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**Official Testimony Presented by:**

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**Friends of the Border Patrol**

**Submitted to:**

**Committee on Judiciary**

**The Honorable F. James Sensenbrenner, Chairman**

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# INTRODUCTION

Thank you Chairman Sensenbrenner, Ranking Member Conyers, and members of the committee for inviting me to testify today on behalf of Friends of the Border Patrol. I would also like to thank you for calling these important hearings as the growing threat of terrorism focuses national attention on the vulnerability of our borders, borders that have been weakened by treaties and agreements between the governments of Mexico and the United States.

Friends of the Border Patrol has been investigating border security for over two years. Monitoring operations on both the northern and southern frontiers, we have looked at the Border Patrol from the perspective of its line agents as well as its management. We have also looked at the ways in which the Border Patrol relates to local law enforcement agencies and its relations with border residents. During this time, we have compiled an extensive amount of data, much of which has already been made available to the Congress.

While most Americans are not aware of the details that I am prepared to give to you today, these details are well known to drug smugglers, human traffickers, and every terrorist in the world. They all know our weaknesses. The government of Mexico knows those weaknesses as well. “Should Mexico Hold Veto Power Over U.S. Border Security Decisions?” That is one of the issues that I am prepared to discuss today. Other issues that I am prepared to discuss include:

1. Civilian border observation projects, the virtual wall (including misinformation about boots on the ground) remote video surveillance cameras, ground sensors, tunnel detectors, and other technologies that can secure our borders.
2. The ways in which the trade corridors for NAFTA and CAFTA have undermined border security, expanding the flow of illegal narcotics and illegal aliens into the United States while creating areas of lawlessness on our southern border that provide easy access for criminal gangs and worse, for terrorist organizations. Furthermore, the ways in which the Mexican government is using trade agreements as a cover for its expansionist ambitions in North America.
3. Finally, I would like to talk about an incident that occurred right here in El Paso. It involves the greatest miscarriage of justice that I have ever witnessed and threatens the ability of the Border Patrol to do its job to protect our country.

Two agents of the United States Border Patrol, Ignacio Ramos and Jose Compean, who are here today, with their wives, Monica and Claudia, stopped a drug smuggler from bringing 743 pounds of marijuana into this country. Administrative errors made during the course of that stop should have been handled under standard disciplinary procedures but an overzealous prosecutor hijacked those procedures. In fact, Judge Ted Poe, Member of Congress from Houston and a respected criminal courts judge for over 20 years, referred to Debra Kanof as an “overzealous prosecutor and believes the case was initiated

by people much higher in the Justice Department as an appeasement to the government of Mexico. North Carolina Congressman Walter Jones wrote U.S. Attorney General Alberto Gonzales saying the justice department's outrageous prosecution does nothing but tie the hands of our border patrol and prevent them from securing America against a flood of illegal immigrants, drugs, counterfeit goods and quite possibly, terrorists. This situation cries out for oversight.

In a case that is covered with the fingerprints misconduct, and an overzealous prosecution as stated by Members of Congress, Agents Ramos and Compean were abandoned by the Border Patrol's own management. The result has been devastating to the morale of rank and file agents and it has raised questions from local law enforcement officials about whether the Bush Administration really wants to secure our borders or not. They are reiterating what Agent Ramos himself said, "Do they want us to catch them or not"?

That same question is foremost in the minds of 11,000 agents of the Border Patrol, men and women who put their lives on the line for us everyday. They all remember Theodore Newton and George Azrak, agents who were murdered by drug smugglers and are now memorialized on the highest decoration that an agent can receive, the Newton-Azrak Medal. In a similar way, those in the Border Patrol who believe in the highest ideals of public service will never forget the names of Ramos and Compean, the first agents in the history of the Patrol to go to prison for simply doing their jobs.

Mr. Chairman, I would like to take this opportunity to request a formal investigation into the Ramos-Compean case by this committee and a public hearing to determine the facts. Questions about the rulings of the judge, the conduct of the prosecutor and the jury, and even the Border Patrol itself need to be answered.

Thousands of Border Patrol agents are waiting for answers, not only about this case but also about the greater issues behind it. Until those issues are clarified, all of them are at risk of going to prison. All of them have sworn to uphold the law but all of them are subject to the authority of the President, a President who has committed himself to the "North American Community". He would like to open our borders with Canada and Mexico immediately but the laws on the books still recognize the United States as a sovereign nation with borders that need to be secured. The President cannot, therefore, order the Border Patrol to "stand down"; such an order would be politically impossible at this time. But he can achieve the same objective by other means; he can punish the Border Patrol if they do their jobs too well.

By making an example of Ramos and Compean, the Bush Administration is sending a clear message to the rest of the Border Patrol; "it doesn't matter what the law says, if you violate the President's policy, you will go to prison." Intimidation of the Border Patrol, as signaled by the prosecution of Ramos and Compean, coerces others in law enforcement to "look the other way" and eventually the American people will be forced to accept the reality of a new transnational sovereignty, the "North American Community."

The conflict between law and policy has created confusion on the border and that confusion has created opportunities for smugglers, traffickers, and terrorists. Congress must act to bring the borders under control but the Congress must act in a responsible way. Unfortunately, the Senate has passed a bill (S 2611) that will only make things worse. By any other name it is still an amnesty and if the House agrees to it, then the consequences for national security will be catastrophic. The Department of Homeland Security will immediately certify that the borders are secure when, in fact, they are not. The truth is that our southern border is a war zone where, after dark, the border counties in Texas “go western.”

Indeed, Mexico has lost effective control of its northern territories. Mexican police have been compromised by bribery, neutralized by intimidation, or eliminated by assassination. Others have joined with criminal elements in drug smuggling and human trafficking. The Mexican military has suffered the same fate with active duty units operating in the service of the drug cartels, on American soil! The Department of Homeland Security has documented at least 235 incursions into the United States. Less known is the “Mexican Military Incursion Card” given to Border Patrol agents in the Tucson Border Patrol Sector as early as 1997 and instructing them in how to react to incursions by military units, including a warning not to interfere.

Nuevo Laredo is one of many examples in northern Mexico where drug violence has broken down civil authorities and the problem is spilling over into the United States, making the job of the Border Patrol more perilous than ever. We know, from inside sources, that Border Patrol agents have come increasingly under assault, being shot at by high caliber firearms from across the border and on American soil. Unfortunately, reports are being doctored to exclude the mention of shootings and other assaults against agents, as well as incursions by the Mexican military. Failure to report accurate data is an opening to corruption that cannot be excused as just “following orders.” David Aguilar, Chief of the Border Patrol, needs to be questioned, “Who gave that order?”

Another problem is revealed in the shifting of responsibility for covering key smuggling zones along the Mexican border, including one here in El Paso. Responsibility has been shifted from stations that have hundred agents to stations with only a few. Why would the Border Patrol act so blatantly to help the cartels unless the corruption that has riddled Mexico for so many years is finally working its way north. Once again, Chief David Aguilar needs to be questioned, “Why this is being done?”

The answer to this problem goes back to the creation of the Department of Homeland Security and the reorganization from the Immigration and Naturalization Service, or “Legacy INS” as it is referred in the agency, to the new Customs and Border Protection Agency at DHS. At Legacy INS, the biggest problem confronted then by the Border Patrol was the very bureaucracy responsible for management as the agency was impaired with red tape. Morale was superior, and we never heard complaints about the failure to conduct interior enforcement operations, investigators and agents alike did their job, which was prior to the destruction of INS. The machine ran well, compared to today.

The Border Patrol today has no oversight, no checks and balances, and has created what many agents, and retired managers behind closed doors state to be a “Supreme Ruler” style of management that has rendered this agency to be broken and in need of a complete overhaul. Also, many retired and active duty sources have stated that the Border Patrol suffers from a “culture of corruption” that has promoted inexperienced agents into managerial positions at all levels, who due to lack of both experience and years in the service are in a position that their positions can be held against them. The experienced agents know how to keep their sectors operational, in spite of headquarters, through their creativity. For example, if I am promoted at 40 years of age to a rank between Special Operations Supervisor and Chief Patrol Agent, I know that I have to “play ball” no matter what the effect could be for the agents on the line and after a while, this type of manager has been retrained to the type of “minion” that will follow the company line regardless of the truth, or consequences by misleading the men and nation. This mechanism is how headquarters maintains control, while those who don’t play along are forced into retirement, which for some consider it the equivalent of being paroled.

Consider the nonstop reports by the media and by our organization that morale is at its worst level ever. This is unprecedented in the agency and certainly the argument can be made that it is due to the free-reign Congress gave the position of National Chief of the Border Patrol (Assistant CBP Commissioner) during the reorganization. Now when we need the agents to do their job most effectively during this “Global War on Terror,” decisions made by headquarters prevent the very agency responsible for the territory between the ports of entry from enforcing their mission, and many agencies who share this joint responsibility complain about lack of communication or cooperation by the Border Patrol.

At the time the Congress sought to assist the agency by removing all the internal oversight and red tape and instead created the ineffective organization, or monster, we see today that is rampant with charges of corruption, noted by internal fear by their own agents, mistrust and non-communication with other agencies, and a leader who continues to mislead the Congress and nation and at the same time refuses to implement programs or discuss information that could have disastrous consequences for the nation. The Border Patrol is an out of control agency and an ineffective force that must be repaired immediately by the Congress.

Our inability to deal with border corruption is further weakened by S 2611, the Senate’s guest worker/amnesty bill. It would prevent local peace officers from assisting in the enforcement of Federal immigration laws. Still worse, the bill’s requirement for consultation with the Mexican government before enhancing border security will make such enhancements impossible. The involvement of Mexico’s government in the promotion of illegal immigration is well known and the involvement of Mexican officials with the drug cartels is notorious. Giving the Mexican the government veto powers over our border security will. We cannot entrust the security of the United States to Mexican officials who are for sale.

Lack of security on our border causes security problems throughout our country. Every city in America is now a border town because the drug smugglers, the human traffickers, and the violent gangs associated with them are not confined to the border regions anymore. These criminals, along with their terrorist counterparts have free and open access to all of the United States and, as long as the Department of Homeland Security remains under its current management, the nightmare will continue. The Congress of the United States has the power to intervene and in the interest of national security, the Congress must do so quickly.

Coercing the Border Patrol into standing down is an obstruction of justice with national security implications. The same applies to officers of the Border Patrol who, acting according to military code, should know that it's illegal to follow an illegal order. Anyone in the Congress, or elsewhere, who thinks that it's acceptable to follow orders to "look the other way," has forgotten Nuremberg.

We must immediately abandon these agreements with Mexico due to the war on the border, and due to the high degree of corruption by the Mexican Government, which is ruled by bribes, intimidation, and assassinations in the border regions, and corruption throughout the nation. We cannot consider any legislation that gives any approval to such a corrupt and hostile neighbor as our testimony demonstrates, and real immigration reform must include overhauling the agencies responsible for enforcing the laws approved by the Congress and signed into law. To simply add more parts to a broken agency is not enough when the Border Patrol continues to be badly mismanaged by their managers as it has for the past few years. That's simply giving a tourniquet to a band-aid type wound. We must fix the agencies, and department itself for it is unconscionable to continue to leave this agency "as is" while fighting this "Global War on Terror."

Mr. Chairman, thousands of Border Patrol agents are looking to you for justice while millions of Americans are looking to you for security. We cannot have one without the other. Open an investigation and call a hearing. Correct the miscarriage of justice that has been committed against Agents Ramos and Compean and restore them to their families.

It's particularly appropriate that the 9-11 Families for a Secure America have announced their support of Agents Ramos and Compean. There have been too many times when our government has acted too late to protect the American people. Don't let it happen again with the Border Patrol. The coercive power of the presidency can be very intimidating when they seek to erase the borders into a North American Community. If they are not safe, none of us is safe.

