

# PUSHING THE BORDER OUT ON ALIEN SMUG- GLING: NEW TOOLS AND INTELLIGENCE INITIA- TIVES

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## HEARING BEFORE THE SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS OF THE COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES ONE HUNDRED EIGHTH CONGRESS SECOND SESSION

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MAY 18, 2004

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## PUSHING THE BORDER OUT ON ALIEN SMUG- GLING: NEW TOOLS AND INTELLIGENCE INITIATIVES

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TUESDAY, MAY 18, 2004

HOUSE OF REPRESENTATIVES ,  
SUBCOMMITTEE ON IMMIGRATION ,  
BORDER SECURITY , AND CLAIMS ,  
COMMITTEE ON THE JUDICIARY ,  
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:08 p.m., in Room 2141, Rayburn House Office Building, Hon. John N. Hostettler (Chair of the Subcommittee) presiding.

Mr. HOSTETTLER . The Subcommittee will come to order.

Today, the Subcommittee on Immigration, Border Security, and Claims will examine the operations of the Department of Homeland Security and the State Department in deterring and preventing alien smuggling into the United States.

The discovery last month of 110 immigrants from Ecuador, Guatemala, and El Salvador imprisoned in a Los Angeles bungalow made national news. The large number demonstrates the increasing size of alien-smuggling operations reaching the United States.

According to neighbors, the house had operated for 2 years with chains and bars around each opening. Evidence indicates it had been guarded by pit bulls and smugglers armed with pistols and machetes. The smugglers were holding their captive for up to























































an assessment of being able to be equipped with added tools? You might use as a backdrop the deck of cards that was utilized in Iraq. For a period of time, we were watching over the news wires one by one as they collapsed, and reward monies were used in that circumstance, of course, with the idea of terrorism.

But in this instance, tools given that would include the “S” visa, which would include only the particular individual and a family member, the idea of the rewards program and the outreach. We have a defendant now that has 19 counts of murder against him. He has to do his own defense, but you can be assured that one of his expressions that we heard in the local community was, “I didn’t know what I was doing, I didn’t know anything about it, I didn’t understand it.” But the point is truckers from all over the country are sometimes caught up in the dollar.

Can you give me an assessment of the tools that could be utilized as they are enunciated in the legislation, the CASE Act?

Mr. CUTLER. Well, I think all that you have proposed makes sense and would be of assistance, because what you try to do—and whether you’re dealing with alien smuggling, narcotics trafficking, any organized crime group, you start low and usually work your way up. It’s the process of what we all flipping or turning informants. You recruit people. And basically you wind up giving them a choice: You’re facing a serious criminal violation. We have different ways of pursuing it. We can look to have the full weight of the law land on you, and then you will become the fall guy for the entire organization that employs you. You can work with us; we can reduce your sentence through the U.S. Attorney’s Office, or at least your exposure to sentence if you’re convicted. And then we can enable you to stay here, protect you, pay you.

You have to find out what makes that particular person tick. Certain people react to certain carrots and certain sticks. And it takes, as my colleagues—as my former colleagues—I still think of myself as an agent even though I no longer carry the badge that I was very proud to carry. I think we all know that what you do with each individual has to be more or less custom-tailored. You want to be able to persuade them, on the one hand, and, on the other hand, you have to have them concerned with what will happen if they don’t cooperate.

Ms. JACKSON LEE. Give them tools.

Mr. CUTLER. Right.

Ms. JACKSON LEE. May I just—Mr. Torres, I think that you have used the “T” visas, as I understand. I’m familiar with that, and both you and Mr. Harris have done an excellent job, particularly on the investigatory aspect of it. You’ve used that in human trafficking and done a fairly good job. What is your assessment and what—how can we utilize such a mode, if you will, in alien smuggling, whether it be the “S” visa or the reward program?

Mr. TORRES. We look at it from a very similar aspect to what Mr. Cutler was saying. You have to apply any tool or resource in an individual manner. You have to look at the facts of the case. You have to find out what serves as a motivation for the purpose—for a person that may be willing to testify or cooperate with the Government of law enforcement. So in that sense, if you can actually take a look at each individual instance and then step back and say,

which tools do we have here that we can apply to those, that's where we can be most effective.

Ms. JACKSON LEE. And that's what a law would be, in essence, is—if such a law was passed, it would be ultimately tools given to law enforcement who then would ultimately use their judgment. Is that my understanding of what you're saying?

