

Testimony of

JANICE L. KEPHART

Director of National Security Policy

Center for Immigration Studies, Washington D.C.

Before the

House Committee on Homeland Security

Subcommittee on Border, Maritime and Global
Counterterrorism

On

***“ENHANCING DHS’ EFFORTS TO DISRUPT ALIEN
SMUGGLING ACROSS OUR BORDERS”***

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I am currently the Director of National Security Policy at the Center for Immigration Studies (CIS) and a former counsel to the 9/11 Commission, where I co-authored the monograph *9/11 and Terrorist Travel* alongside recommendations that appear in the *9/11 Final Report*. Prior to 9/11, I was counsel to the U.S. Senate Judiciary Subcommittee on Technology and Terrorism where I specialized in foreign terrorist activity in the United States and worked on oversight issues pertaining to border security and counterterrorism with the legacy Immigration and Naturalization Service, as well as gained unanimous consent in both Houses of Congress for the federal criminal redress system in place today for identity theft. Today I focus on all issues pertaining to border security and its nexus to national security. This is my 11th testimony before Congress, and I am privileged to be here before you today.

Last year, after becoming increasingly alarmed at a growing silence about the southwest border, and particularly Arizona, where Operation Gatekeeper in the late 1990s had successfully pushed much of the illegal crossings into Arizona, I began a series of documentary films. I was especially concerned about the interest of terrorist groups like Hezbollah and Al Qaeda’s in seeking anonymous entry of their operatives along the southwest and northern border. There were documented cases of both terror organizations pursuing this type of travel strategy, an issue that I had testified to in prior years before Congress.

At the time, I was concerned that the administration was not taking the threat as seriously as it could. It decided not to construct new fencing on the southern border; it had not announced a replacement program for the Secure Border Initiative; budget proposals reflected reduced numbers of Border Patrol agents; and requests for a National Guard presence by Arizona’s new Governor, Jan Brewer, were ignored despite the success the National Guard had helped the Border Patrol achieve in 2006 in the Yuma Sector as active ‘boots on the ground.’

During this same period, about a year and a half ago, I began receiving anonymous emails with hidden camera footage from the southwest border. Over time, this footage captured hundreds of illegal aliens crossing federal lands over and into Arizona, with few ever stopped or apprehended by the Border Patrol despite occasional chases. To my mind, this footage portrayed a very different reality than Washington’s conventional wisdom, which was reiterating that illegal alien apprehension numbers were down. How could we know numbers were down when the only way to know the real activity was not from federal government apprehensions, but private citizen hidden cameras?

The apparent absence of the Border Patrol was also striking. This was federal land with known illegal trails that caused environmental devastation as well. How could it be that the federal lands seemed less protected by federal law enforcement than private property?

“Hidden Cameras on the Arizona Border 2: Drugs, Guns, and 850 Illegal Aliens” is the CIS’ second web-based film on the impact of illegal alien activity in Arizona. This new 10-minute mini-documentary—which I produced, directed, wrote, and narrated—features footage of both illegal-alien entry as well as alien and drug-smuggling. It is based on two sources of hidden camera footage [SecureBorderIntel.org (Nogales/Casa Grande footage) and BorderInvasionPics.com (Coronado footage)], 10 months worth of Freedom of Information Act requests including Memos of Understanding between the federal government entities that own and patrol these lands, and a June 2010 border trip I took to southeast Arizona, the Coronado National Forest, and the Casa Grande sector highlighted in the film. The film is on the CIS website at <http://cis.org/Videos/HiddenCameras2>. Upon conducting document and ‘on the ground’ research, alongside review of many reels of hidden camera footage, it was hard to avoid the conclusion that illegal alien activity is causing severe consequences for Arizona.

The mini-documentary was released at a press conference with Rep. Rob Bishop (UT-1) on July 15, 2010. Its views already exceed 100,000 just on youtube.com. The film was featured for two days on FOX News and its news affiliates and has been subject of radio interviews and print articles. It appears to be receiving a large and grassroots interest, and substantial support, for its substantive appraisal of the current status of illegal activity in Arizona.

