

Good morning Chairman Issa, Ranking Member Cummings and other members of the committee. My name is Robert Heyer. I am the cousin of slain Border Patrol Agent Brian A. Terry. I am joined on this panel today along with Brian's mother, Josephine Terry; and sister, Michelle Terry Balogh. They have asked me to give this opening statement on behalf of the entire Terry Family.

It was just ten days before Christmas last year when our family received the devastating news; Brian had been shot and killed while engaged in a firefight with a group of individuals seeking to do harm to Americans citizens and others. We knew that Brian faced imminent danger on a daily basis as part of his chosen career, but we also knew that he and his unit were highly trained and equipped with the best weapons this country could provide to their fighting men and women. They were confident in overcoming any threat that they might face in the desolate section of desert that they patrolled. He and his team prided themselves as being the tip of the spear that defended this country and its borders.

The telephone call came in the middle of the night. I know that this type of horrible notification has been received many times during the last 10 years by the families of our military's sons and daughters as the United States has fought wars

in both Iraq and Afghanistan. After all, Brian had taken an oath to defend this country from all terrorist threats. What makes Brian's death so shocking to his family is that he did not die on a foreign battlefield; he was killed while in the line of duty as a U.S. Border Patrol Agent. He died not in Iraq or Afghanistan, but in the desert outside of Rio Rico, Arizona some 18 miles inside of the U.S. – Mexican border. His killers were not Taliban insurgents or Al Qaeda fighters but a small group of Mexican drug cartel bandits heavily armed with AK-47 assault rifles. The rifles and the ammunition they carried were designed to do one thing and that was to kill.

Brian was an amazing man. And I say that not just because he was family. Many people thought him to be almost super human. After his death, we visited his former duty stations in Arizona. Each time we met one of his fellow agents, they spoke of how impressed they were him. He was what we expect in our brothers and sons; a strong, competitive, handsome, courageous, funny, and incredibly patriotic American. Some of his co-workers even had bestowed him with the nickname of "Superman". Brian was very proud to serve as a federal agent. He had joined the United States Marine Corps right after high school. He went on to college and earned a Bachelor of Science Degree in Criminal Justice.

He then became a local police officer in the communities of Ecorse and Lincoln Park, Michigan. When he sought to have more of an impact on keeping this country safe, he joined the Border Patrol. Brian, it seemed had found his niche. Before long he tried out and became a member of the Border Patrol's elite Tactical Unit known as BORTAC. At age 40, he had much to look forward to which included getting married and starting a family; but for now, he was living his dream. He wore his BORTAC winged insignia with great pride and excelled as a BORTAC team member.

During BORTAC training, Brian was given a class room writing assignment. The assignment was to write something about himself that would give the instructors some insight as to who he was. He composed a poem that he entitled "If Today Is to Be the Day...So Be It" and I would like to read it to you so that you can have a better understanding of who he was:

"If you seek to do battle with me this day, you will receive the best that I am capable of giving.

"It may not be enough, but it will be everything that I have to give and it will be impressive for I have constantly prepared myself for this day.

“I have trained, drilled and rehearsed my actions so that I might have the best chance of defeating you.

“I have kept myself in peak physical condition, schooled myself in the martial skills and have become proficient in the applications of combat tactics.

“You may defeat me, but I’m willing to die if necessary. I do not fear death for I have been close enough to it on enough occasions that it no longer concerns me.

“But, I do fear the loss of my honor and would rather die fighting than to have it said that I was without courage.

“So I will fight you, no matter how insurmountable it may seem, to the death if need be, in order that it may never be said of me that I was not a warrior.”

Brian was due to complete his shift of duty that night in the desert outside of Rio Pico at midnight on December 15th and then take some much deserved time off. He had already made his travel plans to fly back to Michigan and spend the Christmas holiday with his family. Brian’s attention to detail had insured that all the Christmas gifts he had meticulously selected for his family had already

been bought and sent in the mail prior to his arrival. Brian did ultimately come home that Christmas; we buried him not far from the house that he was raised in just prior to Christmas day. The gifts that Brian had picked out with such thought and care began to arrive in the mail that same week. With each delivery, we felt the indescribable pain of Brian's death, but at the same time also remembered his amazing love and spirit.

We hope that you now know a little bit more about our Brian. We ask that you honor his memory by continuing to ensure what he worked so hard to do and ultimately gave his life doing; that is to keep this country safe and its borders secure. We hope that the Bureau of Alcohol Tobacco and Firearms is forthcoming with all information that the panel is seeking. We ask that if a government official made a wrong decision that they admit their error and take responsibility for his or her actions. We hope that all individuals involved in Brian's murder and those that played a role in putting the assault weapons in their hands are found and prosecuted to the full extent of the law. Finally, it is our hope that no more law enforcement officers die at the hands of these heavily armed Mexican drug cartel members operating on and inside the borders of the United States.

The Terry Family would also like to acknowledge and thank the Special Agents in the FBI's Tucson Field Office and the prosecutors in the U.S. Attorney's Tucson Office that have worked so hard and continue to work in bringing Brian's killers to justice.

The Marines have the motto of Semper Fidelis which most of you know is Latin for always faithful. The Border Patrol has the motto of Honor First. Brian lived a life of honor, duty and sacrifice which reflected both of these mottos and the two organizations he was so proud to serve in. It is now up to all of us to put honor first and to remain always faithful in the quest for justice. On behalf of the entire Terry Family, thank you.