

A CALL TO ACTION: NARCO-TERRORISM'S THREAT TO THE SOUTHERN U.S. BORDER

HEARING BEFORE THE SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS, AND MANAGEMENT OF THE COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES ONE HUNDRED TWELFTH CONGRESS

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A CALL TO ACTION: NARCO-TERRORISM'S THREAT TO THE SOUTHERN U.S. BORDER

Friday, October 14, 2011

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS, AND
MANAGEMENT,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The subcommittee met, pursuant to call, at 10:11 a.m., in Room 311, Cannon House Office Building, Hon. Michael T. McCaul [Chairman of the subcommittee] presiding.

Present: Representatives McCaul, Bilirakis, Duncan, Keating, Thompson (ex officio), and Clarke.

Also present: Representatives Cuellar, Al Green of Texas, Reyes, and Jackson Lee.

Mr. McCAUL. The committee will come to order.

I understand Dr. Vickers will be joining us soon, but we have votes scheduled in about 15 minutes, so I need to begin the proceeding. We will give our opening statements and see how much time we have before the votes.

I want to thank the witnesses for traveling, coming up here to Washington, and my ag commissioner, Todd Staples, coming all the way from Austin, Texas. I appreciate you all showing up here today.

The purpose of this hearing is to examine the threat to the Southern Border due to narco-terrorism.

Before I begin my opening statement, I see that Mr. Cuellar, Mr. Reyes, and Mr. Green are here. I think also Mr. Farenthold will be joining us. I ask unanimous consent that they be allowed to sit on the dais for the hearing today.

Hearing no objection, so ordered.

I am glad to see so much interest on the other side of the aisle in attending this hearing, as well. I think we will have a very spirited debate, a very important debate.

Today we meet to examine the threat facing our Nation along the Southwest Border from a strategic military perspective from the testimony of two of our Nation's finest generals and a commissioner from Texas, whose farmers and ranchers live with the daily threats from the drug cartels.

Earlier this week, we learned that a plot was foiled in which a U.S. informant, posing as a member of a Mexican drug cartel, was approached by a terrorist plotting to assassinate the Saudi Ambassador to the United States. Although the attack was thwarted, this incident implies the existence of ties between terrorists and the

drug cartels. It is unlikely that this sensitive Iranian mission would have been this terrorist group's first attempted encounter with the drug cartels. Indeed, it underscores the need to examine the deteriorating situation in Mexico and our border security initiatives.

This hearing also comes on the heels of the release of an eye-opening report by General Barry McCaffrey and General Robert Scales, entitled, "Texas Border Security: A Strategic Military Assessment." This is a copy of the report that I know you are submitting to this committee here today, and I intend to submit this report to the Secretary of Homeland Security, Ms. Napolitano.

This report and past hearings held by the subcommittee underscore the need for a comprehensive review of the Federal Government's role in protecting the border.

Violence in Mexico is spreading in ways that increasingly show characteristics of terrorism. The discovery of 32 bodies in Veracruz, the dumping of 35 bodies on a busy Mexican expressway—I know we had slides up here that demonstrate the visuals—and the placement of severed heads at the entrance of a primary school in an effort to extort money from teachers are all examples of the violent and disturbing actions of the Mexican-based drug cartels.

I have introduced legislation that would designate the cartels as foreign terrorist organizations. The bill states, "Foreign drug cartels have used brutal tactics of violence and the threat of violence against United States citizens to protect and expand their drug trade as well as their areas of operation."

Indeed, reports from law enforcement on both sides of the border underscore these violent extremes. According to the Texas Department of Public Safety, a review of information from multiple sources shows 224 decapitations have been reported in Mexico since 2009, including 64 since January to June 2011. In at least eight instances since 2009, bullets fired from Mexico crossed into Texas. Since 2009, there have been at least 64 border-related shootings at U.S. law-enforcement officers in Texas. Since 2008, smugglers in Texas have deployed spikes to disable U.S. patrol vehicles in 77 incidents. Since 2004, there have been at least 120 drug-related and alien-related kidnappings reported in Texas.

