESSES INCLUDES LARRY DEVER, THE SHERIFF, OF COCHISE COUNTY, ARIZONA, AND A GOOD FRIEND. THE PEOPLE OF COCHISE, COUNTY FIRST ELECTED HIM AS THEIR SHERIFF IN 1996, FOLLOWING A 20-YEAR, CAREER WORKING WITH COCHISE COUNTY LAW ENFORCEMENT. SHERIFF DEVER, WILL SHARE HIS OBSERVATIONS ON THE DANGERS THAT SMUGGLERS POSE TO, AMERICANS AND TO ALIENS ILLEGALLY ENTERING THE UNITED STATES. ALAN (PH) D'WAYNE JERNIGAN IS THE SHERIFF OF VAL VERDE COUNTY, TEXAS. HE WAS FIRST ELECTED TO THAT POSITION IN 1996, AND IS A 40-, YEAR LAW ENFORCEMENT VETERAN, A MEMBER OF THE TEXAS **BORDER** SHERIFF'S, COALITION. SHERIFF JERNIGAN WILL TESTIFY ABOUT THE DRUG CARTEL, VIOLENCE HE'S WITNESSED IN TEXAS. LAVOYGER J. DURHAM IS THE MANAGER OF EL TULE RANCH IN SOUTH, TEXAS, LOCATED ABOUT 75 MILES NORTH OF THE **MEXICAN BORDER**. MR. DURHAM, HAS MANAGED EL TULE RANCH FOR 16 YEARS AND IN THAT TIME HAS DIRECTLY, EXPERIENCED THE MISERIES ARISING FROM HUMAN SMUGGLING ACROSS THE, RANCH. FINALLY, T.J. BONNER IS PRESIDENT OF THE NATIONAL **BORDER** PATROL, COUNCIL, WHICH REPRESENTS MORE THAN 10,000 FRONTLINE **BORDER** PATROL, EMPLOYEES. MR. BONNER IS A 27-YEAR-OLD VETERAN OF **BORDER** PATROL., HE'S FAMILIAR WITH **MEXICAN** MILITARY INCURSIONS INTO THE UNITED STATES, AND WITH THE CAUSES OF INCREASING VIOLENCE ON THE **BORDER**. IN CALLING THIS JOINT HEARING, SENATOR CORNYN AND I WANTED TO, REACQUAINT THE PUBLIC AND OUR SENATE COLLEAGUES WITH THE DIRE, CONSEQUENCES THAT HAVE RESULTED FROM THE FEDERAL GOVERNMENT'S FAILURE, TO CONTROL THE SOUTHERN **BORDER** OF THE UNITED STATES. AND WHILE THE SENATE IS ENGAGED IN DISCUSSING COMPREHENSIVE, IMMIGRATION REFORM, WE WANT TO REMIND OUR COLLEAGUES THAT NO REFORM OF, THE IMMIGRATION SYSTEM WILL BE SUCCESSFUL UNLESS CONGRESS MAKES A, DEFINITIVE COMMITMENT TO ENSURE THAT THE AGENCIES RESPONSIBLE FOR, INTERDICTING **ILLEGAL** ALIENS AND CONTRABAND HAVE THE RESOURCES THEY, NEED TO GET THE JOB DONE. OUR OPEN **BORDER** WITH MEXICO HAS PERMITTED A HISTORICALLY, UNPRECEDENTED NUMBER OF FOREIGN NATIONALS FROM OVER 120 COUNTRIES TO, ENTER THE UNITED STATES ILLEGALLY. WHILE RECOGNIZING THAT THE MAJORITY OF **ILLEGAL** MIGRANTS TO OUR, COUNTRY ONLY COME HERE TO SEEK BETTER WAGES AND A BETTER STANDARD OF, LIVING, WE CANNOT IGNORE THE FACT THAT AT LEAST 10 PERCENT OF THE, ALIENS APPREHENDED ALONG THE **BORDER** ARE CRIMINALS. IN THE LAST FIVE MONTHS, THE **BORDER** PATROL HAS ARRESTED NO LESS, THAN 42,722 ALIENS WITH CRIMINAL RECORDS ON THE **BORDER**. THAT'S JUST, IN FIVE MONTHS. OVER 42,000. AMONG THEM WERE 6,770 FELONS, 148, PERSONS WANTED IN CONNECTION WITH A HOMICIDE, 42 ASSOCIATED WITH, KIDNAPPING, 164 ASSOCIATED WITH A SEXUAL ASSAULT, 298 ASSOCIATED WITH, ROBBERY, 1,957 WANTED FOR ASSAULT AND 4,161 CONNECTED WITH DRUG, CRIMES. DHS RECENTLY ADVISED US THAT ABOUT 139,000 OF THE 1.1 MILLION, PEOPLE APPREHENDED ON THE **BORDER** IN 2005 WERE CRIMINAL ALIENS SEEKING, TO ILLEGALLY REENTER THE UNITED STATES. THE UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE **REPORTED** LAST, YEAR THAT CRIMINAL ALIENS MADE UP NEARLY ONE-THIRD OF THE FEDERAL, PRISON POPULATION, AND THAT THE NUMBER OF ALIENS INCARCERATED JUMPED, FROM 42,000 IN 2001 TO 49,000 IN 2004. IN 2003, STATE PRISONS HELD, ABOUT 74,000 CRIMINAL ALIENS. OUR FEDERAL AND STATE GOVERNMENTS HAVE, EXPENDED HUNDREDS OF MILLIONS OF DOLLARS INCARCERATING THEM. NOW, I SHARE THE BELIEF THAT A TEMPORARY WORKER PROGRAM WILL, REDUCE SOME OF THE PRESSURE ALONG THE SOUTHERN **BORDER** BECAUSE THOSE, COMING HERE FOR WORK WILL HAVE A LEGAL AVENUE TO DO SO AND WILL NOT, RESORT TO HIRING VIOLENT SMUGGLERS TO GET THEM ACROSS. BUT YOU CAN BE SURE THAT THE HUNDREDS OF THOUSANDS OF CRIMINAL, ALIENS WHO WILL BE BARRED FROM PARTICIPATING IN ANY TEMPORARY WORKER, PLAN WILL CONTINUE TRYING TO REENTER THE UNITED STATES, AS WILL THE, MILLIONS OF THE HYPER-VIOLENT DRUG CARTELS LOCATED JUST ACROSS THE, **BORDER**. WE MUST HAVE THE RESOURCES IN PLACE TO DEFEAT THEM. I FREQUENTLY HEARD THE

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ARGUMENT THAT THE UNITED STATES CANNOT, STOP THE FLOW OF ILLEGAL IMMIGRANTS AND THE CONTRABAND ACROSS THE, BORDER. THAT'S WRONG. FIRST OF ALL, WE HAVE INCREASED THE PRESENCE OF BORDER PATROL, AGENTS ON THE BORDER. WE HAVE NEVER HAD NEARLY ENOUGH OF THEM. IN, 2005, THE BORDER PATROL HAD 11,268 AGENTS PATROLLING OVER 9,000 MILES, OF U.S. BORDER. THAT DOES NOT EVEN COMPARE FAVORABLY WITH THE CITY OF, NEW YORK, WHICH EMPLOYS 39,110 POLICE OFFICERS TO PATROL JUST ITS FIVE, BOROUGHES. UNTIL WE HAVE AN ADEQUATE FORCE OF BORDER PATROL AGENTS TO, PROTECT OUR BORDERS AND HAVE EQUIPPED THEM WITH THE TECHNOLOGY AND, INFRASTRUCTURE THEY NEED TO ACCOMPLISH THE MISSION, I WILL NOT BUY, INTO THE NOTION THAT CONTROL OF OUR BORDERS IS BEYOND OUR CAPABILITY. SECOND, THE UNITED STATES HAS BEEN SLOW TO MAKE A CONCERTED, EFFORT TO PLACE STRATEGIC FENCING AND VEHICLE BARRIERS ALONG THE, BORDER TO PREVENT NARCO TRAFFICKERS, HUMAN SMUGGLERS AND ILLEGAL, ALIENS FROM SIMPLY CROSSING THE BORDER AT WILL. MUCH OF OUR BORDER WITH MEXICO IS SIMPLY DELINEATED BY A RUSTY, STRAND OF BARBED WIRE THAT'S BEEN BEATEN INTO THE DIRT BY THOUSANDS OF, ILLEGAL CROSSERS. WE KNOW THAT FENCES WORK. THE FENCE IN THE SAN, DIEGO SECTOR HAS DRAMATICALLY REDUCED ILLEGAL IMMIGRATION AND DRUG, TRAFFICKING ACROSS THE SECTOR. WE MUST EXPAND OUR STRATEGIC USE OF PEDESTRIAN FENCES AND VEHICLE, BARRIERS AROUND URBAN AREAS AND MORE REMOTE LOCATIONS THAT WE KNOW ARE, BEING USED BY SMUGGLERS. THIS WILL ALSO HELP PREVENT CONFUSION ABOUT, THE LOCATION OF THE BORDER AND PREVENT MEXICAN MILITARY UNITS AND LAW, ENFORCEMENT OFFICERS FROM INADVERTENTLY ENTERING THE UNITED STATES. FINALLY, I BELIEVE THAT THE UNITED STATES, LIKE OTHER NATIONS, HAS BOTH THE OBLIGATION AND THE RIGHT TO CONTROL ITS BORDERS. INDEED, IT'S DIFFICULT TO IMAGINE A MORE FUNDAMENTAL PRIMARY ROLE OF, GOVERNMENT. THE FEDERAL GOVERNMENT ALONE IS RESPONSIBLE FOR, MAINTAINING THE INTEGRITY OF THE IMMIGRATION SYSTEM AND FOR ENSURING, THAT FOREIGN NATIONALS WHO WOULD HARM OUR CITIZENS AND RESIDENTS ARE, DENIED ENTRY. THAT IS A GREAT RESPONSIBILITY, AND WE, MEMBERS OF THE CONGRESS, MUST LIVE UP TO IT. SENATOR FEINSTEIN? FEINSTEIN: THANK YOU VERY MUCH, MR. CHAIRMAN. AND I'D LIKE TO THANK YOU AND SENATOR CORNYN FOR HOLDING THIS, JOINT SUBCOMMITTEE MEETING. AND I'D ALSO LIKE TO THANK OUR WITNESSES. I LOOK FORWARD TO, THEIR TESTIMONY. I WOULD AGREE THAT THERE ARE A NUMBER OF ALARMING TRENDS WE'VE, GOT TO ADDRESS. IN RESPONSE TO THE INCREASED POLICING OF OUR BORDERS, SMUGGLERS ARE BECOMING EVERMORE SOPHISTICATED AND DANGEROUS. LAST WEEK IN SAN DIEGO, I VISITED THE SITE OF AN UNBELIEVABLE, TUNNEL. THAT TUNNEL WAS EIGHT FOOTBALL FIELDS LONG, RAN A HALF A MILE, FROM A NEW, BRIGHT, BUT KEPT VACANT WAREHOUSE IN THE UNITED STATES, UNDER THE BORDER TO A WAREHOUSE IN MEXICO. IT WENT DOWN 60 TO 80, FEET. IT WAS VENTILATED, HAD ELECTRICITY, CONTAINED A RAIL SYSTEM TO, FERRY CONTRABAND BACK AND FORTH BETWEEN OUR COUNTRIES. I THINK AT THE TIME THE BORDER PATROL FOUND IT, IT HAD 2,000, POUNDS OF MARIJUANA AT ONE END, AND 300 POUNDS AT THE OTHER. SO, THAT'S PRETTY WELL DEFINED EVIDENCE AS TO WHAT IT WAS USED FOR. NOW, THIS IS JUST ONE OF 40 BORDER TUNNELS DISCOVERED IN THE LAST, FIVE YEARS. ALL BUT ONE OF THEM, ON THE SOUTHERN BORDER. SENATOR KYL AND I HAVE PREPARED AND WILL INTRODUCE LEGISLATION, LATER THIS AFTERNOON TO HELP CURB THIS PRACTICE. AND I HOPE THAT, WE'LL ACT ON THIS LEGISLATION AS SOON AS POSSIBLE. ABOVE GROUND, SMUGGLERS ARE ALSO BECOMING MORE AND MORE, ORGANIZED, TO THE EXTENT THAT WE'VE SEEN REPORTS OF OUTLAWS WITH, MILITARY STYLE UNIFORMS AND EQUIPMENT AND EVEN MOVING IN MILITARY, STYLE FORMATIONS. VIOLENCE AGAINST LAW ENFORCEMENT AGENTS AND LOCAL RESIDENTS IS ON, THE RISE. AND SO, TOO, IS ILLEGAL IMMIGRATION OF ALIENS OTHER THAN, MEXICANS. MANY FROM COUNTRIES OF SPECIAL NATIONAL SECURITY INTERESTS. THE OTM ISSUE, WHICH I KNOW SENATOR CORNYN HAS BEEN INVOLVED IN, AND I HAVE AS WELL, HAS MORE THAN TRIPLED IN THE LAST TWO YEARS. TWO WEEKS AGO, I MET WITH THREE OF OUR COUNTERPARTS IN THE, MEXICAN SENATE. SENATORS HERNANDEZ (PH) AND ASSUNA (PH) OF THE, MEXICAN SENATE'S FOREIGN RELATIONS COMMITTEE; AND SENATOR CARDENAS, (PH), THE VICE PRESIDENT OF THE MEXICAN SENATE. I WAS REALLY VERY PLEASED BY THEIR ATTITUDE. THEY SHARED MY, CONCERN ABOUT ILLEGAL ACTIVITY IN THE BORDER. THEY LOOKED FORWARD TO, WORKING WITH BORDER PATROL. THEY WOULD LIKE TO SEE A NEW JOINT

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EFFORT, FORMED. AND THEY INDICATED THAT THE MEXICAN INVESTIGATIONS OF THE, UNIFORMS WORN ON OUR SIDE OF THE BORDER WERE NOT OFFICIAL MEXICAN, UNIFORMS, BUT WERE MOST LIKELY CARTEL DESIGNED AND INSPIRED UNIFORMS. I VERY MUCH WELCOMED THEIR ASSURANCES AND I'M PLEASED WITH THE, CONCRETE ADVANCES WE HAVE SEEN IN COOPERATION WITH THE MEXICAN, GOVERNMENT. SENATOR KYL, I INTEND TO SEND THE PRESIDENT OF MEXICO AND THESE, SENATORS OUR LEGISLATION IN HOPES THAT MEXICO WILL THEN INTRODUCE, LEGISLATION, MAKING IT A FEDERAL MEXICAN CRIME TO BUILD A TUNNEL JUST, AS OUR LEGISLATION WOULD MAKE IT A FEDERAL AMERICAN CRIME. I DIDN'T KNOW THAT WE DON'T HAVE A FEDERAL CRIMINAL PENALTY FOR, BUILDING ONE OF THESE TUNNELS, AND SO SHORTLY, I HOPE THAT WE WILL. IN NOVEMBER OF LAST YEAR, THE MEXICAN SUPREME COURT REVISITED A, PREVIOUS DECISION LIMITING THE EXTRADITION OF CRIMINALS WANTED BY THE, UNITED STATES. THIS LED LAST MONTH TO THE CAPTURE AND EXTRADITION OF, JORGE ARROYO GARCIA (PH) IN MICHOACAN (PH). NOW, THIS GENTLEMAN -- HE'S NOT REALLY A GENTLEMAN, HE'S A KILLER, -- HAS BEEN WANTED SINCE 2002 FOR THE MURDER OF LOS ANGELES COUNTY'S, DEPUTY SHERIFF DAVID MARCH (PH). THIS IS INDEED GOOD NEWS BECAUSE IT HAD BECOME ALMOST STANDARD, OPERATING PROCEDURES THAT IF A MEXICAN NATIONAL KILLS A LAW, ENFORCEMENT OFFICER IN THIS COUNTRY, THEY HEAD ACROSS THE BORDER AND, BY AND LARGE, THEY WERE NOT THEN SUBJECT TO EXTRADITION. THIS IS NOW, BEGINNING TO CHANGE AND I'D LIKE TO COMMEND THE MEXICAN GOVERNMENT AND, THE SUPREME COURT FOR TAKING THIS ACTION. AGAIN, I THANK THE PANELISTS. I LOOK FORWARD TO YOUR TESTIMONY. KYL: THANK YOU, SENATOR FEINSTEIN. SENATOR CORNYN? CORNYN: THANK YOU, SENATOR KYL. AS YOU KNOW OUR TWO SUBCOMMITTEES HAVE DONE A GREAT DEAL OF WORK, EXAMINING ALL ASPECTS OF OUR NATION'S BORDERS SECURITY AND IMMIGRATION, SYSTEM. IN PAST HEARINGS AND IN THIS ONE AS WELL, THE INFORMATION THAT, WE'VE GATHERED WILL PLAY AN IMPORTANT ROLE IN OUR UPCOMING DEBATES IN, THE UNITED STATES SENATE ON BORDER SECURITY AND IMMIGRATION REFORM., I'D LIKE TO EXPRESS MY GRATITUDE TO THE NUMEROUS RANCHERS AND LAW, ENFORCEMENT OFFICIALS WHO TRAVELED QUITE A LONG WAY TO JOIN US TODAY., IT'S GOOD TO SEE YOU HERE. AND I KNOW THAT WHAT WE WILL BE DISCUSSING, HERE WILL HAVE A SIGNIFICANT IMPACT ON YOUR LIVES. AND I APPRECIATE, YOUR PRESENCE. TODAY'S HEARING COMES ON THE HEELS OF A WELL-PUBLICIZED, ENCOUNTER, ACTUALLY A COUPLE OF THEM IN TEXAS, BETWEEN LAW ENFORCEMENT, OFFICERS AND ORGANIZED DRUG DEALERS. CAPTURING THIS INCIDENT ON VIDEO, ALLOWED EVERYONE TO SEE THE DANGERS ASSOCIATED WITH THE FEDERAL, GOVERNMENT'S CONTINUED FAILURE TO CONTROL OUR BORDERS. WHILE THIS HIGHLY PUBLICIZED ENCOUNTER BROUGHT ATTENTION TO THE, PROBLEM, BORDER VIOLENCE HAS LONG PLAGUED OUR FEDERAL AND STATE LAW, ENFORCEMENT OFFICERS. IN ADDITION TO THIS RECENT INCIDENT, LAW, ENFORCEMENT OFFICERS ALONG THE BORDER ROUTINELY SEIZE GUNS, AMMUNITION, DRUGS AND ILLEGAL ALIENS. ADDITIONALLY, BORDER PATROL AGENTS FACE HUNDREDS OF ASSAULTS EACH, YEAR. THESE RANGE FROM SHOOTINGS, TO ROCK THROWINGS, TO ATTEMPTS TO, RUN THEM OVER. WE'LL HEAR FROM TENURED STATE AND FEDERAL LAW ENFORCEMENT, OFFICERS ABOUT STRATEGIES THEY BELIEVE WILL ADDRESS THESE PROBLEMS. UNFORTUNATELY, HOWEVER, THIS DANGER IS NO LONGER LIMITED TO OUR, LAW ENFORCEMENT PERSONNEL. TODAY, WE'LL ALSO HEAR FROM LAVOYGER, DURHAM, A LONGTIME TEXAS RANCHER. MR. DURHAM HAS LIVED AND WORKED, ALONG THE BORDER FOR DECADES. HE WILL DESCRIBE TO US HOW AS ILLEGAL, IMMIGRATION HAS INCREASED, SO TOO HAS THE DANGER, THE THREATS AND THE, VIOLENCE TO ORDINARY CITIZENS WHO HAPPEN TO LIVE AND WORK IN THE, BORDER REGION. AS A MATTER OF FACT, MOVEMENT ACROSS OUR BORDER HAS EXISTED AS, LONG AS WE'VE HAD A BORDER, BUT WHAT I'M TOLD BY MY CONSTITUENTS IN, SOUTH TEXAS, THE RIO GRANDE VALLEY, IS THAT THE NATURE OF ILLEGAL, IMMIGRATION HAS CHANGED COMPLETELY, GIVEN MEXICO'S STATUS AS A TRANSIT, POINT FOR INTERNATIONAL HUMAN SMUGGLING. THE SITUATION IS UNACCEPTABLE AND CONGRESS MUST ACT TO DO, EVERYTHING WITHIN ITS POWER TO END IT NOW. COMBATING BORDER VIOLENCE WILL TAKE A CONCERTED AND THOUGHTFUL, EFFORT BY ALL PARTIES INVOLVED. THAT'S WHY I'M DISAPPOINTED THAT THE, DEPARTMENT OF HOMELAND SECURITY REFUSED MY REQUEST TO SEND A WITNESS, TO DISCUSS HOW THE DEPARTMENT OF HOMELAND SECURITY RECEIVES LAW, ENFORCEMENT SUPPORT FROM JOINT TASK FORCE NORTH. I BELIEVE IT'S, IMPORTANT THAT THE FEDERAL GOVERNMENT USE ALL OF ITS RESOURCES, NO, MATTER WHAT THE

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FEDERAL AGENCY IS, TO GAIN CONTROL OF THE BORDER. JOINT TASK FORCE NORTH IN EL PASO IS REQUIRED TO SUPPORT LAW, ENFORCEMENT EFFORTS, DESIGNED TO DETER DRUG TRAFFICKING AND ALIEN, SMUGGLING. THE WORKING RELATIONSHIP BETWEEN THE DEPARTMENT OF, HOMELAND SECURITY AND JOINT TASK FORCE NORTH IS A CRITICAL COMPONENT, TO THE FEDERAL STRATEGIES DESIGNED TO COMBAT BORDER VIOLENCE., THERE ARE NO SIMPLE SOLUTIONS. THE UNITED STATES SHARES ALMOST, 2,000 MILES OF BORDER WITH MEXICO AND ROUGHLY 4,000 MILES WITH CANADA., MY STATE ALONE ACCOUNTS FOR THE MAJORITY OF THE SOUTHERN BORDER, SHARING ABOUT 1,285 MILES; OR 65 PERCENT OF THE SOUTHERN BORDER. IN 2004, THE BORDER PATROL APPREHENDED 1,139,000 ALIENS ALONG THE, SOUTHERN BORDER. IN 2005, THAT NUMBER GREW TO 1,171,000. AND THIS, YEAR, THE NUMBER HAS ALREADY REACHED 408,000 AND IT'S ONLY MARCH THE, 1ST. I MIGHT ADD, SENATOR KYL AND SENATOR FEINSTEIN, I'M TOLD BY MY, VISITS TO THE BORDER, AND YOU MAY HAVE EXPERIENCED THE SAME THING, THAT OUR BORDER PATROL AND LAW ENFORCEMENT PERSONNEL BELIEVE, NOTWITHSTANDING THE NUMBERS THAT THEY'VE DETAINED, THAT THEY MAYBE GET, ONE OUT OF EVERY THREE OR ONE OUT OF EVERY FOUR PEOPLE THAT ATTEMPT A, CROSSING. THE PROBLEM OF THIS MAGNITUDE WILL NOT BE SOLVED BY BUMPER, STICKER SLOGANS. THE FEDERAL GOVERNMENT HAS IGNORED OUR POROUS BORDER, FOR DECADES -- I SHOULD SAY, IGNORED THE NECESSARY RESOURCES TO DEAL, WITH OUR BORDER FOR DECADES. AND TO RESTORE LAW AND ORDER, IT WILL REQUIRE COMPREHENSIVE, ENFORCEMENT EFFORTS THAT FOCUS NOT JUST AT THE BORDER, BUT ALSO ON, INTERIOR ENFORCEMENT AND HOLDING EMPLOYERS ACCOUNTABLE FOR ILLEGAL, HIRING. THE LEGISLATION THAT SENATOR KYL AND I HAVE INTRODUCED TACKLES, THIS PROBLEM ON EVERY FRONT. IT BEGINS BY INCREASING THE NUMBERS OF, THE MOST VALUABLE ASSET WE HAVE, AND THAT IS OUR BORDER PATROL AGENTS. WE ALSO CALL FOR THE USE OF PHYSICAL BARRIERS IN HIGH TRAFFICKED, AREAS AND THE USE OF UP-TO-DATE TECHNOLOGY, LIKE UNMANNED AERIAL, VEHICLES AND GROUND SENSORS THAT TODAY DETECT MOVEMENT ACROSS THE, SYRIAN BORDER INTO IRAQ. WE OUGHT TO BE DEPLOYING ALL OF THE TECHNOLOGY THAT'S AVAILABLE, TO THE FEDERAL GOVERNMENT THAT THE TAXPAYERS HAVE ALREADY PAID FOR TO, ASSIST OUR BORDER PROTECTION OFFICIALS. THIS COMBINED APPROACH CONTROLS THE BORDER BY CREATING A VIRTUAL, FENCE. OUR LEGISLATION ALSO STREAMLINES DEPORTATION PROCEEDINGS, REQUIRES FOREIGN COUNTRIES TO DO THEIR PART IN COMBATING ILLEGAL, ENTRY, AND PUNISHES EMPLOYERS WHO KNOWINGLY HIRE ILLEGAL ALIENS. IT'S NOT POSSIBLE TO SEPARATE THE INCREASE IN BORDER VIOLENCE AND, INCURSIONS FROM OUR BROKEN IMMIGRATION SYSTEM. WHEN HALF A MILLION, ILLEGAL ALIENS CAN COME ACROSS OUR BORDER EACH YEAR, IT'S UNDETECTED, AND NOT STOPPED, IT'S NO WONDER THAT CRIMINALS AND DRUG TRAFFICKERS, BELIEVE THAT THEY ARE SOMEHOW IMMUNE FROM THE LAW. UNLESS AND UNTIL CONGRESS ADDRESSES THE IMMIGRATION PROBLEM, ACROSS THE BOARD, WE'LL CONTINUE TO EXPERIENCE AN UNACCEPTABLE LEVEL, OF VIOLENCE ALONG THE BORDER. TOMORROW, THE FULL JUDICIARY COMMITTEE WILL BEGIN THE DEBATE ON, BORDER SECURITY AND IMMIGRATION REFORM. IT WON'T BE AN EASY PROCESS, BUT THERE ARE FEW ISSUES OF GREATER SIGNIFICANCE AND GREATER, IMPORTANCE THAN SECURING OUR BORDERS. WHILE THERE'S NOT YET A CONSENSUS ON HOW TO ADDRESS THE MILLIONS, OF ILLEGAL ALIENS WHO ALREADY LIVE IN THE UNITED STATES, THERE IS, UNIFORM AGREEMENT IN THE CONGRESS THAT THE FEDERAL GOVERNMENT MUST DO, WHAT IT TAKES TO ACHIEVE BORDER SECURITY AND TO END BORDER VIOLENCE. I LOOK FORWARD TO TODAY'S TESTIMONY AND THANK EACH OF THE, WITNESSES FOR YOUR CONTRIBUTIONS. KYL: THANK YOU, SENATOR CORNYN. SENATOR FEINSTEIN HAS SOME DOCUMENTS TO BE INSERTED IN THE, RECORD. FEINSTEIN: THANK YOU, MR. CHAIRMAN. IF I MAY, I'D LIKE TO ENTER INTO THE RECORD MY LETTER OF FEBRUARY, 14 TO PRESIDENT VICENTE FOX, ASKING FOR HIS PERSONAL ATTENTION TO THE, MATTER OF THE INDIVIDUALS DRESSED IN MILITARY UNIFORMS WHO HAVE, PENETRATED THE BORDER. AND ALSO A COPY OF THE FACT SHEET PRODUCED BY THE MEXICAN, GOVERNMENT ON THEIR INVESTIGATION OF THIS INCIDENT AND INCIDENTS IN, WHICH THEY CONCLUDE THAT THE UNIFORMS, INSIGNIA, ARMAMENT AND VEHICLES, THAT APPEAR ON THE INITIAL VIDEO DO NOT CORRESPOND TO THOSE UTILIZED, BY THE ARMED FORCES OF MEXICO. AND IT GOES ON TO SAY THAT THE, UNDERSECRETARY OF NORTH AMERICAN AFFAIRS, MR. GUTIERREZ (PH), AND, AMBASSADOR ICAZA (PH), THE MEXICAN AMBASSADOR HAVE RECENTLY MET AT THE, EMBASSY IN