I look forward to responding to your questions

## **Mexico and the U.S. Foreign Policy Establishment**

### **The Transnational Perspective**

In numerous trade and border security treaties and agreements signed between the United

States and Mexico, the plans for the reorganization of the border emphasizes traffic corridors more closely integrating the economies of the two countries and planned transnational of the borderlands on both sides into an integrated transition *zone* replacing the current constitution of the borderlands along a sharp international *boundary* in which economic integration takes precedence over state sovereignty.

Throughout these documents we read about security concerns, yet those concerns are so vague as to be beyond critique at this time. The implication is that economic integration takes priority over cross-border threats as seen in The growing power within the borderlands of drug cartels, the menace of international terrorism and the influx of criminal elements spreading across the country from south of the border.

The transnational merger of the United States and Mexico, in what has been described as the "North American Community", and modeled on the borderless European Union and as revealed in these government documents, might well work with two countries as similar and as compatible as the United States and Canada. The merger as envisioned between a Third World country like Mexico and the most developed country in the world, the United States would, however, involve a major risk in terms of eventual outcomes in a number of ways, most importantly in terms of national security as defined above.

The Mexican side of the border, for example, is no longer under the effective control of the Mexican authorities. Powerful drug cartels have intimidated and bought Mexican police at all levels (local, state and federal) as well as the Mexican Army whose active units regularly mount armed incursions into the United States as escorts for illegal drug runs. The cartels also have their own' armed units consisting of former military personnel trained by the Mexican and the United States armies (the infamous Zeta are perhaps the best known examples). Under such circumstances the kind of effective high level law enforcement cooperation envisioned in these documents are highly unrealistic at best and down right dangerous at worst, since intelligence flows from the United States to Mexico as envisioned in those documents runs the high risk of being diverted and used by organized drug smugglers and other criminal elements, thus increasing danger to American law enforcement agents.

What these protocols and plans reveal is either a willful disregard for those obvious facts, and thus for the lives and well-being of American police and Border Patrol agents, or a willingness to accept those risks and their outcomes in the higher interest of more profitable trade between these two disparate countries.

The documents reveal on the US side a transnational plan based on a disregard for the disparities between the two countries and the consequences involved. The vision on the Mexican side, to judge by the words and deeds of Mexican elites of all political parties, is indeed an EU-like arrangement between the two countries, but for far more particularistic purposes: to assure the continued flow of what the Mexican elites regard as their excess population, people-dumping in short, as a safety-valve to maintain their current privileged position; the continued flow of remittances that achieve the same purpose and



relieve the Mexican government of finding a way to make its own resources more profitable to their nation, and as a means of extending their political power into the United States.

The Mexican people are avowed nationalists and would probably object to the transnational plan of the United States if they understood what it meant for them in the long run. In the short run, however, the elites manipulate this nationalism as a means of achieving their own ends in a spirit far indeed from the vision of the American transnationals whose policies the United States government is quietly but determinedly putting in place.

While the Americans are pursuing a transnational policy guided by a transnational vision it appears that the Mexicans are exploiting this vision for the pursuit of a nationalist policy. Both the United States and Mexico were conceived as territorial nation states, that is, as nations consisting of communities of citizens characterized by a unifying language and culture living within a sovereign territory bounded by clear borders. This was the model of the original nation state in Europe and the United States. Another model is the ethnic nation defined by a population that shares a common language and culture, and striving to achieve national sovereignty, but one that extends into the territories governed by different states. This was the model that took hold in Eastern Europe where ethnic populations extended into other poly-ethnic territories under different sovereigns. The attempt to tighten ethnic and territorial lines was one of the prime causes of violence in the Balkans at the end of the nineteenth century to the present, giving rise to the term "Balkanization". (For discussions of the scholarly literature on the difference between territorial and ethnic nations and their outcomes see Ernest Gellner "Nations and Nationalism" 1983 Cornell University Press: Ithaca NY, pp. 99-101 and Anthony D. Smith "The Ethnic Origin of Nations", 1986 Blackwell: Oxford UK, pp. 129-161)

The Mexican government has redefined Mexico from a territorial to an ethnic state; those Mexican citizens resident in this country as well as their offspring born here are considered Mexicans, and moves are underway to make them dual citizens in the hope that the Mexican elite can play on Mexican nationalism abroad to advance their agenda and to solidify their privileged position in Mexico, a situation that has driven so many Mexicans from their homeland in the first place.

In sum, Mexican elites are striving to create an EU-like arrangement in North America not to advance a transnational vision as are their American counterparts, apparently with the goal of establishing a condominium in the borderlands and extending their influence throughout the United States through their Mexican ethnic nation resident here in an effort to protect and enhance their own position in Mexico at the expense of American sovereignty and citizenship. In order to achieve these goals the Mexican elites are:

1. Deliberately dumping their "excess" population on the United States in violation of American sovereignty and at great expense both fiscally and socially to the United States.
2. Violating the Treaty of Vienna on consulates by interfering in the internal affairs of the

United States and doing so by utilizing their consular service

3. Encouraging Mexican nationalism and promoting dual citizenship in order to manipulate American policies in their own particular interests.

These are hostile acts against the American nation, state, and its citizens, acts to which the Bush administration, in the interest of a transnational vision and narrow economic interests, are willing accomplices.

This type of planning without attention to a carefully designed plan for minimizing illegal immigration will lead to an increase in the flow and with it, the ingress of criminal elements and potential terrorists.

However, the only voice in the Bush Administration counter to this policy path, has been U.S. Ambassador to Mexico, Antonio Garza, who issued a blunt retort in a five page New Year's 2006 statement to Mexicans' growing criticism of tougher U.S. border security measures, calling the criticism "excessive, often irresponsible and almost always inaccurate."

Again, Ambassador Garza rejected critics' comparisons of a proposed border fence extension to the Berlin Wall and dismissed the idea that illegal aliens have a right to seek employment in other countries.

"There is no human right to enter another country in violation of its laws," Garza wrote. "Illegal immigration is a threat to our system of laws and an affront to the millions around the world, including in Mexico, who play by the rules in seeking to come to the United States."

"While no one doubts the majority of illegal immigrants from Mexico are simply looking for work or a better way of life, the sheer volume of illegal crossings offers ample opportunities for those who might have other plans," Garza wrote, referring to potential terrorists.

Garza called comparisons of the border fence to the Berlin Wall "disingenuous and intellectually dishonest" and "personally offensive to me." He noted that while the Berlin Wall was meant to keep communist East Germany's own citizens from leaving, the U.S. border fences are meant to keep illegal immigrants out.

Below is evidence of Mexican intentions and their agenda in the words of Mexican leaders of all political factions.

### **The Mexican Perspective**

Former foreign minister Jorge Castañeda PRI hold-over in the president administration, wrote in *Othe Atlantic Monthly* as far back as 1995 that "any attempt to clamp down on immigration from the south [by the United States] – by sealing the border militarily, by

forcing Mexico to deter its citizens from emigrating or through a federal version of Proposition 187 – will make social peace in the barrios and pueblos of Mexico untenable.”

“You’re Mexicans – Mexicans who live north of the border”. 1998 President Ernesto Zedillo said to Mexican Americans. He also said, “The Mexican nation extends beyond the territory enclosed by its borders.”

Samuel P. Huntington, chairman of the Harvard Academy for International and Area Studies... “Mexico is a dramatic example of the intensifying activity of foreign governments to influence American policy and to mobilize their Diaspora for that purpose.” (Who Are We: the challenge to America’s national identity” p287).

From the very start Fox asserted his policy towards his northern border. In 2000 in his Five Year Fox called the enforcement of American immigration law on American soil by American authorities “police persecution”. In a speech delivered in December of that year in Nogales, Mexico, he called illegal aliens in the United States “heroes” and condemned the Mexican police for preying on them in their northward trek. In 2001 Fox’s new Commissioner of the Northern Border, US-born Ernesto Ruffo Appel former governor of the Mexican state of Baja California, told the press (The News published in Mexico City) that he would like to mount a public awareness campaign to warn potential illegal entrants into the United States of the dangers of their enterprise, or as The News puts it, “with an eye towards improving migrants’ crossing practices”. Ruffo advised illegal border-crossers, “if the Border Patrol finds you try again. The game is over ... for this round. Tomorrow begins another day.” He continued by says, “We must tell them, in January, February and March, if you pass through the mountains it is cold. In June, July and August it is really hot. So the time to cross ...” The journalist reports that at that point the Mexican Commissioner for the Northern Border “trailed off with a smile”.

Also, in the summer of 2001 when fourteen illegal aliens perished in the desert of Western Arizona, the Mexican government issued "survival kits" with maps and accessories that would help them survive along with advice that would guide them to US tax supported public assistance once they had arrived across the border. One wonders, however, how serious such a gesture was for each kit also included such non-survival devices as condoms and tips on meditation. The gesture did show, however, the contempt that the Mexican government holds for US immigration laws and territorial sovereignty. In May 2002, the Mexican government erected solar operated beacons on the Mexican side of the border and water stations in eastern California in order to guide illegal aliens in that dangerous stretch of desert

Even before Fox took office the Mexican government had made an attempt to protect emigrants on Mexican soil by establishing a special police unit known as Grupo Beta designed to protect illegal aliens while on Mexican soil. Journalist Sebastian Rotella describes these plain-clothes men in action. “Piratical-looking men in army jackets materialize out of the night” where they join a crowd of emigrants near the fence. The huddled emigrants cringe at the strangers' approach. “The officers crouch next to the

migrants to survey the landscape, the gleaming-wet silhouettes of the U.S. Border Patrol vehicles gliding through the mist. The officers pass out business cards. Don't worry, compa, we're the police. Beta, Gobernación (Interior Ministry). We are here to help. Any problems? Seen bandits around? Any police bother you? Let us know". Grupo Beta has even prepared a pamphlet in comic book form written in simple Spanish and illustrated with colored pictures so the illegal migrant can better understand, explaining how to deal with hazards illegal entrants might encounter on their way to the border crossing. The pamphlet includes directions on how to file complaints against police who have exploited them. As Heather MacDonald says, this essentially pits "two types of Mexican lawlessness against each other."

In December 2004 the Mexican foreign ministry published a 32-page manual, also in comic book form, titled *The Guide for the Mexican Migrant* that serves as a how to manual for illegal aliens cross into the United States and what they should do once they get there. The *New York Times* (1/9/05) published the following excerpts. The manual begins:

Dear Countryman:

This guide is meant to give you some practical advice that could be useful if you have made the difficult decision to seek new labor opportunities outside our country.

The safe way to enter another country is to obtain a passport from the Mexican foreign ministry and, and a visa from the embassy or consulate from the country to which you wish to travel.

Still, in practice we see many cases of Mexicans who try to cross the northern border without the necessary documents, documents, traveling through dangerous terrain, which includes deserts, and rivers and with strong and sometimes invisible currents.

By reading this guide, you can find out about basic legal issues concerning your stay in the United States of America without the appropriate immigration documents, as well as about the rights you have in that country, once there, regardless of your migratory status.

The manual goes on to advise how best to overcome the dangers of the border cross, what the illegal migrant should do if apprehended and how to manipulate the system and avoid the authorities once inside the United States.

Crossing the river can be very risky, especially if you cross alone and at night.

Heavy clothing grows heavier when wet and this makes it difficult to swim or float.

If you cross the desert, try not to walk during hours when the heat is not so intense.

The highways and towns are very spread out, so it will take several days to find roads and you will not be able to lug food or water for such a long time; you can get lost.

Drinking water mixed with salt will help replace lost body fluids. Although you will feel Thirstier, there is much lower risk of dehydration if you drink salt water.