The McCaffrey-Scales report lays out in detail the threat the cartels pose to the United States and steps we can take to combat the hostility. The report concludes that cartels exploit creases within the ranks of American authorities in order to penetrate the border. This leads to channeling of both drugs and violence into the United States.

This report reveals that the cartels' intention is to influence all levels of government throughout the Americas; that the cartels' intention is to establish sanctuary zones in the United States one county deep; that the U.S. tactical efforts to stop cartel incursions are poorly resourced and vulnerable to corruption; and the increasing likelihood that competition to control distribution territories and corridors will result in greater violence in Texas as the Mexican military gains more control in Mexico.

The 2011 National Drug Threat Assessment conducted by the Department of Justice buttresses the conclusions of the McCaffrey-Scales report. It notes that transnational criminal organizations

are now operating in more than 1,000 cities in the United States. According to the Department's assessment, these cities now span all nine Organized Crime Drug Enforcement Task Force regions and enable Mexican-based cartels to operate more extensively in the United States. The problem has manifested itself into a national network of criminal activity driven and organized by the drug cartels.

McCaffrey and Scales outline the innovative and groundbreaking efforts of Texas authorities to pool resources and fight back against the encroachment of the cartels on Texan and American sovereignty. Through their unified commands and joint operations and intelligence centers, Texas officials have provided an effective model for other States dealing with the narco-criminal threat.

As the report notes, the Texas campaign against the cartels has proven the value of a control scheme that involves State, local, and Federal partnerships without sacrificing the sovereignty of any agency. Texas has taken the bold and necessary steps to protect its citizens that the Federal Government has failed to implement. We are here today to learn more about these efforts and how they might be helpful as a model going forward for the Nation.

I am honored to have these esteemed public servants before this committee here today, and I look forward to your testimony. I look forward to the spirited debate that we will have at this committee and the dialogue on this threat to our Nation that is constantly growing stronger and consistently evolving.

[The statement of Mr. McCaul follows:]

STATEMENT OF CHAIRMAN MICHAEL T. MCCAUL

OCTOBER 14, 2011

Today we meet to examine the threat facing our Nation along the Southwest Border from a strategic military perspective, from the testimony of two of our Nation's finest generals, and a commissioner from Texas whose farmers and ranchers live with the daily threats from drug cartels.

Earlier this week we learned that a plot was foiled in which a U.S. informant, posing as a member of a Mexican drug cartel, was approached by terrorists plotting to assassinate the Saudi Ambassador to the United States.

Although the attack was thwarted, this incident implies the existence of ties between terrorists and the drug cartels. It is unlikely this sensitive Iranian mission would have been this terrorist group's first attempted encounter with the drug cartels. Indeed, it underscores the need to examine the deteriorating situation in Mexico and our border security initiatives.

As my legislation, H.R. 1270 states, "Foreign drug cartels have used brutal tactics of violence and the threat of violence against United States citizens to protect and expand their drug trade and as well as their areas of operation. In September 2010, American David Hartley was shot by the Mexican drug cartel, the Zetas, while jet skiing, because he unknowingly came too close to their avenues for drug smuggling across Falcon Lake in Texas. In February 2011, Special Agent Jaime Zapata, an Immigration and Customs Agent, was murdered by the Zetas while on duty in Mexico. These are only two cases of many where American lives have been lost or threatened due to the actions of drug cartels."

"When Americans at home and abroad, including agents assigned to protect United States borders and national security, are targeted, threatened, and attacked by such foreign entities, it serves a continual threat to the safety and security of the United States and its people."

This hearing also comes on the heels of the release of the eye-opening report by General Barry McCaffrey and General Robert Scales, "Texas Border Security: A Strategic Military Assessment." Their report and past hearings held by this subcommittee underscore the need for a comprehensive review of the Federal Government's role in protecting the border.