Mr. TORRES. And also what I'm saying is that whether that law is passed or not—and I don't know the specifics of the proposed bill.

Ms. JACKSON LEE. Right.

Mr. TORRES. But from my perspective as a headquarters manager, I feel it is my responsibility and my duty to provide the tools and the resources to the field agents out there doing the job so they can get that job done. And without being able to say across the board that we are going to apply this tool to all cases, but individually as the facts that take—

Ms. JACKSON LEE. You could be using them, and that could be a possible tool to be used.

Mr. TORRES. A possibility.

Ms. JACKSON LEE. Thank you.

Mr. HOSTETTLER. I thank the gentlelady.

The Chair now recognizes the gentleman from Iowa, Mr. King, for 5 minutes.

Mr. KING. Thank you, Mr. Chairman. I appreciate your holding this hearing today, and I appreciate the testimony of the witnesses before us.

I want to say at the outset, too, that I express the gratitude of the region I represent in this country for the work of all of you on our borders. You keep us all safe, and you put your lives on the line, a number of you here, and please pass that along to your colleagues how much we appreciate it here in Congress.

A number of questions come to mind to me, and I think I'd address my first question to Mr. Harris. You talked about some of the numbers of the border crossings in certain sectors, and you addressed the Tucson sector at about 2,000 arrests a day, and if you do the math on that, roughly 60,000 in a month. Is there any sector of the border where there are more illegal—more arrests than there are there in the Tucson sector right now?

Mr. HARRIS. No. Currently, the Tucson sector represents about 43 percent of the total arrests along the Southwest border. There is no other sector that is even close to Tucson.

Mr. KING. Would it be conceivable that there were as many as 248,000 border crossings, not just arrests but those who were not arrested, through that sector in a single month?

Mr. HARRIS. That's a good question. It's a question that I've been asked a few times. In order to measure if we've had a border penetration, we have to have the ability to monitor the border, either through some sort of a technology; cameras, sensors or what have you. Right now we do not have the ability to monitor the entire Southwest border, so any estimates on what we're not catching would simply be, you know, somewhat of an educated guess, so to speak, through sign cutting, sighting, other agency calls. So it would be very difficult for me to put an actual number on what we're not catching.

Mr. KING. And yet there's speculation before this Committee of two or three to one that do get through that are not caught, and that would extrapolate out to a number like that. But I'm trying to find actually the source of that number. It seemed to have some credibility, but I can't get anybody to actually take credit for the number.

If that would be the case—and I would just point out that 248,000 border crossings in a single sector in a single month, and that would be my understanding of the peak after a January speech by our Commander-in-Chief addressing our border issues—that that would constitute almost twice as many troops as it took to invade and occupy Iraq. I point that out because it's a measure of the magnitude of the border crossings that we have, and I think it's astonishing, the level of success that you have, given the magnitude of the difficulty.

And then roughly 100 dead crossing the border through the single sector, and we have on this Committee seen some numbers of around 230 a year along the Southern border altogether as a total fatality rate. There were 11 found in a train car in Denison, Iowa, in September, I think, a year and a half or so ago. And so that hits home me very much.

But do you have any idea how many American citizens are murdered by illegal aliens in this country every year?

Mr. HARRIS. No, sir.

Mr. KING. Mr. Torres, would you have any idea?

Mr. TORRES. No, sir, I do not.

Mr. KING. Mr. Cutler?

Mr. CUTLER. Well, I could go back to a statistic that I think I discussed at a prior hearing. When I was assigned to the Unified Intelligence Division at DEA, I did an analysis of the arrest statistics. We found that 60 percent of the people arrests for narcotics trafficking in New York were foreign-born, 30 percent nationwide. And I recently did some checking and found that, according to the Bureau of Prisons, approximately 30 percent of the inmate population is comprised of aliens.

So it should give you a yardstick. It's not a direct answer to your question, but I hope it helps you to grasp the magnitude of the problem we face because of this.

Mr. KING. I thank you, Mr. Cutler, and I'd point out that I think that that's the measure that we need to have here, to some extent, and that is that, yes, it's dangerous for our border to be crossed illegally, and that does provide a deterrent, and the oceans have provided deterrence for illegal entry into there country. And so—but it's also dangerous for American citizens if we're not able to control safety within our borders.