If you get lost use power lines, train tracks or dirt roads as guides.

Do not let him [hired guide] out of sight; remember he is the only one who knows the terrain and, therefore can lead you across.

[if detained] do not resist arrest.

Do not assault or insult an official

Do not throw stones or objects at officials

Do not try to run or escape.

Do not cross high-speed highways.

It is better that they detain you for a few hours and repatriate you to Mexico than to get lost in the desert.

Your rights are:

To refuse to make a declaration or sign documents especially if they are in English.

To have food and water whenever you need it.

To receive medical attention if you are injured or sick.

Not to be hit or insulted, etc.

[Once in the United States] Avoid calling attention to yourself, at least while you arrange your stay or documents for living in the United States.

The best formula is to alter your routine at work or at home; do not drive and drink, for if arrested you might be deported; don't engage in domestic violence, a point illustrated in comic book picture of a man punching a woman in the face.

In spite of increasing awareness of the problem of illegal immigration in the United States and the political response to it, the Mexican government went ahead with the strategy of encouraging its unwanted population to go north. Towards the end of January 2006 the government's National Human Rights Commission announced that it planned to issue some 70,000 maps informing illegal border crossers how to negotiated the dangerous areas in Arizona while illegally entering the United States. The map shows the location of roads and highways as well as water tanks and rescue beacons designed aid aliens to illegally cross the border from Mexico into the United States. The Mexican agency said that the maps were being printed for mass distribution in order to help save lives. When the plan was made known by the press in the United States, at the same time that a heavily armed Mexican drug escort in Humvees and military uniforms chased off American law enforcement on the American side of the line, Homeland Security chief Chertoff told the Mexican government "in the strongest terms" of his disapproval. "This effort will entice more people to cross", he said, "leading to more migrant deaths and the further enrichment of the criminal human trafficking rings that prey on the suffering of others." The Mexican agency planning the map "suspended" its plan, not because of

anything Chertoff had said, but to protect the migrants from American vigilantes.

### **Once They Get Here: Mexico's Subversive Use of its Diplomatic Missions**

Heather McDonald's article in *City Journal* (2005) provides a glimpse into the activities of Mexico's government in implementing that country's sovereignty-sharing agenda. Deputy Consul General Mario Velasquez-Suarez told her, "immigration is an internal question", and "we have to respect that regardless of whether it pleases us or not". This statement, says McDonald, is "utterly false" since Mexican diplomats are busily engaged in "massive and almost daily interference in American sovereignty" by "shamelessly" promoting entry by its citizens into the United States in violation of American law and by attempting to normalized the status of Mexican illegal aliens once here in violation of the will of the American public. Mexican diplomats are doing this by engineering their own backdoor amnesty while trying to discredit American enforcement of its immigration laws, a campaign well beyond the bounds of accepted diplomacy.

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Mexican president Vicente Fox has called enforcement of American immigration law "police persecution" and his government has also launched, through its consulates in the United States, a campaign against American enforcement of the country's immigration laws. For example, when Proposition 187 came before the voters in California in 1994 which would have denied welfare benefits to illegal aliens, the Mexican consulate in Los Angeles joined other groups in an effort to invalidate the law, even supplying one anti-187 group, the Coalition for Humane Immigration Rights a computer and data base to aid the legal battle against the measure. When a federal judge followed the politically correct course and shoved Proposition 187 into limbo, the new mayor of Los Angeles, Antonio Villaraigosa bragged that then president of Mexico Ernesto Zedillo had helped to undermine it.

In November 2004 the voters of Arizona passed a similar initiative. There was nothing new in the law since it restated existing law that stipulates proof of citizenship before certain welfare benefits can be dispensed. The Mexican consulate in Phoenix supported the Mexican-American legal Defense and Education Fund to fight the measure in court, and Mexico's foreign minister threatened to bring suit in international tribunals for violation of human rights.

New Ipswich, New Hampshire Police Chief W. Garret Chamberlain was exasperated with the government for refusing to pick up illegal aliens his deputies had reported to the immigration service. He thus took adopted a novel strategy. He charged those people illegally in the town with trespassing. A police chief in a nearby town followed suit. If this idea catches on it will threaten the sanctuary illegal aliens enjoy in the interior. The Mexican government immediately went to work to scotch this effort. The Mexican government paid the legal costs of those charged with trespassing, a move that goes well beyond the bound of diplomatic missions in foreign country.

The Mexican general consul in Boston, Porfirio Thierry Muñoz Ledo, adopting the rhetoric that he knew would carry the most weight with the elites in the United States declared the trial in Ipswich was “legally invalid, discriminatory and a violation of human rights”. The defendants, he said were discriminated against because they were Mexican. The fact is the defendants were charged not because they were Mexican but because they were in a place without legal authority. By equating illegals with Mexicans the Mexican government is making a presumption that would be called “racist” if made by an American. In August 2005, however, a New Hampshire judge ruled that trespassing laws could not be applied to illegal status thus preserving the sanctuary that illegal residents in the United States enjoy.

Another assault on citizenship is the Matricula Consular, a Mexican issued identification card devised as a way for Mexico to unilaterally instigate a de facto amnesty for illegal aliens from Mexico. Consulates from many countries issue registration cards to their expatriot nationals as a way of keeping track of them and so help in locating them if they should disappear.

After 9/11 when it became clear that the Mexican government’s plan for amnesty in the United States was delayed the Mexican government urged ordered its consulates in the United States to advertise those cards to illegal aliens in the country as a way to acquire privileges reserved for legal aliens in the country. The illegals of course saw the advantage and swamped the consulates requesting such cards. For example the consulate in Santa Ana, California an area of high concentration of Mexican illegals issues 200 such documents a day. Mexican consulates also began an effort to persuade ell outside banks and local officials to accept those cards as valid identification. The implicit logic in their argument is: these people are here; they are not going away; more are coming; you can’t do anything about it; face reality and give them some kind of legal cover so they can do business with you (banks) and so that you’ll have less hassle (local bureaucrats). Banks and many local governments simply give in, or agree with the argument on their own, since they know that the Bush administration has no intention the law, and that they (local governments and businesses) will have to adapt to the situation the best way they can. Such efforts on the part of Mexican consulates go well beyond the bounds, and the propriety, of diplomats into the realm of political lobbying. The Bush administration either doesn’t care, approves, or regards such subversion of American immigration law and sovereignty a useful aid in implementing its own agenda.

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### **The Latino/Hispanic community and continued poll manipulation**

The court of public opinion is clearly being misrepresented through many mediums. For instance, the Bush Administration reports it has the support of the Latino community when it comes to their immigration policies, including a guest worker program, which is obviously being dictated by Mexico City and the transnational globalists. However, this is patently false. For the past four years, I have spoken with many in the Latino community who are outraged by these policies that are an absolute affront, by the manipulation of polling, and by the smokescreen better known as the race card. Most importantly, the affront is based on the fact that they applied for and received their green cards and waited in line. These same citizens and legal alien residents are now losing their jobs, and their children are now losing spots in collegiate institutions to illegal aliens.

Prop 200 was passed at nearly the same percentage margin in Arizona as Prop 187 a decade before, with a near dead heat in the Latino community. Yet, Arizona Governor Janet Napolitano campaigned against Prop 200. Until this summer, Napolitano was against increasing border enforcement measures before joining New Mexico Governor Bill Richardson in declaring a State of Emergency due to our border emergency that is raging out of control. Yet, while they declared these direly needed states of emergency for their respective states out of one side of their mouths, they renewed the call for



“legalizing those people already here (illegally)” out of the other. That’s what made those calls disingenuous. They continue to subvert the laws, though the will of the people long mandated at the polls states the complete opposite.

Look at the special recall election of California Governor Gray Davis for further evidence. On Davis’ watch, we dealt with the brownouts, overspending beyond California’s budgetary means, which led to the greatest debt in California history, and numerous other problems faced by his administration. Yet, what led to his historical ousting from office, besides Congressman Darrell Issa’s funding the paid signature gatherers, was Davis signing Senate Bill 60 the drivers’ license for illegal aliens bill by California State Senator “One Bill Gil” Cedillo. When SB-60 was signed into law that was the final nail in Davis’ coffin and put the recall on the path to success. That was the final straw for California’s voters. Many people were undecided, and up to that point had felt the recall was purely about partisan politics as disgruntled Republicans were using the recall to oust Davis a Democrat. Not only did Davis get recalled, but Lt. Governor Cruz Bustamante, a Latino Democrat who opposed Prop 187, finished 2<sup>nd</sup> in his bid to succeed Davis, while candidate Arnold Schwarzenegger won, and State Senator Tom McClintock finished third. Both men are registered Republicans and stated their support for Prop 187, though McClintock had a proven record in the legislature of introducing bills attempting to prohibit taxpayer financed services from being provided to illegal aliens, and who actively campaigned for passage of Prop 187 in 1994. In December 2005, the California State Legislature repealed SB-60, due to the fact that California citizens had collected enough signatures to force a referendum. Had the recall failed, or Bustamante won, a case could be made that Californian’s support illegal immigration. These facts demonstrate that Californians remain opposed to illegal immigration beyond a shadow of a doubt a decade after the passage of Prop 187.

President Bush claims that according to exit polls 44% of the Latino community supported his last election, up from 35% in 2000. That statement is something easily disputable, when you look at Propositions 187 and 200, as well as the Davis recall. It’s not like these votes took place in Pennsylvania or Wisconsin. They took place in the Southwest with large Latino communities. Many in the Latino community do not like Bush’s immigration policies, and though it was an important issue, did not feel John Kerry was any better than George W. Bush, and based their vote on other traditional conservative issues, which Kerry did not have a track record to speak of. I personally wrote in a fellow Republican’s name because I could not in good conscience vote for George W. Bush, specifically due to his immigration policies, let alone John Kerry.

If real polling were available asking a few simple questions, without data manipulation, the public would see what many in the Latino community already know, Latinos support legal immigration and want America secured from illegal immigration. That is based on a respect for the law and rule of law. Mexico does not tolerate illegal immigration, though they are using illegal immigration to export their labor force to the United States, and their 2<sup>nd</sup> largest export, narcotic trafficking, but I’ll come back to that shortly.

Actual polling in 2004 revealed a discrepancy in the Latino support reported by the Bush campaign. Steve Sailer and others conducted studies and show a contradiction in the numbers the Bush campaign claimed they received from the Latino community over John Kerry lowering from 44% to 38%. According to Sailer, the numbers did not break new ground and were approximately at the same level as President Reagan's.

### **The Ultimate Smokescreen: The Race Card**

The supporters of illegal immigration who claim to represent the Latino community use the race card as it suits them. However, they have had the assistance of the media in accomplishing this smokescreen.

I've lost count of the number of published articles, or television news reports labeling supporters of illegal immigration to be "human rights activists." Yet, have any of these activists been noted for their opposition to the great human rights abuses taking place at the hands of those foreign governments, or smugglers now in control of our borders.

No pro-illegal alien groups, including Gente Unida, Border Angels, and American Friends Service Committee have denounced human smuggling, which has led to a high loss of life, and murder at the hands of the smugglers of humans and narcotics profiting from the illegal smuggling trade. They announce without proof that American vigilantes are responsible for the murders, when in reality the smugglers are responsible.

Consider that these self anointed "human rights activists" have stated that they oppose Americans observing the border. Furthermore, they also contend that Americans have taken the law into their own hands and act as vigilantes along the borders, when in reality the observers solely contact the Border Patrol and do not attempt to apprehend or detain any aliens entering America illegally.

Their leaders claim that "these are racist vigilantes, and responsible for the murder of helpless migrants." There remains no documented proof of any murder, violent incident, let alone unlawful apprehension or detention of any illegal alien. Since late April 2005, the supporters of illegal immigration and smuggling have resorted to what they accused the "vigilantes" of.