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WASHINGTON WITH OFFICIALS OF OUR GOVERNMENT TO DISCUSS THIS, MATTER. IF I MIGHT ENTER THOSE BOTH IN THE RECORD. KYL: WITHOUT OBJECTION. AND A LETTER THAT I HAVE WRITTEN TO THE SECRETARY OF STATE WILL, BE ADMITTED AS WELL, WITHOUT OBJECTION. ALL RIGHT. LET'S BEGIN WITH THE FIRST PANEL. AND THIS IS, SOMEWHAT ARBITRARY, BUT I THINK I'D LIKE TO START WITH CHIEF AGUILAR, AND THEN U.S. ATTORNEY PAUL CHARLTON, AND CONCLUDE WITH MARCY FORMAN, UNLESS THE THREE OF YOU THINK THAT'S NOT A GOOD IDEA. ALL RIGHT, GO AHEAD. CHIEF AGUILAR, THANK YOU. AGUILAR: GOOD MORNING. CHAIRMAN KYL, CHAIRMAN CORNYN, RANKING MEMBER FEINSTEIN, IT'S A PLEASURE TO BE HERE THIS MORNING., AND ESPECIALLY WITH OUR PARTNER FROM ICE, MARCY FORMAN; AND A, TRUE ALLY, FRIEND AND ABSOLUTELY GREAT PARTNER IN ARIZONA, PAUL, CARLTON, U.S. ATTORNEY. IT IS AN HONOR AND PRIVILEGE TO BE HERE TODAY TO TESTIFY ON, BEHALF OF THE MEN AND WOMEN OF CUSTOMS AND **BORDER** PROTECTION IN DHS., I'M ESPECIALLY PLEASED TO BE HERE TODAY TO TESTIFY ON OUR SHARED, INTEREST OF SECURITY OF OUR NATION, SAFETY OF OUR COMMUNITIES AND THE, SAFETY OF OUR OFFICERS AS THEY PATROL THE **BORDERS** OF OUR COUNTRY. I WELCOME THE OPPORTUNITY TO TESTIFY ON THE SUBJECT OF **BORDER**, VIOLENCE AND THREATS THAT OUR OFFICERS FACE IN CARRYING OUT THEIR, DUTIES AND EFFORTS IN SECURING OUR COUNTRY'S **BORDERS** ON A DAILY BASIS. ONE OF THE THINGS THAT I THINK WE'RE VERY FAMILIAR WITH IS THE, DYNAMICS OF **ILLEGAL** IMMIGRATION AND **ILLEGAL** NARCOTICS TRAFFICKING, SUCH THAT CRIMINAL ORGANIZATIONS TYPICALLY SEEK OUT **BORDER** AREAS THAT, WILL SUPPORT THEIR **ILLEGAL** CROSS **BORDER** SMUGGLING EFFORTS. THE ORGANIZATIONS WILL LOOK TO BASE THEIR STAGING, STASHING AND, JUMP OFF POINTS INTO THE UNITED STATES AT LOCATIONS THAT HAVE, INFRASTRUCTURE TO SUPPORT THEIR SMUGGLING ACTIVITIES. SMUGGLERS HAVE HISTORICALLY EXPLOITED URBAN AND POPULATED AREAS, ALONG OUR **BORDER** WITH MEXICO. WHILE WE HAVE MADE GREAT STRIDES IN INCREASING THE LEVELS OF, CONTROL ALONG OUR **BORDER** URBAN AREAS, WE ARE CONTINUING TO RESOURCE, AND INCREMENTALLY GAIN GREATER CONTROL OF THE RURAL AREAS OF OUR, **BORDER** WITH MEXICO. TACTICAL INFRASTRUCTURE, PERSONNEL AND TECHNOLOGY BECOME A MUCH, GREATER NEED AND FORCE MULTIPLIER. THE RURAL AREAS OF OUR **BORDERS** POSE UNIQUE CHALLENGES. THE, VASTNESS, REMOTENESS, ACCESSIBILITY AND MOBILITY ARE A **FEW** OF THE, MAJOR CHALLENGES WE FACE IN PATROLLING AND PROTECTING OUR NATION'S, RURAL **BORDER** AREAS. A TREND THAT HAS DEVELOPED AS WE CONTINUE TO EXPAND OUR CONTROL, OF THE **BORDER** IS A DRAMATIC INCREASE IN **BORDER** VIOLENCE AGAINST OUR, **AGENTS**. VIOLENCE HAS ALWAYS BEEN A PART OF THE ENVIRONMENT IN WHICH, THE MEN AND WOMEN OF THE UNITED STATES **BORDER** PATROL OPERATE AND IS, RECOGNIZED AS AN INHERENT PART OF SECURING OUR NATION'S **BORDERS**. IN FISCAL YEAR 2005, WE EXPERIENCED 778 ASSAULTS AGAINST OUR, OFFICERS, A 108 PERCENT INCREASE FROM THE PREVIOUS YEAR. THROUGH, JANUARY 31 OF THIS FISCAL YEAR, WE EXPERIENCED ALREADY 200 ASSAULTS, AGAINST OUR OFFICERS. I, PERSONALLY, ATTRIBUTE THIS INCREASE IN VIOLENCE TO THE FACT, THAT THE **BORDER** PATROL'S ACHIEVEMENTS IN GAINING GREATER AND EXPANDED, CONTROL OF OUR **BORDERS** HAS RESULTED IN A GREATER RELUCTANCE OF, ENTRENCHED CRIMINAL ORGANIZATIONS TO GIVE UP AREAS IN WHICH THEY HAVE, EITHER HISTORICALLY OPERATED IN THE PAST OR THEY ARE RELUCTANT TO GIVE, UP AREAS WHERE THEY HAVE REESTABLISHED THEMSELVES AS A REACTION TO OUR, INCREASED URBAN ENFORCEMENT EFFORTS THAT HAVE IMPACTED UPON THEM. OUR **BORDER** WITH MEXICO IS LONG. IT'S VAST AND IN MANY CASES, A, VERY REMOTE, SOMETIMES UNMARKED OR POORLY DELINEATED **BORDER**. WE, CONTINUE TO INCREASE OUR DEPLOYMENTS AT REMOTE AREAS TO COUNTER AND, RESOURCES ALLOWING, ANTICIPATE CRIMINAL ORGANIZATIONS' MOVEMENTS. IN THE LAST SEVERAL WEEKS, AS SEVERAL OF YOU HAVE SPOKEN ABOUT, WE HAVE SEEN **REPORTING** ON PAST INCURSIONS ATTRIBUTED TO GOVERNMENT OF, MEXICO ENTITIES. REALITY ALONG OUR **BORDER** WITH MEXICO IS THAT THERE, HAVE BEEN INCURSIONS INTO MEXICO, INCURSIONS BY BOTH THE **BORDER** PATROL, INTO MEXICO AND INCURSIONS INTO THE UNITED STATES BY GOVERNMENT OF, MEXICO ENTITIES. **BORDER** INCURSIONS ATTRIBUTED TO GOVERNMENT OF MEXICO ENTITIES, INTO THE UNITED STATES HAVE OCCURRED IN BOTH OUR URBAN AND RURAL AREAS, OF OPERATION. THIS IS NOT A NEW PHENOMENON, AND WHILE IT DOES OCCUR, IT IS A SITUATION THAT IS NOT TAKEN LIGHTLY AND IS OF ABSOLUTELY HIGH, CONCERN TO DHS AND CBP. WE RECOGNIZE THESE INCIDENTS AS HAVING A HIGH, POTENTIAL FOR

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SERIOUS CONSEQUENCES. IN 2001, WE RECORDED THE HIGHEST NUMBER OF THESE TYPES OF, INCURSIONS, A TOTAL OF 42. LAST FISCAL YEAR, WE RECORDED 19. THIS, FISCAL YEAR, WE HAVE ALREADY RECORDED SEVEN INCURSIONS THROUGH JANUARY, 31. WE HAVE WORKED WITH AND URGE THE GOVERNMENT OF MEXICO IN THE, STRONGEST TERMS AND AT THE HIGHEST LEVELS TO INVESTIGATE AND DO, EVERYTHING POSSIBLE TO MITIGATE AND KEEP THESE INCIDENTS FROM, OCCURRING. WE HAVE RECEIVED ASSURANCES FROM THE GOVERNMENT OF MEXICO, THAT THEY TOO TAKE THESE INCIDENTS VERY SERIOUSLY, RECOGNIZE THE, POTENTIAL FOR SERIOUS INTERNATIONAL CONSEQUENCES, AND THAT THEY ARE, TAKING DEFINITIVE ACTIONS TO ADDRESS THEM. AS EXAMPLES, IN THE AREA OF FORT HANCOCK, TEXAS, WHERE WE SAW THE, NEELY (PH) CROSSING INCIDENT OF JANUARY 23, WE HAVE NOW SEEN MEXICAN, SOLDIERS, MEXICAN MILITARY AND PGR REPRESENTATIVES WORKING TO DETER, THAT KIND OF ACTIVITY FROM HAPPENING AGAIN. OUR CHIEF PATROL AGENTS ARE REACHING OUT AND MEETING WITH THEIR, MEXICAN MILITARY COUNTERPARTS AT THE GENERAL RANK LEVELS TO BETTER, COORDINATE ENFORCEMENT EFFORTS AND RESPONSIBILITIES ALONG OUR NATION'S, BORDERS. THE FEDERAL MEXICAN POLICE FORCE HAS DEPLOYED APPROXIMATELY 300, OFFICERS IN AN EFFORT TO CURTAIL BORDER VIOLENCE AND ILLEGAL, ACTIVITIES FROM TIJUANA TO MEXICALI. AND THE PGR, PROCURADURIA, GENERAL DE LA REPUBLICA, IS NOW WORKING IN COORDINATION WITH THE, BORDER PATROL SECTOR CHIEFS IN SAN DIEGO, LAREDO, AND RIO GRANDE, VALLEY SECTORS TO TARGET PROSECUTION AND DETERRENCE EFFORTS ALONG OUR, NATION'S BORDERS. WE HAVE SEEN DEFINITIVE ACTIONS TAKEN ON THE PART OF THE MEXICAN, GOVERNMENT TO ADDRESS THESE INTERNATIONAL CONCERNS. NOW, THE ONE THING THAT I WILL STATE, IS THAT I DO NOT WANT TO IN, ANY WAY MINIMIZE THE SERIOUSNESS OF EACH AND EVERY ONE OF THESE, INCURSION INCIDENTS, BUT I ALSO DO NOT WANT TO LEAVE THE IMPRESSION, THAT OUR BORDERS ARE UNDER SIEGE BY GOVERNMENT OF MEXICO ENTITIES OR, INDIVIDUALS ATTEMPTING TO PASS THEMSELVES OFF AS GOVERNMENT OF MEXICO, REPRESENTATIVES. IN THOSE INSTANCES WHERE THESE INDIVIDUALS HAVE BEEN OBSERVED, ENGAGED IN ILLEGAL ACTIVITY, REGARDLESS OF THEIR APPAREL, REGARDLESS, OF THEIR EQUIPMENT, OR THEIR MODE OF TRANSPORTATION, THEY ARE PLAIN, AND SIMPLY CRIMINALS. THEY ARE CRIMINALS THAT BOTH COUNTRIES MUST DO, EVERYTHING WE CAN TO DO TO STOP THEM FROM EXPLOITING OUR BORDERS, MAKE, OUR COMMUNITIES UNSAFE AND DETRACTING FROM OUR ABILITY TO PROTECT, AMERICA'S BORDERS FROM THOSE THAT WOULD BRING HARM TO OUR HOMELAND. I WANT TO THANK THE SUBCOMMITTEES SPECIFICALLY FOR NOT ALLOWING, THE HIGH MEDIA PROFILE OF RECENT INCURSION INCIDENTS TO OVERSHADOW THE, SERIOUS NATURE, SERIOUSNESS AND THE NATURE AND THREAT OUR FRONTLINE, OFFICERS AND AGENTS FACE ON THE BORDER IN THE FORM OF ROCKINGS, ASSAULTS, AND SHOOTINGS ON AN ONGOING BASIS. I UNDERSTAND THAT AT THIS TIME, YOU HAVE GRACIOUSLY ASKED US TO, SHOW A COUPLE OF SLIDES RELATIVE TO THE TYPES OF ASSAULTS THAT OUR, OFFICERS GET. I'D LIKE TO REFER TO A COUPLE OF THE SCREENS. I, BELIEVE THERE'S ONE FOR THE AUDIENCE AND ONE UP HERE. THIS FIRST ONE SPEAKS TO THE INCREASE OF ASSAULTS ON OUR BORDER, PATROL OFFICERS AND OUR OFFICERS AT THE PORTS OF ENTRY. IN FISCAL, YEAR 2004, 374. IN FISCAL YEAR 2005, 778. AT OUR PORTS OF ENTRY WENT, FROM 129 TO 165. THIS IS AT THE PORTS OF ENTRY. GO TO THE NEXT ONE, PLEASE. THIS GRAPH BASICALLY SHOWS THE ELEVATED NATURE OF THE ASSAULTS, AGAINST OUR OFFICERS. ALREADY AT FISCAL YEAR 2006, AT THE END OF, JANUARY, 200. GO TO THE NEXT ONE, PLEASE. THIS ONE DEPICTS THE TYPE OF ASSAULTS THAT OUR OFFICERS SUFFER., ROCKING ASSAULTS, 98. PHYSICAL ASSAULTS, 48. VEHICLE ASSAULTS, WHERE, THEY'RE BEING OVERRUN, FIREARMS AND WEAPONS AND OTHER TYPES OF, ASSAULTS THAT HAPPEN ON A DAILY BASIS OUT THERE, AMOUNT TO 18. GO TO THE NEXT ONE. THIS IS NOT A PRETTY PICTURE. UPPER LEFT HAND CORNER IS THE BACK, SIDE OF AN OFFICER, LOWER BACK. YOU WILL SEE THE BRUISING THERE, THAT, WAS HIT BY A ROCK. THIS WAS IN SAN DIEGO. MIDDLE SECTION DEPICTS THE INSIDE OF A VEHICLE OF AN OFFICER IN, DOUGLAS, ARIZONA, THAT TOOK A ROCK THROUGH THE DRIVER'S SIDE WINDOW., YOU CAN SEE THE BLOOD, YOU CAN SEE THE BROKEN WINDOW, AND THE DAMAGE, DONE. LOWER LEFT HAND SIDE CORNER, IS GOING TO BE WHAT WE NOW REFER TO, AS A MOLOTOV ROCK. IT IS A ROCK WRAPPED IN CLOTH, SOAKED IN SOME KIND, OF FUEL, LIT AND CHUNKED (PH) AT OUR OFFICERS. THIS IS HAPPENING IN, SAN DIEGO, IN EL CENTRO SECTORS, AND IN EL PASO., THE MIDDLE SECTION IS ONE OF OUR OFFICERS THAT TOOK A ROCK TO

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THE, SIDE OF HIS HEAD. A VERY SERIOUS SITUATION. AND THE LAST ONE ON THE LOWER RIGHT HAND CORNER IS AN INCIDENT, THAT HAPPENED THE LATTER PART OF JANUARY IN EL PASO SECTOR, DEMING, (PH) STATION, 25 STITCHES TO TAKE THAT CUT AND SUTURE IT UP. NOW, THE REASON WE PUT THIS FORTH -- GO TO THE NEXT ONE, I, BELIEVE. THE REASON WE PUT THOSE SLIDES UP IS BECAUSE THERE NEEDS TO BE AN, UNDERSTANDING THAT WHEN OUR OFFICERS TAKE ACTIONS THAT RESULT IN VERY, SERIOUS CONSEQUENCES, THE AMERICAN PUBLIC, I THINK, NEEDS TO, UNDERSTAND THE ENVIRONMENT IN WHICH WE OPERATE. THIS ONE HERE IS THE INSIDE OF A VEHICLE, ONE OF OUR **BORDER** PATROL VEHICLES. THOSE ARE TRAJECTORY RODS. YOU WILL SEE THAT THEY, GO INTO THE PASSENGER SIDE OF OUR **BORDER** PATROL VEHICLE. HAD WE HAD A, **BORDER** PATROL **AGENT** AS A PASSENGER, THAT OFFICER WOULD NOT BE WITH US, TODAY. MIDDLE SECTION IS THE ACTUAL X-RAY OF A LEG OF ONE OF OUR, OFFICERS THAT WAS SHOT IN JUNE, NOGALES, ARIZONA, SENATOR KYL. TWO, OFFICERS SHOT. VERY SERIOUS, STILL GOING THROUGH REHABILITATION., BOTH ARE. AND WE'RE HOPING TO GET THEM BACK ON DUTY WITHIN A YEAR OR, SO. THE OTHERS DEPICT ROUNDS, TRAJECTORY RODS, SHOTS AT OUR VEHICLES., ONE INCIDENT IN EL CENTRO, CALIFORNIA, 23 ROUNDS TAKEN FROM AN AR-15, INTO OUR VEHICLES. LUCKILY, OUR OFFICER WAS ABLE TO BE PULLED OUT OF, THAT AREA. SO AGAIN, IT JUST SHOWS THE SENSE OF THE SITUATION AS TO WHAT OUR, OFFICERS ARE FACING OUT THERE ON A DAILY BASIS. TECHNOLOGY, TACTICAL INFRASTRUCTURE, AND PERSONNEL ARE THE, ANSWERS TO SECURING OUR NATION'S **BORDERS**. THE SECRETARY RECENTLY ANNOUNCED DHS'S SECURE **BORDER** INITIATIVE, VERY RECENTLY. NOW KNOWN AS SBI NET (PH). I AM CONFIDENT THAT THIS, INNOVATIVE AND, AS SENATOR CORNYN POINTED OUT, COMPREHENSIVE APPROACH, IS GOING TO BE WHAT BRINGS US THE SOLUTION THAT WE'RE ALL LOOKING FOR. I THANK THE SUBCOMMITTEE AND WOULD LOOK FORWARD TO ANY QUESTIONS, THAT YOU MIGHT HAVE OF ME. KYL: CHIEF AGUILAR, THANK YOU VERY MUCH FOR THAT VERY DEFINITIVE, TESTIMONY. WE APPRECIATE IT. U.S. ATTORNEY PAUL CHARLTON? CHARLTON: CHAIRMAN KYL, CHAIRMAN CORNYN, RANKING MEMBER, FEINSTEIN, GOOD MORNING. MY NAME IS PAUL CHARLTON, AND I AM THE UNITED STATES ATTORNEY FOR, THE DISTRICT OF ARIZONA, AND I'M THE CHAIRMAN OF THE ATTORNEY, GENERAL'S ADVISORY COMMITTEE FOR THE **BORDER** AND IMMIGRATION, SUBCOMMITTEE, COMPOSED OF A GROUP OF UNITED STATES ATTORNEYS FROM, AROUND THE COUNTRY THAT ADVISE THE ATTORNEY GENERAL ON **BORDER** RELATED, ISSUES. THANK YOU FOR THE OPPORTUNITY TO TESTIFY THIS MORNING. AND THANK YOU AS WELL FOR BRINGING ATTENTION TO THIS VERY SERIOUS, SUBJECT OF **BORDER** VIOLENCE. AS YOU KNOW, IT'S AN ISSUE THAT AFFECTS, RESIDENTS FROM BROWNSVILLE TO SAN DIEGO. AS THE PRESIDENT SAID IN HIS SPEECH IN NOVEMBER OF LAST YEAR, IN, TUCSON, ARIZONA, SECURING OUR **BORDER** IS ESSENTIAL TO SECURING THE, HOMELAND. ARIZONA HAS A 370 MILE **BORDER** WITH THE REPUBLIC OF MEXICO. AND, IN FISCAL YEAR 2005, APPROXIMATELY 577,000 **ILLEGAL** ALIENS WERE, APPREHENDED BY THE **BORDER** PATROL. THAT MEANS THAT ALMOST 50 PERCENT, OF ALL **ILLEGAL** ALIENS WHO ARE APPREHENDED BY THE **BORDER** PATROL IN THE, UNITED STATES, WERE APPREHENDED IN ARIZONA ALONE. CHIEF AGUILAR HAS ALREADY TESTIFIED TO THE GROWING INCREASES IN, ASSAULTS THAT ARE TAKING PLACE NATIONWIDE ON **BORDER** PATROL **AGENTS**. I'D, LIKE TO, IF I MAY, FOCUS ON THE DISTRICT OF ARIZONA, AN AREA THAT I'M, MOST FAMILIAR WITH, AND BEGIN WITH THE MOST SERIOUS OF OFFENSES, HOMICIDE. AND THE MOST SERIOUS AND THE MOST VIVID OF THOSE THAT I REMEMBER, IS THE AUGUST 2002 KILLING OF CHRIS EGGLEY (PH), A NATIONAL PARK, SERVICE RANGER, WHO WAS A SCHOLAR, AN ATHLETE, AN EAGLE SCOUT, THE SON, OF A SCHOOL TEACHER, THE SON OF A VIETNAM WAR VETERAN, AND WHO WAS, SERVING HIS COUNTRY, DEFENDING THE **BORDER**, IN AUGUST OF 2002, WHEN, NARCO TRAFFICKERS CROSSED THE **BORDER** AND EXECUTED HIM. WE RECENTLY OBTAINED THE THIRD IN A SERIES OF CONVICTIONS AGAINST, THE KILLERS OF ALEXANDER KURPNICK (PH), A **BORDER** PATROL **AGENT** WHO DIED, DEFENDING THE **BORDER** IN ARIZONA. HE, HIMSELF, WAS AN **IMMIGRANT** TO, THIS COUNTRY. BUT RECENTLY, WE'VE SEEN A MORE DISTURBING TREND AND THAT IS A, GREATER DEGREE OF SOPHISTICATION AND DEVELOPMENT ON BEHALF OF THOSE, INDIVIDUALS WHO WOULD HARM OR KILL OUR FEDERAL LAW ENFORCEMENT, OFFICERS DEFENDING THE **BORDER**. CHIEF AGUILAR JUST REFERRED TO AND SHOWED YOU A PICTURE OF AN, INJURY THAT TOOK PLACE IN JUNE OF 2005, WITH A **BORDER** PATROL **AGENT**, THAT EVENT TOOK PLACE NEAR THE AREA OF NOGALES, ARIZONA, SENATOR KYL, I KNOW AN AREA THAT



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YOU'RE VERY FAMILIAR WITH. TWO BORDER PATROL AGENTS WERE PATROLLING THERE WHEN THEY BELIEVED, THAT THEY SAW A STASH OF NARCOTICS. TWO SHOOTERS, USING HIGH POWERED, RIFLES SHOT AT AND WOUNDED BOTH OF THOSE BORDER PATROL AGENTS. WHAT, WAS SOPHISTICATED AND MORE DEVELOPED ABOUT THIS EVENT WAS THAT THE, SHOOTERS USED EXTRAORDINARY ACCURACY AND SHOWED SOME DEGREE OF, TRADECRAFT AS THEY RETREATED FROM THE AREA, COVERED EACH OTHER, AND, WENT TO THEIR ESCAPE ACROSS THE OTHER LINE AND BACK INTO MEXICO., THAT EVENT REPEATED ITSELF ALMOST EXACTLY LAST MONTH. ALTHOUGH, FORTUNATELY, THIS TIME THE BORDER PATROL AGENTS ESCAPED WITHOUT, INJURY. NOW ASSAULTS AND VIOLENCE DON'T NECESSARILY HAVE TO INVOLVE, FEDERAL OFFICERS AS VICTIMS, NOR DO THEY HAVE TO INVOLVE THE USE OF, FIREARMS. LAST FEBRUARY, WE OBTAINED THE CONVICTIONS OF TWO INDIVIDUALS, JOSE LUIS CEPEDA CRUZ (PH), A SMUGGLING GUIDE, AND (INAUDIBLE), MARTINEZ (PH), A DRIVER, WHO WAS TAKING A LOAD OF 15 ILLEGAL ALIENS, THROUGH THE SMALL TOWN OF SIERRA VISTA, IN A TRUCK AT EXTRAORDINARY, RATES OF SPEED, SOMETIMES SURPASSING 100 MILES PER HOUR. AND AS THEY, WERE GOING THROUGH THIS TOWN OF SIERRA VISTA, THEY RAN A RED LIGHT AND, CRASHED DIRECTLY INTO A VEHICLE CONTAINING NEWLYWEDS. AND THEY KILLED, THE NEWLYWEDS. THEY KILLED THREE OF THE ILLEGAL ALIENS WHO WERE IN, THE VEHICLE. THEY KILLED THE UNBORN CHILD OF ANOTHER ILLEGAL ALIEN. THESE SMUGGLERS THINK NOTHING OF THE INDIVIDUALS THAT THEY'RE, MOVING INTO THE UNITED STATES. THEY CARE NOTHING FOR THE LIVES OF THE, FEDERAL OFFICERS. THEY CARE NOTHING FOR INNOCENT BYSTANDERS. NOW, WE'VE ALSO SEEN ANOTHER DISTURBING TREND THAT'S BEEN, DEVELOPING AND THAT IS WHAT'S CALLED IN SPANISH, BAJA LURES (PH), THAT, IS INDIVIDUALS WHO WILL TAKE PART IN A RIPOFF OR A HIJACKING OF A, RIVAL SMUGGLING ORGANIZATION. THE MOST DRAMATIC EVENT THAT I CAN, REMEMBER TOOK PLACE IN NOVEMBER OF 2003, WHEN RIVAL SMUGGLING GROUPS, ALONG INTERSTATE 10, BETWEEN TUCSON AND PHOENIX, ATTEMPTED TO STEAL A, LOAD OF ILLEGAL ALIENS, ONE FROM THE OTHER, IN A RUNNING GUN BATTLE, THAT COVERED THREE MILES. DURING THAT EVENT, FOUR INDIVIDUALS WERE, KILLED AND A NUMBER OF INNOCENT BYSTANDERS WERE INJURED. AGAIN, IT DOESN'T HAVE TO BE FEDERAL AGENTS. IT DOESN'T HAVE TO, BE INNOCENT BYSTANDERS. THESE SMUGGLERS CARE NOTHING FOR ANYBODY, INCLUDING THE ALIENS THEY MOVE INTO THE UNITED STATES. WE HAVE A NUMBER OF CASES RIGHT NOW THAT WE'RE PROCESSING IN, WHICH SMUGGLERS ASSAULTED AND THREATENED TO KILL THE ILLEGAL ALIENS, THAT THEY HAD BROUGHT INTO THE UNITED STATES AND WERE HOLDING HOSTAGE., WE HAVE CASES IN WHICH THESE INDIVIDUALS WERE ASSAULTED WITH WEAPONS, CUT, HAD THEIR TEETH KICKED IN, OR WERE RAPED. SMUGGLERS ARE ON A DAILY BASIS VIOLENTLY AND RUTHLESSLY, EXPLOITING HUMAN BEINGS. WHAT ARE WE DOING IN RESPONSE? WE'RE WORKING VERY CLOSELY WITH, OUR FEDERAL, STATE, LOCAL AND TRIBAL LAW ENFORCEMENT PARTNERS. WE'RE, INTRICATELY INVOLVED IN THE ARIZONA BORDER CONTROL INITIATIVE, AN, INITIATIVE LED BY THE BORDER PATROL, BUT INVOLVING ALL LEVELS OF LAW, ENFORCEMENT, TO ATTACK THE PROBLEM OF ILLEGAL IMMIGRATION, SMUGGLING, OR NARCOTICS AND HUMAN BEINGS AND THE VIOLENCE THAT'S ASSOCIATED WITH, THOSE CRIMES. WE HOPE TO SOON STAND UP A BORDER ENFORCEMENT SECURITY TASK, FORCE, WHICH SEEKS TO DUPLICATE THE SUCCESS OF OPERATION BLACK JACK, (PH) THAT TOOK PLACE IN LAREDO, TEXAS, WHERE A DIVERSE GROUP OF LAW, ENFORCEMENT OFFICIALS SOUGHT TO DIMINISH CROSS BORDER CRIME. WE HAVE A ZERO TOLERANCE POLICY AS IT RELATES TO ASSAULTS ON, FEDERAL OFFICERS. SIMPLY PUT, IF YOU ASSAULT A FEDERAL OFFICER, YOU, WILL BE PROSECUTED. AND WE'RE SEEKING TO FOCUS OUR RESOURCES ON THOSE MOST VIOLENT, OFFENDERS, HOSTAGE TAKERS. IN 2002, WE PROSECUTED ONE CASE. IN 2003, WE PROSECUTED SIX CASES. IN 2004 AND 2005, WE NOW HAVE 32 HOSTAGE, TAKING CASES AGAINST THESE MOST VIOLENT OFFENDERS WITH MULTIPLE, DEFENDANTS. SENATORS, THANK YOU AGAIN FOR THIS OPPORTUNITY TO BRING THIS, MATTER TO YOUR ATTENTION AND FOR YOU INTEREST IN THIS IMPORTANT ISSUE., I STAND READY TO ANSWER ANY QUESTIONS YOU MAY HAVE. KYL: THANK YOU VERY, VERY MUCH, PAUL CHARLTON. AND NOW, MARCY FORMAN? FORMAN: THANK YOU AND GOOD MORNING. CHAIRMAN CORNYN, CHAIRMAN KYL, RANKING MEMBER FEINSTEIN, THANK, YOU VERY MUCH FOR HAVING ME. I'M THE DIRECTOR OF ICE IN WASHINGTON, D.C. IT IS AN HONOR FOR, ME TO TESTIFY BEFORE YOU, TO DISCUSS HOW ICE, COMBINES WITH, IMMIGRATION AND CUSTOMS AUTHORITIES TO ATTACK THE VIOLENCE ON THE, BORDER. BEFORE