I would also point out that the suggestion that there has been, in the media, at least, to put up water stations along the way would simply become those stopover points that would encourage more illegal immigration, just like posting the Coast Guard at intervals across the ocean. But would you have then, Mr. Cutler, an opinion on whether there would be—what the implications would be if we set up a system of fast track for citizenship for one who was successful in assisting the investigation of an alien smuggler?



And would it be a precedent to establish an opportunity for citizenship for someone who was actually a criminal?

Mr. CUTLER. Well, if I understand what you're suggesting, this would be used as a reward for an informant to fast track? Well, you know, we reward aliens who come to the United States and become involved in the military during an emergency situation, during a war and that sort of thing. If it was done in a very controlled way and the person wasn't a criminal but simply someone who was an informant, it might perhaps be useful. I just don't know. I'm just leery about giving out citizenship as that kind of a thing, because the idea of keeping somebody in the United States so that they don't have to go home and face possible violence I think makes sense. Citizenship is something I have certain reservations about. But I think if it was significant enough and we could show that the person really endangered his or her safety in assisting us, then perhaps it would make sense to do that.

Mr. KING. Thank you, Mr. Cutler.

Thank you, Mr. Chairman. I yield back.

Mr. HOSTETTLER. I thank the gentleman.

The Chair now recognizes the gentlelady from California for 5 minutes, Ms. Sánchez.

Ms. SÁNCHEZ. Thank you.

Mr. Cutler, in your experience as part of the anti-smuggling unit in New York, did you find that smuggling rings were operated by criminals based in the United States or in country abroad, or both?

Mr. CUTLER. Actually, it's both. It's almost akin to what happens with narcotics. Narcotics, for the most part, are grown outside the United States, smuggled into the United States. The aliens come from outside the United States and enter the United States from foreign countries. Very often you would see where aliens were massing in Mexico, or even other countries, depending on what part of the world they were coming from. But Mexico certainly had a—it was a way station, basically, on the way into our country.

Ms. SÁNCHEZ. Right. This hearing is about expanding our borders and attacking alien smugglers where they solicit immigrants. Given your experience at INS, what was the most effective way to do that? Is it by addressing the document fraud issue, as Mr. Morton recommends, or is it using informants to focus on the smuggling ring specifically?

Mr. CUTLER. I think you've got to approach it from all aspects. You know, I used to talk about the enforcement tripod, that you've got to look at the border, you've got to look at the inspections, Border Patrol, and interior enforcement. And it's the same thing when you're dealing with the issue that we're discussing today. You know, if you have a dike with a lot of holes in it, water pours out of the holes. If you plug just a couple of the holes, the same amount of water will still come through. I know you're a mechanical engineer. I think the same amount of water will ultimately come through the dike, but it will just mean that it will be pouring faster through the openings that you've left intact.

So what we really want to do is to approach it from every aspect with the limited resources we have being made most effective use of. So it's not one issue. We need to do the whole spectrum of things, in my belief.

Ms. SÁNCHEZ. I'm just trying to sort of flesh out this connection, if there is one, between the operation of the visa and passport fraud rings and the alien-smuggling rings, because they seem to me to be tenuously related but—

Mr. CUTLER. Not tenuously. They're directly related. The goal is to get to the United States. If you have the wherewithal and I gave you a choice, how would you rather come to the United States—obtain a passport by fraud in a different name, get a visa, or come in perhaps under the visa waiver program, of which I remain very critical, and then you just sit on an airplane, sip a glass of wine, watch a movie, and land at a port of entry and stroll to a waiting car, or endure the conditions that we've talked about on the border?

The point is that both ways provide access to the interior of the United States by aliens looking to work, aliens looking to become involved in crime, or terrorists. These are just methods of entry.

And the one suggestion that I would make to perhaps clarify it for you is to think of a port of entry, even an airport in the middle of the United States, as being an extension of the border. And what you're looking to do is gain access to that border.

Ms. SÁNCHEZ. Right. I'm sort of trying to look at the issue of if we're talking about expanding our borders and trying to prevent this type of smuggling that goes on outside of U.S. borders, what would be the most effective ways to do that? And it seems to me that there's a very strong argument to be made for trying to find informants who can talk about where the solicitation is taking place outside of the United States before it becomes a problem in the United States.