These same "human rights activists" have labeled me a coconut, vendido (meaning race traitor), and countless names that cannot be repeated. I have had including high bounties placed on me, and been accused of being a "cazaimigrante" meaning immigrant hunter for standing up as an American citizen against illegal immigration.

### **Infiltrating the American Political System**

There is also more to Mexico's assertiveness than concern for the maintenance of its safety-valve and the free flow of lucrative remittances, for the Mexican elites of both the Party of the Institutionalized Revolutionary (PRI) and Fox's National Action Party (PAN) are unified in an

active policy vis-à-vis the United States in which the massive stream of illegal immigration will eventually allow the Mexican elite to exert influence from within the United States on American policy. The Mexican plan started under the PRI, which held power for 71 years before Fox was elected.

Given what he has said, and the interest at stake, if leftist Lopez Obrador should win the next election, he would certainly continue to carry it out. For example, in 1995 PRI Mexican president Ernesto Zedillo told Mexican-Americans in Dallas, Texas that once the Mexican Constitution had been amended to allow dual citizenship he hoped that they would help Mexico “create an ethnic lobby with political influence similar to that of the Jews” in influencing American politics for a foreign power.

Adolfo Aquilar Zinser, former Fox government National Security Advisor (a cabinet level post) and later Mexican ambassador to the U.N., repeated this hope in two articles he wrote in *El Siglo de Torreon* (5/5/05, 8/24/05). Citing Jews and also Cubans he wrote that Mexicans in the United States and their descents should use the same kind of political leverage over the American government that Jews and Cubans have done. For forty years, he wrote, Cubans have “infiltrated the fissures of the American political system and have found a permanent ally in the Republican right.” The Cubans, he says, have “abducted the politics of the United States for the island, obtaining privileged treatment for its migrants and monopolizing political power in Florida”. In the same way Aquilar Zinser hopes that a growing Mexican and Mexican-American population north of the border will allow Mexico to make common cause with the American left who he identifies as “liberal Democrats, unions and Civil Rights and social movements” in order to influence American policy in the best interest of the Mexican elites.

In January 2005 the State Department issued a warning to travelers on the Mexican side of the border and northern Mexico. At the same time American ambassador to Mexico Tony Garza wrote a letter to both Luis Ernesto Derbez, Mexico’s Secretary of foreign relations and Mexican attorney general Rafael Macedo de la Concha, raising the issue of border violence. The State department’s public announcement urges U.S. citizens “to be especially aware of safety and security concerns when visiting the border region.” Explaining that drug related crime is high and that “Mexico’s police forces suffer from a lack of funds and training, and the judicial system is weak, overworked, and inefficient. Criminals, armed with an impressive array of weapons, know there is little chance they will be caught and punished.” The advisory also says, “In some cases, assailants have been wearing full or partial police uniforms and have used vehicles that resemble police vehicles, indicating some elements of the police might be involved.” The State Department thus warns citizens that they “should be aware of the risk posed by this uncertain situation” while traveling on the Mexican side of the border and in northern Mexico.

The Mexican government reacted sharply to the announcement. Interior Secretary Santiago Creel said that the Bush administration had “went too far” with the announcement, hinting that there were limits to U.S.-Mexico friendship and that the United States was not doing enough on its side in the struggle against illegal drugs.

President Vicente Fox's office issued a statement said that the president shared the State Department's concerns, but that the warning "did not reflect the situation in the country", nor would Mexico accept the judgments of foreign governments. Derbez also added his comments to the reaction, saying the State Department's public announcement was "exaggerated and outside the scope of reality."

In May 2005 the United States Congress passed the Real I.D. bill to tighten requirements on driver licenses in the United States in the interest of homeland security. In response a frustrated Fox protested that "Mexican immigrants ... are doing work there in the United States that even blacks want to do there in the United States", and his interior secretary Santiago Creel was quoted in the Financial Times (5/13,/05) as saying "Building walls doesn't help anyone build a good neighborhood." When asked about the Minutemen then keeping watch over the border Derbez reiterated the position of the Fox administration when he said they should be prosecuted.

When governor Bill Richardson declared a state of emergency along the southern border of New Mexico, saying that the region "has been devastated by the ravages and terror of human smuggling, drug smuggling, kidnapping, murder, destruction of property and death of livestock ...", the Mexican government issued its own statement acknowledging that there were problems along the border (they can scarcely deny it) but also saying that some of Richardson's statements arise from "generalizations that do not correspond to the spirit of cooperation and understanding that are required for dealing with problems of common concern along the border", The Foreign Minister of Mexico, however, did say in his note that he has requested that the Mexican consulates in El Paso and Albuquerque to meet with officials of New Mexico "to promote pertinent action by the authorities of both countries in the framework of existing institutional mechanism", mechanisms that so far do not seem to have worked very well at all. Mexican authorities are very touchy about their shortcomings, and resent anyone who brings them to public attention. Thus despite the globalized vision of the Mexican elite the old animosity, jealousy and fear of the northern neighbor remain, along with a decided national self-interest, as the way Mexico carries on its relationship with the United States.

While Mexican authorities angrily denounce any sign that the United States government is attempting to defend its sovereignty, Mexican officials loudly denounce any recognition on the part of the United States of problems in Mexico, reacting the way Latin Americans and other Third World elites have so often done in the past in such cases. For example, when the United States State Department issued warned that the lives of American citizens were at risk in the escalating drug war for lucrative trade routes across the U.S. Border, the Mexican government reacted that way all Third World countries react when the truth is told about their failures.

Mexico's Interior Minister Santiago Creel said that the Bush administration "went too far" when it issued a consular report suggesting that Mexican authorities were unable to control the murders and kidnappings that were plaguing the region, hinting that there were limits to U.S.-Mexico friendship, and pointing the finger of blame at the United States for not doing enough to combat the illicit drug trade. Vicente Fox's office also

chimed in saying that it shared American concerns but that the State Department's warning "did not reflect the situation in the country" and that Mexico would not accept the judgments of foreign governments, all the while criticizing and meddling in the governing process of the United States.

When Congress finally got around to plugging two gaps, one a mile line another 3 1/2 miles long, in the 14 mile fence from the ocean to Otay Mesa east of San Diego, Fox lamented the project saying walls were not the best way to meet challenges on the border. In 2005 Mexican interior secretary Santiago Creel admonished the United States for "building walls" by exercising its sovereign rights to protect its border, while at the same time Vicente Fox has militarized its own southern border in an effort to stop illegal immigration into Mexico. And Mexican Foreign Secretary Luis Ernesto Derbez said the plans for the improvements were "inappropriate."

Also, when Fox heard about the Minuteman Project he dispatched police and the Mexican army to the border, by one estimate 1,600 troops, to keep a close eye on the situation and to interdict and divert the stream of illegal border crossers, transporting them in army trucks to places where they could illegally cross unobserved by the Minutemen. After the project was over the Congressional Immigration Caucus issued a report, recommending that 36,000 National Guard troops or state militia should be dispatched to the border to provide the additional manpower that could "dramatically reduce if not virtually eliminate" the uncontrolled flood of migrants crossing the border.

The Mexican government, watching every move made in the United States, quickly condemned the report for wanting to "militarize the border" (something they have tried to do on their southern border). They said this when the Mexican government had stationed troops across from the Minutemen on its northern border and dispatched soldiers to prevent embarrassing displays before television cameras at a Friends of the Border patrol press conference in San Diego and while at the same time militarizing its own southern border with Guatemala and cracking down on illegal immigration into Mexico from across Mexico's southern border. And in December 2005 in response to an American legislator's proposal for two parallel wire fences to run the entire length of the border, Fox said that such a measure would violate immigrants' rights. "The disgraceful and shameful construction of walls, the increasing enforcement of security systems and increasing violation of human rights and labor rights will not protect the economy of the United States", he told immigrants returning to Mexico to spend the Christmas holiday. "I hope that next year we finally get an immigrant agreement", he told his audience.

At the end of December 2005 under increasing pressure from their constituents, the House of Representatives passed the Border Protection, Antiterrorism and Illegal Immigration Act that would erect lights, fences and cameras along 700 miles of the border with Mexico. The Mexican government was furious, as if the United States House of Representatives had no right to express the will of those who elected it by passing a measure to defend American sovereignty when Mexico defends its sovereignty in the most overt manner. Fox called the measure "shameful". His foreign minister Luis Ernest

Derbez said, “Mexico is not going to bear, it is not going to permit, and it will not allow a stupid thing like this wall.” He promised to bring the act of America’s defense of its sovereignty to the international community in order to mobilize the rest of the world against the legislation.

The government’s Foreign Relations Department also stepped in sponsoring an ad on radio aimed at Mexicans returning to Mexico for Christmas. “Had a labor accident in the United States? Call ...” The government has also begun to recruit ethnic identity political groups and left wing organizations in the United States to fight the legislation, an overt act of interference in the internal affairs of another country, as well as consumers of cheap labor and some church groups, an indication of what leverage a foreign government can muster once it has exported enough of its nationals in to threaten internal economic and political reprisals when the host country deviates from the behavior demanded by the invasive country.

The countries exporting what they consider their excess population to the United States were deeply concerned when in the last weeks of 2005 the House of Representatives passed tough measures designed to curb illegal immigration. The concerned countries met on January 9, 2006 in Mexico City to consider action against what most Americans regard as a proper defense of its sovereignty, and what the elites of the exporting countries regard as a shift in direction that will adversely affect their privileged positions.

The people dumping countries, Mexico, Guatemala, El Salvador, Nicaragua, Honduras, Panama and Belize, created at their meeting a working group of regional interests billed as an organization to avoid migrant abuse and to monitor the bill as it moves forward in Congress. Derbez, who has so far been harsh in his criticism of the United States for not acquiescing to Mexico’s demands, toned down his rhetoric a little. After having called the legislation “stupid and underhanded”, he said, “It’s not the Mexican government’s position to tell the U.S. Senate what to do.” It is, however, quite obvious what the Mexican and other people dumping governments in the region want from the Senate “guest worker” program that would safe-guard the flow, and “regularization”, amnesty, for those already there.

Mexican military and police have violated American sovereignty for years in the pay of an increasingly brazen regime of narco-trafficking across the southern border. On January 23, 2006 one of a number of such incursions, at Neely’s Crossing on the Rio Grande 50 miles east of El Paso, attracted enough attention that U.S. ambassador to Mexico Tony Garza called for a “full investigation”. Mexican foreign minister Luis Ernesto Derbez shot back at a press conference by saying that it was the Americans’ fault.

“Members of the U.S. Army have helped protect people who were processing and transporting drugs”, he said. “And just that has happened ... it is very probable that something like that could have happened (the uniformed men with machine guns on the U.S. side of the border) were members of some of their groups disguised as Mexican soldiers with Humvees.” Derbez accused the outgunned American law enforcement officers, who were confronted by men armed in Mexican military weapons, dressed in

Mexican uniforms and using Mexican military vehicles, and who withdrew rather than suffer the consequences of challenging the intruders, as “racists” for reporting the incident. “There would have been racial descriptions, and that would imply a certain element of racial discrimination on the part of the American sheriffs”.

The American side of the border is so heavily populated by people of Mexican descent, bilingual and often with relatives on both sides of the border, that you often cannot tell by looking what their citizenship is. And in the case of law enforcement the only way you know is by the insignias on their uniforms that say United States Border Patrol, like the national head of the Border Patrol David V. Aguilar, who said that Derbez’s accusation doesn’t make sense, and hundreds of field agents all along the line of Mexican descent such as Arvin West the Sheriff of Hudspeth County, where the intrusion took place, Leo Samaniego, many Texas State Troopers and sheriff’s deputies in the borderlands. Also, the top representative of the United States in Mexico is Ambassador Tony Garza of Mexican decent. The only racial factor here is Ernesto Derbez for playing the racists card in his attempt to squirm out of a tight diplomatic situation. It didn’t stop there. Derbez chastised Garza for bringing up an incident that embarrasses the Mexican political elite.