The Center's first video on the subject, “Hidden Cameras on the Arizona Border: Coyotes, Bears, and Trails,” (<http://www.cis.org/videos/hiddencameras-illegalimmigration>) was released on July 14, 2009 and has received over 60,000 views to date. A blog as to the federal government response to that video can be found at <http://www.cis.org/Kephart/HiddenCamerasUpdate>. This film focuses primarily on the environmental destruction caused by illegal activity on federal lands, highlighting in more detail waste and threat to wild animal life.

Among the lessons learned from Hidden Cameras 2 is that illegal activity and violence in Arizona is escalating. Moreover, the federal government, including the Department of Interior, which owns about 12.5 million Bureau of Land Management acres in Arizona, as well as numerous national parks and wildlife refuges, and the Department of Agriculture’s Forest Service, which owns the Coronado National Forest, has long known the devastating effect of illegal alien activity on its land. (See the 2009 Fact Summary Bureau of Land Management-Southern Arizona Project FY 2009 Fact Sheet¹). Yet there is minimal federal law enforcement on these lands, exacerbating the environmental and public safety issues while encouraging alien and drug smugglers to use them as a playground for travel and waste. Featured in the film is a 2004 federal government PowerPoint showing the near-complete devastation of Organ Pipe National Monument due to illegal-alien activity, an Arizona borderland national park.

¹ http://www.blm.gov/pgdata/etc/medialib/blm/az/pdfs/undoc_alien.Par.57669.File.dat/09-SAZ-Proj.pdf

My FOIA requests also yielded PowerPoints from subsequent years on the Buenos Aires National Wildlife Refuge and reports on the Coronado National Forest that reiterate the 2004 PowerPoint. Even in 2001, a report submitted by the Department of Interior to Congress outlined in great detail the issue of increasing illegal activity. The Department of Interior knew the extent of devastation from illegal activity on its lands, but instead of putting programs in place to work with federal law enforcement or request line-item budgets for law enforcement to help curtail the illegal activity itself, the problems have continued to deteriorate these lands, making them increasingly unsafe and hurting habitats. Two key quotes, which begin the mini-documentary, are as follows:

Thousands of new trails and roads have been created on Federal lands by undocumented aliens.

Certain federal lands in southeast Arizona can no longer be used safely by the public or Federal employees due to the significance of smuggling undocumented aliens and controlled substances into the US.

Some key facts highlighted by my research and the hidden camera footage shown in Hidden Cameras 2 include:

- **In sum**, on a total three trails in 60 days between February and March 2010, we counted about 850 illegal aliens, 9 drug mules, 3 guns, and a jeep with drugs careening through the desert.
- **Coronado trail facts.** 735 of the illegal aliens in the film are found on one trail, located in the Tucson Border Patrol sector, 15 miles north of Nogales within the Coronado National Forest. They crossed just one hidden camera in 39 days between February and March 2010 during all hours and in all weather. Not one Border Patrol agent is seen on this trail in 39 days. The illegal men and women travel in groups of 7 to 19. Also found on this trail are burlap remnants and water jugs painted black - evidence of drug smuggling. These cameras were placed purposely close to layup areas, where the illegal aliens await trucks and vans that will smuggle them further into the U.S. The layup, shown in the film, is cluttered with tons of trash left behind by those utilizing this one trail. It is estimated that 8 to 16 million tons of trash has been left behind in wildlife reserves like this one.

Extrapolated out, this one trail, uninterrupted, would yield nearly 7,000 aliens illegally entering the U.S. over the next year. Extrapolate that number out over the thousands of illegal trails government already knows exists. That could mean there are hundreds of thousands of entries that are never recorded and never make any government statistic.

- **Casa Grande trail facts.** A MAC-10 and two assault rifles are carried on foot, along with seven drug couriers carrying packs of sixty pounds or more, and one jeep, all caught on hidden camera video on two cameras located 70 to 80 miles north and west of Nogales. The footage was obtained in January 2010.

The federal land area where this footage was captured is west on the I-8 corridor between Tucson and Phoenix, in the Casa Grande Border Patrol sector. This area is known as Table Top, another wildlife-designated area north of the Tohono O'odham Indian Reservation, the Barry Goldwater Firing Range, in the Sonora Desert. In this same area, on April 30, 2010, Pinal County Deputy Sheriff is shot while in hot pursuit of drug cartels. The deputy sheriff survived after a two-hour search to find him.