Mr. CUTLER. Well, that's right because, again, the aliens are coming here from outside the United States, and while perhaps as many as 80 percent of the illegal aliens are Mexicans, 20 percent aren't. And that number is what was estimated back when I was still with the agency. I would suspect you would agree that it would be around 80 percent, probably, for Mexico. Maybe I'm wrong on that? Mexicans primarily.

Mr. HARRIS. Ninety-seven percent.

Mr. CUTLER. Okay. And you're not taking into account the other, you know, port of entry situations. So my point is, though, that you need to have people stationed at embassies, and, by the way, just as another point, and bear with me. I have worked with other governments. I worked very closely with the Israeli national police. In fact, in so doing, we helped to prevent a bombing back in the 1970's in Israel. I have worked with the Japanese Government and with the Canadians. And by working cooperatively and having an ongoing, one-on-one relationship where you could pick up a telephone, I've got to tell you, there's nothing more effective than that kind of person-to-person contact by law enforcement because then you really wind up working as a team.

Ms. SÁNCHEZ. I appreciate your answer, and I have limited time, so I'm going to—

Mr. CUTLER. Okay. I'm sorry.

Ms. SÁNCHEZ. Mr. Torres, in your testimony, you mentioned the full spectrum of investigation and enforcement methods that ICE is using abroad to fight alien smuggling internationally. Can you

give me a little more detail on the investigation and enforcement activities and perhaps a specific example of a success story where ICE stopped a smuggling ring abroad?

Mr. TORRES. Yes. We have numerous offices in various countries around the world stationed at embassies and consulates where we work closely together with the host governments, the State Department, and other agencies to use the intelligence that is out there and identify where the migration is occurring, where the actual smuggling is taking place, and in some instances working closely with the host government, for example, of Mexico, to prevent people that are being smuggled from Central America through Mexico up through the Southern border into the interior of the United States. So in those cases, we seek to prevent that smuggling from occurring into the United States by having—working with the Mexicans down in Mexico.

Ms. SÁNCHEZ. Okay. Thank you. I yield back the remainder of my time.

Mr. HOSTETTLER. I thank the gentlelady.

The Chair now recognizes the gentleman from Arizona, Mr. Flake.

Mr. FLAKE. Thank you, Mr. Chairman. I appreciate the testimony of the witnesses, and I want to thank personally Mr. Harris and Mr. Torres for what you're doing in Arizona. It has made a difference in the murder rate, and, I mean, Operation ICE Storm has been successful in targeting some of these activities.

That said, Mr. Cutler mentioned that only a percentage of those who are coming here, who are benefiting, are employing smugglers, are coming for criminal activity. Would you care to try to put a percentage on those who are simply coming to engage in illegal work, would you say, or to be an illegal worker as opposed to those who are coming to commit criminal acts?

Mr. HARRIS. No, sir, I wouldn't—I wouldn't put a—I wouldn't venture an estimate on that. I'd just say from our perspective, I mean, if they're coming into the United States, they're in violation of law.

Mr. FLAKE. Right.

Mr. HARRIS. I would imagine that most of them are coming over here for economic purposes, but no way of really knowing that.

Mr. FLAKE. I've heard estimates from Border Patrol and from other sources that put that number well in the 90's; 99 percent even some say come for economic reasons as opposed to commit criminal acts. Would it be—make your job easier if there were a legal avenue for those who simply want to come to work—to be able to come, work, and then return home so that you might target those who are actually employing, or would it put smugglers completely out of business if we were to take care of the economic reasons people are coming through a legal framework, much like the President has suggested? Mr. Torres?

Mr. TORRES. The thing that raises my concern at that suggestion is that—is the enforcement part of that suggestion. When you talk about the incentive of people who come here legally to work, then it depends on who is going to be identified as that population, only a small population from one country, a large population from many countries, people that are currently here, people that are seeking

to get here. The thing that worries me is providing another incentive for more people to try to get here illegally, and it is a concern that I do have.

Mr. FLAKE. Do you, Mr. Harris and Mr. Torres, see a time when you're going to win this war of smuggling? Or what do you see for the future? Is it going to be much like the drug war where we're just going and going and going and trying to make progress where we can, or do we win this war? Can you shut smugglers down?

Mr. HARRIS. Well, I think it's—in any illegal enterprise, if there's a profit to be made, somebody is going to continue to try and make that profit. You know, we can—we will and continue to do the best that we can to attack this smuggling situation. I think it will—as we're more effective, it's going to become more lucrative, but they're going to have to become more sophisticated to defeat our border control efforts.