“We should not convert this, as (Garza) apparently did by publishing his article, into a public relations issue,” said Derbez. Following the dictum a good defense is a good offense the Mexican government went even further by issuing a formal diplomatic note to Secretary of State Condeleeza Rice demanding that the United States stop talking about events that might embarrass the Mexican political elites and requesting quick results for the shooting of an illegal border crosser in San Diego by an American Border Patrol agent.

The Fox government’s claim that increased American border control is wrong is shared by former Mexico City mayor Andrés Manuel López Obrador, likely candidate from the opposing Party of the Democratic Revolution in the 2006 presidential election, who said in 2005 that he was also opposed to “building walls and using border controls” by the United States. In January of 2006 he emphasized this point at a rally in Tijuana before a crowd of 7,000. “It must be made clear to our neighbors”, he said, “that nothing will be resolved by building fences, nor with more border patrol agents, nor with severe laws or with firm hand threats.” He went on to say, “All these measures will only provoke more human rights violations and more conflicts in bilateral relations between the two governments”, one of which he hopes to run.

On May 15, 2006 Bush said in a speech, under growing pressure to do something about securing the border, that he would send 6,000 National Guardsmen in support roles to aid the Border Patrol. The Mexican political establishment angrily shot back with senators, congressmen and party leaders condemning Bush’s modest plan some saying that it threatened to violate Mexican sovereignty, and one Mexican party leader comparing it to the Nazis and to South Africa’s apartheid. Left wing candidate for the Mexican presidency derided Fox’s inability to determine American immigration policy, calling Bush’s National Guard proposal “xenophobic”. He was also quoted in the Mexico City

daily El Universal, "President Bush's decision is unjustified, unacceptable and implies a serious aggression toward a sovereign nation." Another contender for the presidency, Roberto Madrazo of the PRI said that Bush's plan was an indication of Fox's failed foreign policy that is, to maneuver the United States into accepting Mexico's people dumping policy, and PAN candidate said the Bush plan was unworkable. The Fox government also reacted angrily to Bush's feeble show of American sovereignty in defiance of the will of the Mexican political elite, saying that it would carefully watch the National Guard troops to make sure that they do not cross the line between support and active police work. "We want the assurance on the part of the U.S. government that the National Guard will not do the work of the Border Patrol" said Interior Secretary Carlos Abascal in other words, that the U.S. military will not replicate what the Mexican Army is already doing on its own southern border. And foreign secretary Luis Ernesto Derbez told a Mexico City radio station that if his government detects any such activity it will "immediately" file suit in U.S. courts through its consulates in the United States.

Three parties are in contention for the 2006 elections a resurgent Party of Institutionalized Revolution that formulated the present policy against the United States, the Party of National Action of which Fox is the head, which has carried out those policies with vigor and the left-wing Party of the Democratic Revolution which has signed onto what has become Mexican national policy. One of those parties will rule Mexico for the next six years and thus a continuity of the parasitic dependence on remittances from poor people working in the United States that now pumps money into Mexico, the ambitions of influencing American policy through unrestricted immigration and the exploitation of the northern neighbor to keep from facing any real change in the interest of the ruling elite, thereby releasing the potential of Mexico and allow it to become the first world country it could and deserves to be. Behind that elitist self-interest, however, is the Third World resentment of a failed country when looking at a successful nation, along with what would otherwise be a healthy nationalism. The opponent in that case, and motivating force behind the actions of the elite, is the Mexican people.

Mexican foreign secretary Luis Ernesto Derbez, in a speech delivered at the Texas Pan-American University at Edinburg, Texas told students on April 18, 2005 of the inevitability of the "complete integration" of the populations of the United States and Mexico.

No longer is the vision of the Mexican elites national, as it was then, but rather transnational in which they see their fortunes not in national terms but in terms of an association like that of the European Union.

Fox himself has repeatedly called for an EU-type border with the United States and in March 2002 the United States Supreme Court handed down a ruling in a labor dispute unfavorable to a Mexican citizen who had used false documents to secure a job in the United States on the grounds that a decision that favored the plaintiff would "contradict underlying policies" of US immigration law. The Mexican government reacted with outrage, threatening to appeal the decision to the International labor Organization and the



Inter-American Court of Human Rights. In this regard Deputy Foreign Minister Enrique Berruga said, “There are basic rights that have been violated” in the case. Fox also commented on the case by saying, “The court ruling makes it all the more urgent to regularize the legal status of workers (illegally in the United States) who contribute to the prosperity of that nation.” Alluding to American law and sovereignty, he went on to say that the “rights” of workers illegally in the United States “is a universal principle that overrides notions of sovereignty”.

Fox reiterated this position in his Madrid speech at the Club XXI when he told his audience that the “construction of a strategic association for prosperity with the United States and Canada...” has a “particular dimension for the presence of large Mexican communities settled in that country, more than twenty million Mexicans”. He went on to say, “In the last few months we have managed to achieve an improvement in the situation of many Mexicans in that country, regardless of their migratory status”, that means special privileges for Mexicans illegally in the country that other illegal aliens do not enjoy. Through “schemes that have permitted them access to health care and education systems, identity documents, as well as the full respect for their labor and human rights”. The twenty million Mexicans to which the Mexican political elite alludes are not just immigrants, both legal and illegal, but their American born descendants as well. Such interference in the internal affairs of the United States is designed to win the loyalty of Mexicans in this country, and by means of dual citizenship to bind them closer to Mexico, to neutralize their loyalty to the United States and to provide a vehicle for manipulating American domestic and foreign policy for the Mexican national interests.

Fox’s vision for the emerging New World he wishes to promote, was explained to the members of the Club XXI in a speech entitled “Mexican Foreign Policy in the 21st Century” in Madrid, Spain on May 21, 2002. This is what he had to say about the new global order and its relationship to national sovereignty

In recent years a new International System has been developing, oriented towards the establishment of norms and principles of universal jurisdiction, above national sovereignty, in the areas of what is called the New Agenda, such as human rights and democracy, questions of gender and discrimination, the protection of the environment ...

The construction of new rules on international co-existence must continue... we are actively participating in various forums in the construction of this new international architecture.

This means that issues with popular emotional appeal such as “human rights,” “democracy” the “environment”, etc, will be used as the means of overriding national agenda in the pursuit of certain agendas such as those shared by the European elites who are doing the same thing in Europe in pursuit of their own agendas. Fox explains to his audience that his vision is more like that of Europeans than of the people he must work with in North America when he says, “Mexico is closely linked with the European nations for historical reasons and because of cultural affinity” and that it is “logical that Mexico approach Europe. We have an identity of values which unites us with European

nations, even more than with our neighbors of North America". Fox's vision for North America is "to establish with the United States, but also with Canada, our other regional partner, an ensemble of connections and institutions similar to those created by the European Union, with the goal of attending to future themes as important as the future prosperity of North America, and the freedom of movement of capital, goods, services and persons." This "new framework", says Fox, "is inspired in the example of the European Union". The problem Mexico confronts in this project, however, are the Anglo-Saxon neighbors he has to deal with who resist such progressive efforts. "We have to confront", says Fox, "what I dare to call the Anglo-Saxon prejudice against the establishment of supra-national organizations". Optimistically he concludes that, "with realism we can overcome the obstacles and construct a more prosperous and secure community for our peoples".

Anglo-Saxon v. continental Europe; Anglo-Saxon v. Latin America: Mexico and continental Europe united against the Anglo-Saxons. All this sounds very much like the rhetoric we hear from France as well as the rhetoric we hear from traditional Latin America. In one sense this talk is motivated by cultural chauvinism not proper globalism, although the global rhetoric sometimes serves as a cover for the chauvinistic and anti-American sentiment. Which one is it in the case of Mexico? Cultural chauvinism provides an effective appeal to the masses in Mexico, while globalism is the goal of the elite. Both run counter to the interests of the vast majority of the American people, if not to a small percentage of its elite.

Mexico is working within the United States and through diplomatic channels to bring about as much integration as possible through incremental means; by-passing legal residency with their own identification documents and advocating driver's licenses and in-state college tuitions for illegal residents in the United States and to grant them in-state tuitions at state colleges and universities and encouraging Mexican-American lobbying groups and hometown associations to advocate policies in line with Mexican government policies.

None of this European-style rhetoric, however, means that the Mexican political elites have decided to sacrifice any of Mexico's traditional sovereignty, nor to alter its national culture. Such compromises and alterations are expected not of Mexico, but of the United States. The redefinition of the northern border appears quite safe from the Mexican perspective for the demographic situation in the borderland will mean the readjustment of American, not Mexican sovereignty and the redefinition not of Mexican but of American culture. Moreover the exportation of the Spanish language and Mexican culture probably strikes a positive popular chord as well as evoking glee from Mexican intellectuals since the shoe is now on the other foot. There is, therefore, no nationalist opposition in Mexico to what is perhaps generally seen as essentially a nationalist policy.

In sum, Vicente Fox deplors "the Anglo-Saxon prejudice against the establishment of supra-national organizations", that in the words of his foreign minister would bind the American Gulliver "with norms, principles, resolutions, agreements, and bilateral, regional and international covenants" in a way Europe would like to bind the giants,

elites across the Atlantic in “an identity of values which unites European nations [with Mexico] even more than our neighbors to the north”. The Mexican political elites, both Fox and his PRI predecessors have been pursuing another way of gaining a political advantage over the northern neighbor; by redefining Mexico as a North American rather than a Latin American country, and in their words and actions by redefining Mexico from territorial to an ethnic nation, at least in its relationship to the United States.

Fredo Arias-King, former advisor to Mexican President Vicente Fox, compares the relationship between the Mexican and American elites to co-dependents.

He writes, “Lacking internal or external pressure, the Mexican elites have taken the path of least resistance, which is not the best outcome for the country.”

He also writes, “Paradoxically, as happens in co-dependent relations, a firm but polite defense of American interests by Washington would force the Mexican elites to act and in the end (surely after a brief period of acrimonious recriminations) would be beneficial for Mexico, much as the European Union’s tough accession laws force elites in lesser-developed aspiring members (Spain in the 1980s and Central European countries in the 1990s) to adopt painful and otherwise politically unfeasible reforms that affect special interests but that benefit average citizens.”

Unfortunately, that is not the policy path chosen by the Bush Administration.

## **The U.S. Border Patrol**

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

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

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

*Immediately communicate the following:*

*Size of the unit (Number of personnel)*

*Activity*

*Location and direction of travel*

*Unit (Identify if possible)*

*Time (If reporting an earlier encounter)*

*Equipment of the personnel*

The other side states:

**REMEMBER:**

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

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

**Additional Tips:**

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

Avoid it!

So clearly the Border Patrol has identified that the Mexican Military will counter-ambush our Border Patrol agents and citizens, and that violent MS-13 gang members are being recruited to assassinate U.S. Border Patrol agents.

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

“We cannot get a straight answer when it comes to how many Special Interest Aliens have been apprehended by CBP or ICE, other than a standard response of “Pending Investigation.” Yet, the Border Patrol knows how many teddy bears it gives away, how many cheese crackers it has in reserve (I would bet down to the individual cracker), diapers, etc., so the fact that it keeps absolutely no statistics on the people caught from terrorist countries as a mere accident defies all credibility. Obviously, the BP does not

keep these statistics as a matter of policy and the reason is pretty transparent. Let me also add that the media has attempted to gain those very figures as well as the dispositions of apprehensions of SIAs that they learn about through sources. However, those results are seldom, if ever released, so the public has no way to learn if there is any information beyond what has been reported by sources.”