The hidden cameras also picked up about half a dozen load trucks, which are run deep into the desert carrying anywhere between 20 to 35 individuals at a time in areas further west on I-8 in March and April 2010, near a large federal land area known as the Lower Sonora Desert. These loads are weighted down in human cargo, load after load, obvious and unstopped. (My sources tell me that Bureau of Land Management personnel have seen stand up loads trucks with illegals in the back with numbers up to 50.)

Federal government awareness. The boots on the ground—the Border Patrol agents, Forest Service and National Park law enforcement agents, the state and local cops—all have known how bad the situation is for years, and are dedicated to their mission. There is no doubt about that. However, through a tedious series of Freedom of Information Act requests, I learned the disconnect between the reality of the Arizona border and Washington rhetoric.

PowerPoints and reports were obtained that show in intense detail the immense destruction to federal lands caused by illegal activity. The devastation to Organ Pipe National Monument, about 100 miles west of Nogales, is shown to be near 100 percent. The destruction shown is from illegal alien activity that includes fires and vegetation cutting; water pollution and human waste; horse, bicycle, vehicle and foot tracks; rest sites; and trash. Similar reporting was obtained on Buenos Aires National Wildlife Refuge, also west of Nogales, and multiple reports exist on the Tohono O'odham Reservation and Coronado. In fact, there is no place on the Arizona border that does not report extensive destruction from unstopped illegal activity.

A federal law enforcement officer that helps patrol public land told me during a recent visit that his agency only has nine law enforcement officers to cover three million acres.

- **The threat to public safety today.** Shortly after the Pinal County Deputy Sheriff Louie Puroll was shot on April 30, 2010, in the exact same area, two Latino males were shot to death in what is strongly suspected to be drug cartel feuding. (There is reporting this past week that the heavily violent drug cartel “Zetas” are blaming Americans for the deaths of their couriers, and have put out a threat that any armed American found in these federal lands will be shot.) Nogales’ police chief reports that drug cartels are threatening his cops, telling them to look the other way if they are off-duty, or they will be targeted by “sniper or other means.”

Moreover, Arizona citizens are not just being threatened, but shot at as well. Within the last few months a grandfather and his grandson were dove hunting off of the I-8 corridor near at mile marker 124 when a truck loaded with illegal aliens came at them at a high

rate of speed. The truck began firing guns at the grandfather and grandson. Other citizens report to BLM personnel, according to my sources, that there have been other U.S. citizens chased by people with AK 47 semi-machine guns in that area. In total there have been 13 confirmed shootings in the I- 8 area this year to date.

Border enforcement solutions. History provides a guide to help determine what federal law enforcement can be successful on federal lands, and what cannot. First, the Border Patrol needs access that is relatively free of preapproval to operate on these lands. It can do so while embracing environmental stewardship. A recent successful model is provided by the Yuma Sector.

According to the Border Patrol, in January 2004 the Yuma sector border lands owned by the Department of Interior and located in far western Arizona experienced a huge surge in illegal entries. There was no fence. Agents were assaulted with rocks and weapons daily and outnumbered 50 to 1. In 2005, more than 2,700 load trucks full of aliens and drugs illegally breached that sector. Smugglers were leading masses through the desert, leaving the sick and wounded to die. The smugglers did not stop for agents when in hot pursuit of vehicles. There were many crashes and deaths. By 2005, 138,500 illegal aliens were apprehended, and the numbers were still increasing. Today, the Yuma sector is clean relative to its past, and the Border Patrol can do its job. Apprehensions are down 94 percent to 8,500 in 2008.

Why and how? In May 2006, President Bush announced **Operation Jumpstart**, deploying more than 5,000 National Guard Citizen-Soldiers and Airmen to assist the Border Patrol in securing the boundary with Mexico. For the first time in three years, the numbers of illegal entries began to decrease. Governor Napolitano's 2006 Arizona Department of Emergency and Military Affairs Annual Report describes the National Guard's contribution to the operation as follows.