Mr. FLAKE. I've heard figures that during the Bracero program in the 1950's—and there were a lot of problems with the Bracero program, obviously, but it did provide a legal framework for people to come and then return home, that apprehensions at the border actually went down 95 percent. Does that ring true, or do you have any facts or figures to dispute that number?

Mr. HARRIS. I wasn't around when the—

Mr. FLAKE. Right, I understand that. Nor was I.

Mr. HARRIS. I'll just say that the cornerstone of our strategy is based on prevention through deterrence. That's how we changed our way of operating back in the early 1990's. So anything that is going to prevent people from trying to cross the border illegally, whether it's a Border Patrol agent there or a camera, a sensor, or some piece of legislation, you know, we're probably going to welcome that to force people to try to come into the United States legally and not illegally so that we can determine who is coming into our country and for what purposes, whether it's for criminal purposes or whether it's for economic purposes.

Mr. FLAKE. I thank the Chairman.

Mr. HOSTETTLER. I thank the gentleman.

Ms. JACKSON LEE. May I have an additional 30 seconds?

Mr. HOSTETTLER. Without objection.

Ms. JACKSON LEE. Let me just do very quick things because I did not get a chance to thank—first of all, to thank Mr. Harris. He said something at the end, if he gets an additional camera, additional resources, or additional legislation, and that's simply what we're trying to do here today, is to give the tools, the "S" visa. I want to make it very clear—I think Mr. Torres knows—it's not citizenship. It is simply a status that you, the law enforcement, would determine whether or not that individual, as Mr. Cutler said, whether you would use it. And the same thing with the idea of a rewards program, but the outreach, I think, would enhance your work by letting those on this side of the border—truck drivers who think they're just carrying chicken cargo—realize how serious this is. And I just want to know, Mr. Harris, if those tools would be helpful to you if you had legislation, it would give you more tools to fight alien smuggling.

Mr. HARRIS. I have not had the opportunity—I'm not familiar with your piece of legislation, but, again, I think any law enforce-

ment officer is going to welcome something that helps them do their job with regard to the rewards program and some of the other items that have been discussed today. It would depend on how they're implemented. Mr. Torres said, you know, people are motivated by different things, and sometimes money won't work. Sometimes a visa won't work. So it has to be selective. The law enforcement officers have to have discretion on how that's used so that it can be a tool that helps them do their job. And I believe that's what you're talking about.

Ms. JACKSON LEE. Thank you very much.

Mr. Chairman, thank you for helping me clarify that on the "S" visa, and I hope—as we conclude this hearing, might I say that I hope we can work together in a bipartisan way to be able to move these tools, and in this instance this legislation, to be able to be effective on behalf of the work that these men are doing and these agencies are doing.

So thank you very much. Thank you, gentlemen, for your testimony.

Mr. HOSTETTLER. I thank the gentlelady.

Without objection, all Members will have 7 legislative days to make insertions in the record.

Gentlemen, I want to thank you for your participation as well as your service, both present and past, in order to maintain and enforce our laws. Thank you very much.

The business before the Subcommittee being completed, we are adjourned.

[Whereupon, at 3:25 p.m., the Subcommittee was adjourned.]



## A P P E N D I X

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### MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF TEXAS, AND RANKING MEMBER, SUBCOMMITTEE  
ON IMMIGRATION, BORDER SECURITY, AND CLAIMS

Last year, 340 people died trying to cross the border. As of May 1, 2004, 82 more people have died, and that number will soar during the “death season,” which is from May to September when the number of crossings is highest. This must stop. The most effective way to stop large scale illegal immigration would be to establish a sensible immigration program. Several bills have been introduced recently that would make the necessary changes in our immigration laws, such as my Comprehensive Immigration Fairness Reform Act of 2004, H.R. 3918, but we cannot wait for major immigration reform to address this problem.

We must act now to reduce the deaths. I have introduced a bill that would help in achieving that objective, the Commercial Alien Smuggling Elimination Act of 2003, the CASE Act, H.R. 2630. It would do this by establishing a three-point program which has been designed to facilitate the investigation and prosecution, or disruption, of reckless commercial smuggling operations.