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COMING TO WASHINGTON, I SPENT NEARLY 19 YEARS IN TEXAS, EVEN THOUGH YOU WILL SEE WITH MY NEW YORK ACCENT, YOU MAY NOT BELIEVE, THAT, BUT 19 YEARS IN TEXAS, SUPERVISING INTERNATIONAL DRUG SMUGGLING, AND MONEY LAUNDERING INVESTIGATIONS. DURING THIS TIME, I SUPERVISED A MAJOR DRUG MONEY LAUNDERING, INVESTIGATION INVOLVING THE FORMER DEPUTY ATTORNEY GENERAL FROM, MEXICO, WHICH REVEALED THAT HE HAD TAKEN \$9 MILLION IN DRUG BRIBES. IN ADDITION, I OVERSAW SOME OF THE LARGEST DRUG INVESTIGATIONS ON, THE **BORDER** WHILE I WAS IN HOUSTON, TEXAS. ONE CALLED OPERATION, PRODUCE, THAT RESULTED IN THE CONVICTION OF 16 DRUG SMUGGLERS, THE, SEIZURE OF OVER 1,700 KILOS OF COCAINE AND OVER 5,500 KILOS OF, MARIJUANA. DURING MY TIME IN TEXAS, I THOUGHT I SAW A LOT. BUT WHAT WE'RE, SEEING TODAY ALONG THE **BORDER** IS MUCH WORSE AND MUCH MORE VIOLENT. IN RESPONSE, THE DEPARTMENT OF HOMELAND SECURITY ESTABLISHED THE, **BORDER** ENFORCEMENT AND SECURITY TASK FORCE, SIMPLY KNOWN AS BEST. WE, HAVE MADE LAREDO, TEXAS, GROUND ZERO FOR OUR FIGHT AGAINST THE, SMUGGLERS, BOTH HUMAN AND DRUG SMUGGLING. THROUGH BEST, WE PARTNER, WITH FEDERAL, STATE AND LOCAL LAW ENFORCEMENT OFFICIALS TO BRING THEIR, AUTHORITIES AND EXPERTISE TO THE TABLE. WE FOCUS OUR EFFORTS BY, UTILIZING INTELLIGENCE TO DRIVE AND PRIORITIZE OUR TARGETS. JUST LAST WEEK, I WAS IN LAREDO, TEXAS, AND SAW FIRSTHAND HOW ICE, **AGENTS**, ALONG WITH ATF AND FBI **AGENTS**, WORKED SIDE BY SIDE WITH THE, LAREDO POLICE DEPARTMENT AND THE BEST TASK FORCE TO COMBAT THIS, VIOLENCE. OUR WORK IS ALREADY PAYING OFF. ON JANUARY 26, BEST TASK FORCE, **AGENTS** CONDUCTED A SERIES OF RAIDS AFTER ONE OF THE TARGETS SOLD A, FULLY AUTOMATIC AK-47 ASSAULT RIFLE AND A SMALL AMOUNT OF COCAINE TO, AN UNDERCOVER ICE **AGENT**. DURING THE NEXT 11 DAYS, THE BEST TASK FORCE, RAIDED THREE LOCATIONS AND ARRESTED TWO SUBJECTS. WHAT YOU SEE IN FRONT OF YOU ARE ACTUAL PICTURES OF WHAT WE TOOK, OFF THE STREET. FULLY AUTOMATIC ASSAULT WEAPONS, 10 LIVE HAND, GRENADES, NINE PIPE BOMBS AND PARTS TO CREATE OVER 50 HAND GRENADES, ALONG WITH **ILLEGAL** DRUGS. THAT IS A LOT OF FIREPOWER THAT WAS TAKEN, OFF THE STREETS OF LAREDO, TEXAS. SENATOR CORNYN, I WOULD LIKE TO THANK YOU FOR YOUR SUPPORT OF THE, LAREDO POLICE DEPARTMENT. THEY HAVE BEEN INSTRUMENTAL IN THE SUCCESS, OF OUR BEST TASK FORCE. WE HAVE SEEN VIOLENCE WITH HUMAN SMUGGLING AND TRAFFICKING, ORGANIZATIONS IN ARIZONA. THEY COMMIT MURDER, EXTORTION, KIDNAPPING, RAPE AND HOME INVASION. ICE'S RESPONSE TO THE VIOLENCE IN ARIZONA WAS OPERATION ICE, STORM. DURING THIS OPERATION, ICE WORKED SIDE BY SIDE WITH LOCAL LAW, ENFORCEMENT OFFICERS IN PHOENIX AND TUCSON TO STEM THE VIOLENCE, ASSOCIATED WITH THE HUMAN SMUGGLING AND TRAFFICKING. SINCE 2003, ICE INVESTIGATIONS INTO HUMAN SMUGGLING AND, TRAFFICKING HAVE RESULTED IN MORE THAN 5,400 ARRESTS, 2,800 CRIMINAL, INDICTMENTS AND 2,300 CRIMINAL CONVICTIONS RELATED TO THE HUMAN, SMUGGLING AND TRAFFICKING OF INDIVIDUALS. MANY OF THESE IMPACT THE, SOUTHWEST **BORDER**. THE THREAT OF VIOLENCE CONTINUES ALL ALONG THE **BORDER**. THE, RECENT EXAMPLE IS THE INCIDENT THAT HAS BEEN DUBBED BY THE PRESS AS A, MILITARY INCURSION IN HUDSPETH COUNTY, TEXAS. BASED UPON OUR INVESTIGATION OF THE INCIDENT, ICE CANNOT CONCLUDE, THAT THIS CONSTITUTED AN INCURSION INTO THE U.S. BY MEMBERS OF THE, **MEXICAN** MILITARY. HOWEVER, WE CAN CONCLUDE THAT THESE CRIMINALS WERE, WILLING TO CROSS THE **BORDER** TO ENGAGE IN **ILLEGAL** ACTIVITY ON AMERICAN, SOIL. IN SOME CASES, OUR INCREASED ENFORCEMENT EFFORTS HAVE DRIVEN THE, SMUGGLERS UNDERGROUND, LITERALLY. JANUARY 24, WE UNCOVERED A TUNNEL, EQUIPPED WITH LIGHTING, VENTILATION AND CEMENT FLOORING, AFTER ICE **AGENTS** IN SAN DIEGO, WORKING WITH CBP AND DEA **AGENTS**, PROVIDED INFORMATION TO **MEXICAN** LAW, ENFORCEMENT OFFICIALS WHO THEN DISCOVERED THE TUNNEL'S ENTRANCE IN, TIJUANA, MEXICO. I BROUGHT WITH ME PICTURES OF THIS TUNNEL, WHICH EXTENDED NEARLY, A HALF A MILE TO A WAREHOUSE IN THE UNITED STATES. BOTH ICE **AGENTS**, AND MEXICO LAW ENFORCEMENT SEIZED A COMBINED TOTAL OF 4,300 POUNDS OF, MARIJUANA ON BOTH SIDES OF THE **BORDER**. EVERYTHING I DESCRIBED TODAY LEADS ME TO THE LIFEBLOOD OF THESE, CRIMINAL ORGANIZATIONS, THE MONEY. ICE **AGENTS** HAVE OVER 30 YEARS OF, EXPERTISE IN INVESTIGATION OF FINANCIAL CRIMES. IN AUGUST 2005, ICE PARTNERED WITH CBP AND THE STATE DEPARTMENT, TO TRAIN OUR **MEXICAN** COUNTERPARTS ON THE METHODS USED TO SMUGGLE, CURRENCY FROM PROFITS DERIVED PRIMARILY FROM HUMAN SMUGGLING AND DRUG, TRAFFICKING. WORKING

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TOGETHER, OUR MEXICO COUNTERPARTS HAVE SEIZED, OVER \$23 MILLION IN CASH AND NEGOTIABLE INSTRUMENTS FOR VIOLATIONS OF, MEXICAN LAW. WE HAVE BEEN SUCCESSFUL IN THE U.S. DURING FISCAL YEAR 2005, ICE, INVESTIGATIONS HAVE RESULTED IN THE SEIZURE OF NEARLY \$1 BILLION IN, CURRENCY AND ASSETS TIED TO ILLEGAL ACTIVITY. OUR AGENTS AND OFFICERS, KNOW THE RISKS. THEY KNOW THE THREATS AND WE KNOW HOW TO COMBAT THEM., OUR WORK IS CONTRIBUTING TO A MORE SECURE BORDER. THE MEN AND WOMEN OF ICE ARE GRATEFUL TO SERVE THE AMERICAN, PEOPLE AND ON THEIR BEHALF, I THANK YOU ALL. KYL: THANK YOU VERY MUCH. THE TUNNEL THAT YOU'RE REFERRING TO IS THE UPPER LEFT HAND CHART, AND PHOTOGRAPH. IS THAT NOT CORRECT? FORMAN: THAT IS CORRECT. KYL: WELL, LET ME BEGIN. THIS IS AN ASTONISHING PICTURE OF, VIOLENCE AND CRIME AT OUR BORDER THAT HAS BEEN ESCALATING. AND THE, FIRST MISUNDERSTANDING THAT I HAVE PERCEIVED FROM SOME IN THE MEDIA IS, THE CONCEPT THAT WE HAVE INCREASED OUR BORDER PATROL AND, INFRASTRUCTURE ON THE BORDER, BUT CRIME AND VIOLENCE HAVE INCREASED;; THEREFORE, MORE LAW ENFORCEMENT AT THE BORDER IS NOT THE ANSWER. NOW, I CAN UNDERSTAND THE FALLACY BEHIND THAT, BUT CHIEF AGUILAR, AND OTHERS ON THE PANEL, WOULD YOU LIKE TO ADDRESS THAT SPECIFICALLY? CHIEF? AGUILAR: YES, SIR. ONE OF THE DYNAMICS THAT WE'RE FACING IS WHAT I REFER TO AS THE, ENTRENCHMENT OF THESE CRIMINAL ORGANIZATIONS IN AREAS WHERE THEY'VE, HISTORICALLY OPERATED IN THE PAST. AND IN SOME AREAS, WITH IMPUNITY, WHERE THEY HAVE CONTROLLED AREAS. WITH THE ADDED RESOURCING, WITH THE ADDED EQUIPMENT THAT WE HAVE, HAD, WE HAVE BEEN ABLE TO EXPAND OUR OPERATIONS ALONG OUR NATION'S, BORDERS. IN ARIZONA, FOR EXAMPLE, IN TEXAS, WHERE WE ARE NOW WORKING MUCH, MORE EFFICIENTLY AND MUCH MORE EFFECTIVELY IN AREAS THAT IN THE PAST, WE JUST COULDN'T GET TO OR IF WE GOT TO THEM, WE WERE MERELY A, NUISANCE TO SOME OF THESE CRIMINAL ORGANIZATIONS., AT THE POINT THAT WE ARE A NUISANCE IS WHEN THE VIOLENCE, CONTINUES TO ESCALATE. UNTIL WE BECOME AN OVERWHELMING FORCE TO THEM, AND FORCE THEM TO NO LONGER OPERATE WITH THE LEVELS OF IMPUNITY THAT, THEY DID IN THE PAST, WHAT WILL HAPPEN IS THAT THEY WILL MOVE OVER TO, ANOTHER AREA OF OPERATION BECAUSE, AS WE STATED, THIS IS A VAST BORDER, AREA. WE ARE JUST NOW AT THE POINT WHERE WE ARE GETTING RESOURCE TO THE, DEGREE THAT AS OUR MATURATION PROCESS CONTINUES, WE ARE ABLE TO, ANTICIPATE WHERE THESE CRIMINAL ORGANIZATIONS ARE MOVING TO. AND, FORTUNATELY, I THINK, WE ARE NOW ABLE TO ANTICIPATE WHERE TO PLACE, SOME OF THESE RESOURCES. KYL: SO WOULD IT BE FAIR TO SAY THAT IN THE PAST THERE HAS BEEN, A LOT OF CRIMINAL ACTIVITY THAT YOU SIMPLY HAD NOT BECAUSE YOU DIDN'T, HAVE THE RESOURCES, WERE NOT ABLE TO INTERDICT. BUT AS YOU HAVE, GAINED THE RESOURCES, YOU HAVE MOVED IN ON THEIR TERRITORY, CAUSED, THEM MORE PROBLEMS, AS A RESULT OF WHICH, THEY'VE REACTED VIOLENTLY., AND THAT WITH MORE RESOURCES, YOU WILL BE ABLE TO CONTINUE TO SHUT, THIS ACTIVITY DOWN. IS THAT A QUICK SUMMARY? AGUILAR: THAT IS ABSOLUTELY A VERY ACCURATE STATEMENT. YES, SIR. KYL: THANK YOU. EITHER OF THE OTHER TWO OF YOU WANT TO ADD TO THAT? MR. CHARLTON? CHARLTON: SENATOR, I'D JUST ADD THAT DURING OPERATION ICE STORM, WHICH MS. FORMAN REFERENCED, THE HOMICIDE RATE IN PHOENIX DECREASED, DRAMATICALLY. AND THE PHOENIX POLICE OFFICERS INDICATE THAT THAT, STATISTIC WAS IN LARGE PART DUE TO THE FACT THAT ICE STORM WAS IN, PLACE AND THAT SPECIAL AGENTS WERE ON THE GROUND, REDUCING THE NUMBER, OF HOSTAGE TAKING EVENTS THAT TOOK PLACE. SO YOU'RE CORRECT WHEN YOU SAY THAT THERE'S GOING TO BE AN, INITIAL INCREASE IN VIOLENCE, BUT ONCE YOU PUT SUFFICIENT RESOURCES ON, THE GROUND, THE VIOLENCE WILL DECREASE. KYL: THANK YOU. MS. FORMAN? FORMAN: SENATOR, IF I MAY ADD, I MEAN CERTAINLY, YOU DO MORE, WITH MORE. AND OUR APPROACH -- ICE'S APPROACH, WORKING WITH OUR, PARTNERS AT CBP AND STATE AND LOCAL LAW ENFORCEMENT IS TO GO AFTER, THOSE ORGANIZATIONS. AND NORMALLY, THERE'S A DISPLACEMENT EFFECT., ONCE YOU SUCCEED, THEY MOVE SOMEWHERE ELSE. BUT WITH MORE COVERAGE, YOU'RE ABLE TO DISMANTLE AND DISRUPT MANY OF THESE ORGANIZATIONS. KYL: GREAT. THANK YOU. JUST MY LAST QUESTION HERE. WITH REGARD TO THE INCURSIONS BY, MEXICAN GOVERNMENTAL OFFICIALS, CHIEF AGUILAR, YOU INDICATED THAT, THERE WERE SOME, NOT VERY MANY, BUT I FORGOT THE EXACT NUMBER. WHAT, IS THE USUAL SITUATION? AND YOU'VE INVESTIGATED THOSE AND HAD SOME COOPERATION FROM THE, MEXICAN GOVERNMENT WITH RESPECT TO THOSE. WHAT

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IS THE USUAL SITUATION, THAT OCCURS WHERE YOU ACTUALLY HAVE MEXICAN GOVERNMENTAL OFFICIALS, INVOLVED IN AN INCURSION? AGUILAR: OF THE ONES THAT WE HAVE DETAINED, APPREHENDED, THAT WE, HAVE BEEN ABLE TO CLEARLY IDENTIFY AS MEXICAN GOVERNMENT OFFICIALS, THE VAST MAJORITY OF THOSE HAVE BEEN ACCIDENTAL. EVEN THOUGH, I MUST, QUALIFY, THAT EVEN IN SOME OF THOSE ACCIDENTAL INCURSIONS, THERE HAVE, BEEN SERIOUS THINGS OCCUR AS IN THE EXAMPLE THAT WE USED IN EL PASO. IT WAS AN ACCIDENTAL INCURSION INTO THE UNITED STATES BY MEXICAN, MILITARY. UNFORTUNATELY, THERE WERE ROUNDS FIRED AT OUR OFFICERS, BECAUSE THE MEXICAN MILITARY BELIEVED THAT THEY WERE STILL ON THE, MEXICAN SIDE AND WERE FIRING AT CRIMINAL ORGANIZATIONS. KYL: SO THERE'S A SIGNIFICANT DANGER ASSOCIATED WHEN MILITARY, UNITS FACE EACH OTHER BECAUSE THEY BOTH GOT WEAPONS. AGUILAR: YES, SIR. ABSOLUTELY. KYL: ONE FINAL THING. ARE YOU AWARE OF THE INCURSION BY A, MEXICAN GOVERNMENTAL HELICOPTER OVER IN THE AREA OF YUMA, ARIZONA, OR, SAN LUIS (PH) NOT TOO LONG AGO? AGUILAR: YES, SIR. THAT WAS ABOUT A WEEK AND A HALF AGO... (CROSSTALK) KYL: ANYTHING YOU CAN TELL US ABOUT THAT? AGUILAR: IT MADE AN INCURSION OF ABOUT A HALF A MILE. LASTED, FOR ABOUT 15 TO 20 MINUTES. A COUPLE OF THINGS HAPPENED SIMULTANEOUSLY, THAT OUR BORDER, PATROL AGENTS ACTUALLY SAW IT, CALLED IT IN TO OUR AMAK (PH) OVER IN, CALIFORNIA IN RIVERSIDE, PICKED IT UP, AND WERE ABLE TO IMMEDIATELY, CONTACT THE MEXICAN EMBASSY AND IDENTIFIED AS SUCH, RADIO CONTACT WAS, MADE AND IT MADE IT BACK INTO MEXICO VERY QUICKLY. AGAIN, MEXICAN, GOVERNMENT ASSURING US THAT IT WAS AN ACCIDENTAL INCURSION. KYL: THANK YOU VERY MUCH. SENATOR FEINSTEIN? FEINSTEIN: THANK YOU VERY MUCH. CHIEF, WHICH ARE THE MOST ACTIVE CARTELS ON THE BORDER?, OBVIOUSLY ARELLANO-FELIX. OTHER THAN THAT? AGUILAR: RIGHT. THE ONES THAT ARE MOST PROBLEMATIC TO US RIGHT, NOW FROM A VIOLENCE PERSPECTIVE IS A (INAUDIBLE) AND THE (INAUDIBLE), CARTELS THAT ARE BASICALLY OPERATING WITHIN THE (INAUDIBLE) AREA OF, OPERATION. I WILL LEAVE IT TO MY COUNTERPART HERE, FROM ICE, TO GO, INTO MORE DETAIL ON THAT. BUT THOSE ARE THE ONES THAT ARE ACTUALLY, WARRING FACTIONS THAT ARE CAUSING SOME OF THE VIOLENT ESCALATIONS THAT, ARE OCCURRING. FEINSTEIN: MS. FORMAN, DO YOU WANT TO COMMENT ON THAT? FORMAN: YES, CHIEF AGUILAR'S, THE GULF (PH) CARTEL AND THE, ALLIANCE FEDERATION CARTEL ARE COMPETING WITH EACH OTHER AND BOTH ARE, EXTREMELY VIOLENT. I MEAN, COMPARE TO THE ORGANIZED CRIME BASE, NEW, YORK, WHERE THEY'RE COMPETING FOR TURF AND FOR TERRITORY, AND THE, BRUTALITY IS UNIMAGINABLE, WHAT THEY'RE INVOLVED IN. FEINSTEIN: IF THE PENETRATION BY THE PSEUDO-MILITARY PEOPLE ARE, CARTEL-INSPIRED, WHICH I THINK THE FACTS WOULD LEAD US TO BELIEVE, WHAT IS BEING DONE BETWEEN OUR TWO GOVERNMENTS TO DEVELOP A REGIONAL, APPROACH TO THIS AND TO REALLY MOVE IN AND MAKE THE NECESSARY ARRESTS, IN MEXICO? FORMAN: IF I COULD ADDRESS THAT. WE WORK CLOSELY WITH THE, MEXICAN GOVERNMENT AT ALL LEVELS, AT THE FEDERAL AND STATE LEVEL. WE, WORK WITH SPECIALIZED FED GROUPS SIDE BY SIDE TO ADDRESS THESE ISSUES, AND TO WORK AGAINST THESE DRUG CARTELS, AS WELL AS THE HUMAN SMUGGLING, CARTELS. WE HAVE ICE REPRESENTATIVES IN OUR ATTASHAY (PH) OFFICES, WORKING, WITH THE LOCAL GOVERNMENT ON A DAILY BASIS TO ADDRESS A NUMBER OF, THESE ISSUES. AND WE HAVE A NUMBER OF TASK FORCE OPERATIONS WHERE, WE'RE WORKING WITH THE MEXICAN GOVERNMENT. FEINSTEIN: YES, BUT THIS HAS BEEN NOW INCREASING FOR THREE, YEARS. WHAT CARTEL ARRESTS HAVE BEEN MADE IN MEXICO TO DEAL WITH, THIS? FORMAN: I WILL HAVE TO GET BACK WITH YOU ON THE SPECIFICS OF, THOSE ARRESTS. FEINSTEIN: CHIEF, DO YOU KNOW OF ANY? AGUILAR: THERE HAVE BEEN SOME. UNFORTUNATELY, I DON'T HAVE THE, NUMBERS OR THE INDIVIDUALS IN FRONT OF ME, BUT WE WILL GET THOSE BACK, TO YOU. NOW, THE ONE THING I WOULD LIKE TO ADDRESS IS THAT REAL TIME, THINGS THAT ARE OCCURRING RIGHT NOW AS WE SPEAK. THE FEDERAL, PREVENTIVE POLICE IN MEXICO, THE PGR, IS WORKING WITH US IN VERY, FOCUSED AREAS OF THE BORDER, TO WHERE THEY ARE OPERATING IN MEXICO AND, WE ARE OPERATING, OF COURSE, IN THE U.S., TO DETER SOME OF THESE, SITUATIONS THAT ARE OCCURRING. IN SAN DIEGO, WE JUST MET WITH CHIEF GRIFFIN (PH) HERE ABOUT A, WEEK AND A HALF AGO, IS WORKING VERY CLOSELY WITH THE PGR AND THE PFP, TO INCLUDE A LOT OF HIS AREA SOUTH IN MEXICO. IN LAREDO, TEXAS, WE HAVE GOT THE SAME KIND OF RELATIONSHIP BUILT, UP NOW, AS OF ABOUT TWO WEEKS AGO. AND THE SAME THING IN RIO GRANDE VALLEY SECTOR AND IN SOUTH, TEXAS, DEEP SOUTH TEXAS.,

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FEINSTEIN: IS THERE CURRENTLY ANY JOINT MEXICAN-AMERICAN BORDER, PATROL EFFORT WITH THE SHARING OF INTELLIGENCE ON THE TUNNELS, WHICH I, SUSPECT ARE ALSO MOVING WEAPONS BACK AND FORTH AS WELL, PARTICULARLY, FROM THE UNITED STATES? IS THERE ANY INDICATION THAT HIGH POWERED, SNIPER RIFLES LIKE THE .50 CALIBER ARE TURNING UP ON THE BORDER?

AGUILAR: WE HAVE HAD INFORMATION THAT I AM AWARE OF. I DO NOT, BELIEVE WE HAVE DETAINED ANY .50 CALIBER WEAPONS. WE HAVE SOME, INTELLIGENCE TO THAT DEGREE. AS FAR AS JOINT OPERATIONS, THERE'S A LOT OF INTELLIGENCE SHARING, THAT IS OCCURRING, ESPECIALLY AT THE ICE LEVEL AND AT THE BORDER, PATROL LEVEL AT THE FIELD.

FEINSTEIN: BUT IS THERE ANY PRECISE WORKING UNIT THAT --, BINATIONAL UNIT?

FORMAN: WE WORK -- I MEAN, WE HAVE TASK FORCES...

FEINSTEIN: THAT WASN'T MY QUESTION. A BORDER PATROL?

AGUILAR: NO. THE CLOSEST THING THAT MEXICO HAS TO A BORDER, PATROL IS GOING TO BE THE POLICIA FEDERAL PREVENTIVA, THE PFP. THEY, USED TO HAVE A COMPONENT OF THAT THAT WAS ACTUALLY BORDER PATROL, COMPARABLE. IT WENT AWAY ABOUT FOUR OR FIVE YEARS AGO, WHILE I WAS, THE CHIEF IN TUCSON. THEY WERE VERY EFFECTIVE. WE ARE ACTUALLY WORKING TOWARDS THAT WITH MEXICO RIGHT NOW. IT'S, STILL AT THE INFORMAL STAGES. IT HAS NOT BEEN FORMED TO THE DEGREE, THAT I THINK BOTH COUNTRIES WANT TO SEE. BUT WE'RE TRYING TO MOVE IN, THAT DIRECTION.

FEINSTEIN: THIS IS JUST MY VIEW, BUT I WAS SO HEARTENED BY THE, MEETING I HAD WITH THE MEXICAN SENATORS. IT WAS THE FIRST TIME I'D, REALLY SEEN A WILLINGNESS TO WANT TO WORK TOGETHER. AND I THINK IT, WOULD BE JUST EXCELLENT IF THAT EFFORT COULD BE PUT TOGETHER AND THERE, COULD BE A BINATIONAL, SO THAT THE MEXICANS WOULD REALLY BUY INTO, THIS.

AGUILAR: SENATOR, IF I MAY? I THINK IT'S IMPORTANT TO MAKE THIS, STATEMENT. IN MY ALMOST 28 YEARS OF SERVICE, THIS IS THE BEST WE'VE, EVER SEEN MEXICO STEP UP TO THE PLATE AND DO SOMETHING ALONG THEIR, BORDER. A LOT MORE NEEDS TO BE DONE. ABSOLUTELY, A LOT MORE NEEDS TO, BE DONE. RIGHT NOW WE ARE AT THE POINT THAT MEXICO IS BEING RESPONSIVE AND, REACTIVE TO OUR CALLOUTS. WE NEED TO GET TO THE POINT TO WHERE WE'RE, PROACTIVE, WE'RE PREEMPTIVE. AND I THINK THAT'S WHAT YOU WOULD LIKE, TO SEE HAPPENING. AND I BELIEVE THAT THAT'S WHAT WE'RE MOVING, TOWARDS.

FEINSTEIN: THAT'S EXCELLENT. THANK YOU VERY MUCH. THANK YOU, MR. CHAIRMAN., KYL: THANK YOU, SENATOR FEINSTEIN. WE'RE JOINED BY SENATOR SESSIONS AND SENATOR CORNYN IS NEXT. AND IF YOU COULD TAKE THE CHAIR BRIEFLY WHILE I STEP OUT, I'D, APPRECIATE IT.

CORNYN: I'D BE HAPPY TO. MS. FORMAN, WHAT IS THE ROLE OF IMMIGRATION AND CUSTOMS, ENFORCEMENT IN THE HUDSPETH COUNTY INVESTIGATION? CAN YOU PLEASE, PROVIDE US WITH AN UPDATE?

FORMAN: ICE IS THE LEAD FEDERAL INVESTIGATOR FOR THIS INCIDENT, AND WE'RE IN THE PROCESS OF PURSUING LEADS. IT'S ONGOING, INVESTIGATION. AND RIGHT NOW WE'RE LOOKING AT IT AS PRIMARILY A, NARCOTICS INVESTIGATION, SO WE CAN IDENTIFY THOSE THAT ARE INVOLVED IN, THIS INCIDENT TO SEE IF IN FACT THEY WERE TRULY MEXICAN MILITARY, OFFICIALS.

CRONYN: WE HAVE A NUMBER OF SHERIFFS FROM TEXAS AND ALSO FROM --, WE HAVE A SHERIFF FROM ARIZONA THAT WAS GOING TO TESTIFY, AND, OBVIOUSLY, THEIR JURISDICTION IS LOCATED ALONG THE BORDER. IS THERE, ANYTHING THAT YOU BELIEVE THAT WE CAN DO -- AND I'M TALKING ABOUT, CONGRESS, I'M TALKING ABOUT THE FEDERAL GOVERNMENT -- TO PROVIDE, ADDITIONAL SUPPORT FOR LOCAL LAW ENFORCEMENT OFFICIALS AND TO FURTHER, INTEGRATE THEM INTO THE OVERALL LAW ENFORCEMENT EFFORTS ALONG THE, BORDER?

FORMAN: HISTORICALLY, ICE, AND WITH THEIR LEGACY COMPONENTS, HAVE WORKED VERY CLOSELY WITH STATE AND LOCAL LAW ENFORCEMENT. AND, IT'S VERY IMPORTANT THAT THOSE PARTNERSHIPS CONTINUE AND STRENGTHEN. PERSONNEL, I MEAN, I KNOW MANY OF THESE SHERIFF'S OFFICES HAVE, VERY FEW PERSONNEL, SO WORKING WITH THEM AND SUPPLEMENTING THEM WITH, THE FEDERAL PERSONNEL AT THE ICE LEVEL AT CBP CERTAINLY WILL MAKE THEM, STRONGER. AND IN ADDITION TO ADDITIONAL TECHNOLOGY, SO WE ALL HAVE THE, CAPABILITY OF SPEAKING TO EACH OTHER WITH THE SAME QUALITY OF, TECHNOLOGY.

CRONYN: WELL, I KNOW THERE ARE -- I THINK THEY'RE CALLED 287(G), PARTNERSHIPS THAT EXIST BETWEEN THE FEDERAL LAW ENFORCEMENT OFFICIALS, AND LOCAL LAW ENFORCEMENT OFFICIALS. DO YOU SEE ROOM TO GROW IN TERMS, OF PERHAPS CONGRESS PROVIDING ADDITIONAL FUNDS AND ADDITIONAL TRAINING, AND ADDITIONAL SUPPORT FOR LOCAL LAW ENFORCEMENT TO HELP THEM FURTHER, SUPPLEMENT THE EFFORTS OF FEDERAL LAW ENFORCEMENT ALONG THE BORDER?