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

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

As a matter of fact, several networks, both cable and broadcast, stated that there are 1,000 agents on the Northern Border. Wrong again. No detailers, nada. One Sector on the northern border has not received agent attrition replacements in about 2 years now. This same sector is currently authorized at 147 agents and, because of details (mandated), sick leave, maternity leave, rubber guns, etc. etc. This sector is at an actual strength of 102. Though, as I understand it, this sector has been traditionally ignored for agent and support personnel staffing. If you want to put this in percentage terms, this sector’s personnel, agent-wise is down 31%.

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

Furthermore, according to our sources Chief Aguilar has been personally and repeatedly warned about potential threats, and has ignored such information. Of course that would not be the first time he has ignored intel requests, or challenges to his inaccurate public statements. This type of action is not unprecedented when one recalls that earlier this year, DHS Secretary Michael Chertoff stated that reports on Mexican Military incursions were being overblown when they continue to this day, one occurring as recently as Saturday, July 1, 2006 at 13:10 hours, according to a civilian source in Tucson Sector. This incursion included a drug load.

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

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

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

Local Border Patrol Sector Chiefs have written to headquarters requesting that "Project Athena" or subsequent generations of similar capabilities be funded and provided to meet the goal of secure our coastlines, lakes and waterways. Yet, this program, which can monitor maritime traffic up to 95-100% capability, though still listed on life-support, is certain to not be implemented. Clearly our having such technology available, but not implemented though the testing ran one year ago is definitive proof that DHS and USBP HQ under Chief Aguilar lack the intent regardless of the requests by local Sectors for those very needed items that ensure their mission, and are leaving us vulnerable.

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

They know as we do how the 30:1 ratio it takes to come up with one recruit for the Border Patrol, screening process, academy capacity, which is grossly inadequate, and difficulties of graduating due to the Spanish language requirement, and the ten-month exam that takes place after the academy. They also know the actual attrition rate. The

reports of the high numbers of agents throughout the service seeking employment opportunities elsewhere are not just rumors but are fact.

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

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

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

The Inland Valley Daily Bulletin of Ontario, CA has published a number of reports indicating the vulnerability of this strategic island, which has regular sea incursions using Yola boats. Their manpower level is so grossly under-strength that it defies all logic. They have 21 agents, with three more soon to leave the island for other duties or

agencies, and regularly see their agents detailed to southwestern border sectors or the academy, without being replaced. Yet, the irony is that they have nearly as many managers as agents. Their manpower is so under strength that they are limited to one corner of the island, and has to completely eliminate one shift for lack of available personnel. One thing agents have reported is that OTMs, or Other Than Mexican illegal aliens actually self-report with their flight tickets already in their possession for CONUS (Continental U.S.) destinations as the word is out in the region that after receiving their documents requesting a return for court appearance they will be free to leave the island for other destinations. For the record, the USBP agents do not have access to San Juan, where illegal aliens, which could include Special Interest Aliens, acquire phony identification documents. That is ICE-turf.

I know I need not remind this committee of the strategic importance of Ramey Sector, as it is approximately 500 miles north of Venezuela, which is led by Hugo Chavez who continues to make headlines with his anti-American rhetoric, which must be taken as serious as a heart attack considering his recent well-publicized trip to Iran.

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

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

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

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



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

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

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

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

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

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

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

Mr. Bob Maupin is a longtime community leader in San Diego's East County. Mr. Maupin is a second generation border resident having lived a stone's throw from the border. He was surrounded and disarmed 100 yards north of the border on his property by the Mexican Military and through negotiation convinced them to go to his home to contact law enforcement in Boulevard, CA (noted for it's high narcotic traffic). The reason this happened is the day before he reported a meth lab to the DEA and that was the response the following day of the Mexican Military and cartels. Mr. Maupin has assisted me today with providing photos that have been taken of humans and narcotics being smuggled across the border. You'll find this as Item-6 following my testimony.

Ed and Donna Tisdale also live close to the border in East County, and one year alone counted over 12,000 individuals by observing footprints that crossed their property. They have experienced a number of incidents involving individuals who smuggle humans and narcotics across their property and while not easily intimidated have been threatened and given reason to fear for their lives. They have found markings of violent gangs on their property. In fact, one year ago, a man was arrested in connection with the attempted murder of a Border Patrol agent near Red Shank Ranch last year during an interrupted drug deal that was connected to the cartels. The agent's vehicle was riddled with holes from an automatic weapon (23 to be exact). The Tisdale's saw the patrol vehicle and have informed me that it was a chilling site. The suspect fled through their ranch road at a high rate of speed and back onto the reservation, adjacent to their property, which I understand has a high amount of trafficking.

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

However, this is not an isolated story. Over the past 14 months, I have met with and earned the trust, support, and friendship of many San Diego border area residents, which is not given, but earned. They have dealt with wrong-way drivers of load vehicles, which involve narcotic, or human smuggling loads, sometimes both. The load drivers when spotted, or they think they've been spotted by law enforcement officers including Border Patrol agents cross to the wrong side of the road. This practice utilized to evade and escape Border Patrol agents, CHP officers, and Deputy Sheriffs happens often along the border. This is yet another type of terrorism our fellow citizens face. Imagine the day that the load vehicle hits a busload of school children on the way to or from school. Deaths have occurred as a result of wrong-way drivers and it is completely avoidable if we secure our borders and protect our citizens.

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

That is something that this committee and the House of Representatives must recognize as fact, publicly acknowledge. The supporters of open borders in the House and Senate as well as the Bush Administration know this, which is why we are inundated with fancy slogans or politically correct terminology, the dog and pony press events, and the smoke and mirrors about willing workers doing jobs Americans won't, which continues to exclude Americans being displaced from the labor force. By campaigning in such a way, this is why our borders remain vulnerable and why we get such absurd proposals from Washington. It is why many people in Southern California today, and within the Border Patrol felt it imperative that I appear as a witness, to discuss these items publicly that are being hidden from the Congress and public. As a civilian, I have nothing to lose, except my country as I am the only non-government employed witness past or present testifying.

Far too many people today are in this nation, and we do not know who they are, or their backgrounds, and Mexico will never cooperate with U.S. law enforcement requests, though they'll make every demand on us to adhere to their demands though they continue to plan protests, monitor civilians and public figures alike, and undermine our sovereignty. Furthermore, too many people are now at large within this nation and trying to establish lives in our nation, plus having anchor babies, which has made it difficult to enforce our immigration laws. Until the United States Supreme Court and the Congress address this identified issue the problem will continue.

Many children of illegal aliens, including those considered to be Special Interest Aliens have mixed loyalty. Some are being bred and brainwashed to hate America. Groups like MECHA among others do not believe in U.S. sovereignty, and openly protest against anyone who disagrees with them. I have personally witnessed their usage of violence and intimidation as primary tactics, the very tactics we see overseas used to terrorize other democracies and republics. Such individuals are targets for recruitment by terrorist organizations. As long as our government ignores them, such individuals and groups will continue to recruit and flourish, while continuing to plan or operate.

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

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

Many Americans feel that these hearings are to be nothing more than staged dog and pony shows, with a sell-out by Congress agreeing to amnesty following these hearings. This is why so many Border Patrol agents just simply have refused to talk. They cannot make themselves vulnerable to what our sources and many news outlets have reported as the "culture of corruption" at BP Headquarters that has led to such fear and retribution within the agency. As a result, the Mexican Government continues to undermine our nation, and people, while assisting terrorists. This is how the Chief of the Border Patrol continues to put his agents at risk, because nobody under his command trusts our Congress to fight for them so they can step forward and tell the truth, beyond citizens such as myself who has enough of a media spotlight, due to the trust we've earned, that we will present the truth on their behalf to Congress.

Instead, agents have to depend on civilians staging publicity stunts to take cameras out to the desert under horrible conditions in the hopes that something will happen in front of

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

If you do not believe the extent of the mistrust that many law enforcement agencies with the federal government and the Border Patrol, then you must not be paying attention to what many border sheriffs have been stating for months. Only, like me, they're not doing it for publicity or electoral reasons, they are telling the truth and standing by it because they are concerned about our nation's being compromised and vulnerable to terrorists entering our borders. Please review an interview I did with the New American Magazine published in May 2006 in which I discussed an incident that took place in El Paso Texas during a break between meetings of the Border Sheriffs Coalition and Border Patrol. It underscores and exemplifies the mistrust many have with the Border Patrol. Sheriff Arvin West and others can tell volumes of stories about this problem.

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

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

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

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

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

This technology consists of 12' tall poles topped with video cameras. Most of these poles are mounted within the very narrow "no man's land" between the primary and secondary border fences separating our two "Great Nations."

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

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

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

Half of their new cameras are touted as "night vision" cameras. The problem with them is that many nights you can't see anything. Further, it is child's play to blind them – even permanently. It would be a breach of National Security to say what happens naturally or what can be done purposely to make these incredibly expensive cameras worthless, so I won't.

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

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

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

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

Lastly, we have a truly serious threat to our national security that is being purposely ignored. That threat is border tunnels. It would be the height of stupidity to believe that campesinos are digging tunnels even 80 feet below ground and 2,500 ft long just so that they can go pick strawberries in Fresno.

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

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

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

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

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

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

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

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

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

**Google:**

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**Authors:** [Celmins, Aivars](#)

**Affiliation:** AA(Ballistic Research Labs., Aberdeen Proving Ground, MD.)

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

The fact is that these “technological wonders” that the Border Patrol claims are so desperately needed, and that they claim are not available when my own organization presented the very technology in a briefing with San Diego’s Border Patrol Sector (SDC) managers. I personally have discussed our technology at all levels of SDC Sector and was



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

## **The Ramos – Compean Case**

Mr. Chairman, I have been working on a case since March 2005, this being the case by the U.S. Government against Senior Patrol Agents Ignacio “Nacho” Ramos and Jose A. Compean of the U.S. Border Patrol’s El Paso Sector – Fabens Border Patrol Station (Fabens, TX).

The case against Border Patrol Agents Ignacio “Nacho” Ramos and Jose A. Compean is without question one of the greatest miscarriages of justice I’ve ever seen.

On February 17, 2005, Osbaldo Aldrete Davila, a known drug smuggler and Mexican National, 743 pounds of narcotics across the Mexican border into Fabens, TX. When Aldrete-Davila tripped a sensor, Border Patrol Agent Jose Compean responded and the rest has become a part of a history so outrageous and incomprehensible that there are simply no words in any language to describe it.

In a nutshell, the border patrol agents engaged in a pursuit of Aldrete-Davila as they were trained to do, and violated the pursuit policy forbidding them from pursuits without the permission of supervisors. Compean cut the smuggler off at the Rio Grande River upon which a scuffle ensued as Aldrete-Davila tried to evade capture and re-enter Mexico. Compean was overpowered and left bleeding from a cut. At this point, Ramos was attempting to get to the scene where the struggle had taken place and heard shots fired, though he could not see the scene, but understood as he was a firearms instructor that Compean had to be in trouble. As he entered the scene he saw, Compean down and cut and attempted to capture Davila who was still fleeing towards Mexico. At this point, the smuggler turned and the agents’ thought he had a weapon in his hand at which point Ramos fired one shot from his sidearm.

Neither agent at the time thought any shots had ever hit the smuggler, as he did not fall, limp, or showed any discomfort. Once in Mexico Aldrete-Davila was met by a vehicle, which he entered and sped away.

A number of agents, including a supervisor had reached the scene, and secured the smuggler’s load-vehicle, which was filled with 743 pounds of marijuana.