The first point in this program would be to provide incentives to encourage informants to step forward and assist the federal authorities who investigate alien smuggling operations. The Immigration and Nationality Act (INA) presently provides a nonimmigrant classification for aliens who assist the United States government with the investigation and prosecution of a criminal organization or a terrorist organization. My bill would establish a new, third category for aliens who assist the United States government with the investigation, disruption, or prosecution of alien smuggling operations.

S visas are not controversial. Senator Edward Kennedy introduced legislation (S. 1424) to establish permanent authority for the S visa program on September 13, 2001, two days after the 9/11 terrorist attacks. The Senate passed S. 1424 by unanimous consent that same day. The House passed S. 1424 by unanimous consent on September 15, 2001. On October 1, 2001, President Bush signed the bill into law as P.L. 107-45.

The S visa is a useful tool when it is needed, but it is not needed frequently. In FY 2002, only 42 S visas were issued to informants and 37 to their family members. In FY 2003, only 30 S visas were issued to informants and 28 to their family members. In FY 2004, through May 13, 2004, only 30 S visas have been issued to informants and 22 to their family members. This is not an immigration program. It is an accommodation to make it possible for the government to get information from informants.

The new S visa classification in my bill would be offered to potential informants by the State Department and the Justice Department, in addition to the Homeland Security Department. Alien smuggling operates cross international lines. No single federal agency can deal with it.

The bill also would establish a rewards program to assist in the elimination or disruption of commercial alien smuggling operations in which aliens are transported in groups of 10 or more, and where either the aliens are transported in a manner that endangers their lives or the smuggled aliens present a life-threatening health risk to people in the United States.

This is not a controversial provision either. The rewards program in my bill is virtually the same as the one the State Department presently uses to obtain informants in cases involving terrorists. The State Department rewards program has been very successful. Perhaps the most famous example is the case last year in which a \$30 million reward was given to individuals who had provided critical information which led to the location of Uday and Qusay Hussein.

I am concerned about the safety of the people who become informants, so my bill also would establish a protection program that would be available to investigators and prosecutors using informants in connection with investigating, disrupting, or prosecuting alien smuggling operations.

The second point in the program would be a penalty enhancement provision. In the case of a person who has been convicted of smuggling aliens into the United States, the sentencing judge would be able to increase the sentence by up to 10 years. This only would apply to cases in which the offense was part of ongoing commercial smuggling operations, the operations involved the transportation of aliens in groups of 10 or more, and either the aliens were transported in a manner that endangered their lives or the smuggled aliens presented a life-threatening health risk to people in the United States.

The third point would be an outreach program. It would require the Secretary of Homeland Security to develop and implement a program to educate the public here and abroad about the penalties for smuggling aliens. The program also would distribute information about the financial rewards and the immigration benefits that would be available for assisting in the investigation, disruption, or prosecution of commercial alien smuggling operations.

I believe that this can be a bipartisan bill and that the three-point program it would establish would reduce the number of deaths from reckless alien smuggling operations.

Thank you.

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PREPARED STATEMENT OF THE HONORABLE LINDA T. SÁNCHEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

#### INTRODUCTION

I thank Chairman Hostettler and Ranking Member Jackson Lee for convening this Subcommittee hearing today about the issue of alien smuggling.

#### ALIEN SMUGGLING INCIDENT IN WATTS

The abuse, mistreatment, and danger of alien smuggling recently hit very near my district in California. Just a few weeks ago, I was shocked and saddened when I learned about treatment of immigrants in an alien smuggling ring two blocks from my district. Agents from the Bureau of Immigration and Customs Enforcement raided a small house in Watts. The small bungalow was used as a “drop house” by alien smugglers, and when federal agents went inside, they found over 100 immigrants mainly from Ecuador, Guatemala, and El Salvador. These men, women, and children were mercilessly crammed into a 1,100 square feet house under inhuman conditions.

The house was in a state of squalor, the aliens had no lights, and they were literally stacked on top of each other. The doors of the house were chained so that the immigrants had no means to get out. And inside, federal agents found pistols, pellet guns and a machete inside that were certainly used to threaten, intimidate, and coerce the immigrants into doing whatever the smugglers told them to.

To make matters worse, the only way the alien smugglers would release the immigrants from these deplorable and abusive conditions was for their families to pay ransoms that ranged from \$1,500 to \$9,000. But now that this smuggling house has been raided, the immigrants are the ones left in nearly helpless circumstances. Their smugglers have abandoned them, they are in an unfamiliar country and they likely have no way of contacting their families.