FORMAN: ABSOLUTELY, 287(G) IS A POWERFUL TOOL. CURRENTLY, ICE, HAS MEMORANDUMS OF

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AGREEMENT WITH FIVE POLICE DEPARTMENTS THROUGHOUT, THE UNITED STATES. WE HAVE TWO PENDING, 11 MORE REQUESTS. I THINK, IT'S IMPORTANT THAT WE MAKE THAT OPPORTUNITY AND THEN MAKE THAT, AVAILABLE TO STATE AND LOCALS, WITH THE APPROPRIATE TECHNOLOGY THAT, GOES ALONG WITH IT, AS WELL AS THE ICE RESOURCES, TO WORK TOGETHER, SIDE BY SIDE WITH THEM., CRONYN: WELL, I'M GLAD TO HEAR YOUR ANSWER. OBVIOUSLY, THIS IS, A FEDERAL RESPONSIBILITY AND LOCAL AND STATE LAW ENFORCEMENT ARE, HAVING TO STEP UP BECAUSE UNFORTUNATELY THE FEDERAL GOVERNMENT HAS NOT, FUNDED, HAS NOT PROVIDED THE HUMAN AND TECHNOLOGICAL RESOURCES, NECESSARY FOR THE FEDERAL AUTHORITIES TO DO THE JOB, SO IT JUST MAKES, SENSE THAT WE WOULD SUPPORT LOCAL AND STATE LAW ENFORCEMENT. THE, DESIRE TO BE INVOLVED IN ANY WAY THAT WE CAN, THROUGH TRAINING AND, ADDITIONAL FUNDING AND OBVIOUSLY, IN A COORDINATED EFFORT. CHIEF AGUILAR, I MENTIONED IN MY OPENING STATEMENT, JOINT TASK, FORCE NORTH, THAT'S LOCATED AT EL PASO, AS YOU KNOW, THIS IS A, DEPARTMENT OF DEFENSE TASK FORCE AND I UNDERSTAND THAT IT HAS, SUPPORTED THE DEPARTMENT OF HOMELAND SECURITY ON A NUMBER OF JOINT, **BORDER** SECURITY OPERATIONS. FOR EXAMPLE, OPERATION WINTER FREEZE, OPERATING SAN JUAN, OPERATION WESTERN VIGILANCE ARE ALL EXAMPLES OF THE JOINT TASK FORCE, NORTH SUPPORTING THE **BORDER** PATROL, WHICH IS THE LEAD FEDERAL AGENCY. NOW, HISTORICALLY, OF COURSE, WE HAVEN'T HAD THE DEPARTMENT OF, DEFENSE TAKING THE LEAD BECAUSE OF A VARIETY OF REASONS. SOME LEGAL, AND SOME POLICY JUDGMENTS. AND I CERTAINLY DON'T BELIEVE THAT THE, DEPARTMENT OF DEFENSE SHOULD TAKE THE LEAD. I BELIEVE THEY SHOULD BE, SUPPORTIVE OF THE LAW ENFORCEMENT AGENCIES LIKE **BORDER** PATROL AND ICE. BUT I WORRY THAT WE'RE NOT SEEING THE SAME SORT OF COMMITMENT BY, THE FEDERAL GOVERNMENT WHEN IT COMES TO SUPPORTING LAW ENFORCEMENT --, FEDERAL LAW ENFORCEMENT ALONG THE **BORDER** THAT WE PROVIDE TO OUR WAR, FIGHTERS THROUGH FUNDING AND THROUGH ACCESS TO TECHNOLOGY, THROUGH, FUNDING FOR THE DEPARTMENT OF DEFENSE. THE DEPARTMENT OF DEFENSE HAS A HOMELAND DEFENSE RESPONSIBILITY., OBVIOUSLY, THE CIVILIAN AGENCY, THE DEPARTMENT OF HOMELAND SECURITY, HAS A LAW ENFORCEMENT FUNCTION. BUT THEY'RE ALL PAID FOR BY THE, FEDERAL TAXPAYER. AND I WOULD LIKE TO SEE DEVELOPMENT OF A JOINT INTERAGENCY TASK, FORCE IN EL PASO, IN OTHER WORDS, LIKE WE HAVE IN FLORIDA, WHERE WE, SEE ALL ASSETS OF THE FEDERAL GOVERNMENT, ALL AGENCIES OF THE FEDERAL, GOVERNMENT WHO ARE CONCERNED WITH LAW ENFORCEMENT AND **BORDER** SECURITY, THAT WE MAKE SURE THAT THEY'RE OPERATING IN A COORDINATED EFFORT AND, THAT ALL ASSETS THAT ARE AVAILABLE EVEN TO THE WAR FIGHTER IN THE, MIDDLE EAST OR AFGHANISTAN, MORE UAVS, MORE GROUND SENSORS AND THE, LIKE, THAT THOSE ARE SUPPLIED TO OUR **BORDER** PROTECTION EFFORTS. COULD YOU COMMENT ON WHERE WE ARE NOW AND WHERE YOU WOULD LIKE TO, SEE US GO IN THAT CONNECTION? AGUILAR: ABSOLUTELY. SENATOR, I CAN ONLY SPEAK BECAUSE THAT'S, WHAT WE'RE GETTING FROM DOD IN VERY GLARINGLY POSITIVE TERMS ABOUT JTF, NORTH AND DOD. NOW, COULD WE USE MORE HELP? ABSOLUTELY, YES. JTF NORTH, BESIDES THE OPERATIONS THAT YOU JUST MENTIONED, HAS, BEEN VERY, VERY SUPPORTIVE OF US. IN FISCAL YEAR 2005, THEY SUPPORTED, US WITH 49 SPECIFIC MISSIONS. EVERYTHING FROM SENSOR TECHNOLOGY TO, FLYING SOME UAVS FOR US, BUILDING INFRASTRUCTURE, BUILDING ROADWAYS, FENCES AND THINGS OF THIS NATURE THAT ARE A TREMENDOUS FORCE, MULTIPLIER. FOR FISCAL YEAR 2006, WE HAVE APPROXIMATELY 240 -- I BELIEVE IT'S, 240 AND I HAVE MISSION REQUESTS OUTSTANDING FOR FISCAL YEAR 2006, OF, WHICH SEVERAL ARE ONGOING AS WE SPEAK. DON'T KNOW HOW MANY THEY'RE, GOING TO BE ABLE TO ACTUALLY SOURCE FOR US BECAUSE OF THE TWO-THEATER, WAR THAT WE'RE FIGHTING AS A NATION. IN 2007, WE AGAIN HAVE OVER 250 MISSION REQUESTS FOR THEM. THEY, WORK VERY HARD TO GETTING US WHAT WE NEED. AND WHEN WE DO GET THEIR, SUPPORT, IT SERVES AS A TREMENDOUS FORCE MULTIPLIER FOR US. AS WE SPEAK, THE **BORDER** INFRASTRUCTURE SYSTEM IN SAN DIEGO, FOR, EXAMPLE, THEY DO A TREMENDOUS AMOUNT OF WORK FOR US IN BUILDING THE, FENCES, THE TRIPLE FENCING, THE SETTING UP THE CAMERA SITES AND THINGS, OF THAT NATURE. THE RELATIONSHIP IS VERY, VERY POSITIVE. TWO WEEKS AGO, ONE OF MY SENIOR ASSOCIATE CHIEFS SAT DOWN WITH, THE NATIONAL GUARD BUREAU COMMANDERS HERE IN WASHINGTON, D.C., TO, BRIEF THEM UP ON OUR NATIONAL STRATEGY, OUR RATIONALE FOR THE WAY THAT, WE DO BUSINESS, AND OUR PATH FORWARD, IF YOU

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WILL. THE REASON FOR THAT WAS TO DO JUST AS YOU EXPLAINED, TO CREATE, SOME SYNERGY BETWEEN WHAT THEY HAVE AVAILABLE TO THEM -- THIS IS, OF, COURSE, IN AN INFORMAL MANNER -- AND THEN APPLY THAT IN SUPPORT OF OUR, NATIONAL STRATEGY. WE'RE WORKING TOWARDS THAT END. I, MYSELF, WILL, BE MEETING WITH A NATIONAL GUARD COMMANDER HERE VERY SOON TO CEMENT, THAT EFFORT. BUT ANYTHING THAT THE DOD CAN DO FOR US IS A TREMENDOUS ASSET --, TREMENDOUS ASSET -- ESPECIALLY IN THE WAY OF BUILDING INFRASTRUCTURE, GIVING US THE ABILITY TO EVEN GET TO SOME OF OUR **BORDER** AREAS THAT IN, THE PAST, WE JUST DIDN'T HAVE ANY MEANS OF GETTING TO. BUILDING, ROADWAYS AND THINGS OF THIS NATURE. CORNYN: WELL, I APPRECIATE YOUR RESPONSE. YESTERDAY, I MET WITH SECRETARY PAUL MCHALE (PH), WHO IS THE - - I, BELIEVE HIS TITLE IS UNDERSECRETARY FOR HOMELAND DEFENSE, AT THE, DEPARTMENT OF DEFENSE. AND HE WAS VERY FORTHCOMING IN TERMS OF THE, SUPPORT THAT HE SAID THAT THE DEPARTMENT OF DEFENSE WAS WILLING TO, OFFER TO THE DEPARTMENT OF HOMELAND SECURITY. ALTHOUGH, THEY MADE, CLEAR THEIR PRIMARY MISSION WAS WAR FIGHTING. BUT THERE ARE MANY MORE ASSETS AVAILABLE TO THE FEDERAL, GOVERNMENT AND I THINK SHOULD BE MADE AVAILABLE ALONG THE **BORDER**, OTHER THAN THOSE THAT ARE CURRENTLY DEDICATED TO THE DEPARTMENT OF, HOMELAND SECURITY AND THE **BORDER** PATROL. AND I'M GLAD TO SAY THAT SENATOR SESSIONS AND I SERVE ON THE, ARMED SERVICES COMMITTEE. FOR MYSELF, SPEAKING FOR MYSELF, I INTEND, TO MAKE SURE THAT WE PUSH VERY HARD TO MAKE SURE THAT THERE IS THE, KIND OF COOPERATION, WHICH YOU'VE ALREADY INDICATED, HAS BEEN, INDICATED, BUT WHICH IS NOT YET THERE., FOR EXAMPLE, I UNDERSTAND THERE'S ONLY A SINGLE UAV AVAILABLE TO, THE DEPARTMENT OF HOMELAND SECURITY NOW. WE NEED TO FIX THAT PROBLEM. THANK YOU, MR. CHAIR. KYL: THANK YOU, SENATOR CORNYN. SENATOR SESSIONS? SESSIONS: THANK YOU, MR. CHAIRMAN, AND FOR THIS HEARING. I'VE BEEN WATCHING WITH SOME CONCERN THE **REPORTS** IN THE PAPERS, ABOUT VIOLENCE AT THE **BORDER** AND I COULDN'T BE MORE PLEASED THAT THE, CHAIRMEN HAVE CALLED THIS COMMITTEE HEARING TO AIR THAT PROBLEM. I FEEL VERY MUCH THAT WE HAVE A RESPONSIBILITY TO OUR **AGENTS** THAT, ARE OUT THERE. WE HAVE A COUPLE OF RESPONSIBILITIES, I BELIEVE. NUMBER ONE, AND FIRST AND FOREMOST, IS TO MAKE SURE THAT THEY ARE, SUPPORTED AND THAT THEY ARE NOT SUBJECTED TO VIOLENCE AND THAT WE CAN, PROTECT THEM FROM THAT AND WE CAN DO A BETTER JOB AND WE HAVE TO DO A, BETTER JOB. WE CAN'T ASK PEOPLE TO GO OUT AND PUT THEIR LIVES AT RISK, AND NOT BE ABLE TO PROTECT THEM. SECONDLY, I BELIEVE WE OWE THEM A COMMITMENT THAT WE'RE GOING TO, ENFORCE THE LAW, THAT THEY'RE NOT OUT THERE BY THEMSELVES IN A, HOPELESS EFFORT, THAT NOBODY CARES, THAT THEY REALLY DON'T WANT THE, LAWS ENFORCED AND THAT WE'RE JUST GOING THROUGH SOME SORT OF MOTIONS, OFTENTIMES PLACING THEM AT PERSONAL RISK, THAT SUGGEST THAT WE'RE NOT, SERIOUS ABOUT IT. SO I THINK THERE'S A GROWING CONSENSUS IN OUR CONGRESS THAT WE, NEED TO HAVE A LAWFUL IMMIGRATION SYSTEM. MR. CHARLTON, (INAUDIBLE) U.S. ATTORNEY FOR 12 YEARS IN ALABAMA., YOU'VE COME TO HAVE AN AFFINITY FOR THE LAW. YOU KNOW, A PRIDE IN THE, LAW. AND I BELIEVE THAT IN YOUR DISTRICT YOU ENFORCE THE LAW. IS IT TROUBLING TO YOU THAT ON A WHOLESALE SCALE, YOU'RE HAVING, WHAT 575,000 PEOPLE ARRESTED IN YOUR STATE? OBVIOUSLY, MANY MORE ARE, NOT BEING ARRESTED. AND THAT IT APPEARS FROM THE SURFACE THAT WE, REALLY DON'T HAVE A VERY LAWFUL AREA THERE. WOULD YOU SHARE WITH US YOUR THOUGHTS AS THE CHIEF LAW OFFICER, I, GUESS, IN THE STATE OF ARIZONA, HOW YOU FEEL ABOUT A CIRCUMSTANCE LIKE, THAT? CHARLTON: THANK YOU, SENATOR. I KNOW AS A FORMER U.S. ATTORNEY, YOURSELF, YOU UNDERSTAND THE, RESPONSIBILITIES THAT ARE INVOLVED IN THESE ISSUES. AS YOU INDICATED, THERE ARE APPROXIMATELY 577,000 INDIVIDUALS WHO, ARE APPREHENDED BY THE **BORDER** PATROL ALONG THE ARIZONA **BORDER**; AND AS, I INDICATED EARLIER, THAT REPRESENTS APPROXIMATELY 50 PERCENT OF ALL, THE **ILLEGAL** ALIENS WHO ARE DETAINED IN THE WHOLE UNITED STATES, DETAINED IN ARIZONA ALONE. THAT'S AN EXTRAORDINARY RESPONSIBILITY FOR THE MEN AND WOMEN IN, LAW ENFORCEMENT THERE. IT'S AN EXTRAORDINARY RESPONSIBILITY FOR THE, PROSECUTORS IN OUR OFFICE WHO WORK VERY HARD TO MOVE THOSE CASES, THROUGH THE SYSTEM. AND THEY DO AN EXTRAORDINARY JOB, SENATOR. I THINK YOU'D BE VERY, PROUD IF YOU SAW THE CASE LOADS THAT THESE PEOPLE WERE CARRYING. IT, IS OF GREAT CONCERN TO US AND WE'RE WORKING VERY HARD TO ADDRESS THE, ISSUE. SESSIONS: AND, WELL, I

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WOULD LIKE TO PROCEED IN A MOMENT AND, FOLLOW THROUGH HOW CASES ARE TYPICALLY HANDLED AND WHAT THOSE, CHALLENGES ARE. BUT I AGREE, 577,000 APPREHENSIONS INDICATE THAT, SOMEBODY'S WORKING HARD. AND THEY'RE NOT OUT THERE DOING THAT AT 9:00, IN THE MORNING A LOT OF TIMES. IT'S AT 2:00 A.M. AND THAT KIND OF, THING THAT PEOPLE ARE DOING THE WORK TO PROTECT THE LAWS OF THE UNITED, STATES AND OUR **BORDERS**. SO I SALUTE THEM. I JUST BELIEVE WE NEED TO BE SURE THAT THEY KNOW AND WE ARE, COMMITTED TO BACKING THEM UP AND THAT THIS HAS MEANING, IT'S NOT A, MEANINGLESS EXERCISE. I DON'T KNOW HOW THEY MAINTAIN THE MORALE THAT, YOU DO. YOU APPARENTLY GOT PRETTY GOOD MORALE. BUT IT SEEMS TOO MUCH, LIKE THE OLD DAYS OF THE REVOLVING DOORS. POLICE WOULD ARREST PEOPLE, AND THEY WERE RELEASED THE NEXT DAY, AND YEARS WOULD GO BY BEFORE THEY, HAD A TRIAL, AND THEN THEY GOT PROBATION. AND YOU WONDERED WHY YOU, WENT THROUGH THE PROCESS. WE'VE CHANGED THAT AS A COUNTRY. AND CRIME HAS DROPPED BY HALF, NEARLY. WE'VE HAD TREMENDOUS PROGRESS. AND I THINK WE CAN DO THAT, HERE. WITH REGARD TO THE LOCAL POLICE, YOU'VE MENTIONED THAT, MS., FORMAN, THE 287(G) AGREEMENTS -- I BELIEVE THAT'S THE AGREEMENT YOU, SIGNED WITH THE STATE OF ALABAMA THAT YOU'VE BEEN REFERRING TO. HOW, MANY MORE OF THOSE ARE IN EXISTENCE IN THE COUNTRY TODAY? FORMAN: WE HAVE 11 PENDING RIGHT NOW -- WELL, WE HAVE 11, REQUESTS PENDING AND WE HAVE TWO REQUIRING SIGNATURE THAT WILL BE, FORTHCOMING. SO THERE WILL BE A TOTAL OF APPROXIMATELY 18. SESSIONS: SO THAT WOULD TOTAL 18 IN PLACE? FORMAN: YES. SESSIONS: WELL, WOULDN'T YOU AGREE, THAT'S A PRETTY SMALL, EFFORT? FORMAN: WELL, I CAN TELL YOU THAT WE HAVE AN AGGRESSIVE, RECRUITMENT EFFORT OUT THERE. WE HAVE 26 SPECIAL **AGENT** IN CHARGE, OFFICES. WE'VE INSTRUCTED OUR SPECIAL **AGENT** IN CHARGE OFFICES TO GO, MEET WITH THE STATE AND LOCAL REPRESENTATIVES, LET THEM KNOW WHAT, 287(G) IS, AND SEE WHAT THEIR INTERESTS ARE. SESSIONS: AND BASICALLY THIS ALLOWS LOCAL LAW ENFORCEMENT, OFFICERS TO BE TRAINED AND TO BE ABLE TO PARTICIPATE VOLUNTARILY, NOT, ANY MANDATE ON THEM, BUT IF THEY CHOOSE TO BE ABLE TO PARTNER WITH THE, **BORDER** PATROL OR THE ICE TO PROCESS PEOPLE THEY MAY APPREHEND IN THE, NORMAL COURSE OF THEIR BUSINESS. IS THAT CORRECT? FORMAN: THAT IS CORRECT. SESSIONS: WELL, I REMEMBER ABOUT TWO OR THREE YEARS AGO, WHEN WE, STARTED PUSHING FOR THIS AGREEMENT FOR ALABAMA. IT TOOK QUITE A LONG, TIME. I GOT TO TELL YOU, ICE WAS DRAGGING THEIR FEET. FLORIDA AND I, THINK ALABAMA AT THE TIME WERE THE ONLY TWO STATES THAT SIGNED SUCH AN, AGREEMENT. AND NOW YOU'VE GOT 18, WHICH IS PRETTY SMALL. I WANT TO KNOW RIGHT NOW, YOU TELL US DIRECTLY, DO YOU BELIEVE, THIS IS A GOOD PROCESS AND ARE YOU ACTIVELY PROMOTING IT AND SEEKING, MORE LAW ENFORCEMENT AGENCIES TO PARTICIPATE IN THIS PROGRAM? FORMAN: YES, I DO BELIEVE IT'S A GOOD PROGRAM. I BELIEVE IT'S, ALSO IMPORTANT TO MAKE SURE THAT THE GOVERNING BOARD OF THE STATE AND, LOCAL LAW ENFORCEMENT OFFICES ARE ALSO ENGAGED IN THE PROGRAM AND THAT, THEY SUPPORT THE PROGRAM. BECAUSE OFTEN TIMES WE'VE HAD A NUMBER OF, OTHER REQUESTS, WHERE THE STATE AND LOCAL MAKE THE REQUEST, BUT THE, GOVERNING BODY MAY BE OPPOSED... SESSIONS: WHO IS THAT? YOU MEAN THE MAYOR? FORMAN: MAYOR, GOVERNOR, AND SOME WILL HAVE GOVERNING COUNSELS. SESSIONS: WELL, I THINK IT'D BE GOOD TO KNOW WHAT MAYORS AND, WHAT GOVERNORS WOULDN'T SUPPORT THAT. BUT I THINK 750,000 STATE AND, LOCAL LAW ENFORCEMENT OFFICERS -- HOW MANY ARE ICE INVESTIGATORS, JUST, INVESTIGATORS, DO YOU HAVE? FORMAN: THERE ARE APPROXIMATELY 5,500 ICE SPECIAL **AGENT**, INVESTIGATORS. SESSIONS: AND WHAT ABOUT OUR **BORDER** PATROL OFFICERS AND, ENFORCEMENT OFFICERS? AGUILAR: ELEVEN THOUSAND THREE HUNDRED CURRENTLY. SESSIONS: SO YOU'VE GOT ABOUT 16,000 FEDERAL OFFICERS AND WE, HAVE ABOUT 750,000 STATE AND LOCAL. AND I BELIEVE IT'S APPROPRIATE, FOR THEM TO PARTICIPATE IN THIS PROCESS. WOULD YOU AGREE, MR. AGUILAR? AGUILAR: SENATOR, 287(G) IS ABSOLUTELY A VERY, VERY GOOD TOOL., THE ONE... SESSIONS: NOW, WHO PROMOTES THAT? IS THAT ICE OR IS IT **BORDER**, PATROL? AGUILAR: 287(G) IS MANAGED BY ICE. SESSIONS: OK. AGUILAR: YES, SIR. WE ARE THE BENEFICIARIES OF 287(G) WHEN IT, DOES OCCUR ON A **BORDER** STATE AREA. THE ONE THING I'D LIKE TO ADD HERE IS THAT THERE ARE CERTAIN, THINGS THAT ARE ALREADY TRIED AND TRUE THAT THE STATE, LOCAL AND, TRIBAL ENTITIES, WHICH ARE ABSOLUTELY ESSENTIAL FROM A PARTNERSHIP, PERSPECTIVE, TO BRING CONTROL TO THE **BORDER**, THAT CAN DO. OPERATION



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STONEGARDEN (PH), FOR EXAMPLE, WHERE THE STATE HOMELAND, SECURITY DIRECTORS ARE ABLE NOW TO UTILIZE SOME OF THAT TASK -- OR THE, GRANT MONEY TO BORDER ENFORCEMENT EFFORTS TO SUPPORT THE STATE, LOCAL, AND TRIBAL ENTITIES TO WORK IN COORDINATION WITH THE BORDER PATROL IN, A VERY FOCUSED MANNER ALONG OUR NATION'S BORDER WITH MEXICO.

SESSIONS: WELL, WHAT HAPPENS TODAY IN ALABAMA IF A POLICE, OFFICER APPREHENDS SOMEONE WHO'S HAD A WRECK, AND THEY APPROACH HIM, AND DISCOVER THEY ARE IN THE COUNTRY ILLEGALLY -- DO YOU KNOW WHAT AS, A PRACTICAL MATTER HAPPENS? AGUILAR: IN ALABAMA, WE DO NOT HAVE A BIG PRESENCE OF BORDER, PATROL, SIR. BUT WE WOULD, OF COURSE, WELCOME THE CALL IF WE HAPPENED, TO RECEIVE IT. BUT I BELIEVE ICE WOULD BE THE ONE THAT WOULD BE, RESPONSIVE TO THAT... SESSIONS: WHAT WOULD ICE DO, MS. FORMAN? FORMAN: IF IT'S A 287(G), OF COURSE THAT'S -- EVEN IF IT'S NOT, THE STATE AND LOCAL LAW ENFORCEMENT... SESSIONS: LET'S SAY IT'S NOT, JUST... FORMAN: OK. SESSIONS: JUST A POLICE OFFICER IN A TOWN IN ALABAMA. FORMAN: SEVEN BY 24, ICE OVERSEES THE LAW ENFORCEMENT SUPPORT, CENTER, THAT IS AVAILABLE 24 HOURS A DAY TO STATE AND LOCAL LAW, ENFORCEMENT OFFICERS TO CALL. AND IT IS MANNED AND WHAT THEY GET IS, THEY'LL RUN THE INDIVIDUAL'S NAME, THE LESC, AND THEY WILL LET THE, INDIVIDUAL KNOW -- THE IMMIGRATION, WE HAVE EIGHT IMMIGRATION, DATABASES LOCATED AT THE LESC -- THEY WILL BE ABLE TO TELL WHETHER, THIS INDIVIDUAL IS LEGAL, WHETHER THIS INDIVIDUAL MAY BE A GANG, MEMBER, AND WHATEVER OTHER HISTORY THAT'S CONTAINED IN THAT DATABASE. SESSIONS: WELL, IF IT'S SOMEBODY THAT'S THERE ILLEGALLY, WHAT, THE OFFICERS TELL ME UNIFORMLY, AND I ASK THEM AS I TRAVEL THE STATE, THAT BASICALLY THE RULE IN ALABAMA WAS, IT WAS 15 OR MORE, WE MIGHT, COME AND PICK THEM UP. OTHERWISE, BASICALLY, DON'T BOTHER TO CALL. ISN'T THAT THE REAL FACT, THAT YOU DO NOT EVEN ATTEMPT TO RESPOND, TO THE CALLS OF LOCAL LAW ENFORCEMENT, WHO IN THE COURSE OF THEIR, NORMAL DUTIES HAVE APPREHENDED SOMEONE WHO MIGHT BE HERE ILLEGALLY FOR, LESS THAN A SERIOUS FELONY OFFENSE? FORMAN: SENATOR, I WILL NOT AGREE WITH THAT ACROSS THE BOARD. I, WILL TELL YOU THAT WITH 5,500 SPECIAL AGENTS, WE HAVE TO PRIORITIZE., AND OUR PRIORITIZATION ENTAILS NATIONAL SECURITY AND PUBLIC SAFETY, THOSE INDIVIDUALS WHO ARE INVOLVED IN VIOLENT CRIMES AND THEN THOSE, INDIVIDUALS WHO ARE IN THIS COUNTRY ILLEGALLY. SESSIONS: BUT LET'S BE -- I DON'T WANT TO ARGUE WITH YOU AND, BUT I'M JUST TELLING YOU, THAT'S THE WAY IT IS. NOW WE CAN TALK ABOUT THIS ANYWAY WE WANT TO, BUT THE FACT IS, THAT IN MOST STATES OF THIS COUNTRY, IF PEOPLE ARE APPREHENDED BY A, LOCAL LAW OFFICER FOR ANY NUMBER OF MATTERS AND THEY'RE DETERMINED TO, BE ILLEGALLY HERE, YOU DON'T RESPOND. AND I HAD ONE OFFICER TELL ME, "WELL, I WOULD TAKE THEM TO, BIRMINGHAM IF THEY'D AT LEAST PAY ME MY MILEAGE." WILL YOU PAY THEM THE MILEAGE IF THEY BRING THEM TO THE ICE, HEADQUARTERS IN THE STATE? IS THERE ANY PLAN TO DO THAT FOR THE STATE? FORMAN: I WILL TELL YOU, FUNDING IS AN ISSUE. SESSIONS: WHAT IS THAT? FORMAN: FUNDING IS AN ISSUE. SESSIONS: SO YOU DON'T HAVE THE MONEY TO DO THAT? FORMAN: FUNDING IS A CONSIDERATION IN TERMS OF... (CROSSTALK)

SESSIONS: AND WE'RE NOT DOING THAT, THAT'S THE TRUE FACTS. AND MR. CHAIRMAN, MY TIME'S RUN. I'M SORRY. KYL: WE'RE GOING TO DO A QUICK SECOND ROUND. THE VOTE IS ON AND WHAT I WOULD SUGGEST RIGHT AFTER I ASK THIS, FIRST QUESTION, SENATOR SESSIONS, YOU MIGHT WANT TO HEAR, AND THEN WHY, DON'T YOU GO AHEAD AND VOTE. WE'RE GOING TO PLAY TAG TEAM, AS I INDICATED EARLIER. THIS PROBLEM THAT SENATOR SESSIONS IS TALKING ABOUT IS NOT JUST A, PROBLEM IN A STATE LIKE ALABAMA, WHICH YOU MIGHT EXPECT WOULDN'T HAVE, A LOT OF ICE AGENTS, IT'S A PROBLEM IN ARIZONA. IT HAPPENS ALL THE TIME THAT POLICE OFFICERS ARE CALLED TO A DROP, HOUSE OR THEY STOP A VAN AND IT TURNS OUT THERE ARE A BUNCH OF ILLEGAL, IMMIGRANTS THERE. AND YES, THEY'RE ABLE TO DO THE QUICK CRIMINAL, CHECK, BUT FREQUENTLY, WHEN THEY CALL SOMEBODY TO TAKE CUSTODY OF THE, ILLEGAL IMMIGRANTS, THERE'S NOBODY AVAILABLE. AND I THINK IT IS A, MATTER OF RESOURCES. IT'S ALSO A MATTER OF WILL. NOW, LET ME ASK YOU TWO QUESTIONS. FIRST OF ALL, IN A STATE THAT'S HIGHLY IMPACTED, LIKE ARIZONA FOR, EXAMPLE, WOULDN'T IT BE RELATIVELY EASY TO HAVE A SMALL FLEET OF OLD, SCHOOL BUSES AVAILABLE AND SOME OFFICERS WHO COULD BE DEPUTIZED UNDER, THE STATUTE TO TAKE CUSTODY OF ILLEGAL IMMIGRANTS AND RETURN THEM --, IF THEY ARE MEXICANS -- TO THE BORDER WITH A RESPONSE TIME OF MAYBE 20, OR 30 MINUTES MAXIMUM SO THAT OUR POLICE OFFICERS

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DON'T HAVE TO SPEND, ALL OF THEIR TIME SITTING WITH THE ILLEGAL IMMIGRANTS? WOULDN'T IT BE POSSIBLE IN A CITY LIKE TUCSON OR PHOENIX TO HAVE, THIS KIND OF CAPABILITY AVAILABLE AT A RELATIVELY LOW COST? FORMAN: I THINK THE ISSUES AGAIN GO TO, SENATOR, INTO RESOURCES, IN TERMS OF PRIORITIZING OUR RESOURCE USAGE. WE -- RIGHT NOW OUR AGENTS ARE FOCUSED ON THE ROOT OF THESE, PROBLEMS, AND THAT'S THE CRIMINAL ORGANIZATION... KYL: SURE.