Here's where the problems lie as the FBI should have been notified to investigate the scene as there was an assault on a Border Patrol agent, in this case, Compean who was clearly cut and as shots had been fired. But true to what we hear from the line, the entire assault and shooting incident was ignored and it was not reported by anyone to the FBI, including Field Operations Supervisor Jonathan Richards.

At this point, every Border Patrol agent on scene who was aware of the incident was guilty of not reporting the shooting incident and assault, and if anyone thinks that not one person who may claim to be aware of the shots having been fired, well I've got an opportunity to buy some cheap coastal property in Bay Park, San Diego for a nickel a square foot. The penalty at this point for non-reporting is very simple, as mandated in the DHS, Customs and Border Protection penalty table, five days administrative suspension. That's it, no termination of employment, and certainly not prison time.

The only other problem was that an agent picked up spent shell casings but not to cover it up. What was there to cover up? To their thinking the shots were fired, but nobody was ever hit. You'd think the story ended there, but it doesn't. The smuggler had a life-long friend who is a Border Patrol agent in Wilcox, AZ named Rene Sanchez. This is where the incident now elevates from sloppy due to the non-reporting to ugly.

Agent Rene Sanchez claims that he was notified by his mother in-law about the shooting, as he and the smuggler were friends. Also, that he repeatedly called the Fabens Border Patrol Station requesting information to see if there were any seizures or shootings.

However, according to the Department of Homeland Security in a memorandum of activity document, Rene Sanchez stated that he queried the Border Patrol Tracking System (BPETS) and found that the Fabens Border Patrol Station seized a load of marijuana on February 17, 2005.

Rene Sanchez calls the Office of Inspector General (OIG) at DHS and speaks to a Special Agent Christopher Sanchez who was a four-month trainee in OIG. Previously Chris Sanchez served as an ICE agent in Arizona before lateraling over to OIG. Chris Sanchez began investigating the case on March 4, 2005. This is when the agents learn that there was a claim that the smuggler was wounded two weeks before during the incident at Fabens.

Eventually, Chris Sanchez goes to Mexico and brings Davila back to El Paso and the William Beaumont Army Medical Center and has a fragment of a bullet removed. The chain of evidence, including custody gets really murky at this point and the agents are arrested, charged, and arraigned within days.

Agent Rene Sanchez' mother in-law drove Aldrete-Davila into El Paso for his hospital treatments at the William Beaumont Army Medical Center. He also assisted with securing an attorney to sue Agents Ramos and Compean in a civil case.

At this point, the family begins to contact the National Border Patrol Council Executive Board for help and assistance, as nobody in the agency would help either agent or their families, including peer-counseling services who, according to the family's sources had been ordered by Sector Chief Patrol Agent Luis Barker.

It was at this point that an aunt of Agent Ramos called me trying to learn if there was anything that could be done to assist them, and asking, who to call. Immediately I began looking into the case. What appeared to me was that the only problem was an administrative matter and the family and I remained in contact from that point of contact forward. However, I provided the contact information of TJ Bonner, president of the National Border Patrol Council, and Rich Pierce, Executive Vice President of the NBPC to family members. In fact, until this past week, there was no intent to provide any relief, until the agents were acquitted. It was reported to me that the agent's wives were contacted to see if they were okay. However, when the families wanted to utilize support services, they were not only ignored, but they were shunned. An agent who must remain anonymous later informed the families that all chaplains were ordered to stand down by command. That in and of itself has left me with one of the greatest and most disturbing questions of all, which is where was the national leadership from the agent's union all this time? Did they fall asleep, or were they ordered to stand down, too?

The Assistant U.S. Attorney Debra Kanof engaged in an overzealous prosecution, that never should have reached the indictment level, but it is clear she was after Agent Ramos. As I have been told, Kanof met Maria Ramirez, the attorney for Agent Compean and offered immunity if he would testify against Agent Ramos having already threatened other agents with indictment if they did not change statements, which was later admitted by those agents during the trial on the witness stand. To this day, three agents remain on administrative duty **with pay** by the Border Patrol while Field Operations Supervisor Jonathan Richards, who was on scene after the incident and saw the cut on Agent Compean, though not reporting the assault as required to the FBI, has since been promoted in rank to Special Operations Supervisor. In addition, Agents Ramos, and Compean have had their initial terminations rescinded and have remained on suspension without pay.

Agents Ramos and Compean received a letter on March 25, 2005 from El Paso Border Patrol Sector Chief Patrol Agent Luis E. Barker, of which I have provided key excerpts, which stated as follows:

*Your conduct at issue seriously impairs the efficiency of the OBP and the federal service in that as a law enforcement agency we demand the highest integrity and best behavior of our employees. We must do so in order to maintain the public confidence, in the just and fair accomplishment of our mission. As a Border Patrol Agent your employer and the public must have complete trust in your judgment, behavior, and abilities to uphold and enforce the laws of the United States of America.*

*However, the crime for which you have been arrested and charged with raises serious questions about your judgment and behavior, and causes me to lose trust in your ability to perform the functions and responsibilities of your job and uphold the laws you were sworn to enforce. Your position as a Border Patrol Agent directly involves actions in which it is your duty and responsibility to apprehend individuals who violate laws. Therefore, you as a BPA must uphold the law. All of the foregoing negatively impacts our agents' ability to maintain the public's trust. Therefore, I find that this proposal is warranted and if effected will promote the efficiency of the service...*

Chief Barker, since promoted to National Deputy Chief of the Border Patrol with that statement within his letter to Agents Ramos and Compean acted as judge, jury, and executioner, without one witness being called to testify, and without allowing for due process ever taking place. With the service records of Agents Ramos and Compean, and the fact that Field Operations Supervisor Jonathan Richards in knowledge of an assault against Agent Compean, and his not reporting the incident as required to the FBI, leaves no doubt that Agents Ramos and Compean were abandoned by their command and singled out.

Prior to the trial Kanof offered every type of plea bargain, including a one-year plea to Agents Ramos and Compean, which they refused as they were never guilty of anything beyond an administrative non-reporting policy violation, which would have resulted in a 5 day suspension according to DHS/CBP disciplinary policies. The case was obviously so weak that it was to the degree that one could state the prosecution was playing "Let's Make a Deal" and grasping for any type of deal. I'm surprised that they didn't offer probation as part of a plea bargain as Kanof was grasping for straws to make something stick.

During the trial, ruling after ruling went against the defense by Judge Kathleen Cardone, including the prevention of introducing into evidence Mexican Military incursions, violence against Border Patrol agents and other law enforcement officials. This type of rulings were established by the ruling of February 14, 2006 that said all evidence indicating such threats had to be ruled on in advance by Judge Cardone.

At one point in the trial Kanof accused the agents of going against one of their own, by playing the same race card, usually played by Maldef, La Raza, LULAC, and every other open border supporter, which includes the president. Since when is an illegal alien drug smuggler to ever be considered one of law enforcement's own, unless Assistant U.S. Attorney Kanof is implying that their own now includes drug smugglers. When one engages in law enforcement, it is a critical element that justice is blind to color, gender, etc, with the sole exception of violating the law.

Here are some critical elements that came during the trial when the smuggler and other witnesses testified. The smuggler testified that he had turned himself in to the American Consulate in Juarez, MX on the advise of his hometown friend, Rene Sanchez who is a border patrol agent working in Wilcox, AZ. The smuggler turned himself in one month

after the incident in Fabens, TX, which he claimed U.S. Border Patrol agents had shot him. Aldrete-Davila was instructed by Rene Sanchez to not testify without requesting immunity first. He further testified that Rene Sanchez instructed him as to what to say including denial of having a gun when he assaulted the two Border Patrol agents.

Rene Sanchez told the smuggler to say that he had nothing to do with the van loaded with the 743 lbs of marijuana. Rene Sanchez also told the smuggler to say that he had run because the agents were trying to beat him up. Rene Sanchez further instructed the smuggler to say that he had been shot in the back, never mentioning where he was actually shot. The smuggler also said in his original statement that he was shot while entering the U.S. illegally, which was not the case, and made no mention of the vehicle loaded with 743 lbs of marijuana. This information is also in his report to Christopher Sanchez, the Homeland Security investigator, and the **ONLY** investigator in this case.

When asked during the trial how he, the smuggler, knew he could sue the government for five million dollars, he responded that he didn't know. The smuggler also testified that Rene Sanchez retained Attorney Walter Boyaki, in addition to negotiating on the smuggler's behalf, and that the smuggler claimed not to have any knowledge of the five million dollar lawsuit filed against the U.S. Border Patrol.

During the trial, the smuggler (Davila) and Rene Sanchez contradicted each other's testimony throughout the trial. The smuggler also testified that he and Rene Sanchez were both born and raised in San Ysidro, MX and had known each other since they were kids. The smuggler testified that he and Rene Sanchez had not seen each other in the past year, while Rene Sanchez testified that he had not seen the smuggler since he was seven years old.

The smuggler also testified that he had met and talked to Rene Sanchez in Laredo before the drug bust in Fabens, TX in which he was wounded. He also testified that he had run into Rene Sanchez in Juarez sometime in October and before the original trial date of October the 17th. He also testified that Rene Sanchez and Christopher Sanchez had picked him up on Sunday, two days before trial and taken him to the federal building in El Paso to prepare for the case with the prosecutors. Rene Sanchez testified that although they were all in the same car, they never talked to each other.

When Rene Sanchez took the stand he testified that he had not seen the smuggler for approximately eight years. Rene Sanchez admitted to having advised the smuggler to turn himself in and admitted to having told him what to say. Rene Sanchez also admitted to having got the smuggler the lawyer, whose last name is Boyaki, to file the five million dollar lawsuit against the border patrol.

One agent by the name of Blanchett who was subpoenaed by the defense was not allowed to testify. He would have testified that Rene Sanchez kept calling him about drug smuggling activities in Fabens and also when and where the busts were occurring. Agent

Blanchett made a report of this to the Border Patrol because he was suspicious of Sanchez and was reprimanded for doing so.

Homeland security agents went to Fabens to question Blanchett about his reporting the calls from Rene Sanchez. Agent Blanchett was asked questions without representation, and was requested to surrender his weapon. Blanchett requested representation, which he received from his Federal Law Enforcement Officer's representative who then instructed Blanchett to leave during the questioning by DHS agents and Blanchett immediately walked out of the room.

They were trying to protect Rene Sanchez because he was one of the government's chief witnesses in this case. The government does not know how corrupt he is. Blanchett was then transferred to Deming, New Mexico with the border patrol claiming that he had been in Fabens on temporary assignment.

All the illegal moves of Rene Sanchez concerning his personal investigation without knowledge or permission from the U.S. government are a matter of public record in the trial transcripts.

Through sources and public records it has been learned that the smuggler, Osvaldo Davila smuggled a load of Marijuana into the U. S. last year before the original Oct. 17th trial date. Sources have stated that when the prosecutors found out about this, they took away his crossing card and refused to give him any more free medical treatment at the Army Hospital in El Paso. The prosecution asked for postponement of the original trial on the day that the jury was being picked. The claimed that the postponement was necessary because the smuggler need additional medical treatment and had to be taken to San Antonio, TX for surgery. This never happened.

The defense lawyers agreed to the postponement in good faith providing that the agent's be release from house arrest which they had been under for eight months. I would think that the defense should have agreed only if the prosecutors would have agreed to no more count stacking against the two agents. The two agents were freed from house arrest, but in the meantime, while awaiting trial, the prosecutors superceded the original indictment twice adding approximately eight more counts. This viciousness is only common in cases against repeated felons, murderers, and rapists. We are now talking about two good, young, dedicated, and brave with 15 years of combined service without ever having assaulted any illegal aliens or drug smugglers.