Sadly, stories like what happened in Watts are not uncommon in the Los Angeles area, which has been a hub of illegal alien smuggling for years. But as the Watts house illustrates, alien smuggling has now become a lucrative business for violent criminal organizations that will do anything to make a profit, including endangering the lives of immigrants they are sneaking into the United States. More immigrants will suffer abuse or die if we do not get tough on alien smuggling rings and improve law enforcement agency’s ability to investigate and apprehend the leaders of the smuggling rings.

#### H.R. 2630, THE “CASE ACT”

H.R. 2630, the Commercial Alien Smuggling Elimination Act, or CASE Act, which my colleague Rep. Jackson Lee introduced and I cosponsored, will do that. This very important bill will increase the prison sentences of alien smugglers by up to 10 years. It will also drastically help law enforcement investigations of alien smuggling rings by offering rewards up to \$100,000, and allowing alien informants, their



spouses, children, and parents to adjust to LPR status if they supply reliable information about smuggling rings.

Passing the CASE Act is an important step toward shutting down alien smuggling rings, but given the number of immigrants who die each year in the smuggling rings, Congress and federal agencies must do more. I think that stopping smuggling rings abroad, before they pack immigrants into trucks or attempt to smuggle them into the United States in other dangerous ways, will reduce the number of smuggling related deaths each year. I am interested in hearing the testimony from our witnesses about how our agencies can attack alien smuggling rings at the source before more lives are lost and more immigrants are exploited.

#### CONCLUSION

I thank Ranking Member Jackson Lee for being a leader on this issue by introducing the CASE Act, and I thank both the Ranking Member and Chairman for convening this hearing.

I yield back.

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#### PREPARED STATEMENT OF THE HONORABLE STEVE KING, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA

Mr. Chairman, Thank you for holding this hearing today. Alien smugglers must be stopped. Smugglers have reached into my district. The bodies of eleven people were found in a train car in Denison, Iowa. The people in the car were left there to die by smugglers who were trying to get them into the United States illegally.

I believe we need tougher sentences for alien smugglers. We must also allocate more resources to uncover smuggling rings overseas to stop smugglers before they ever reach the border. This would include more officers at our consulates abroad and ensuring better cooperation of foreign law enforcement. We must also prioritize our anti-fraud efforts to ensure fake documents cannot be used to slip through the borders.

I look forward to hearing from the witnesses today. Thank you, Mr. Chairman.

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#### PREPARED STATEMENT OF THE HONORABLE ELTON GALLEGLY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Thank you for holding this hearing, Mr. Chairman. I am very concerned about the illegal immigrant smuggling trade and the havoc it wreaks on both the people being smuggled and on the United States.

One proposal would grant visas and ultimately citizenship to those who inform on smuggling rings. I have serious reservations about taking this approach. First and foremost, immigrant smuggling informers are likely to also be involved in the trade. If visas were used as a reward, the benefits of ratting on a competitor would not only lead to the incarceration of that competitor but a legal right to pass in and out of the United States for the snitch. The opportunities for exploitation by rival organized crime groups are too great.

Also, I firmly believe there are more productive ways to combat immigrant smuggling. I think a good place to start is to combat the implements of the trade—such as banning non-secure ID cards like the matricula consular. Steve McCraw, with the Office of Intelligence at the FBI, testified last year about the use of matricula consular and fraudulent matricula consular by alien smugglers. According to his testimony, federal law enforcement officers have arrested alien smugglers that had in their possession as many as seven different matricula consular cards. These cards are used to disguise the identities of the smuggler and his charges. Matricula consular also serve as a magnet for illegal crossers—they are handed out by immigrant smugglers, giving illegal immigrants a document to travel throughout the US, set up utilities, and assume new identities. In fact, just last month, over 100 illegal immigrants who were being smuggled across the country were apprehended with a variety of documents, real and fake, including the matricula consular card. They had used these non-secure documents to board a domestic flight.

I would also support longer sentences for immigrant smugglers. The base sentence for immigrant smuggling is 6 months to 1 year—far too low to deter this sort of organized crime. Increasing penalties for human smuggling would recognize the heinousness of this crime and the threat it represents to those who are smuggled. It would also recognize the threat poses to law and order and the effective control of US borders.

Again, thank you for holding this hearing Mr. Chairman. I yield back my time.