UNDERSTAND THAT. OK. WHAT I WOULD LIKE FOR YOU IN WRITING, AS SOON AS YOU CAN GET IT, TO ME, IS WHAT IT WOULD TAKE IN TERMS OF RESOURCES TO RESPOND TO THE, CHALLENGE THAT SENATOR SESSIONS AND I HAVE LAID OUT. I'VE BEEN TALKING ABOUT THIS FOR TWO YEARS. AND IT SEEMS TO ME, IT WOULDN'T TAKE VERY MUCH IN THE WAY OF RESOURCES TO HAVE SOME OLD, SCHOOL BUSES AND SOME RETIRED OFFICERS WHO COULD EASILY BE DEPUTIZED, UNDER CURRENT STATUTES TO TAKE CUSTODY OF PEOPLE. IT DIVERTS RESOURCES THAT ARE DEVOTED TO HIGH-PRIORITY ITEMS IN, PHOENIX, ARIZONA -- OUR LAW ENFORCEMENT. PHOENIX POLICE DEPARTMENT, OFFICIALS COME TO ME AND COMPLAIN THAT THEY SHOW UP AT A DROP HOUSE, THERE ARE 200 ILLEGAL IMMIGRANTS THERE OR 100 ILLEGAL IMMIGRANTS --, AND BY THE WAY, THE PERSON THAT TIPPED THEM OFF IS USUALLY THE, SMUGGLER BECAUSE HE'S GOT ANOTHER LOAD COMING IN THAT NIGHT AND NEEDS, TO MAKE ROOM FOR THEM -- AND THEY'VE ALREADY BEEN ROBBED AND SOMETIMES, RAPED. IT'S A BAD, BAD DEAL. AND YET, THEY HAVE TO TURN THEM LOOSE, BECAUSE THEY CALL ICE AND THERE'S JUST NOBODY THAT'S IMMEDIATELY, AVAILABLE. IT SEEMS TO ME TO BE FAIRLY EASY IN A PLACE LIKE ARIZONA. NOW, I CAN UNDERSTAND THAT IN A PLACE LIKE ALABAMA, YOU DON'T, HAVE AS MUCH CALL FOR THEM AND COST-BENEFIT WISE, IT'S MORE DIFFICULT. SO PROVIDE FOR US WHAT IT WOULD TAKE IN RESOURCES, BECAUSE IF YOU, ASK, CONGRESS IS LIKELY TO RESPOND BY PROVIDING THE RESOURCES BECAUSE, THIS IS A SERIOUS PROBLEM. AND IT'S EVEN MORE SERIOUS WITH THE, DETENTION OR FAILURE TO DETAIN THE OTHER THAN MEXICANS, WHO OF COURSE, ARE SIMPLY RELEASED INTO OUR SOCIETY AND VERY RARELY SHOW UP TO BE, REMOVED WHEN THEIR HOME COUNTRY FINALLY GETS AROUND TO SAYING THAT, THEY'LL TAKE THEM BACK. THAT'S ANOTHER WHOLE PROBLEM. BUT WHAT I'VE NOT BEEN ABLE TO GET FROM THE DEPARTMENT OF, HOMELAND SECURITY IS A COMMITMENT TO QUICKLY DEAL WITH THIS PROBLEM., WE'RE TOLD THAT IN ANOTHER YEAR, WE SHOULD BE ABLE TO HAVE SUFFICIENT, DETENTION SPACE AVAILABLE WITH REGARD TO THE OTHER THAN MEXICANS., THAT'S NOT ACCEPTABLE AS FAR AS I'M CONCERNED. IF YOU WANT TO RESPOND ORALLY, FINE., OTHERWISE, I'D APPRECIATE IT IN WRITING. FORMAN: OK. KYL: OK. NOW, CHIEF AGUILAR, AS YOU KNOW, THE TOHONO O'ODHAM INDIAN TRIBE, IS LOCATED ON THE BORDER WITH MEXICO IN SOUTHERN ARIZONA. AND THEY, HAVE BEEN PART OF OUR LAW ENFORCEMENT COMMUNITY, WORKING WITH THE, BORDER PATROL. I KNOW YOU'RE FAMILIAR WITH THEM AND TRY TO WORK AS, CLOSELY AS POSSIBLE WITH THE TOHONO O'ODHAM SO THEY CAN DO THEIR PART, IN SECURING THEIR PART OF THE BORDER. HOW IS THE BORDER PATROL RESPONDING TO THE KIND OF VIOLENCE THAT, IS OCCURRING ALSO ON THE TOHONO O'ODHAM INDIAN NATION LAND? WHAT CAN YOU TELL US ABOUT WHAT WE CAN EXPECT THERE TO IMPROVE, THE SITUATION THERE? AGUILAR: YES, SIR. FIRST OF ALL, THE NUMBER OF BORDER PATROL AGENTS THAT ARE NOW, PATROLLING THE TOHONO O'ODHAM NATION HAS GROWN TREMENDOUSLY -- ABOUT, 30 PERCENT IN THE LAST COUPLE OF YEARS. SO THAT AUGMENTATION OF ENFORCEMENT RESOURCES HAS HELPED, TREMENDOUSLY. THERE HAS BEEN A DROP OF ABOUT 19 PERCENT IN THE NUMBER OF, ARRESTS THAT ARE OCCURRING ON THE TOHONO O'ODHAM NATION. YOU WILL REMEMBER, SENATOR, THAT THE ARRESTS WERE TREMENDOUS OUT, THERE. SO A 19 PERCENT DROP IS IN FACT DRAMATIC. IN ADDITION TO THAT, WE GET WHAT WE CALL THIRD-PARTY INDICATORS, FROM THE TOHONO O'ODHAM NATION ITSELF -- PURSUITS THAT ARE OCCURRING, ON THE NATION, CALLOUTS TO THE POLICE DEPARTMENTS DUE TO ILLEGAL ALIEN, ACTIVITY AND THINGS OF THIS NATURE. WE HAVE SEEN A DRAMATIC DROP IN, THOSE INSTANCES. FOR EXAMPLE, WHEN I WAS THERE AS A CHIEF PATROL AGENT AND WE WERE, STILL IN THE PROCESS OF RESOURCING, IT WOULD NOT BE UNUSUAL FOR THE, TOHONO O'ODHAM POLICE DEPARTMENT TO BE INVOLVED IN HIGH-SPEED PURSUITS, ON AN AVERAGE OF FIVE TO EIGHT TIMES A DAY. WE ARE NOW SEEING AND, AVERAGING ABOUT ONCE TO TWICE A WEEK, AND SOMETIMES IT'S EVEN LESS, THAN THAT. THE MEDICAL FACILITY OF THE TOHONO O'ODHAM NATION HAS DROPPED, DRAMATICALLY IN THE NUMBER OF MEDICAL RESPONSES THAT THEY HAVE TO DO. ONE OF THE THINGS THAT WE'RE LOOKING FORWARD TO THIS COMING YEAR, IS

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BECAUSE OF CONGRESS ALLOCATING \$35 MILLION SPECIFICALLY TO TUCSON, SECTOR, THE TOHONO O'ODHAM NATION IS GOING TO BE THE BENEFICIARY OF, WHAT WE REFER TO AS A DRIVE-THROUGH BARRIER, A DRIVE-THROUGH BARRIER, ALMOST ALONG THE ENTIRE LENGTH OF THE TOHONO O'ODHAM NATION'S **BORDER**, WITH MEXICO, WHICH WILL BE A TREMENDOUS ENFORCEMENT RESOURCE FOR US., BECAUSE THE BIGGEST PROBLEM THAT WE HAVE ON THAT NATION IS DRIVE, THROUGH, PEOPLE DRIVING ACROSS THAT **BORDER** AND NOTHING TO STOP THEM. SO IT'S GOING TO MIRROR KIND OF LIKE WHAT WAS DONE ON THE ORGAN, PIPE NATIONAL FOREST. THAT DROPPED ALMOST OVERNIGHT WHEN THAT WAS... (CROSSTALK) KYL: WHEN YOU SAY DRIVE-THROUGH BARRIER, BETTER DESCRIBE WHAT, YOU'RE TALKING ABOUT BECAUSE IT'S NOT REALLY A DRIVE-THROUGH BARRIER. AGUILAR: NO. IT'S A BARRIER THAT IS CONSTRUCTED IN SUCH A WAY THAT IT DOES NOT, ALLOW VEHICLES -- MOTORIZED VEHICLES TO BASICALLY DRIVE WITH IMPUNITY, FROM MEXICO INTO THE UNITED STATES. RIGHT NOW, AS YOU KNOW AND I THINK BOTH OF YOU HAVE SEEN, WE, LITERALLY HAVE A LINE IN THE SAND. NOTHING KEEPS THESE SMUGGLERS OUT, OF THE TOHONO O'ODHAM NATION. SO ONCE WE PUT UP THAT DRIVE-THROUGH BARRIER, IT WILL NOT ALLOW, THAT LEVEL OF TRAFFIC -- **ILLEGAL** TRAFFIC TO GO AND COME INTO THE, TOHONO O'ODHAM NATION. WE EXPECT TREMENDOUS RESULTS OUT OF THAT. KYL: THESE ARE BASICALLY BOLLARDS EMBEDDED IN CONCRETE? AGUILAR: YES, SIR. BOLLARDS, RAIL UPON RAIL AND THINGS OF THIS NATURE. YES, SIR. KYL: OK. THANK YOU. SENATOR CORNYN? CORNYN: CHIEF... KYL: WOULD YOU EXCUSE ME? I HAD ONE QUESTION FOR PAUL CHARLTON AND I DON'T WANT TO FORGET. WE TALK ABOUT RESOURCES, MORE **BORDER** PATROL **AGENTS**, MORE ICE, **AGENTS**, AND SO ON. WHAT KIND OF PROBLEMS ARE CREATED BY MORE LAW ENFORCEMENT, PERSONNEL WITH REGARD TO YOUR JOB AND THE REST OF THE TAIL OF THE, CRIMINAL JUSTICE SYSTEM? CHARLTON: WE'VE SEEN AN EXTRAORDINARY INCREASE IN THE DEMANDS, UPON OUR OFFICE AND ALL OF THE UNITED STATES ATTORNEY'S OFFICE ALONG, THE SOUTHWEST **BORDER**, SENATOR. AND WE'VE ASKED THE DEPARTMENT OF JUSTICE TO TAKE A LOOK AT OUR, RESOURCES AND THE ALLOCATIONS SO THAT THEY CAN MAKE A DETERMINATION AS, TO WHAT KIND OF ADJUSTMENT NEEDS TO BE MADE AS A RESULT OF THE, DRAMATIC INCREASE IN LAW ENFORCEMENT SO THAT WE CAN SERVICE THE, AGENCIES THAT ARE WORKING SO HARD TO IMPACT THIS PROBLEM. KYL: WE NEED TO ENSURE THAT THE COURT SYSTEM, THE PUBLIC, DEFENDERS, THE JAIL FACILITIES, THE U.S. ATTORNEY COMPLEMENT AND ALL, THE REST OF THE PARTS OF THE CRIMINAL JUSTICE SYSTEM CAN KEEP UP WITH, THE INCREASE IN THE LAW ENFORCEMENT **AGENTS** THAT WE ADD. CHARLTON: THANK YOU, SENATOR. KYL: I'M SORRY. SENATOR CORNYN? EXCUSE ME. WHAT I'M GOING TO DO IS GO VOTE RIGHT NOW. I'LL MAKE, SURE THEY HOLD IT OPEN FOR YOU AND THEN WHEN I COME BACK, YOU CAN TAKE, OFF. CORNYN: SOUNDS GOOD. CHIEF AGUILAR, THE HOUSE OF REPRESENTATIVES, AS I UNDERSTAND IT, HAS PROPOSED A 700-MILE FENCE BETWEEN MEXICO AND THE UNITED STATES., DO YOU SUPPORT THAT 700-MILE FENCE? AGUILAR: WHAT WE SUPPORT, SENATOR, IS GOING TO BE A FENCE THAT, WE CAN MANAGE. WE DO NOT AND SHOULD NOT BUILD A FENCE THAT IS BUILT JUST FOR THE, PURPOSES OF BUILDING A FENCE. WHAT WE PREFER AND NEED AS A COUNTRY IS, A FENCE THAT IS INCLUSIVE OF TECHNOLOGY AND SUPPORTING INFRASTRUCTURE, THAT CAN ALLOW THE ENFORCEMENT ACCESS TO SUPPORT THAT FENCE. BECAUSE IF WE BUILD A FENCE AND WE CANNOT ACCESS IT, WE CANNOT, GET TO IT, WE CANNOT PATROL IT APPROPRIATELY, IT WILL ACTUALLY PROVE, TO BE BENEFICIAL TO THE SMUGGLERS IF WE'RE NOT CAREFUL. SO WHEN WE TALK ABOUT A FENCE, WE NEED TO TALK ABOUT THAT, COMPREHENSIVE MODEL, IF YOU WILL, THAT SOMETIMES DOES REQUIRE A FENCE., AT OTHER TIMES, IT MAY REQUIRE A DRIVE-THROUGH BARRIER. AT OTHER, TIMES, IT MAY REQUIRE JUST A COMBINATION OF TECHNOLOGY THAT WILL GIVE, US WHAT THE SECRETARY AND WE ARE NOW CALLING A 21ST-CENTURY FENCE THAT, WILL GIVE US THOSE EYES AND EARS ON THE **BORDER**. SO I GUESS A SHORT ANSWER TO THE 700-MILE FENCE IS PROBABLY NOT., IT IS WHAT WE NEED TO HAVE THOSE EYES AND EARS ON THOSE 700 MILES OF, **BORDER** THAT WILL GIVE US THE CAPABILITY TO CREATE THE DETERRENCE THAT, WE'RE LOOKING FOR. CORNYN: WHAT I HEAR YOU SAYING IS THAT THERE IS A PLACE FOR, STRATEGIC PHYSICAL BARRIERS... AGUILAR: YES, SIR. CORNYN: ... AND SOME FENCING AND APPROPRIATE -- INCLUDING, FENCING IN SOME APPROPRIATE LOCATIONS TO HELP **BORDER** PATROL MANAGE THE, FLOW OF PEOPLE ACROSS THE **BORDER** IN YOUR LAW ENFORCEMENT EFFORTS. AGUILAR: ABSOLUTELY. YES, SIR., IF I MAY USE THIS AS AN EXAMPLE, I WAS TALKING TO

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SHERIFF LARRY, DEVER RIGHT BEFORE I STEPPED UP HERE. WE STARTED THE FENCING PROJECT, IN COCHISE COUNTY ABOUT THREE YEARS BEFORE I GOT THERE IN 1999. BUT, IT TOOK A MATURATION PROCESS AND A COMPREHENSIVE APPROACH OF THE, FENCES, THE TECHNOLOGY, THE CAMERAS, THE ROADWAY BUILDING, THE BOLLARD, BUILDINGS AND EVEN BUILDING CULVERTS BY THE MILITARY THAT GOT US TO, WHERE WE ARE TODAY. TODAY, AS WE SPEAK, OUR DOUGLAS **BORDER** PATROL STATION HAS DROPPED, BY 43 PERCENT AS COMPARED TO THE YEAR BEFORE IN THE NUMBER OF, APPREHENSIONS. OUR WILCOX STATION ALSO IN COCHISE COUNTY, HAS DROPPED, BY OVER 48 PERCENT. OUR NACA (PH) STATION HAS DROPPED BY OVER 44, PERCENT, THE LOWEST NUMBERS IN 10 YEARS. SO IT'S THAT COMPREHENSIVE APPROACH. AND BY THE WAY, I DON'T WANT TO PASS UP AN OPPORTUNITY. ONE OF, THE VERY CRITICAL PIECES OF THIS IS THAT U.S. ATTORNEY CHARLTON'S, OFFICE, SPEAKING TO THE COST OF HIS OFFICE, HAS PROSECUTED LAST YEAR, 2,300 -- 2,300 FELONY CASES FOR THE **BORDER** PATROL -- ONLY THE **BORDER** PATROL IN THE DISTRICT OF ARIZONA -- AND OVER 1,200 MISDEMEANOR CASES. SO IT'S THAT COMPREHENSIVE APPROACH THAT REALLY GETS US TO WHERE, WE NEED TO GO. CORNYN: WELL, I WELCOME YOUR RESPONSE TO THE QUESTION ABOUT THE, 700 MILES IN FENCING. I HATE TO SEE US USE A 19TH-CENTURY SOLUTION TO A 21ST-CENTURY, PROBLEM. AGUILAR: EXACTLY. CORNYN: AND I AGREE WITH YOUR DESCRIPTION THAT A 21ST-CENTURY, VIRTUAL FENCE, A COMBINATION OF TECHNOLOGY AND STRATEGICALLY PLACED, PHYSICAL BARRIERS MAKES A LOT MORE SENSE. THE PROBLEM IS, IF WE BUILT A WALL, OR EVEN ASSUMING WE COULD, ACCOMPLISH THAT, WE'D STILL HAVE PROBLEMS WITH THE KIND OF TUNNELS, THAT YOU SEE HERE; OR AS SOMEONE SUGGESTED TO ME YESTERDAY, IF WE, BUILT A 50-FOOT FENCE OR WALL AROUND OUR SOUTHERN **BORDER**, THEN THERE, WOULD BE AN EXPLOSION IN THE DEMAND FOR 51-FOOT LADDERS. AGUILAR: YES. CORNYN: MS. FORMAN, OVER HALF OF THE DETENTIONS OF NON-**MEXICAN**, NATIONALS COME FROM EL SALVADOR. IN 2005, JUST IN THE RIO GRANDE VALLEY ALONE, THERE WERE, APPROXIMATELY 20,000 SALVADORANS DETAINED. YET THE DEPARTMENT OF, HOMELAND SECURITY IS NOT ABLE TO APPLY EXPEDITED REMOVAL PROCEEDINGS, TO THESE **ILLEGAL** ALIENS BECAUSE OF A 17-YEAR-OLD INJUNCTION THAT, PROHIBITS THEM FROM APPLYING THAT STREAMLINED PROCESS THAT I CAN TELL, YOU CONGRESS IS EAGER FOR THE DEPARTMENT OF HOMELAND SECURITY TO USE, BECAUSE OF THAT INJUNCTION., WITHOUT GOING INTO THE SPECIFICS OF THE LITIGATION, CAN YOU TELL, ME WHETHER THE DEPARTMENT OF HOMELAND SECURITY IS TAKING STEPS TO, REVISIT THAT INJUNCTION? FORMAN: I'M AWARE THAT THE HOMELAND SECURITY -- THE SECRETARY IS, TAKING STEPS TO ADDRESS THE INJUNCTION. I'M NOT PREPARED TO GIVE YOU THE SPECIFICS OF THOSE. THIS IS THE, DEPARTMENT LEVEL. CORNYN: WELL, MY UNDERSTANDING IN TALKING TO THE ATTORNEY, GENERAL OF THE UNITED STATES, THAT THERE IS LITIGATION BEING PLANNED. I'M SURPRISED THAT AN INJUNCTION IS STILL IN PLACE AFTER 20, YEARS. IT SEEMS TO ME THAT INJUNCTIONS THAT AFFECT OUR **BORDER**, SECURITY AND FRUSTRATE THE GOVERNMENT'S ABILITY TO STOP **ILLEGAL**, IMMIGRATION SHOULD BE MORE NARROWLY TAILORED. AND SO I CERTAINLY WOULD SUPPORT AN EFFORT TO GO BACK TO THE, COURT AND TO SEEK EITHER AN ELIMINATION OR A VACATION OF THAT, INJUNCTION, OR AT THE VERY MINIMUM, SOMETHING MORE NARROWLY TAILORED. WOULD YOU AGREE WITH THAT GENERAL PROPOSITION? FORMAN: YES, I WOULD. CORNYN: NOW, WHAT WE'VE HEARD FROM EACH OF YOU, I THINK WITH, REGARD TO WHAT WE'RE DOING ON -- FOR EXAMPLE, DRUG SMUGGLING, WE'VE, SEEN THIS TUNNEL IN CALIFORNIA THAT WAS USED CLEARLY FOR **ILLEGAL** DRUG, TRAFFIC. MY UNDERSTANDING IS THAT THE DEPARTMENT OF DEFENSE, THE MONEY, THAT CONGRESS HAS APPROPRIATED, CHIEF, AND MAYBE YOU'D BE THE BEST, PERSON TO RESPOND TO THIS, IS PRIMARILY RELATED TO **ILLEGAL** DRUG, TRAFFIC. AND YOU MAY NOT KNOW THE BUDGET OF THE DEPARTMENT OF DEFENSE, -- I WOULDN'T EXPECT YOU TO. BUT I'M TOLD BY SECRETARY MCHALE THAT CONGRESS NEEDS TO PROVIDE, ADDITIONAL FUNDING TO DEAL WITH HUMAN SMUGGLING AND NOT JUST DRUG, SMUGGLING. THE PREMISE OF THAT BEING, THAT WHAT WE ARE SEEING IS ORGANIZED, CRIME, SMUGGLING OR BRINGING ACROSS ANYTHING AND EVERYTHING THAT THEY, CAN MAKE A BUCK IN AND THEY DON'T REALLY CARE. AND I THINK U.S. ATTORNEY CHARLTON MENTIONED THIS EARLIER. THEY, DON'T CARE ABOUT THE PEOPLE. THEY DON'T CARE ABOUT WHO GETS HURT., THEY JUST CARE ABOUT MAKING THE MONEY. AND THEY'LL SMUGGLE GUNS, THEY'LL SMUGGLE PEOPLE, THEY'LL TRAFFIC IN HUMAN BEINGS, THEY'LL BRING, ACROSS WEAPONS OF MASS DESTRUCTION, THEY'LL

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SMUGGLE TERRORISTS IF THEY, CAN MAKE MONEY DOING IT. WOULD YOU AGREE WITH THAT, CHIEF AGUILAR? AGUILAR: ABSOLUTELY, SIR. I THINK, SENATOR, THE ONE -- AND I WOULD ABSOLUTELY AGREE, UNDERSECRETARY MCHALE'S STATEMENT. ONE OF THE CRITICAL THINGS I THINK HERE IS THAT WE NEED TO TAKE, AN APPROACH OF NOT ANTI-ALIEN SMUGGLING, NOT ANTI-NARCOTICS SMUGGLING, BUT ALL THREATS -- ALL THREATS COMING ACROSS THAT **BORDER**. AND THAT'S, WHAT WE NEED TO GET TO AND THAT'S THAT VIRTUAL FENCE THAT WE'RE, TALKING ABOUT. CORNYN: ATTORNEY CHARLTON, WOULD YOU AGREE WITH THAT APPROACH, THAT WE NEED TO NOT JUST NECESSARILY FUND AND FOCUS ON ANTI-DRUG, TRAFFIC, BUT ALL THE ABOVE? CHARLTON: IT'S CORRECT, SENATOR. THE ISSUES HAVE NOW MERGED AND BECOME ONE. THE THREAT IS ONE OF, VIOLENCE BY ALL ORGANIZED CRIME AS THEY ATTEMPT TO INFILTRATE OUR, **BORDER**. AND THAT'S WHERE WE NEED TO FOCUS OUR RESOURCES. CORNYN: THANK YOU. WELL, I THINK AS SENATOR KYL VOTES AND COMES BACK AND AS I GO, VOTE, I DO BELIEVE THAT -- WELL, LET ME DOUBLE CHECK. I WAS JUST, CHECKING TO MAKE SURE THAT WE'D SATISFIED THE MEMBERS' DESIRE TO HAVE, AN OPPORTUNITY TO QUESTION THIS PANEL. SO LET ME THANK YOU FOR YOUR BEING HERE AND THANK YOU FOR YOUR, SERVICE. YOU'RE PERFORMING VERY IMPORTANT JOBS IN SERVING OUR NATION., AND I HOPE YOU UNDERSTAND THAT WHEN WE CRITICIZE, THAT IS MEMBERS OF, CONGRESS CRITICIZE THE LACK OF THE FEDERAL RESPONSE, A PROPORTIONAL, RESPONSE TO THIS THREAT, THAT WE ARE NOT DIRECTING THAT CRITICISM AT, YOU. IN FACT, YOU ARE THE SOLUTION TO THE PROBLEM. WE JUST NEED TO GIVE YOU THE MORE MANPOWER, MORE MEN AND WOMEN TO, HELP. AND WE NEED TO GIVE YOU THE RESOURCES AND TOOLS THAT YOU NEED, IN ORDER TO BE SUCCESSFUL IN THE VERY IMPORTANT JOB THAT YOU'VE, UNDERTAKEN ON OUR BEHALF. SO THANK YOU VERY MUCH FOR BEING HERE TODAY. THANK YOU FOR YOUR, TESTIMONY AND YOUR CONTINUED SERVICE. WE'RE GOING TO NOW MOVE TO THE SECOND PANEL. AND WE'LL TAKE A SHORT BREAK WHILE THEY ASSEMBLE. CHARLTON: THANK YOU, SENATOR. AGUILAR: APPRECIATE YOUR SUPPORT. (RECESS) KYL: THE SUBCOMMITTEE HEARING WILL RESUME. THERE WERE QUESTIONS THAT SOME OF THE MEMBERS OF THE PANEL HAD, FOR THE FIRST PANEL THAT WILL BE SUBMITTED FOR THE RECORD SO THAT WE, CAN MOVE ON TO OUR SECOND PANEL., AND I APPRECIATE YOUR INDULGENCE IN THIS DISRUPTION THAT WE HAD, HERE. THE SECOND PANEL, WE'LL HEAR, AS I SAID BEFORE, FROM THE SHERIFF, OF COCHISE COUNTY, ARIZONA, LARRY DEVER; THE SHERIFF OF VAL VERDE, COUNTY SHERIFF D'WAYNE JERNIGAN; LAVOYGER DURHAM, THE MANAGER OF THE, EL TULE RANCH IN FALFURRIAS, TEXAS; AND T.J. BONNER, WHO IS PRESIDENT, OF THE NATIONAL **BORDER** PATROL COUNCIL. AND WE ARE VERY APPRECIATIVE THAT ALL OF YOU ARE HERE. SINCE I DON'T HAVE A PARTICULAR ORDER, MAYBE I CAN JUST START AT, THIS END OF THE TABLE AND WE'LL MOVE THIS WAY, IF THAT WOULD BE ALL, RIGHT WITH YOU, MR. BONNER? YOU'LL BE THE CLEANUP HITTER. AND LET ME START WITH MY FRIEND, LARRY DEVER. WELCOME. DEVER: MR. CHAIRMAN, THANK YOU FOR THE OPPORTUNITY TO TESTIFY, HERE TODAY, THE INVITATION. I WAS HERE IN 1997, TESTIFYING FOR THE FOREIGN RELATIONS, COMMITTEE ON **BORDER** VIOLENCE AS WELL. AND IT SEEMS LIKE WE'RE STILL, MUCH MIRED IN THE SAME MUCK THAT WE WERE AT THAT TIME. OR IF, ANYTHING, IT'S A LITTLE BIT WORSE. YOU'VE HEARD SOME INTERESTING TESTIMONY TODAY ABOUT SOME, SUGGESTED NEEDS AND METHODS OF TRYING TO MITIGATE THE VIOLENCE THAT'S, GOING ON DOWN THERE. I'D JUST LIKE TO TAKE A MOMENT AND READ TO YOU FROM SHERIFF'S, MAGAZINE -- THE ARIZONA SHERIFF'S MAGAZINE, A QUOTE FROM **BORDER** PATROL, CHIEF, THE TUCSON SECTOR, AT THAT TIME, CHIEF GERALD JOHNSON (PH). HE, SAID, "WITHIN THE LAST YEAR, WE'VE BEEN MANDATED BY CONGRESS TO GAIN, CONTROL OF THAT **BORDER**. AND WE'RE GOING TO DO THAT ALONG THE SOUTHERN, **BORDER**, WHETHER IT'S NARCOTICS, **ILLEGAL** ALIENS, TERRORISTS, CRIMINALS, OR WHATEVER." THAT, SIR, IS DATED AUTUMN OF 1987. I DON'T NEED TO TELL YOU WHAT JUNCTURE WE'RE AT TODAY. 1987 WAS, THE YEAR THAT WE FIRST ORGANIZED THE JOINT NARCOTICS TASK FORCE IN, COCHISE COUNTY AS A RESULT -- OR IN RESPONSE TO THE COCAINE TRADE THAT, HAD ENTERED THAT PART OF THE COUNTRY. COCAINE ALLEY WAS A COMMON NAME, FOR THAT PARTICULAR CORRIDOR. AT THAT TIME, THERE WERE NO DEA **AGENTS** IN COCHISE COUNTY. THERE, WAS NO FBI. CUSTOMS OFFICE OF ENFORCEMENT HAD MAYBE FOUR **AGENTS**; AND, **BORDER** PATROL, POSSIBLY A TOTAL OF 100. TODAY, THE FBI IS THERE, DEA IS THERE, CUSTOMS HAS INCREASED MANY, FOLD AND THERE ARE WELL OVER 1,200 **BORDER** PATROL **AGENTS** STATIONED IN, COCHISE COUNT. AND YET VIOLENCE CONTINUES TO

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INCREASE, AS YOU'VE, HEARD HERE TODAY. AND WHETHER THAT'S BECAUSE OF THE LAW ENFORCEMENT, PRESENCE OR IN SPITE OF IT, NOBODY CAN DISPUTE THAT IT HAS MARKEDLY, INCREASED., TWENTY TO 25 YEARS AGO, WORKING ALONG THE BORDER IN DRUG, INTERDICTION, WE ACTUALLY JUMPED SMUGGLERS RIGHT ON THE FENCE, AND, THEY'D JUST SIMPLY GIVE UP. SOME OF THEM WOULD RUN BACK INTO MEXICO, BUT THEY ALWAYS DROPPED THEIR CONTRABAND AND THERE WAS NO FIGHT TO BE, HAD. TODAY, IT'S JUST THE OPPOSITE. WE ANTICIPATE THAT WE WILL BE IN, A FIGHT, AT A VERY VIOLENT CONFRONTATION IN EVERY INTERDICTION EFFORT, WITH RUNNING GUN BATTLES DOWN PUBLIC ROADWAYS -- CONGESTED PUBLIC, ROADWAYS, POPULATED RESIDENTIAL AREAS, HIGH SPEED CHASES. PAUL CHARLTON TALKED EARLIER ABOUT THE PROSECUTION OF TWO, SMUGGLERS WHO CAUSED A VERY SERIOUS ACCIDENT, A FATAL ACCIDENT IN, SIERRA VISTA, JUST RECENTLY. DRIVING RECKLESSLY IN AN OVERLOADED, TRUCK. MOST OF THE VEHICLES THAT ARE USED TO TRANSPORT THE ILLEGALS ARE, IN FACT STOLEN FROM THE TUCSON AND PHOENIX AREAS. THEY'RE OVERLOADED, AND THEIR DRIVERS ARE INEXPERIENCED. THE CULTURE, THE PEOPLE, SMUGGLING CULTURE IS MARKED BY LITTLE, IF ANY VALUE FOR LIFE OR, RESPECT FOR PERSONS OR PROPERTY. ONE STUDY ESTIMATES THAT 80 PERCENT OF ALL ILLEGAL ALIENS THAT, ENTER THIS COUNTRY BECOME VICTIMS OF CRIME BEFORE THEY EVER GET HERE, AND THAT THOSE ATROCITIES CONTINUE AFTER THEY CROSS THE BORDER. WE'VE COME ACROSS AN INTERESTING PHENOMENA -- OR NOT A PHENOMENA, BUT A SITUATION WHERE SMUGGLERS MARK THEIR TRAILS OR LOCATIONS WHERE A, RAPE HAS OCCURRED OF ONE OF THE ILLEGAL ALIENS BEING SMUGGLED. AS A, SIGN TO OTHERS THAT THEY MUST COOPERATE WITH THE SMUGGLER, THEY HANG, WOMEN'S UNDERGARMENTS IN THE TREE TO MARK THAT LOCATION AS A SIGNAL OF, THEIR PROWESS AND THEIR DOMINANCE IN THE SMUGGLING ENVIRONMENT. I MENTIONED RUNNING GUN BATTLES AND FLEEING FELONS, PLACING LAW, ENFORCEMENT OFFICERS AT GREAT RISK, AS WELL AS THE GENERAL PUBLIC. I, COULD TELL YOU OF MANY CARJACKINGS. I WAS COUNSELED BY STAFF OF ANOTHER CONGRESSMAN YESTERDAY THAT I, SHOULDN'T TALK TOO MUCH ABOUT SPECIFIC EXAMPLES OF CARJACKINGS BECAUSE, IT'S SO COMMONPLACE IN THE WASHINGTON AREA THAT IT WOULDN'T CARRY MUCH, WATER. WELL, SIR, IF YOU FORGIVE ME, THAT'S JUST NOT ACCEPTABLE IN MY, ENVIRONMENT AND PEOPLE THAT I WORK FOR. IF IT BECOMES COMMONPLACE, THERE, IT CERTAINLY WILL BE A SAD DAY AND A SAD SITUATION. WE DESPERATELY NEED YOUR ATTENTION, YOUR ASSISTANCE. YOU HEARD TODAY ABOUT SEVERAL FEDERAL INITIATIVES AND JOINT, INITIATIVES SUGGESTED. I WOULD JUST LIKE TO EMPHASIZE THAT EVERY FEDERAL INITIATIVE, EVERY STRATEGY THAT IS IMPLEMENTED AT THE FEDERAL LEVEL HAS A LOCAL, CONSEQUENCE. AND THOSE CONSEQUENCES AREN'T ALWAYS CONSIDERED IN THE, PLANNING PROCESS., AND I WOULD ENCOURAGE WHATEVER INFLUENCE OR REQUIREMENT THAT CAN, BE INCLUDED IN FUNDING THAT WOULD REQUIRE IN FACT THAT LOCAL, PARTICIPATION BE CONSIDERED SO THAT THOSE CONSEQUENCES WILL BE TOTALLY, UNDERSTOOD BEFORE THEY'RE IMPLEMENTED. I THANK YOU AGAIN FOR THE OPPORTUNITY AND WOULD INVITE ANY, QUESTIONS, SIR. KYL: THANK YOU VERY MUCH, SHERIFF DEVER. SHERIFF JERNIGAN? JERNIGAN: THANK YOU, MR. CHAIRMAN. MR. CHAIRMAN, MY WRITTEN TESTIMONY AND ITS ATTACHMENTS PROVIDES, YOU WITH SOMEWHAT OF A THUMBNAIL VIEW OF THE ORGANIZATIONS AND THEIR, WEAPONRY THAT IS CURRENTLY ENGAGED IN THE VIOLENT TRADE OF ILLEGAL, DRUGS AND HUMAN SMUGGLING ON THE TEXAS/MEXICO BORDER. JUST IN THE LAST FEW DAYS, WE APPREHENDED ILLEGAL ALIENS DURING A, BURGLARY NEAR THE PORT OF ENTRY. ONE OF THE ALIENS FLED ON FOOT AND, WAS APPREHENDED BY THE DEPUTIES AND AGENTS OF THE U.S. BORDER PATROL., THE ALIEN THAT WAS APPREHENDED INSIDE THE RESIDENCE WAS LATER, IDENTIFIED AS A CAREER CRIMINAL WITH A 24-PAGE RAP SHEET. HIS, CRIMINAL CAREER INCLUDED OFFENSES IN FLORIDA, TEXAS. HIS CLOTHING WAS, STILL WET FROM HIS ILLEGAL ENTRY. FOR OVER A YEAR, GROUPS OF MALE SUBJECTS ILLEGALLY CROSSED THE, RIVER INTO THE UNITED STATES AND BURGLARIZE REMOTE RANCH HOMES. THESE, SUBJECTS TOOK ITEMS FROM THE HOMES THAT THEY BURGLARIZED AND WOULD, ACTUALLY ABANDON THE ITEMS THEY HAD TAKEN FROM ONE HOME AT THE NEXT, BURGLARY AS THEY MOVED NORTH INTO THE U.S. THE ONLY ITEMS THAT THEY, ROUTINELY KEPT WERE THE FIREARMS -- YES, THE FIREARMS. DURING ONE OF THE BURGLARIES, THE SUBJECTS BROUGHT WITH THEM OF, ALL THINGS, ELECTRIC HAIR CLIPPERS, WITH WHICH THEY ACTUALLY TOOK THE, TIME AT THE SCENE OF THE BURGLARY TO CUT THEIR HAIR IN A RATHER,