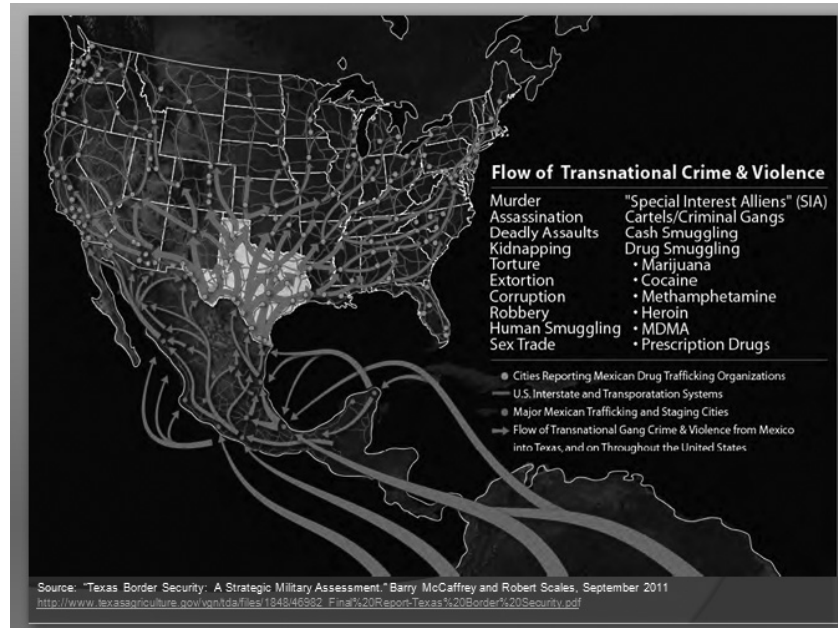
Violence in Mexico is spreading in ways that increasingly show characteristics of terrorism. The discovery of 32 bodies in Veracruz, the dumping of 35 bodies on a busy Mexican expressway, and the placement of severed heads at the entrance of a primary school in an effort to extort money from teachers, are all examples of the violent and disturbing actions of Mexican-based drug cartels.



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- Since 2009 there have been at least 64 border-related shootings at U.S. law enforcement officers in Texas.
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The McCaffrey/Scales report lays out in detail the threat the cartels pose to the United States and steps we can take to combat the hostility. The report concludes that cartels exploit "creases" within the ranks of American authorities in order to penetrate the border. This leads to channeling of both drugs and violence into the United States.



The report reveals:

- The cartels' intention to influence all levels of government throughout the Americas.
- The cartels' intention to establish sanctuary zones in the United States one county deep.
- That U.S. tactical efforts to stop cartel incursions are poorly resourced and are vulnerable to corruption.
- And, the increasing likelihood that competition to control distribution territories and corridors will result in greater violence in Texas, as the Mexican military gains more control in Mexico.

The 2011 National Drug Threat Assessment conducted by the Department of Justice, buttresses the conclusions of the McCaffery/Scales report. It notes that Transnational Criminal Organizations are now operating in more than one thousand cities in the United States. According to the department's assessment, these cities now span all nine Organized Crime Drug Enforcement Task Force regions and enable Mexican-based cartels to operate more extensively in the United States. The problem has manifested into a national network of criminal activity, driven and organized by the drug cartels.

McCaffery and Scales outline the innovative and groundbreaking efforts of the Texas authorities to pool resources and fight back against the encroachment of the cartels on Texan and American sovereignty. Through their Unified Commands and Joint Operations and Intelligence Centers, Texas officials have provided an effective model for other States dealing with the narco-criminal threat.



As the report notes, “The Texas Campaign against the cartels has proven the value of a control scheme that involves state, local, and federal partnerships without sacrificing the sovereignty of any agency.” Texas has taken the bold and necessary steps to protect its citizens and that the Federal Government has failed to implement. We are here today to learn more about these efforts and how they might be helpful as a model going forward.