Agent Ramos was previously assaulted, and has been fired upon in 1996 without apprehension of the shooter, though nearly 900 pounds of marijuana was seized. In 2001, Agent Ramos was assaulted by an illegal alien with a syringe that later tested positive for HIV and Hepatitis C. In 2004, Agent Ramos was assaulted by an illegal alien, who attempted to grab the agent's weapon to use on him and suffered a broken hand in the incident. I mention this to illustrate that Agent Ramos knew by experience when an assault was taking place and how far an illegal alien, or criminal alien was willing to go.

The agents feel betrayed by their own government. They were convicted on contradicting lies by the smuggler, and repeated fabrication by the prosecution. Again, keep in mind that agents, who testified for the government, did so under immunity from the prosecution, including Field Operations Supervisor Jonathan Richards. So they knew they could say anything they wanted, and in this current state of the Border Patrol they knew to have a future, and not face what Agents Ramos and Compean were facing, they had to play ball.

Agents Compean, Ramos and Yrigoyen testified that they had told Richards that Compean had been assaulted. Border Patrol Trainee agent Mendez was going to testify for the government but was never used. He is the agent who saw agent Compean come out of the bathroom at the Fabens station after the drug bust and had told agent Compean that his hand was bleeding. Agent Compean also had a cut on his face. Mendez supposedly did this in front of Richards, and Richards then asked Compean if he wanted to file assault charges. Agent Mendez was subpoenaed by the prosecutors but was not called to testify. I feel that the reason was that if they did not call him, the defense would not be able to question him. This is yet another case of suppression by prosecutors.

Field Operations Supervisor Jonathan Richards never notified the F.B.I. as per Government policy for assaults on agents. The agents that testified for the government were on immunity from prosecution and are still on administrative suspension with pay because they admitted to lying in their original statements to Christopher Sanchez. Besides his repeated lies on the stand the people of this nation should be aware that took place during the trial according to sources, and court records.

When Attorney Antcliff, one of Agent Compean's attorneys asked Agent Juarez if he was on administrative suspension with pay, he answered "yes". Antcliff asked him, why are you on suspension? Juarez, replied, "for lying." Antcliff asked him, "did you lie in your statement last March? Did you lie in your statement last April? Did you lie in your statement last September?" All three times, Juarez answered "yes".

Let me get back to agent Christopher Sanchez. The smuggler testified on the stand that he and "Chris" had become real close in the year awaiting trial and that is why he referred to him as "CHRIS." When the smuggler testified that his fellow smugglers had a death threat on the Ramos and Compean families, he was asked if he had disclosed this information to anyone. He testified that he had told "CHRIS," which is in the DHS documents. However, when they asked Christopher Sanchez if he had reported the threat to anyone, he answered, yes. When asked who Christopher Sanchez had reported it to, he responded that he notified Mexican authorities in Juarez, MX.

Why Mexican authorities, and not U.S. law enforcement authorities? That's idiotic when you have a death threat against law enforcement officers to not notify the agents' themselves, their agency, and the FBI.

To date, the families continue to receive death threats, and have received no support, or protection from any federal law enforcement agency. The sole support has come from the Office of El Paso County Sheriff Leo Samaniego.

According to testimony, after the bullet fragment was removed from the smuggler at the hospital, he was supposedly taken to Christopher Sanchez's home to spend the night. The chain of custody for evidence was never produced and I find it suspect and questionable that there is a ballistic report for a bullet fragment, which should be tested as how could that come from one firearm when nine were in custody. One needs to check the documents, which were given to the defense counsel, which leave many more questions.

I must further add the following information. When I first met with and interviewed Agents Ramos, and Compean, along with their attorneys and wives, this past March 23 and 24, 2006 in El Paso, TX, I spoke later that day with Sheriff Leo Samaniego of El Paso County, and Sheriff Arvin West of Hudspeth County, TX, who both provided the following assessment, "This was a good shoot, and outside of an administrative problem by not reporting, which should result in either suspension, these guys did not do anything wrong." As Sheriff Samaniego personally added, "These guys are not criminals." While not an official statement, this is how they responded to my questions regarding the case.

This case leaves many questions from the original press statement by the Office of U.S. Attorney for West Texas Johnny Sutton, to the most recent, which continues to not only mislead the public but contradict the facts as stated during the trial.

The agents report that there was a 9-3 vote in favor of acquittal and yet within two days it was reversed to a 12-0 conviction. On Sunday, August 13, 2006, the Inland Valley Daily Bulletin's Sara Carter broke a story with statements from two of the jurors who state for the first time in public interviews what really happened in the jury room. Links to that article, in addition to the original exclusive interview of Agent and Mrs. Ramos published on August 6, 2006, are both available on our FriendsOfTheBorderPatrol.com website.

*On Friday, two of the 12 jurors who convicted the agents said pressure from the prosecution and possible misconduct involving other jurors may have led to the conviction.*

*In an interview with the Daily Bulletin Saturday, a juror who asked to be identified only as Claudia said she was the last holdout on the jury before the guilty verdicts were handed down.*

*"I've had nightmares about the family since the day of the verdict," Claudia said. "I want to do whatever I can to support the families. I'm not at peace."*

*Claudia and another juror, Bob Grouley, who teaches special-needs students, said the guidelines provided to the jury were at times difficult to understand and that several of the guidelines regarding the convictions were open to interpretation.*



*Both added that several of the jurors, including the foreman, pressured colleagues to go with a guilty verdict because spring break was a week away and they didn't want to be stuck in a long deliberation. Grouley said the foreman told the jurors, several of whom were holding out, that Judge Cardone would not accept a hung jury.*

*Grouley said he contacted Mary Stillenger, Ramos' attorney, several weeks after the trial was over to let her know he was not comfortable with the verdict.*

*"We had to go by the judge's orders, but this punishment doesn't fit the crime," Grouley said.*

The El Paso Times published a report on the trial verdict on March 9, 2006, which stated, "Compean and Ramos' boss, Robert W. Gilbert, the Chief Patrol Agent for the El Paso Sector of the Border Patrol issued a written statement Wednesday saying the agents *chose to violate the trust of the citizens they swore to protect.*"

Though the facts, through the admissions that were revealed during the trial by all parties showed that Agents Ramos and Compean had only committed an administrative error, it is clear that the managers of El Paso Border Patrol Sector chose to ignore the evidence, withheld services that the agents and their families were eligible for, and abandoned their agents to the wolves though the facts in the case demonstrates misconduct by the prosecution, witnesses, and jury. Something well understood by local law enforcement throughout the Texas border region.

On behalf of Friends of the Border Patrol, and the tens of thousands of letters, and emails that have been received, we request that Congress, specifically the House Committee on the Judiciary, and the House Committee on Homeland Security investigate this case, and we request that both committees convene a joint hearing regarding this case.

Furthermore, thousands of emails, and letters are being sent from across the nation in support of the agents. The letters all have a common theme, question of misconduct by the Department of Justice, and the Department of Homeland Security, including the Office of Inspector General, and the Office of Customs and Border Protection (Office of Border Patrol). The mounting sentiment we are reporting to the Congress is that if the evidence includes any orders given by the Office of the President, including the President, and his subordinates to abandon these agents, or engage in an improper prosecution that the public wants articles of impeachment be introduced by the House Committee on the Judiciary.

It is clear to Friends of the Border Patrol and the millions of Americans who are still learning of this great injustice, that Senior Patrol Agents Ignacio Ramos, and Jose Alonso Compean be exonerated and cleared of all alleged crimes and that all individuals who had anything to do with charging these brave agents, and besmirching their names and reputations be immediately arrested, and charged so that justice is finally served.

Mr. Chairman, we further call on President George W. Bush to pardon these agents of any and all charges and convictions pertaining to this case, and order the agents restored to active duty, with all back-pay these agents are due and the thanks and apologies they so deserve.

## **FBP's recommendation to Congress**

Mr. Chairman, in the interests of national security, the Congress must act to secure our borders. First, it must act to pressure the Bush Administration to enforce the laws that are already on the books. Second, it must act to assist law enforcement agencies to do their jobs without political interference. And third, it must review agreements and treaties with our neighbors that make our country vulnerable to drug smuggling, human trafficking, and international terrorism. The worst thing the Congress could do, would be to agree to the guest worker/amnesty bill proposed in S 2611 or the proposal offered in the House by Mr. Pense rather than the enforcement provisions contained in HR 4437.

The House of Representatives can take immediate action through its oversight powers to review the conduct of the Department of Homeland Security and how that department has failed to defend the United States against foreign interests. Informing the Mexican government of the location of civilian border observations goes beyond the Vienna Convention and even beyond the limits of a good neighbor policy it enables the fox to guard the hen house. Agreements between our DHS and Mexico's Secretariat of Governance, such as the one signed on March 3, 2006 but not made public need to be reviewed.

The Department of Homeland Security has been informing the public, through the media, that the Border Patrol has achieved "operational control" of our borders and that would-be border crossers have a "substantial probability of apprehension". If the House agrees to the provisional conditions in S 2611 that require "operational control" of the border, then DHS will immediately certify that the border is secure. That, in turn, will enable the amnesty to go forward. DHS does not know how to run an efficient agency but they do know how to follow political orders. They may be incompetent administrators but they are loyal allies of the President. The Department suffers from what we at Friends of the Border Patrol call the "FEMA Syndrome". We saw the consequences of cronyism last year in New Orleans.

The only thing that DHS has been able to do successfully is to convince the media that our borders are secure. Photo opportunities with the Nation Guard give a false impression of a level of security that doesn't really exist. Hopefully, the Congress can see these "dog and pony" shows for what they are, propaganda.

After investigating the vulnerabilities of our borders, it is painfully evident that the United States remains wide open to incursions by drug smugglers, human traffickers, and terrorist organizations. Although Mexican military units are available to assist many of

them in crossing the border, the sad fact is that military assistance isn't always necessary. The borders are open to everyone.

Before giving serious consideration to S 2611, the House should take up the more urgent matter of the Border Patrol itself. I am declaring the Border Patrol to be a broken agency in dire need of overhaul. The Congress must act quickly to overhaul the Border Patrol, beginning with the removal of political cronies in leadership positions. Replace political accountability with job performance and many of the problems will begin to solve themselves. If the Congress is willing to investigate this problem, without regard to political ramifications, then you will find hundreds of witnesses willing to appear before you with the facts that you need to know how to wage a real war against terrorism. Do you really want to stop terrorists from coming into the United States? Fix the problems at DHS and the Border Patrol. Then tell Mexico to fix their own problems.

The Bush Administration needs to stop providing incentives for Mexico's poor to come to the United States and instead, should pressure the Mexican government to help them. By providing a "safety valve" for Mexico, Bush is actually enabling Mexico's richest citizens to exploit the poor. At the same time, "looking the other way" when Americans hire illegal aliens enables our own employers to exploit them here. It's immoral. It's all about cheap labor and we will all pay a price for it in the end.

The American people are opposed to the guest worker/amnesty program that is contained in S 2611 and they have made that point very clear through poll after poll. Unfortunately, employers have little to worry about when hiring illegal aliens. The Border Patrol is prohibited from interior enforcement operations under the National Border Patrol Strategy and Memo of Understanding between Customs and Border Protection and Immigration and Customs Enforcement released to the agencies on November 16, 2004, as well as by understanding the long-term ramifications of the Ramos-Compean case, who for doing their job and stopping a drug smuggler, face prison over an administrative matter, and for stopping "the natural flow of migration" as Mexico calls it.

We cannot secure our borders as long as we continue to encourage illegal immigration. It's time to put America's security first by enforcing immigration laws and cutting off the job magnet. Those who profit from cheap labor make generous campaign contributions but the cost of cheap labor is too high in the long run. While the Bush Administration is noted for its slogans, we have one of our own; the guest workers/amnesty program should be known as "No Bribe Left Behind."

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