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DISTINCTIVE MANNER, WHICH WE RECOGNIZE AS ONE OF THE DISTINCTIVE, DETAILS THAT ARE USED BY SOME OF THE GANG MEMBERS IN THE AREAS SOUTH, OF US. AND WHEN THESE SUBJECTS WOULD ENCOUNTER LAW ENFORCEMENT, THEY, WOULD CONDUCT SOPHISTICATED ESCAPE AND EVASION TACTICS TO BREAK, CONTACT WITH LAW ENFORCEMENT. IN ONE INCIDENT, THE SUBJECTS TRAVELED, 20 MILES A DAY ON FOOT ACROSS HARSH LANDSCAPE. AND THE LAST SUBJECT, THAT WAS APPREHENDED IN THAT GROUP HAD TRAVELED OVER 80 MILES ON FOOT, BEFORE HIS ARREST AND APPREHENSION. WE NOTED THAT THESE PARTICULAR SUBJECTS WERE ALWAYS PHYSICALLY, FIT. AND IT IS MY HUMBLE OPINION THAT THESE SUBJECTS HAD RECEIVED, PRIOR TRAINING FOR ESCAPE AND EVASION. THE TEXAS BORDER SHERIFF'S COALITION IS VERY CONCERNED, MR., CHAIRMAN, ABOUT THE UNIQUE PROBLEMS ALONG OUR BORDER THAT I HAVE, ADDRESSED IN MY WRITTEN TESTIMONY., THE UNITED STATES BORDER PATROL AND ICE IS DOING THE BEST THAT, THEY CAN WITH THE RESOURCES THAT THEY HAVE BEEN PROVIDED. IMMEDIATE, HELP IS NEEDED FOR THEM, FOR THE PROTECTION OF OUR COUNTRY. WE HAVE IMPLEMENTED OPERATION LINEBACKER, A SECOND LINE OF, DEFENSE IN THE PROTECTION OF OUR COMPANY. THIS PROGRAM ALLOWS US TO, WORK IN PARTNERSHIP WITH OUR FEDERAL PARTNERS IN BORDER SECURITY. THE, PROBLEMS ALONG THE BORDER ARE FEDERAL PROBLEMS. OUR GOVERNOR, THE HONORABLE RICK PERRY, DID NOT WAIT FOR AN, OFFICER TO BE KILLED ALONG THE BORDER TO TAKE ACTION. HE, JUST AS WE, IS VERY MUCH CONCERNED. HE HAS ALLOCATED SOME \$6 MILLION FOR US TO, INITIATE OPERATION LINEBACKER. JUST LAST MONTH, HE ANNOUNCED AN ADDITIONAL \$3.8 MILLION THAT HE, WILL GRANT THE COALITION. THIS MUCH NEEDED ASSISTANCE PROVIDED BY, GOVERNOR PERRY HAS ALREADY PRODUCED MEASURABLE RESULTS, BUT THIS, ASSISTANCE IS ONLY A STOP-GAP MEASURE. MORE HELP IS NECESSARY IF WE ARE TO SEE AN ACCEPTABLE LEVEL OF, SECURITY EXIST ON THE BORDER. THE PROBLEMS ALONG THE BORDER WILL CONTINUE UNLESS OUR FEDERAL, GOVERNMENT DOES SOMETHING SOON. MUST WE WAIT UNTIL ADDITIONAL OFFICERS ARE KILLED OR ASSAULTED OR, INJURED, OR UNTIL ANOTHER TERRORIST ATTACK OCCURS? I HAVE ADDRESSED MANY OF THE ENFORCEMENT ISSUES FACING THE BORDER, TODAY, PARTICULARLY, IN MY WRITTEN TESTIMONY. BUT ANOTHER CRISIS, FACES US, MR. CHAIRMAN. THE JUDICIAL SYSTEM ON THE BORDER IS STRAINED TO FAILURE. IN VAL VERDE COUNTY ALONE, THE ANNUAL BUDGET FOR JURY TRIALS WILL, BE EXHAUSTED THIS MONTH IN MARCH -- ONLY HALFWAY THROUGH THE FISCAL, YEAR. AN EXAMINATION OF THE CASELOAD OF THE UNITED STATES DISTRICT, COURT, THE WESTERN DISTRICT OF TEXAS, DEMONSTRATES THIS CRISIS, IRREFUTABLY. I HAVE ATTACHED A REPORT THAT DEMONSTRATES THE 10-YEAR RECORD OF, CIVIL FILINGS WITHIN THE WESTERN DISTRICT OF TEXAS. IT IS MARKED AS, ATTACHMENT SIX. THE NUMBER OF FILINGS OF CIVIL CASES ACROSS THE, DISTRICT HAS REMAINED FAIRLY LEVEL, WITH ONLY MINOR INCREASES, CONSISTENT WITH OUR POPULATION GROWTH. IF YOU EXAMINE THE CRIMINAL FILINGS FOR THE SAME PERIOD, AN, ALARMING TREND IS QUITE EVIDENT, MR. CHAIRMAN. THE TWO DISTRICT, COURTS ON THE BORDER HAVE SEEN A DRAMATIC CASELOAD INCREASE WITH, LITTLE OR NO POPULATION INCREASE. YOU'LL NOTE IN, I BELIEVE IT'S, ATTACHMENT EIGHT, IT SHOWS THAT THE CASELOAD OF THE TWO UNITED STATES, MAGISTRATES, JUST IN DEL RIO ALONE, YOU WILL SEE THAT EACH OF THEIR, CASELOADS EQUALS THE CASELOAD OF THE OTHER MAGISTRATES IN THE WESTERN, DISTRICT COMBINED. THE OTHER DISTRICT COURTS IN THE WESTERN DISTRICT, HAVE SEEN SMALL INCREASES IN THEIR CASELOADS., AND WHAT IS NOT REFLECTED IN THESE STATS IS THE NUMBER OF, CRIMINAL SUBJECTS WHO ARE APPREHENDED WITH COMMERCIAL QUANTITIES OF, DRUGS, BUT WHO FALL UNDER THE QUANTITY THRESHOLD ARBITRARILY, ESTABLISHED BY THE UNITED STATES ATTORNEY'S OFFICE. THESE SUBJECTS WHO HAVE BEEN APPREHENDED BY AUTHORITIES ARE, RELEASED WITHOUT PROSECUTION. REMEMBER THAT ONLY A PERCENTAGE OF ALL DRUG AND ALIEN TRAFFICKERS, ARE APPREHENDED. AND THEN A PORTION OF THOSE APPREHENDED ARE RELEASED, WITHOUT PROSECUTION DUE TO BUDGETARY CONSTRAINTS. THE CRIMINALS GROW MORE EDUCATED BY A SYSTEM THAT IS BROKEN AND, ALLOWS THEM TO CONTINUE ENGAGING IN A CRIMINAL ENTERPRISE THAT IS, DESTROYING RURAL TEXAS COMMUNITIES. MR. CHAIRMAN, COMMITTEE MEMBERS, WE MUST RESTORE JUSTICE TO THE, BORDER. I AM CONVINCED THAT BY FUNDING ADDITIONAL DEPUTY SHERIFFS ON THE, BORDER, AS WELL AS THE OTHER ISSUES I'VE BROUGHT TO YOUR ATTENTION, OUR NATION WILL ACCOMPLISH A COST-EFFECTIVE AND IMMEDIATE SOLUTION TO, THE BURGEONING

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SCOURGE OF VIOLENCE THAT IS CREEPING NORTH INTO OUR, NATION. ALONG MOST OF THE **BORDER**, IT IS A DEPUTY SHERIFF WHO RECEIVES THE, FIRST 911 CALL AND RESPONDS ACCORDINGLY. NO MATTER HOW MUCH MORE, EFFICIENT WE ARE MADE BY THE UTILIZATION OF EMERGING TECHNOLOGY, IT IS, STILL NECESSARY THAT A TRAINED AND EXPERIENCED OFFICER BE AVAILABLE TO, RESPOND TO THE IDENTIFIED THREAT. I WANT TO EXPRESS MY SINCERE APPRECIATION TO YOU FOR HAVING ME, HERE TODAY. AND WELCOME ANY QUESTIONS THAT YOU MAY HAVE. KYL: THANK YOU, SHERIFF JERNIGAN. JERNIGAN: THANK YOU, SIR. KYL: MR. DURHAM? DURHAM: GOOD MORNING, LADIES AND GENTLEMEN. MY NAME IS LAVOYGER DURHAM. I AM THE MANAGER OF THE EL TULE, RANCH IN SOUTH TEXAS, LOCATED ABOUT 75 MILES NORTH OF THE **MEXICAN, BORDER**. I'D LIKE TO THANK SENATOR SESSIONS, SENATOR CORNYN, SENATOR KYL, AND SENATOR FEINSTEIN AND THE MEMBERS OF YOUR SUBCOMMITTEES FOR, ALLOWING ME TO APPEAR BEFORE YOU THIS MORNING. I WOULD ALSO LIKE TO RECOGNIZE THE PEOPLE IN THE AUDIENCE WHO, HAVE TRAVELED HERE FROM TEXAS IN SUPPORT OF MY TESTIMONY. MY PURPOSE IN BEING HERE TODAY IS SIMPLE -- TO TRY TO CONVINCE, YOU THAT FEDERAL LAW ENFORCEMENT AGENCIES, WITH THE ASSISTANCE OF THE, STATE AND LOCAL COUNTERPARTS, MUST CONTROL **ILLEGAL** IMMIGRATION ALONG, THE **MEXICAN BORDER**. EVERY DAY I SEE THE REALITY OF WHAT IS BEING **REPORTED** ON A, REGULAR BASIS IN THE NEWS MEDIA. WHILE MOST OF THOSE **REPORTS** ARE, FAIRLY ACCURATE, NONE GIVE A COMPLETE PICTURE OF WHAT IS REALLY, HAPPENING IN SOUTH TEXAS, AND CONSEQUENTLY, OUR ENTIRE COUNTRY. SOUTH TEXAS HAS BEEN MY FAMILY HOME FOR THREE GENERATIONS. BOTH, MY MOTHER, WHO IS OF **MEXICAN** DESCENT, AND MY FATHER WHO WAS OF IRISH, ANCESTRY, WERE STEEPED IN RANCHING TRADITION. I HAVE BEEN VERY, FORTUNATE TO HAVE BEEN ABLE TO CARRY ON THIS LEGACY FOR THE PAST 45, YEARS. BUT NOW THINGS HAVE CHANGED. MY NEIGHBORS AND I ARE FACING, CIRCUMSTANCES THAT CAN BEST BE DESCRIBED AS DEPLORABLE. WE NOW MUST, LIVE WITH THE CONSTANT POSSIBILITY THAT WE COULD BE ATTACKED OR KILLED, ON OUR OWN PROPERTIES. LITERALLY, THOUSANDS OF **ILLEGAL IMMIGRANTS** CROSS THROUGH SOUTH, TEXAS ON A DAILY BASIS, MOSTLY BY FOOT. THE **BORDER** PATROL HAS TOLD ME, THAT WITHIN JUST A FIVE-MILE RADIUS OF MY RANCH, 200 TO 300 **ILLEGAL, IMMIGRANTS** MOVE THROUGH EVERY NIGHT, AND THE TRAIL AND TRACKS ARE, THERE. MOST ARE COMING TO FILL LABOR SHORTAGES THROUGH OUR NATION., MANY, HOWEVER, HAVE LESS NOBLE AMBITIONS AND MANY OF THOSE ARE OTHER, THAN MEXICANS, OR OTMS, WHO ARE ENTERING THIS COUNTRY FROM ALL OVER, THE WORLD. SOME ARE DRUG RUNNERS WHO CUT OUR FENCES SO THEY CAN CARRY, THEIR BACKPACKS FULL OF CONTRABAND NORTH FOR NATIONWIDE DISTRIBUTION., OTHERS ARE MEMBERS OF WHAT THE NEWS MEDIAS HAVE DESCRIBED AS THE MOST, VIOLENT CRIME ORGANIZATIONS IN THE UNITED STATES, THE EL SALVADORAN, GANG, KNOWN AS THE MARA SALVATRUCHA, OR THE MS-13. STILL, OTHERS MIGHT WELL BE TERRORISTS WHO ARE INFILTRATING FOR, NO OTHER PURPOSE THAN TO CAUSE DEATH AND DESTRUCTION. I DO NOT KNOW HOW TO ADEQUATELY DESCRIBE THE CONSEQUENCES OF OUR, UNMANAGED **BORDER** IN SOUTH TEXAS. THE STORIES ARE ENDLESS AND ARE ONLY, GETTING WORSE. I CAN PROVIDE ACCOUNTS OF RANCHERS BEING FIRED UPON, RANCH, SECURITY GUARDS BEING BEATEN AND HELD AT GUNPOINT, WOMEN BEING, THREATENED NEAR THEIR OWN HOMES BY BELLIGERENT ALIENS, AND YOUTHS, BEING CONFRONTED BY GANGS DRESSED IN DARK CAMOUFLAGE CLOTHING AT, NIGHT. THESE TYPES OF OCCURRENCES ARE ALL TOO COMMON AND ARE ENTIRELY, UNACCEPTABLE IN A CIVILIZED SOCIETY. IT IS ALSO SAD TO **REPORT** THAT WE OFTEN FIND **IMMIGRANTS** ON OUR, PROPERTIES THAT ARE DEAD OR DYING. WHENEVER POSSIBLE, WE TAKE THEM, FOR MEDICAL CARE, BUT OFTEN IT IS TOO LATE. I HESITATE TO SHARE PHOTOGRAPHS OF DECEASED VICTIMS WHO I HAVE, PERSONALLY FOUND ON MY PROPERTY, BUT I THINK THAT IT'S IMPORTANT TO, COMMUNICATE THIS REALITY TO YOU., IN MY COUNTY ALONE, OVER 40 **ILLEGAL IMMIGRANTS** ARE KNOWN TO HAVE, DIED LAST YEAR. THESE UNFORTUNATE AND ILL-PREPARED PEOPLE DIE NOT, ONLY BECAUSE OF EXPOSURE TO THE HARSH ELEMENTS OF BLAZING HEAT AND, BITTER COLD, BUT ALSO BECAUSE OF ENCOUNTERS WITH DIAMONDBACK, RATTLESNAKES AND OTHER DANGERS OF THE VAST RUGGED TERRAIN. SOMETIMES, HOWEVER, THESE PEOPLE DIE AT THE HANDS OF THE HUMAN, SMUGGLERS, OR AS THEY ARE CALLED ALONG THE **BORDERS**, COYOTES. COYOTES ARE CRIMINALS WHO DEAL IN HUMAN MISERY. THEY CHARGE VERY, LARGE FEES OF THOUSANDS OF DOLLARS TO SMUGGLE UNSUSPECTING **IMMIGRANTS**, ACROSS THE U.S./**MEXICAN**



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**BORDER**, OFTEN DESERTING THEM FAR SHORT OF THE, DESTINATION THEY HAD PROMISED. IN PERFORMING THEIR SO-CALLED SERVICES, COYOTES WILL LEAVE BEHIND, THE WEAK, SICK OR INJURED TO DIE IF THEY CANNOT KEEP UP WITH THE, GROUP. SOMETIMES THE COYOTES WILL EVEN KILL THE IMPAIRED CLIENTS, OUTRIGHT SO THEY WILL NOT BE ABLE TO ALERT AUTHORITIES. COYOTES NOW CONTROL A HUGE PERCENTAGE OF ALL **ILLEGAL** IMMIGRATION, ALONG THE **MEXICAN BORDER**, ESPECIALLY AMONG **ILLEGAL IMMIGRANTS** WHO WANT, TO COME TO THIS COUNTRY FOR THE FIRST TIME. THEY ARE PART OF THE, CRIME SYNDICATES THAT HAVE BECOME BIG BUSINESS. SOME OF THE OTHER WITNESSES TODAY CAN TESTIFY TO THAT FACT. AS INCONCEIVABLE AS IT MAY BE, COYOTES ARE OFTEN EQUIPPED WITH, TECHNOLOGICAL DEVICES THAT ARE EQUIVALENT OR SUPERIOR TO THOSE, AVAILABLE TO OUR OWN **BORDER** PATROL. WHAT THEN CAN BE DONE TO MANAGE THE **BORDER** WITH MEXICO AND, PROVIDE FOR THE SAFETY AND SECURITY OF AMERICAN CITIZENS? FIRST AND FOREMOST, THE **BORDER** PATROL MUST BE GIVEN THE MANPOWER, TO ENFORCE THE LAWS OF THE LAND. THEY MUST ALSO BE PROVIDED WITH THE, TECHNOLOGICAL EQUIPMENT THAT THEY NEED TO STAY AHEAD OF THEIR, ADVERSARIES. SECONDLY, CONGRESS MUST RE-EVALUATE EXISTING IMMIGRATION LAWS TO, DETERMINE REALISTICALLY WHETHER OR NOT THEY ARE ENFORCEABLE. IN MY, OPINION, THE **BORDER** PATROL WILL NEVER BE ABLE TO CONTROL **ILLEGAL**, IMMIGRATION UNTIL SOME SORT OF STRICTLY ENFORCED GUEST WORKER PROGRAM, IS IMPLEMENTED. UNTIL **IMMIGRANTS** WHO ARE ENTERING THIS COUNTRY FOR A PRODUCTIVE, PURPOSE ARE DISTINGUISHED FROM THOSE WHO ARE ENTERING FOR A, DESTRUCTIVE PURPOSE, I CANNOT IMAGINE HOW THE **BORDER** PATROL COULD EVER, HAVE ENOUGH RESOURCES TO EFFECTIVELY ENFORCE IMMIGRATION LAWS. LAST SPRING, I HELPED ORGANIZE A MEETING OF SOUTH TEXANS, INCLUDING LAW ENFORCEMENT OFFICIALS AND POLICYMAKERS FROM ALL LEVELS, OF GOVERNMENT WHO WERE CONCERNED ABOUT **ILLEGAL** IMMIGRATION AND **BORDER**, SECURITY. AT THAT MEETING A DISTINGUISHED FRIEND, TOBIN ARMSTRONG, WHO WE LOST TO CANCER THIS FALL, PROVIDED US WITH THE BENEFIT OF HIS, WISDOM ON THESE SUBJECTS., I WOULD LIKE TO CONCLUDE MY TESTIMONY BY QUOTING SOME OF MR., ARMSTRONG'S REMARKS, AND I QUOTE, "YOU ARE NOT GOING TO BUILD A WALL, AROUND THE UNITED STATES TO HELP TO KEEP THESE PEOPLE OUT. THERE IS, ONLY ONE WAY TO DO THIS JOB AND THAT IS TO PASS LEGISLATION THAT, PROVIDES FOR THE PEOPLE THAT YOU NEED TO STAY HERE AND PROVIDE FOR THE, RETURN OF ALL THE CRIMINALS, THE TERRORISTS, THE DEADBEATS AND PEOPLE, CARRYING COMMUNICABLE DISEASES. THAT IS THE ONLY WAY IT'S GOING TO, WORK. AND THEN GIVE THE ONES THAT DO STAY HERE SOME KIND OF FORGE-, PROOF IDENTIFICATION CARD. AND THEN ANYBODY THAT EMPLOYS SOMEBODY WHO, DOES NOT HAVE THAT CARD, WOULD BE COMMITTING A FELONY AND WOULD BE, SANCTIONED HEAVILY. "NOW YOU SAY, WELL, HOW DO YOU GET THAT DONE? WELL, IT ISN'T A, QUESTION OF HOW YOU GET IT DONE; YOU'VE GOT TO GET IT DONE," END OF, QUOTE. I WOULD LIKE AGAIN TO THANK SENATOR CORNYN, SENATOR KYL, SENATOR, SESSIONS, SENATOR FEINSTEIN, MEMBERS OF OUR SUBCOMMITTEE FOR ALLOWING, ME TO ADDRESS YOU THIS MORNING. I TRUST THAT YOU ALL AGREE THAT FEDERAL INACTION IS NO LONGER AN, OPTION. WE WILL HELP IN ANY WAY WE CAN BUT ULTIMATELY WE ARE COUNTING, ON YOU FOR THE LEADERSHIP TO GET THIS JOB DONE. KYL: THANKS VERY MUCH, MR. DURHAM. T.J. BONNER? BONNER: THANK YOU, MR. CHAIRMAN, CHAIRMAN CORNYN, RANKING MEMBER, FEINSTEIN, SENATOR SESSIONS. I HAD THE DISTINCT PRIVILEGE OVER THE WEEKEND OF ASSEMBLING WITH, A GROUP OF ABOUT 50 FRONT-LINE U.S. **BORDER** PATROL **AGENTS** AND SUPPORT, PERSONNEL AND I WISH EVERY ONE OF YOU -- IN FACT, EVERY MEMBER OF THE, SENATE AND THE HOUSE OF REPRESENTATIVES COULD HAVE BEEN THERE TO HEAR, THE CONCERNS OF THESE PEOPLE, TO SEE AND TO PERSONALLY THANK THEM FOR, THEIR DEDICATED SERVICE. I MUST SAY IT'S QUITE A CONTRAST THE PICTURE THAT THEY PAINTED, FROM THE ONE THAT I HEARD FROM THE PREVIOUS PANEL OF EVERYTHING GOING, ALONG SMOOTHLY AND WE ARE GOING TO GET CONTROL OF THIS **BORDER**. WHEN THEY LAUNCHED THE INITIATIVE ABOUT A DOZEN YEARS AGO TO GAIN, CONTROL OF THE **BORDER**, THEY CLAIMED THEY WERE GOING TO DO IT INCH BY, INCH. TO DATE, THEY CLAIM THAT THEY HAVE CONTROL OF 150 MILES OF OUR, SOUTHWEST **BORDER**. LET'S TAKE THAT AT FACE VALUE. AT THAT RATE IT WILL TAKE 400 YEARS TO GAIN CONTROL OF OUR, SOUTHERN AND NORTHERN **BORDERS**. TO PUT THAT IN HISTORICAL PERSPECTIVE, JAMESTOWN 400 YEARS AGO WAS STILL A YEAR OFF. WE DON'T HAVE THE LUXURY OF WAITING 400 YEARS TO GAIN

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CONTROL OF, OUR BORDERS. THIS IS SOMETHING WE NEED TO DO NOW., VIOLENCE ALONG OUR BORDERS WAS ONE OF THE FOREMOST CONCERNS, RAISED BY THESE AGENTS AND THE SUPPORT PERSONNEL, BECAUSE THEY ARE THE, VICTIMS OF THIS VIOLENCE TOO. WE HAVE CIVILIAN EMPLOYEES WHO ARE NOT, AGENTS WHO GO DOWN TO WORK ON THE FENCE, TO WORK ON THAT EQUIPMENT AND, THEY GET ROCKED JUST AS HEAVILY AS OUR AGENTS DO. THEY GET SHOT AT, THE SAME WAY OUR AGENTS GET SHOT AT. THE DIFFERENCE IS THAT THEY'RE, NOT ARMED. VIOLENCE IS AN INCREDIBLE PROBLEM. INCURSIONS BY THE MEXICAN MILITARY, YES, THE MEXICAN MILITARY, ARE A PROBLEM. IF IT HAS WEBBED FEET, FEATHERS, WADDLES AND QUACKS IT, IS A DUCK. FOR THE GOVERNMENT OF MEXICO TO CLAIM THAT SOME OF THESE, INCURSIONS WERE NOT THEIR SOLDIERS IS JUST INCREDULOUS. IN FACT, WHEN DAVID AGUILAR WAS THE CHIEF OF THE TUCSON BORDER, PATROL SECTOR, HE HAS THESE CARDS PRINTED UP -- MILITARY INCURSION --, AND IT TALKS ABOUT HOW TO RESPOND WHEN THE MEXICAN MILITARY IS MAKING, INCURSIONS, ESSENTIALLY TELLING THE AGENTS TO GET OUT OF THE AREA AS, QUICKLY AS POSSIBLE. WE HAVE HAD DOCUMENTED INSTANCES WHERE THE MEXICAN MILITARY HAS, CROSSED THE BORDER, HAS SHOT AT OUR U.S. BORDER PATROL AGENTS AND THEN, THE GOVERNMENT OF MEXICO DENIES ANY INVOLVEMENT. THAT CLAIM IS SIMPLY, INCREDIBLE. AND NOW THEY'RE CLAIMING THAT THESE ARE THE CARTELS MASQUERADING, AS THE MEXICAN MILITARY TO SOMEHOW HOW SEVER RELATIONS BETWEEN THE TWO, NATIONS. THAT WOULD MAKE ABSOLUTELY NO SENSE. WHY WOULD THE CARTELS DO ANYTHING TO BRING MORE ATTENTION, MORE, LAW ENFORCEMENT, PERHAPS EVEN THE U.S. MILITARY DOWN ALONG THE BORDER?, THAT WOULD ONLY MAKE THEIR JOB OF SMUGGLING DRUGS AND PEOPLE ACROSS, THE BORDER THAT MUCH MORE DIFFICULT. AND MAKE NO MISTAKE ABOUT IT, THE CARTELS ARE ACTIVELY INVOLVED, IN SMUGGLING PEOPLE NOW. THAT TRADE HAS BECOME SO LUCRATIVE. WHERE, IT USED TO BE AT THE BEGINNING OF THE CRACKDOWN \$200 TO \$300 TO CROSS, THAT BORDER, IT IS NOW 10 TIMES THAT AMOUNT. SO THE CARTELS HAVE SQUEEZED OUT THE SMALL TIME OPERATIONS AND, HAVE GAINED CONTROL OVER MANY OF THESE SMUGGLING OPERATIONS, ARE, CHARGING EXORBITANT AMOUNTS OF MONEY WHICH PEOPLE ARE WILLING TO PAY. THE ONLY MEANINGFUL SOLUTION TO DEALING WITH THIS IS TO GO AFTER, THE ROOT OF THE PROBLEM, RECOGNIZE THAT THE OVERWHELMING MAJORITY OF, PEOPLE COME TO THE UNITED STATES LOOKING FOR WORK. WE HAVE TO CUT OFF THAT ACCESS TO PEOPLE HAVING JOBS IN THE, COUNTRY WHO HAVE NO RIGHT TO BE HERE. THE ONLY WAY TO DO THAT IS TO, HAVE A SINGLE COUNTERFEIT PROOF DOCUMENT, NOT TWO DOCUMENTS, ONE TO, ESTABLISH EMPLOYMENT ELIGIBILITY AND ANOTHER TO ESTABLISH IDENTITY, BECAUSE THEN YOU WILL JUST HAVE AN OVERNIGHT EXPLOSION OF COUNTERFEIT, DOCUMENTS. AND THE GAO WARNED ABOUT THAT WITH THE CURRENT BASIC PILOT, PROGRAM., IT HAS TO BE A SINGLE COUNTERFEIT PROOF DOCUMENT INCORPORATING, IDENTITY AND EMPLOYMENT ELIGIBILITY AND IT HAS TO BE PROVIDED TO, EVERYONE WHO WANTS A JOB IN THIS COUNTRY, NOT JUST TO IMMIGRANTS BUT, TO U.S. CITIZENS AS WELL. OTHERWISE, ILLEGAL ALIENS WILL CLAIM THAT, THEY ARE U.S. CITIZENS AND THEREFORE DON'T NEED THE CARD. WITH RESPECT TO THE MEXICAN MILITARY INCURSIONS, OTHER STEPS NEED, TO BE TAKEN AS WELL. OBVIOUSLY WE NEED TO AUGMENT THE SIZE OF THE BORDER PATROL. BUT, I IMPORE YOU TO STOP THE FOREIGN AID GOING TO MEXICO FOR THE PURPOSES, OF COUNTERNARCOTICS INTERDICTION. IT'S NOT BEING USED FOR THAT, PURPOSE. IT IS BEING USED AGAINST OUR OFFICERS, AGAINST LOCAL, SHERIFFS AND LAW ENFORCEMENT. AND THE OTHER RECOMMENDATION IS TO HAVE THE U.S. MILITARY ON, STAND BY TO RESPOND TO THESE INCURSIONS, NOT TO ENFORCE OUR, IMMIGRATION LAWS BUT TO DEAL WITH THESE INCURSIONS. BORDER PATROL, LOCAL LAW ENFORCEMENT ARE NOT EQUIPPED AND NOT, TRAINED TO DEAL WITH MILITARY ENGAGEMENTS. I THANK YOU FOR THE OPPORTUNITY TO PRESENT THE VIEWS OF THE, FRONT-LINE AGENTS AND I WELCOME ANY QUESTIONS YOU MIGHT HAVE. KYL: REALLY APPRECIATE YOUR TESTIMONY, MR. BONNER. WE HAVE SOME REAL EXPERTS HERE. LAW ENFORCEMENT EXPERTS ON THE, BORDER HAVE BEEN WORKING AT IT FOR DECADES. MR. BONNER WITH, COMMUNICATIONS WITH AGENTS ALL ALONG THE BORDER WHO GETS REPORTS OF, WHAT'S GOING ON ALL THE TIME ON A REAL-TIME BASIS, AND A RANCHER WHO'S, LIVING THIS AND HAS LIVED IT ALL YOUR LIFE, I GATHER, MR. TURNER. TURNER: AT LEAST SO FAR. KYL: FORMER SENATOR SIMPSON WAS UP CELEBRATING HIS 90TH BIRTHDAY, IN CODY, WYOMING AND A REPORTER SAID, "WELL, HAVE YOU LIVED HERE ALL, YOUR LIFE?" HE SAID "NOT YET." SO I