Operation JUMP START, JTF-AZ Border: The Arizona National Guard, as well as the other Southwest Border States, was tasked to support Operation Jump Start in coordination with US Department of Homeland Security and the US Customs and Border Patrol (CBP). The Arizona National Guard is supporting CBP with up to 2,400 Guardsmen to gain operational control of the border.

Since July 2006, the Arizona Army National Guard has provided over 5,489 Guardsmen to support missions along the international border with Mexico.

The Arizona National Guard is in support of the Border Patrol sectors of Yuma and Tucson. The missions tasked to National Guard soldiers and airmen include: 1) surveillance; 2) camera operations; 3) vehicle maintenance support; 4) aviation support; 5) border infrastructure/fencing; and 6) Entry Identification Teams along the 389 miles of the international border between Arizona and Mexico.

According to the Border Patrol, in the first six months of Operation Jumpstart, Guard members provided surveillance, border infrastructure, and aviation support, and also helped the Border Patrol save lives of those left to die by smugglers, deal with crash sites where there were high

speed chases of smugglers, as well as interdict illegal drugs. The Guardsmen were not just repairing fences; they were boots on the ground, too.

With administration support in Washington and the National Guard's help on the ground, between 2007 and 2008, unprecedented amounts of tactical infrastructure arrived as well, including: seven miles of 'floating fence' in Yuma sand dunes; 13 miles of access and vehicular fencing along the Colorado River; nine miles of secondary fencing along the San Luis POE; and 68 miles of pedestrian and vehicular fence along the Sonoran desert. By the time the operations were complete, all of Yuma's 126 miles of border had natural or manmade barriers of some kind. Environmental assessments were conducted to assure preservation. In addition, there are two new BP stations in Yuma, and mobile surveillance sensors with ground radar as well. All of this personnel and tactical infrastructure were backed up by criminal prosecutions of illegal entrants known as **Operation Streamline**.

Operation Stonegarden still funds localities to help assist border security, as well, helping Arizona local law enforcement back up federal law enforcement as need be. On July 19, 2010, the administration announced \$48 million to the southwest border for Stonegarden.

Conclusion. Our nation needs to own up to the real dangers to public safety and the environmental degradation highlighted by Hidden Cameras 2. Multiple deaths, the threats to Nogales off duty police by drug cartels and cross-border feuds; the millions of tons of trash and complete devastation of wildlife and forest reserves by the illegal trails and the illegal alien and drug smugglers that use them; and the lack of adequate federal law enforcement on federal land all point to the need for an urgent, strong, and steadfast solution.

However, new fencing has stopped, even though there is a 26-mile stretch of desert between Naco and Nogales where there are nearly no barriers to hundreds of illegal trails in the Coronado. Technology upgrades has stopped with rare replacements. The administration is not prosecuting illegal aliens for illegal entry unless they are previously associated with violent crime. Guns are being stopped going south but we have no land EXIT/departure system in place, nor a plan for one. Local officials, as in Arizona, are discouraged from supporting federal immigration law enforcement.

Yet despite these facts, the July 19, 2010 "DHS Weekly Report" states that "The Administration has pursued a new border security strategy over the past year and half, making historic investments in personnel, technology and infrastructure." The DHS Weekly Report also states that 524 National Guard are to be deployed to Arizona on August 1, 2010 to "provide support for intelligence surveillance and reconnaissance, and counternarcotics enforcement." What was not said was this National Guard deployment is significantly curtailed in numbers and duties compared to a successful 2006 Operation Jumpstart.

Like terrorists, alien and drug smugglers must travel across a border in some manner. The most critical strategy to curtail their travel across our borders, especially in the southwest, requires an "all hands on deck" approach to border security that does not relent until the escalating threats are under control and the border secured. All elements—personnel, infrastructure, legal support, a plan for a departure system, and policies supporting federal law enforcement on federal lands, should be the starting point, not the last point, for border enforcement against illegal alien and

drug smuggling. A multi-layered approach such as was done in the Yuma Sector assuring strong border presence in personnel and infrastructure, a legal system to prosecute illegal entry, and support for localities supporting a federal enforcement approach, can together discourage brazen alien and drug smuggling and reverse recidivism and criminal activity that threatens our environment and public safety. We can make it so, with American political resolve, and the programs and resources to back it up the way Americans rightfully expect for their homeland.