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SHOULD HAVE QUALIFIED THAT. LET ME START, MR. BONNER, WITH YOU. YOU SAID THE VALUE OF THIS HUMAN CARGO IS 10 TIMES AS MUCH. THAT, WOULD MAKE IT ABOUT \$2,000 PER ILLEGAL IMMIGRANT. IS THAT ABOUT WHAT, THEY PAY NOW? BONNER: ABOUT \$2,000 TO \$3,000, AND WE'RE TALKING PEOPLE FROM, MEXICO. THE FARTHER AWAY YOU ARE FROM THAT SOUTHWEST BORDER, THE HIGHER, THE CHARGE. FOR PEOPLE FROM CHINA, FOR EXAMPLE, IT CAN BE \$40,000 TO, \$50,000. AND YOU MAY THINK, WELL, WHERE DO THEY GET THAT MONEY? THEY, DON'T HAVE THAT MONEY. THEY SELL THEMSELVES INTO INDENTURED SERVITUDE, SEVEN TO 10 YEARS GENERALLY, THAT THEY WORK FOR NOTHING BEFORE THEY, BECOME A FREE PERSON. THIS IS HUMAN SLAVERY., KYL: SO THERE IS A VALUE TO THE NUMBER OF ILLEGAL IMMIGRANTS, WHICH IS ONE OF THE REASONS WHY THE COYOTES AND SMUGGLERS ARE WILLING, TO COMMIT VIOLENCE TO PROTECT THAT CARGO. BONNER: ABSOLUTELY. KYL: NOW, YOU MENTIONED THE NEED FOR AN IDENTIFICATION CARD AND, YOU MADE A VERY IMPORTANT POINT THAT I WOULD LIKE TO ASK YOU TO, REPEAT. BECAUSE IT'S SOMETHING THAT SENATOR CORNYN AND I HAVE TRIED TO, PERSUADE OUR COLLEAGUES OF BUT SOMETIMES THEY -- I'M AFRAID WE HAVE, NOT SUCCEEDED IN DOING IT. IT IS EASY ENOUGH TO GIVE A DOCUMENT TO A TEMPORARY WORKER, A, PERSON WHO IS WILLING TO VOLUNTEER TO SIGN UP TO BE A TEMPORARY, WORKER, LIKE A LASER VISA FOR EXAMPLE. AND THEY'RE GOING TO CARRY, THAT WITH THEM AND WHEN THEY SEEK EMPLOYMENT THEY'RE GOING TO DISPLAY, THAT AND BECOME EMPLOYED. BUT AS YOU POINTED OUT, THERE ARE MILLIONS OF PEOPLE IN THIS, COUNTRY ILLEGALLY WHO ARE TRYING TO WORK ILLEGALLY AND WILL CLAIM TO, BE A UNITED STATES CITIZEN AND HAVE PLENTY OF FORGED DOCUMENTS IN, THEIR POSSESSION TO BACK UP THAT CLAIM. SO WHY WOULD EVERYBODY WHO GETS A JOB THEREFORE NEED TO HAVE SOME, KIND OF WORKER IDENTIFICATION NUMBER AND STATUS? BONNER: QUITE SIMPLY FOR THE REASON YOU POINTED OUT, SENATOR. BECAUSE OTHERWISE PEOPLE JUST CLAIM THAT THEY WERE BORN HERE OR, THAT THEY HAVE A LEGAL RIGHT TO BE HERE. IF WE DON'T CLOSE THE BACK DOOR TO ILLEGAL IMMIGRATION, NO GUEST, WORKER PROGRAM WILL BE UTILIZED BY ANY EMPLOYER OR EMPLOYEE IN THEIR, RIGHT MIND. AS AN EMPLOYER, IT MEANS THAT YOU HAVE TO THEN PAY AT, LEAST MINIMUM WAGE. YOU HAVE TO PAY ALL OF THE TAXES, AND WHEN YOUR, COMPETITOR IS NOT DOING THAT, THEY'RE DRIVING YOU OUT OF BUSINESS. AND AS AN EMPLOYEE, WHY WOULD YOU VOLUNTEER FOR THIS PROGRAM, WHICH IDENTIFIES YOU AS A PERSON WHO SHOULD LEAVE THE COUNTRY WITHIN A, SET PERIOD OF TIME WHEN IF YOU CROSS THE BORDER ILLEGALLY YOU CAN STAY, HERE AS LONG AS YOU WANT AND STILL GET A JOB? KYL: SO WOULD IT BE FAIR IN YOUR OPINION TO SAY THAT THE TWO --, AND I WILL ASK ALL OF YOU THIS -- THE TWO CRITICAL COMPONENTS TO, ENSURE THAT WE CAN EVENTUALLY STOP ILLEGAL IMMIGRATION IN THE COUNTRY, ARE, NUMBER ONE, TO CONTROL THE BORDER AND, NUMBER TWO, TO HAVE A, WORKER VERIFICATION SYSTEM THAT WORKS AND WILL BE ENFORCED? BONNER: YES. KYL: IF ANY OF YOU HAVE A DIFFERENT OPINION LET ME KNOW. BUT I WANT TO ASK MR. DEVER ONE QUESTION BEFORE MY TIME RUNS OUT., YOU TALKED ABOUT THE NEED TO CONSIDER LOCAL CONSEQUENCES TO, FEDERAL ACTION. GIVE ME SOME EXAMPLES OF THINGS THAT WE NEED TO DO A, BETTER JOB OF AT THE FEDERAL LEVEL WHEN WE TAKE ACTION HERE THAT CAN, HAVE AN IMPACT ON YOU AND YOUR OPERATIONS AND THE OTHER FOLKS IN A, PLACE LIKE COCHISE COUNTY, ARIZONA, FOR EXAMPLE. DEVER: THANK YOU, SENATOR. A COUPLE OF THINGS. ONE IS WHEN THERE IS AN INCREASED FEDERAL ENFORCEMENT ACTIVITY --, IT WAS MENTIONED EARLIER THAT 10 PERCENT OF THE PEOPLE WHO ARE, APPREHENDED HAVE CRIMINAL RECORDS IN THIS COUNTRY. MANY OF THEM HAVE, ACTIVE WARRANTS. THOSE PEOPLE ARE THEN TRANSPORTED TO A COUNTY JAIL, WHICH THE SHERIFFS MAINTAIN. WE BEGIN TO INCUR COSTS AT THAT POINT., THERE ARE EXTRADITION CHARGES. VERY OFTEN THEY HAVE MEDICAL ISSUES TO, BE DEALT WITH THAT THE COUNTY ENDS UP PAYING. AND SO JUST THE INCREASED ENFORCEMENT ACTIVITY ALONE CREATES THAT, KIND OF A BOTTLENECK IN OUR ALREADY OVERWHELMED JAILS, WHERE WE HAVE, NO BED SPACE. BUT THE OTHER IS ANOTHER EXAMPLE. ROADSIDE CHECKPOINTS -- WHEN THE BORDER PATROL SETS THOSE UP ON A, TEMPORARY OR PERMANENT BASIS AND THEY DO NOT HAVE ADEQUATE RESOURCE TO, PATROL AND WORK AND PROTECT THE PERIMETERS OF THOSE CHECKPOINTS AND, THE AREAS IN BETWEEN, THEN THE CONSEQUENCE OF THAT FALLS TO US. PEOPLE START CIRCUMVENTING THE CHECKPOINT AND THEY DRIVE ACROSS, PASTURES AND THROUGH FENCES AND TRAVERSE PEOPLE'S BACKYARDS. AND SO A, NUMBER OF OUR CALLS FOR

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SERVICE JUST SPIKE INCREDIBLY. AND THOSE ARE JUST A COUPLE OF EXAMPLES. BUT EACH AND EVERY STRATEGY, AGAIN, HAS SOME KIND OF A --, PROBABLY THE BIGGEST ONE WAS OPERATION GATEKEEPER AND HOLD THE LINE IN, SAN DIEGO AND EL PASO THAT FUNNELED ALL THESE ILLEGALS OUTSIDE OF, THOSE TWO TRANSPORTATION HUBS INTO MORE RURAL AREAS. IT WAS BILLED INITIALLY AS AN UNINTENTIONAL CONSEQUENCE OF THAT, STRATEGY. CLEARLY, IT WAS A PLANNED PART OF THE STRATEGY TO FORCE, THEM INTO THE AREA IN ORDER TO DISCOURAGE THEM FROM CROSSING. THAT, DIDN'T HAPPEN. DEAD BODIES -- LOCAL MORTUARIES HAVE REFUSED TO, CONTINUE TO GO PICK THOSE UP AND SO IT FALLS TO THE SHERIFF TO GO, RETRIEVE THOSE. AND EACH ONE OF THOSE CASES HAS TO BE TREATED AS A, HOMICIDE IN INVESTIGATIONS. SO THERE ARE ALL THOSE ADDITIONAL COSTS THAT WE INCUR. WE ARE, ALREADY EXTREMELY OVERBURDENED WITH THOSE COSTS. THE 287(G) WAS MENTIONED EARLIER. THAT'S ALL WELL AND WONDERFUL, BUT YOU CAN ONLY WORK PEOPLE SO MANY HOURS OF OVERTIME BEFORE THEY, JUST CAN'T WORK ANYMORE. AND WE JUST -- IT DOESN'T MAKE A WHOLE LOT, OF SENSE TO BE SPENDING A LOT OF OVERTIME AND EXPENDING FUEL WHEN YOU, COULD PUT THAT MONEY INTO FULL-TIME EMPLOYEES THAT WOULD BETTER AND, MORE PERMANENTLY ADDRESS THE PROBLEM. KYL: THANK YOU. I'M SURE YOU CAN GO OFF AND LIST 40 DIFFERENT THINGS, BUT THOSE, ARE GOOD EXAMPLES AND I APPRECIATE THAT VERY MUCH. SENATOR FEINSTEIN? FEINSTEIN: THANK YOU VERY MUCH. JUST IN RESPONSE TO THE SHERIFF, OPERATION GATEKEEPER DOES WORK, IN CALIFORNIA. AND TO ME IT HAS SHOWED ME THAT IF YOU ARE PREPARED TO, PUT ENOUGH BORDER PATROL AGENTS OUT THERE IN THE RIGHT WAY IT WORKS. NOW, I AGREE THAT IT WAS AN INADVERTENT SITUATION THAT PUSHED THE, ILLEGAL IMMIGRATION FURTHER EAST. BUT I DON'T WANT YOU TO THINK THAT, OPERATION GATEKEEPER HAS NOT WORKED, BECAUSE I WAS JUST ON THE BORDER, THIS PAST WEEK. IT'S A VERY DIFFERENT PLACE IN CALIFORNIA THAN IT WAS, IN THE EARLY AND MID-'90S. SO I WAS VERY PLEASED TO SEE THAT. MR. BONNER, LET ME ASK YOU A QUESTION. CHIEF AGUILAR COMMENTED THAT PRESENTLY THE BORDER PATROL IS AT, 11,300. IN YOUR JUDGMENT, WHAT WOULD IT TAKE TO BRING IT TO A LEVEL, THAT WE COULD SAY FIRST, THE SOUTHWEST BORDER IS REASONABLY IN CONTROL, AND THEN SECONDLY WHAT IT WOULD TAKE TO SAY BOTH BORDERS, CANADIAN AND, SOUTHWEST, ARE IN REASONABLE CONTROL? BONNER: IT REALLY DEPENDS ON WHETHER YOU ARE GOING TO TURN OFF, THE EMPLOYMENT MAGNET. IF YOU DON'T, I WOULD SAY YOU COULD PUT SEVERAL MILLION BORDER, PATROL AGENTS ALONG THOSE BORDERS AND... (CROSSTALK) FEINSTEIN: I DON'T UNDERSTAND WHAT YOU MEAN BY THE EMPLOYMENT, MAGNET. BONNER: IN OTHER WORDS, MAKE IT IMPOSSIBLE TO GET A JOB IN THIS, COUNTRY UNLESS YOU HAVE A RIGHT TO WORK IN THIS COUNTRY, WHETHER YOU, WERE BORN IN THE UNITED STATES OR GIVEN A LEGAL RIGHT TO WORK HERE. AS LONG AS ILLEGAL ALIENS CAN COME HERE AND GET EMPLOYMENT, THEY, WILL CONTINUE TO COME HERE. AND RIGHT NOW WHAT WE HAVE IS A REVOLVING, DOOR. PERSONALLY, I HAVE CAUGHT THE SAME GROUP OF PEOPLE FOUR TIMES, IN ONE EIGHT HOUR SHIFT. FEINSTEIN: LET ME ASK YOU THIS. DO YOU THINK THAT A GUEST WORKER PROGRAM IS A MAGNET TO ILLEGAL, IMMIGRATION? BONNER: I THINK THAT THE ABILITY TO GET A JOB IN THE UNITED, STATES WITHOUT PROPER DOCUMENTATION OR HOWEVER YOU GET A JOB IN THE, UNITED STATES IS A MAGNET., YOU HAVE PEOPLE WHO ARE MAKING ON AVERAGE IN MEXICO \$4 A DAY., THEY CAN COME NORTH AND EARN 20 TO 50 TIMES THAT MUCH DOING UNSKILLED, WORK. OF COURSE THEY'RE GOING TO COME. WE CAN'T BLAME THEM FOR COMING, ACROSS. YOU AND I WOULD DO THE SAME THING IF WE WERE IN THEIR SHOES. BUT, UNTIL THAT MAGNET IS TURNED OFF, WE CAN THROW ALL THE RESOURCES WE, WANT TO AT THAT PROBLEM AND IT WILL NOT PREVENT IMPOVERISHED, HUNGRY, PEOPLE FROM COMING ACROSS THE BORDER LOOKING FOR WORK. FEINSTEIN: WHERE I'M GOING WITH THE QUESTION ON THE BORDER, PATROL IS THAT WE HAVE BEEN TRYING TO INCREASE BORDER PATROL BY ABOUT, 1,000 AGENTS A YEAR -- AND I'M TRYING TO FIND WHAT NUMBER. AND I, SUSPECT THE NUMBER RESTS BETWEEN 16,000 AND 20,000. WOULD YOU CONCUR WITH THAT OR DO YOU HAVE ANOTHER NUMBER? BONNER: I THINK WE CAN DO MORE. I THINK THAT REASONABLY A LAW ENFORCEMENT AGENCY CAN ABSORB NO, MORE THAN 25 PERCENT OF ITS TOTAL FORCE IN ANY GIVEN YEAR AND THAT'S, PUSHING THE LIMIT. FEINSTEIN: NO, NO. I'M SAYING WHAT SHOULD WE AIM FOR, THE GROSS NUMBERS OF THE, BORDER PATROL? BONNER: I BELIEVE WE SHOULD BE AIMING FOR THAT 25 PERCENT FOR, THE NEAR TERM UNTIL WE CAN GET TO A... (CROSSTALK) FEINSTEIN: IN TERMS OF GROSS NUMBERS OF BORDER

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PATROL? BONNER: IT WOULD PROBABLY BE -- THE OVERALL NUMBER? FEINSTEIN: THE OVERALL NUMBER. BONNER: ASSUMING THAT YOU'RE WILLING TO CRACK DOWN AT THE WORK, SITES, I THINK THAT OVERALL YOU WOULD PROBABLY NEED ABOUT 25,000, **BORDER** PATROL **AGENTS**, MAYBE 30,000, TO DEAL WITH THE CRIMINAL ELEMENTS, THAT WOULD BE LEFT, THAT OTHER TWO PERCENT OF WHAT'S CROSSING THE, **BORDER**. NOW, WE'RE ONLY CATCHING A FRACTION OF WHAT'S CROSSING THE **BORDER**, NOW, PERHAPS 25-33 PERCENT. BUT RATHER THAN DEALING WITH MILLIONS OF PEOPLE, WE WOULD BE, DEALING WITH THOUSANDS OF CRIMINALS AND TERRORISTS. AND I THINK THAT, ALONG WITH LOCAL LAW ENFORCEMENT ASSISTANCE, WE COULD DO IT WITH ABOUT, 25,000. FEINSTEIN: NOW, YOU MENTIONED THAT YOU BELIEVE THAT THE, MILITARY, SO-CALLED MILITARY INTRUSIONS WERE ACTUALLY MILITARY, INTRUSIONS RATHER THAN ANYBODY MASQUERADING IN FALSE UNIFORMS WITH, FALSE EQUIPMENT. DO YOU HAVE ANY EVIDENCE OF THAT, THAT YOU COULD SUBMIT TO US? BONNER: I HAVE NO EVIDENCE OTHER THAN EYEWITNESS ACCOUNTS. I MEAN, OBVIOUSLY WE HAVE EVIDENCE OF THE INCIDENT IN SANTA, TERESA, NEW MEXICO WHERE WE CAPTURED NINE **MEXICAN** SOLDIERS WHO WERE, FIRING AT THEIR COUNTERPARTS. THERE WERE ACTUALLY TWO HUMVEES IN THAT, INCIDENT. WE CAPTURED NINE AND ABOUT ANOTHER SEVEN WERE FIRING AT OUR, **AGENTS** -- WE DID NOT CAPTURE THEM. WITHIN HOURS THEY WERE SENT BACK, TO MEXICO WITH THEIR WEAPONS, WITH THEIR HUMVEES. FEINSTEIN: AND THEY WERE VALIDATED... BONNER: THEY WERE BONAFIDE... FEINSTEIN: ... **MEXICAN** MILITARY? BONNER: YES. THEY HAD THE CREDENTIALS AND MEXICO ACKNOWLEDGED THAT THEY WERE, THEIR SOLDIERS. FEINSTEIN: AND WHAT REASON DID THEY GIVE? BONNER: WELL, THE REASON, THEY CLAIMED THAT THEY THOUGHT THAT WE, WERE TRESPASSING IN THEIR COUNTRY. BUT I JUST FIND IT UNIMAGINABLE THAT THE UNITED STATES WOULD ACT, THE SAME WAY IF WE BELIEVED THAT OTHER LAW ENFORCEMENT AGENCIES HAD, TRESPASSED INTO OUR COUNTRY. AND THEY COULD NOT MISTAKE US FOR SMUGGLERS AS THEY CLAIMED, BECAUSE WE WERE IN MARKED VEHICLES WITH THE EMERGENCY LIGHTS, ACTIVATED. YOU CAN'T BUY THOSE AT A SWAP MEET. AND YOU CAN'T BUY A, HUMVEE, A MILITARY HUMVEE SUCH AS WAS USED IN THE JANUARY 23RD, INCIDENT IN HUDSMITH (PH) COUNTY, YOU CAN'T BUY THOSE AT SWAP MEETS, EITHER. IT'S NOT A HUMMER, IT'S A MILITARY HUMVEE. FEINSTEIN: THANK YOU. THANK YOU, MR. BONNER. THANK YOU, MR. CHAIRMAN. KYL: THANKS, SENATOR FEINSTEIN. SENATOR CORNYN? CORNYN: THANK YOU, SENATOR KYL. I WANT TO SAY THANK YOU TO EACH OF YOU FOR BEING HERE TODAY, PARTICULARLY SHERIFF JERNIGAN AND MR. DURHAM FOR YOUR PARTICIPATION., I THINK IT'S IMPORTANT FOR MY COLLEAGUES FROM OTHER PARTS OF THE, COUNTRY TO HEAR YOUR TESTIMONY, AND I ASSURE YOU THEY WILL BE TAKING, DUE NOTE OF WHAT YOU HAD TO SAY AND WHAT YOU HAD TO OFFER. I THINK IT'S A SIGN AGAIN, ANOTHER UNFORTUNATE SIGN OF THE, FEDERAL GOVERNMENT'S FAILURE, SHERIFF JERNIGAN, TO SECURE OUR **BORDER**, THAT HAS CAUSED OUR **BORDER** SHERIFFS IN TEXAS TO HAVE TO BAND TOGETHER, -- ALL 16 OF YOU -- TO TRY TO DO WHAT THE FEDERAL GOVERNMENT HAS NOT, DONE. AND GOVERNOR PERRY I KNOW HAS DEDICATED SOME FUNDING TO THAT, EFFORT. BUT I WOULD LIKE TO SEE MORE RESOURCES BEING MADE AVAILABLE, TO OUR LOCAL LAW ENFORCEMENT AGENCIES THAT ARE WILLING TO HELP SUPPORT, THE PRIMARY FEDERAL ROLE OF **BORDER** SECURITY. AND SO I WELCOME ALL OF YOU HERE AND THANK YOU FOR YOUR, DEDICATION AND YOUR SERVICE. LET ME ASK YOU FIRST, SHERIFF, YOU HAVE A LONG DISTINGUISHED, CAREER IN LAW ENFORCEMENT HAVING WORKED WITH THE TREASURY DEPARTMENT, U.S. CUSTOMS SERVICE BEFORE YOU BECAME SHERIFF OF VAL VERDE COUNTY. I WAS LOOKING AT ONE OF THE ATTACHMENTS TO YOUR STATEMENT AND, YOU KNOW, PEOPLE I THINK HAVE THIS IMAGE THAT THE ONLY PEOPLE COMING, ACROSS THE **BORDER** ARE PEOPLE WHO WANT TO COME HERE TO WORK. AND, CERTAINLY THAT IS TRUE, BUT IT'S NOT ONLY PEOPLE WHO WANT TO COME HERE, TO WORK. AND CERTAINLY AS YOU INDICATE IN ATTACHMENT THREE, IT'S, PEOPLE COMING ACROSS FROM COUNTRIES OTHER THAN MEXICO BY THEIR COUNTRY, FROM OCTOBER 2003 TO JUNE 30, 2004. AND FOR EXAMPLE IT INDICATES THAT 10 CAME FROM IRAN, NOT EXACTLY, A FRIEND OF THIS COUNTRY AND A COUNTRY THAT IS IN THE PROCESS OF, MAKING -- IF THEY DON'T ALREADY HAVE -- NUCLEAR WEAPONS AND STATE, SPONSOR OF INTERNATIONAL TERRORISM. WE HAVE SEVEN FROM IRAQ, IF I'M, READING THIS CORRECTLY, WHERE THE CENTRAL WAR ON TERRORISM IS BEING, FOUGHT TODAY BY OUR TROOPS AGAINST FOREIGN FIGHTERS AND OTHER, JIHADISTS. WE HAVE EIGHT ON THIS FROM NORTH KOREA, ANOTHER

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AVOWED, SELF-, AVOWED ENEMY OF THE UNITED STATES AND ONE THAT IN ALL PROBABILITY, ALREADY HAS NUCLEAR WEAPONS. CAN YOU PERHAPS EXPAND ON WHY YOU THINK THE THREAT IS DIFFERENT, THAN IT HAS BEEN IN THE PAST TO THIS NATION BECAUSE OF FACTS LIKE THAT, AND OTHER CONCERNS? JERNIGAN: SENATOR, I HAVE BEEN ON THIS **BORDER** FOR APPROXIMATELY, 30 YEARS AND WORKED ALL UP AND DOWN THE **BORDER** FROM SAN DIEGO TO, BROWNSVILLE. YOU KNOW, 30 YEARS AGO, EVEN 15 YEARS AGO, JUST AS MY, COLLEAGUE SHERIFF DEVER MENTIONED EARLIER, WE WERE DEALING WITH A MUCH, DIFFERENT CLASS OF PEOPLE. THEY WERE VERY DOCILE, VERY SUBMISSIVE., AT WORST THEY WOULD TURN AND FLEE FROM YOU, FLEE BACK INTO MEXICO. BUT NOW MY DEPUTIES AND THE **BORDER** PATROL ARE FACING A DIFFERENT, CLASS OF INDIVIDUAL, GROUPS COMING ACROSS THAT ARE MUCH MORE COMBATIVE, WHEN CONFRONTED AND STOPPED BY MY DEPUTIES, AND GENERALLY THE DEPUTIES, ARE OPERATING ALONE OUT IN THE FIELD. COME UPON GROUPS OF 20, 30, 50, AT A TIME. AND THEY MAKE IT KNOWN TO THE DEPUTIES THAT THEY ARE GOING, THROUGH, WE'RE NOT STOPPING. YOU'RE NOT GOING TO STOP US. WE'RE, GOING. YOU KNOW, 10 YEARS AGO, 15 YEARS AGO LIKE I SAID, THEY WOULD, LITERALLY FLEE BACK TO MEXICO UPON SIMPLY BEING ASKED WHO ARE YOU AND, WHERE ARE YOU GOING -- NO MORE. THEY'RE DETERMINED. THEY'RE GOING NORTH ONE WAY OR THE OTHER, COME HELL OR HIGH WATER. THEY'RE GOING NORTH. CORNYN: WELL, IT SOUNDS LIKE IF NOTHING ELSE THERE IS AT LEAST, AN ATTITUDE OF ENTITLEMENT ON THE PART OF PEOPLE COMING IN. JERNIGAN: ABSOLUTELY, ABSOLUTELY, SENATOR. CORNYN: AND OBVIOUSLY WE'VE TALKED ABOUT THE WEAPONS, THE, ASSAULTS ON **BORDER** PATROL AND THE LIKE. MR. DURHAM, I APPRECIATE YOUR BEING HERE AND REPRESENTING THE, RANCHING COMMUNITY IN SOUTH TEXAS THAT'S DIRECTLY IMPACTED BY THIS, AND I ESPECIALLY APPRECIATE YOUR INVOKING THE NAME OF TOBIN ARMSTRONG., HIS DAUGHTER AND GRANDDAUGHTER ARE HERE I KNOW, AND THEY APPRECIATE, YOUR KIND WORDS. BUT I RECALL HIM SAYING WHAT YOU SAID AND THAT IS THAT WE NEED TO, SEPARATE THE CRIMINALS AND POTENTIAL TERRORISTS AND THOSE ENGAGED IN, DRUG ACTIVITY FROM PEOPLE WHO WANT TO COME HERE TO WORK. AND YOU, INDICATED THAT YOU BELIEVE A GUEST WORKER PROGRAM, WHAT I WOULD CALL A, TEMPORARY WORKER PROGRAM, IS AN ESSENTIAL COMPONENT OF GETTING, SECURITY ALONG OUR **BORDER**. NOW, THAT'S A LITTLE COUNTERINTUITIVE I THINK TO SOME PEOPLE, BUT, IT MAKES PERFECT SENSE TO ME. IF WE KNOW WHO IS COMING ACROSS TO WORK, IF WE'VE SCREENED THEM., IF THEY HAVE BEEN PROVIDED WITH THIS COUNTERFEIT-PROOF OR AS CLOSE AS, WE CAN CREATE DOCUMENT THAT CAN BE VERIFIED, AND LET OUR LAW, ENFORCEMENT OFFICIALS FOCUS ON THE BAD GUYS, IT SEEMS TO ME WE'VE MADE, THEIR JOB EASIER, NOT HARDER. WOULD YOU AGREE WITH THAT? DURHAM: YES, I WOULD. THANK YOU, SENATOR. YOU KNOW, LIKE MR. WAYNE JERNIGAN WAS TALKING ABOUT HERE, THE, CLASS OF PEOPLE -- IT USED TO BE THAT PEOPLE WHO COME ACROSS WERE, MOSTLY FROM THE WAY INTERIOR OR MEXICO, SAN LUIS, (INAUDIBLE) AND SO, ON DOWN THE LINE AND THEY WERE JUST HONEST PEOPLE. YOU WOULD INVITE, THEM TO YOUR HOUSE. YOU WOULD FEED THEM. YOU WOULD DO WHATEVER TO, HELP THEM OUT AND STUFF. AND THEN A LITTLE DIFFERENT CLASS OF PEOPLE STARTED COMING, ACROSS. THEY'RE MAINLY JUST ACROSS THE RIVER. AND THEY COME UP THERE, AND FOR A COUPLE OF WEEKS AND FIGURE OUT THE GAME AND SO ON DOWN THE, LINE AND THEN THEY GO BACK AND GET THEIR BUDDIES AND SO ON. AND THEN -- NOW, IT'S YOU DON'T KNOW WHAT'S COMING ACROSS. YOU, KNOW, YOU GOT 50 PERCENT OF THE PEOPLE THAT YOU CATCH NOW AROUND, (INAUDIBLE) ARE OTMS, OTHER THAN MEXICANS AND STUFF, AND THE COUNT IS, JUST QUADRUPLED. AND, YOU KNOW, AND IT JUST KEEPS ON INCREASING AND THE -- LIKE I, SAID IN MY STATEMENT, THERE WAS 200 OR 300 COMING THROUGH THERE EVERY, NIGHT AND THE TRACKS AND THE TRAILS INDICATED, AND THE **BORDER** PATROL, JUST BEING OVER TIRED. I GO UP THERE AND SHOW THEM THE TRAILS AND THE, TRASH AND THE FENCES BEING CUT AND CATTLE GATES BEING OPENED AND ALL, KINDS OF THINGS. AND AT THAT MEETING THAT MR. ARMSTRONG WAS THERE, HE KIND OF, CHAIRED THE MEETING ANYHOW, AND I HAD 75 TO 100 PEOPLE THERE, LAW, ENFORCEMENT OFFICERS FROM ALL OVER THE PLACE. AND THERE WAS ABOUT, ANYWHERE FROM ABOUT 4 MILLION TO 5 MILLION ACRES REPRESENTED THERE, BETWEEN OWNERS AND MANAGERS. AND I MADE IT A POINT THERE THAT THE MEETING WAS NOT GOING TO BE, ONE, CRITICIZING IN ANY WAY THE **BORDER** PATROL. TWO, THAT WE WEREN'T, GOING TO TELL ANY HORROR STORIES BECAUSE EVERYBODY AS FAR AS THE, RANCHING COMMUNITY DOWN THERE HAVE

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LOTS OF HORROR STORIES AND IT WOULD, TAKE UP THE WHOLE MEETING PERIOD. AND I AGREE WITH TOBIN AS FAR AS THE GUEST WORKER PROGRAM AND, TRYING TO HAVE AN IDENTIFICATION FORGE-PROOF CARD THAT MAKES YOU WORK, AND WORK LEGALLY. CORNYN: REALLY APPRECIATE YOUR TESTIMONY, MR. DURHAM. SENATOR SESSIONS? SESSIONS: WITH REGARD TO SHERIFF JERNIGAN, ARE YOU POLICE, DEPARTMENT... JERNIGAN: SHERIFF. SESSIONS: SHERIFF DEVER, HAVE YOU SEEN THIS CHANGE IN TERMS OF, THE CRIMINAL ELEMENT THAT IS INVOLVED AND PEOPLE COMING ACROSS? I HAVE BEEN TOLD THAT WE HAVE A REAL SURGE IN CUSTODY OF, INDIVIDUALS IN ALABAMA EVEN THAT HAVE CRIMINAL HISTORIES OR BEEN, INVOLVED IN CRIMES. IS SOMETHING CHANGING OUT THERE IN THE NATURE, FROM YOUR OBSERVATION ABOUT WHO MAY BE COMING OVER? JERNIGAN (?): ABSOLUTELY. MORE AND MORE OF THEM THAT ARE COMING ACROSS DO HAVE CRIMINAL, HISTORIES, CONSIDERABLE LENGTHY CRIMINAL HISTORIES, NOT ONLY IN OUR, OWN COUNTRY BUT IN WHATEVER COUNTRY THEY ARE COMING FROM. IF I MAY, I WOULD LIKE TO EXPAND ON SOMETHING THAT MR. DURHAM, MENTIONED A WHILE AGO, IF I MAY. SESSIONS: WE'VE GOT A MINUTE, BUT GO AHEAD PLEASE. JERNIGAN: OK. CRIME STOPPERS -- YOU KNOW WHAT CRIME STOPPERS IS IN RURAL, AMERICA ALONG THE BORDER? YOU KNOW, THE RANCHERS, AT LEAST IN MY, AREA, GO TO WAL-MART OR HEB, BUY WATER, FOOD, PLANT IT AROUND THEIR, HOUSE OUTDOORS IN THE HOPES THAT AS THE ALIENS COME THROUGH THEIR, RANCH THEY WON'T BREAK INTO THEIR HOME WHEN THEY'RE AWAY FROM HOME., THEY ACTUALLY LEAVE THE FOOD AND WATER PLANTED AROUND THEIR HOME., THAT'S BECOME A WAY OF LIFE ALONG THE BORDER. IT DIDN'T USED TO BE THOUGH. IT USED TO BE YOU COULD LEAVE YOUR, KEYS IN YOUR TRUCK, YOU KNOW. YOU DIDN'T WORRY ABOUT IT. LEFT A, RIFLE HANGING IN THE BACK OF THE TRUCK, YOU KNOW, OVERNIGHT -- NO, MORE. THAT'S WHAT CRIME STOPPERS HAS BECOME IN RURAL AMERICA. IT'S A, SAD COMMENTARY. SESSIONS: MR. DEVER? DEVER: THE SHORT ANSWER TO YOUR QUESTION, SENATOR, IS, ABSOLUTELY. EVEN THE GENERAL NATURE OR CHARACTER OF THE ILLEGALS THEMSELVES, IS EXTREMELY CONTROVERSIAL. YOU KNOW, AGENTS, DEPUTIES, LAW ENFORCEMENT OFFICERS IN GENERAL, HAVE TO BE ON THEIR GUARD EVERY MOMENT THAT THEY'RE IN CONTACT WITH, GROUPS WHERE THEY USED TO FEEL, YOU KNOW, RELATIVELY COMFORTABLE THAT, THEY JUST ENCOUNTERED SOME POOR HAPLESS SOULS THAT WERE WANDERING, THROUGH THE COUNTRYSIDE. BUT THE NUMBER OF ASSAULTS ON AGENTS, BORDER PATROL AGENTS, DEPUTY SHERIFFS, THE NUMBER OF HOSTILE CONFRONTATIONS HAS INCREASED, DRAMATICALLY. SESSIONS: WITH REGARD TO THE 287(G), I BELIEVE, MR. DEVER, YOU, MADE SOME COMMENT THAT THAT'S NOT THE FULL ANSWER TO THE QUESTION. WAS THAT YOU THAT MADE REFERENCE TO THAT? DEVER: YES, SIR. SESSIONS: IT'S A TRAINING PROGRAM THAT CAN BE HELPFUL. WHAT HAPPENS IF YOUR DEPUTIES ARREST PEOPLE? DO YOU HAVE DOWN, THERE ON THE BORDER AS YOU ARE, DO YOU HAVE A RELATIONSHIP WITH THE, BORDER PATROL SO THAT THEY WOULD COME AND APPREHEND SOMEBODY? WHAT IF, THEY HAVE BEEN PRESUMABLY IN THE COUNTRY FOR A WHILE AND NOT RIGHT ON, THE BORDER? WOULD THEY COME AND GET THEM? AND ARE YOU COMPENSATED IN, ANY WAY FOR THE EXPENSE THAT YOU MAY HAVE GONE TO, TO MAKE THIS, TRANSFER? DEVER: WE CURRENTLY DO NOT ARREST PEOPLE FOR IMMIGRATION, VIOLATIONS., THAT'S STILL A BIG CONTROVERSIAL ISSUE BEING WORKED OUT IN THE, COURTS AND THERE HAVE BEEN SEVERAL BILLS INTRODUCED TO PROVIDE, AUTHORITY FOR LOCAL LAW ENFORCEMENT TO DO THAT. AS FAR AS THOSE THAT WE DO HOUSE, INCARCERATE, ARE ALIENS WHO, HAVE COMMITTED CRIMES AGAINST THE STATE, BURGLARY, ASSAULT, THEFT OR, SOMETHING LIKE THAT. THE SCAP FUND, THE STATE CRIMINAL ALIEN, ASSISTANCE PROGRAM, ORIGINAL ALLOCATION WAS \$585 MILLION FIVE, SIX, YEARS AGO, SENATOR, SOMETHING LIKE THAT. THAT HAS BEEN REDUCED OVER THE YEARS. IT WAS ELIMINATED FROM THE, PRESIDENT'S BUDGET THE LAST TWO YEARS. CONGRESS RESTORED \$200 MILLION, THE FIRST YEAR AND THEN I THINK \$300 MILLION THE NEXT. THAT, REIMBURSES THE SHERIFF'S COUNTIES FOR INCARCERATING CRIMINAL ALIENS, UNDER CERTAIN CRITERIA, NOT ALL OF THEM. ONLY CERTAIN ONES MEET THE, CRITERIA AND THE CRITERIA HAS BECOME SO LIMITED THAT IT'S ALMOST --, IT'S A VERY SMALL PERCENTAGE OF THEM THAT ARE REIMBURSED, BUT ABOUT 10, CENTS ON THE DOLLAR. SESSIONS: WELL, YOU KNOW, THIS IS A FEDERAL PROBLEM. I MEAN, THIS IS A FEDERAL, NATIONAL ISSUE. AND WHEN LOCAL LAW, ENFORCEMENT ARE PREPARED TO HELP AND PARTICIPATE VOLUNTARILY, THEY, OUGHT TO BE COMPENSATED, DON'T YOU THINK, FOR THE EXPENSE? DEVER: I COULDN'T AGREE MORE, SIR.

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SESSIONS: SINGING YOUR SONG ON THAT. DEVER: ABSOLUTELY, THAT'S WHAT WE'RE THERE FOR. SESSIONS: WELL, WE REALLY SHOULD. WELL, I WROTE A LAW REVIEW ARTICLE -- I NEVER THOUGHT I WOULD BE, IN THE U.S. SENATE. AND I REALLY NEVER THOUGHT I WOULD WRITE A LAW, REVIEW ARTICLE FOR STANFORD UNIVERSITY SCHOOL OF LAW. BUT IT WAS ON, THE POWER OF LOCAL LAW ENFORCEMENT. FOR THOSE WHO COME ACROSS THE **BORDER** ILLEGALLY, EVEN THE NINTH, CIRCUIT CONCLUDES THAT LOCAL LAW ENFORCEMENT DOES HAVE THE AUTHORITY, TO DETAIN. THERE IS SOME QUESTION BASED ON THE NINTH CIRCUIT RULING, THAT OVERSTAYS, THE LOCAL LAW ENFORCEMENT CAN DETAIN FOR OVERSTAYS., SO THE LAWYERS FOR THE SHERIFFS' DEPARTMENTS AND THE MAYORS AND THE, COUNTY COMMISSIONS SAY, "NO, YOU KNOW, THIS IS SCARY. YOU KNOW, I'M, NOT SURE. YOU MIGHT GET SUED. THEY ARE NOT GOING TO COME AND GET, THEM ANYWAY, SO JUST FORGET IT." ISN'T THAT BASICALLY WHAT'S HAPPENING, MR. BONNER? I MEAN... BONNER: SADLY, YES. SESSIONS: SO WHAT WE NEED TO DO IF WE ARE SERIOUS ABOUT THIS, THING IS GIVE, AS WE HAVE THE POWER TO DO, AUTHORITY TO LAW, ENFORCEMENT OFFICERS TO DETAIN FOR A SHORT PERIOD OF TIME UNTIL PEOPLE, CAN BE HANDED OVER THOSE WHO ARE HERE ILLEGALLY, THEY HAVE EVIDENCE OF, THAT., WOULDN'T YOU AGREE, MR. BONNER, THAT WOULD HELP? BONNER: ABSOLUTELY IT WOULD HELP. WE WELCOME ALL THE HELP WE CAN GET. OBVIOUSLY WE'RE OVERWHELMED DOWN AT THE **BORDER** AND IT SHOULDN'T, BE A 50-YARD DASH AND YOU'RE HOME FREE. PEOPLE WHO HAVE BROKEN THE, LAW SHOULD HAVE EVERY EXPECTATION THAT SOME DAY SOMEONE IS GOING TO, TAP THEM ON THE SHOULDER AND HOLD THEM ACCOUNTABLE, AND THAT'S NOT, HAPPENING. SESSIONS: AND THAT'S SORT OF A QUESTION OF, WOULD YOU SAY IT'S, ALMOST A TEST OF OUR WILL AS CONGRESS AND A NATION THAT IF WE'RE NOT, WILLING TO DO THAT, THEN WE ARE REALLY NOT SERIOUS ABOUT HAVING A, LAWFUL SYSTEM? BONNER: WHEN YOU LOOK AROUND THE COUNTRY AND SEE A MINIMUM OF 12, MILLION PEOPLE IN THIS COUNTRY ILLEGALLY, IT'S OBVIOUS THAT WE'RE NOT, SERIOUS ABOUT THIS PROBLEM. SESSIONS: JUST BRIEFLY, YOU MENTIONED THAT WE NEED TO CONTROL, THE **BORDER** AND WE NEED TO HAVE OUR WORK PLACE ENFORCEMENT. AS I HAVE LOOKED AT THIS MORE AND MORE, I HAVE BECOME SOMEWHAT, OPTIMISTIC. IF WE INCREASE THE **BORDER** PATROL OFFICERS AND WE CAN, CONTROL THE **BORDER** AND WE BUILD FENCES WHERE NEEDED AND WE DO OTHER, THINGS WHATEVER THAT GETS US TO THAT POINT OF ENFORCEMENT AND THEN A, WORKPLACE, DO YOU THINK THAT WE COULD REACH A TIPPING POINT AND WE, COULD BE MORE SUCCESSFUL THAN A LOT OF PEOPLE EVEN THINK TODAY? BONNER: THIS PROBLEM IS ABSOLUTELY SOLVABLE. WE COULD PUT THE HUMAN SMUGGLERS OUT OF BUSINESS ALMOST OVERNIGHT, IF WE TAKE AWAY THE REASON THAT PEOPLE ARE COMING HERE, WHICH IS JOBS., WHY WOULD ANYONE IN THEIR RIGHT MIND PAY \$3,000, RISK THEIR LIFE, CROSSING THROUGH THE DESERT IF AT THE END OF THAT JOURNEY NO ONE WILL, GIVE THEM A JOB? THEY WOULD STAY HOME, AND PEOPLE WHO ARE HERE, ILLEGALLY NOW WOULD GO HOME, BECAUSE \$4.00 MAY NOT SOUND LIKE MUCH BUT, IT'S MORE THAN NOTHING. AND IF YOU CAN'T GET A JOB, YOU'RE NOT, EARNING A PENNY. SESSIONS: THANK YOU. AND SOME FROM AROUND THE WORLD ARE DANGEROUS ELEMENTS, AS WE HAVE, NOTED, AND THAT'S IMPORTANT FOR NATIONAL SECURITY. BUT FUNDAMENTALLY, I WOULD AGREE WITH THAT. THANK YOU, MR. CHAIRMAN. KYL (?): THANK YOU, SENATOR SESSIONS. THERE ARE A COUPLE OF THINGS THAT ARE KIND OF SUBTLE THAT I FEEL, A NEED TO EXPRESS HERE., MR. DURHAM DIDN'T COME HERE TO BEAT ON A BIG DRUM AND BLOW A, BUGLE AND COMPLAIN. BUT HE WAS INVITED TO COME HERE AND SHARE, EXPERIENCES, AND I GATHER THERE WAS ALMOST A RELUCTANCE IN THE WAY YOU, DESCRIBED IT. IT'S CERTAINLY MORE DISAPPOINTMENT THAN ANGER. THE SAME ATTITUDE, YOU GOT TWO VERY FINE SHERIFFS HERE. THESE, GUYS PUT THEIR LIFE ON THE LINE EVERY DAY. THEY ARE CONFRONTED WITH, DANGER. IT HAS GOTTEN VERY, VERY HARD FOR THEM. I DON'T KNOW SHERIFF JERNIGAN, BUT I KNOW SHERIFF DEVER. HE, WORKS VERY, VERY WELL WITH ALL OF THE DIFFERENT FEDERAL AND OTHER, STATE LAW ENFORCEMENT FOLKS. THEY HAVE A VERY GOOD RELATIONSHIP, TRYING TO CONFRONT THESE, PROBLEMS TOGETHER FROM A LAW ENFORCEMENT, VERY PROFESSIONAL LAW, ENFORCEMENT POINT OF VIEW. THEY HAVE ALL OF THESE PROBLEMS AND YET, THEY ARE NOT TRYING TO EXAGGERATE ANYTHING. T.J. BONNER'S FOLKS SEE THIS STUFF EVERY DAY. THEY COULD EASILY, GET OUT THERE AND EXAGGERATE, BUT THEY HAVE TO LIVE WITH IT, AND THEY, DON'T. WHAT'S OCCURRING ON THE RANCHES -- MR. DURHAM, I'VE HEARD THIS, FROM FOLKS IN ARIZONA ALL THE



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TIME. I KNOW THAT SHERIFF DEVER HAS, TOO. IT DIDN'T USED TO BE THAT WAY. OF COURSE, IT DIDN'T USED TO BE ILLEGAL TO HIRE AN ILLEGAL, IMMIGRANT. IT WAS ILLEGAL TO HARBOR SOMEBODY THAT CAME INTO THE, COUNTRY ILLEGALLY. AND PEOPLE DID HELP FOLKS AND THERE WAS NO PROBLEM, WITH IT. IN THE COUNTY, MY SISTER-IN-LAW AND BROTHER-IN-LAW USED TO LIVE, IN COCHISE COUNTY. HE WORKED OUT IN ONE OF THE GAME REFUGES AND WHEN, HE FIRST WENT DOWN THERE IT WAS THE SAME WAY. BY THE TIME THEY LEFT, THEY COULDN'T WAIT TO LEAVE BECAUSE IT WAS DANGEROUS. THERE WERE BAD, ACTORS COMING THROUGH THERE ALL THE TIME. THE PURPOSE OF THIS HEARING TODAY WAS TO REMIND FOLKS THAT IT, ISN'T JUST PEOPLE COMING ACROSS FOR A BETTER LIFE, BUT BAD, DANGEROUS, NASTY PEOPLE WITH AN INCREASE IN VIOLENCE, WITH 108 PERCENT INCREASE, IN ASSAULTS ON THE OFFICERS, WITH HUGE INCREASE IN THE NUMBER OF, CRIMINALS COMING ACROSS. AND WHATEVER WE DO ABOUT THE ILLEGAL IMMIGRANTS, WE ARE GOING TO, WANT TO CONTROL THE BORDER TO STOP THAT CRIMINAL BEHAVIOR AND THOSE, CRIMINALS FROM COMING ACROSS. BUT AS MR. BONNER POINTS OUT, ONE WAY TO DO THAT IS IN ADDITION, TO GETTING CONTROL OF THE BORDER, HAVING A VERY FIRM BUT FAIR WAY TO, CHECK EMPLOYEE ELIGIBILITY SO THAT ONLY LEGAL PEOPLE WHETHER THROUGH A, TEMPORARY WORK PROGRAM OR AS CITIZENS OR SOME OTHER KIND OF VISA WOULD, BE ABLE TO WORK HERE. WE REMOVE THAT AND THE VALUE OF THAT HUMAN, SMUGGLING GOES WAY, WAY DOWN. INSTEAD OF \$2,000 OR \$3,000, IT LOSES, MOST OF ITS VALUE. SO I WANTED TO EXPRESS MY APPRECIATION TO ALL OF YOU., WE DO NEED TO INCREASE SCAP FUNDING. THE STATES, BY THE WAY, NEED TO SUPPORT TO THE COUNTIES MORE BECAUSE COUNTIES ARE POLITICAL, SUBDIVISIONS OF THE STATES. BUT THE FEDERAL GOVERNMENT NEEDS TO, PROVIDE SUPPORT THERE AS WELL. JUST PRIMARILY TO THE TWO SHERIFFS HERE, AND -- TO ALL OF YOU:, WHEN ILLEGAL IMMIGRANTS ARE ACTUALLY APPREHENDED OR HELD OR DETAINED, DOES ICE RESPOND TO THE NEED TO TAKE CUSTODY AND RETURN THEM TO THE, BORDER AS MUCH AS IT NEEDS TO? SHERIFF DEVER? DEVER: MR. CHAIRMAN, THEY DO. THAT WASN'T ALWAYS THE CASE. BUT WE ARE IN A UNIQUE SITUATION AT LEAST WHERE I AM BECAUSE WE, ARE RIGHT ON THE BORDER. WE HAVE THE LARGEST BORDER PATROL STATION IN, THE ENTIRE SOUTHWEST BORDER IN DOUGLAS, ARIZONA. SO WE HAVE PRETTY, IMMEDIATE ACCESS. AND AGAIN, THE RESPONSE HAS NOT ALWAYS BEEN WHAT WE -- BUT I CAN, SPEAK FOR MY COLLEAGUES JUST TO THE NORTH AND THE ANSWER TO THAT, QUESTION IS NO. KYL: SO WHERE THEY HAVE THE RESOURCES THEY CAN GET IT DONE., THEY JUST NEED TO ASK, TO TELL US WHAT KIND OF RESOURCES THEY NEED SO, WE CAN TRY TO PROVIDE THEM. SHERIFF JERNIGAN? JERNIGAN: THAT IS VERY CORRECT, SIR. KYL: MR. DURHAM, YOU'VE SEEN THIS. DURHAM: YES. BUT WE DON'T COMMUNICATE TOO MUCH WITH ICE. AS YOU WELL KNOW, WE'VE GOT TWO MAIN HIGHWAYS, 77 THAT GOES DOWN, TO BROWNSVILLE, TEXAS, AND 281 THAT GOES TO MCALLEN. AND EACH ONE OF, THOSE STATIONS HAS THEIR BORDER PATROL STATION. AND WE JUST HAPPEN TO, BE IN THE WALK AROUND AS FAR AS ALL THESE ILLEGALS COMING AND WALKING, AROUND. THE COYOTE BRINGS THEM FROM THE BORDER, DUMPS THEM BEFORE THEY, GET TO THE BORDER PATROL STATION AND THEY WALK AROUND. SO WHAT WE, DEAL WITH IS THE BORDER PATROL AND (INAUDIBLE). KYL: WELL, AGAIN, I WANT TO PERSONALLY EXPRESS MY APPRECIATION, TO ALL OF YOU FOR YOUR TESTIMONY. I THINK IT'S ENLIGHTENING. IT'S OUR JOB NOW TO AMPLIFY THIS TO OUR COLLEAGUES AND EXPLAIN, SOME OF THE PROBLEMS TO THEM SO THAT THEY WILL JOIN US IN TRYING TO, RESPOND URGENTLY TO THESE NEEDS BY PROVIDING THE RESOURCES NECESSARY, THE LEGAL AUTHORITY AND THE OTHER CHANGES THAT ARE NECESSARY TO OUR, LAWS TO BE ABLE TO SOLVE THE PROBLEM IN BOTH OF THE WAYS THAT T.J., BONNER IDENTIFIED. WE ARE BOTH COMMITTED TO THAT. YOU ARE PROBABLY AWARE THAT WE, BOTH CO-SPONSORED LEGISLATURE TOGETHER THAT TRIES TO SOLVE THE PROBLEM, IN THE WAY THAT YOU'VE RECOMMENDED. SENATOR CORNYN? CORNYN: WELL, MR. CHAIRMAN, THANK YOU FOR WORKING WITH MY, SUBCOMMITTEE. SENATOR KYL AND I HAVE WORKED TOGETHER AND HAD A SERIES OF, HEARINGS WHICH I THINK HAVE HELPED SHINE SOME LIGHT ON AND BETTER, INFORM ALL OF OUR COLLEAGUES ABOUT THE CHALLENGE WE HAVE AND THE, RESPONSIBILITY WE HAVE TO STEP UP AND MAKE UP FOR YEARS OF INACTION, AND IT'S GOING TO REQUIRE AN EXTENSIVE COMMITMENT FINANCIAL AND, OTHERWISE. BUT THIS IS A FEDERAL RESPONSIBILITY. AND WE OUGHT TO BE, GRATEFUL WE HAVE LOCAL LAW ENFORCEMENT AND FEDERAL LAW ENFORCEMENT, AGENTS -- THAT ARE SERIOUSLY UNDERMANNED BECAUSE OF LACK

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OF PROPER, FUNDING -- BUT THAT WE HAVE A LOT OF WONDERFUL PEOPLE WHO ARE WILLING, TO HELP AND STEP UP. AND WE APPRECIATE THAT VERY MUCH. BUT WE ARE GOING TO HAVE TO MAKE A SIGNIFICANT INVESTMENT IN, HUMAN RESOURCES AND TECHNOLOGY IN ORDER TO ADDRESS THIS PROBLEM AND, PROVIDE SUPPORT TO LOCAL LAW ENFORCEMENT AND TRAINING AS WELL. BUT I THINK IN THE END WE HAVE TO HAVE CREDIBLE DETERRENCE. AND I THINK WHAT SENATOR KYL TALKED ABOUT IN TERMS OF WHAT WE DO, AT THE **BORDER**, WHAT WE DO IN THE INTERIOR, WHAT WE DO AT THE WORKPLACE, ARE GOING TO ESTABLISH A CREDIBLE DETERRENCE SO PEOPLE DON'T START OUT, ON THAT LONG JOURNEY UNLESS THEY HAVE SOME REASON TO BELIEVE THAT THEY, ARE GOING TO QUALIFY TO WORK WITHIN THE LAW. AND THAT'S WHAT WE DON'T, HAVE NOW AND WHAT WE NEED SORELY IS THAT DETERRENT. SO THANK YOU FOR EACH OF YOU BEING HERE AND YOUR CONTRIBUTION. I THANK THE REST OF THE **BORDER** SHERIFFS COALITION FROM TEXAS FOR, ALL OF YOUR GOOD WORK AND HOPEFULLY WE CAN SAY WITH SOME CREDIBILITY, THAT HELP IS ON THE WAY. (UNKNOWN): THANK YOU. WE THANK YOU FOR YOUR TIME AND INTEREST. KYL: AND I ALSO WANT TO MENTION, I MEAN, THERE ARE NO PEOPLE, MORE COMMITTED TO RESOLVING THIS PROBLEM THAN SENATOR CORNYN, THAN, SENATOR SESSIONS WHO YOU HEARD -- I LOVE THE WAY HE PUTS THINGS. HE, GETS RIGHT TO THE HEART OF THE MATTER. SENATOR FEINSTEIN HAS BEEN MY RANKING MEMBER EVER SINCE I CAME TO, THE SENATE AND IS VERY, VERY COMMITTED TO WORKING ON THESE ISSUES. AND THE FACT IS THAT WE HAVE A JOINT SESSION OF CONGRESS OVER IN, THE HOUSE OF REPRESENTATIVES RIGHT NOW OR OTHERS OF OUR COLLEAGUES, WOULD BE HERE, SO DON'T TAKE THE ABSENCE OF OTHER SENATORS AS A LACK, OF INTEREST. WE WILL ATTACK THIS PROBLEM. AND ONE REASON I HAVE SOME, CONFIDENCE WE WILL BE SUCCESSFUL IS BECAUSE WE HAVE HAD THE TESTIMONY, FROM YOU ALL AND I KNOW THAT WE WILL HAVE YOUR BACKING IN TRYING TO, GET THIS SITUATION UNDER CONTROL. I WANT TO THANK ALL OF YOU VERY, VERY MUCH FOR WHAT YOU HAVE DONE, HERE TODAY. THIS HEARING IS ADJOURNED. END

## Body

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U.S. SENATE JUDICIARY COMMITTEE: SUBCOMMITTEE ON IMMIGRATION,  
**BORDER** SECURITY AND CITIZENSHIP AND SUBCOMMITTEE ON TERRORISM,  
 TECHNOLOGY AND HOMELAND SECURITY HOLD A JOINT HEARING TO EXAMINE  
 FEDERAL STRATEGIES TO END **BORDER** VIOLENCE

MARCH 1, 2006

SPEAKERS:

SUBCOMMITTEE ON IMMIGRATION, **BORDER** SECURITY AND CITIZENSHIP

U.S. SENATOR JOHN CORNYN (R-TX)

CHAIRMAN

U.S. SENATOR CHARLES E. GRASSLEY (R-IA)

U.S. SENATOR JON KYL (R-AZ)

U.S. SENATOR MIKE DEWINE (R-OH)

U.S. SENATOR JEFF SESSIONS (R-AL)

U.S. SENATOR SAM BROWNBACK (R-KS)

U.S. SENATOR TOM COBURN (R-OK)

U.S. SENATOR ARLEN SPECTER (R-PA)

U.S. SENATOR JOHN L. KYL (R-AZ) HOLDS A HEARING ON BORDER SECURITY ISSUES

EX OFFICIO

U.S. SENATOR EDWARD M. KENNEDY (D-MA)

RANKING MEMBER

U.S. SENATOR JOSEPH R. BIDEN JR. (D-DE)

U.S. SENATOR DIANNE FEINSTEIN (D-CA)

U.S. SENATOR RUSSELL D. FEINGOLD (D-WI)

U.S. SENATOR CHARLES E. SCHUMER (D-NY)

U.S. SENATOR RICHARD J. DURBIN (D-IL)

U.S. SENATOR PATRICK J. LEAHY (D-VT)

EX OFFICIO

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND HOMELAND SECURITY

U.S. SENATOR JON KYL (R-AZ)

CHAIRMAN

U.S. SENATOR ORRIN G. HATCH (R-UT)

U.S. SENATOR CHARLES E. GRASSLEY (R-IA)

U.S. SENATOR JOHN CORNYN (R-TX)

U.S. SENATOR MIKE DEWINE (R-OH)

U.S. SENATOR JEFF SESSIONS (R-AL)

U.S. SENATOR LINDSEY O. GRAHAM (R-SC)

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U.S. SENATOR DIANNE FEINSTEIN (D-CA)

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U.S. SENATOR EDWARD M. KENNEDY (D-MA)

U.S. SENATOR JOSEPH R. BIDEN, JR. (D-DE)

U.S. SENATOR HERBERT KOHL (D-WI)

U.S. SENATOR RUSSELL D. FEINGOLD (D-WI)

U.S. SENATOR RICHARD J. DURBIN (D-IL)

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EX OFFICIO

## Notes

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[????] - Indicates Speaker Unknown

[--] - Indicates could not make out what was being said.[off mike] - Indicates could not make out what was being said.

## Classification

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**Language:** ENGLISH

**Subject:** **BORDER** CONTROL (94%); US CONGRESS (93%); TERRITORIAL & NATIONAL **BORDERS** (91%); US REPUBLICAN PARTY (90%); IMMIGRATION (90%); NATIONAL SECURITY (90%); TERRORISM (90%); LEGISLATIVE BODIES (90%); US DEMOCRATIC PARTY (90%); US PRESIDENTIAL CANDIDATES 2008 (75%)

**Company:** US DEPARTMENT OF HOMELAND SECURITY (90%); US DEPARTMENT OF HOMELAND SECURITY (90%)

**Organization:** US DEPARTMENT OF HOMELAND SECURITY (90%); US DEPARTMENT OF HOMELAND SECURITY (90%)

**Person:** JEFF SESSIONS (89%); CHARLES SCHUMER (78%); JON KYL (78%); CHUCK GRASSLEY (78%); JOHN CORNYN (78%); PATRICK LEAHY (59%); ORRIN HATCH (59%); RUSS FEINGOLD (59%); ARLEN SPECTER (59%); JOE BIDEN (59%); DIANNE FEINSTEIN (59%); LINDSEY GRAHAM (58%); TED KENNEDY (58%); SAMUEL BROWNBACK (58%); HERB KOHL (58%); TOM COBURN (58%); RICHARD DURBIN (58%)

**Geographic:** IOWA, USA (92%); UNITED STATES (94%)

**Load-Date:** March 7, 2006