I am honored to have such esteemed public servants before the subcommittee today. I look forward to their testimony so that we may continue the dialogue on this threat to our Nation that is constantly growing stronger and consistently evolving.

Mr. McCAUL. With that, I now recognize the Ranking Member, the gentleman from Massachusetts—I call it the Boston-Austin connection, that is still alive and well—Mr. Keating, for 5 minutes for an opening statement.

Mr. KEATING. Well, thank you, Mr. Chairman. Thank you for conducting this hearing.

I also want to thank our Ranking Member, Mr. Thompson. He is extraordinary with his time, I have found, in this committee, and it is appreciated.

Without a doubt, the violence in Mexico has reached astronomical proportions. But it is important, I think, also, as we are conducting the hearing, to sort of take a view from 30,000 feet up and gain a perspective of some of the progress we have made on our side of the border.

According to the uniform crime reporting from the Federal Bureau of Investigation and Texas law enforcement agencies, the murder rate in Texas border communities remains at an all-time low. In fact, according to FBI data, the homicide rate along the U.S. side of the Southwestern Border has actually decreased by as much as 14 percent over the last 3 years.

On the other side of the border, in the Mexican city of Juarez, more than 2,700 murders occurred in 2010. While there were only four murders in El Paso during the same time frame, as a former district attorney, one murder is too many. Likewise, there were 472 murders in Tijuana, and 29 occurred on the other side of the border in San Diego.

They also give perspective to the fact that violence spilling over from Mexico into the United States, while extremely important to prevent, has been declining. Furthermore, kidnappings in the Southwestern States, which are not included in the FBI's Uniform Crime Report, are also on the decline.

What is a concern, however, is that the great strides which the Department of Homeland Security and the Department of Justice have taken through the FBI, ATF, and DEA risk setbacks due to cuts made to the agencies in budget cuts by this Congress. Plans to cut funds for border security by more than \$350 million and reduce approximately 1,000 border-security agents—that is just not going to lead us in the right direction, in terms of enforcement.

The presence of Customs and Border Protection agents, Immigration and Customs Enforcement agents, along with State and local enforcement, deters violent actors from crossing over into the border communities. I, therefore, thank the brave men and women that are involved in this for their service.

I am concerned that living in the border communities adjacent to the country where violence has taken a stronghold must, indeed, have its challenges, as we saw with the Chairman's opening statement. I, therefore, respect our witnesses, who have traveled a long way to tell their story, and I look forward to not only hearing their testimony but following up with real action and also to continue to do my part and all of our parts on this committee to keep our Nation safe and our borders secure.

We also need to address the flood of guns from the United States into Mexico that feeds narco-terrorism. Until then, we will be fighting, overall, a losing battle.

I am pleased that Deputy Aguilar will testify today as a boots-on-the-ground person. She will provide us with a true depiction of crime and law enforcement efforts along the border. I specifically look forward to hearing her perspective of the impact of narco-terrorism on U.S. businesses, like the agricultural industry.

I would also like to welcome two great heroes to the hearing, General McCaffrey and General Scales, as well as Commissioner Staples and Dr. Vickers. I know you have traveled a great distance to be here, and I look forward to hearing your testimony.

Thank you, Mr. Chairman. I yield back the balance of my time. Mr. McCAUL. I thank the Ranking Member.

The Chairman now recognizes the Ranking Member of the full committee, the gentleman from Mississippi, Mr. Thompson.

Mr. THOMPSON. Thank you very much, Mr. Chairman, for conducting today's hearing.

I would like to thank our witnesses for traveling here to testify before this committee.

The purpose of today's hearing is to examine the threat of Mexico's drug trade on our Southwestern Border. Over the past few years, this committee has conducted numerous hearings on violence

occurring on the Mexican side of the Southwest Border. We have also examined the numerous efforts undertaken by our Government to assist our Mexican allies in disrupting and dismantling Mexican drug-trafficking organizations, otherwise known as DTOs.

These hearings have also explored an on-going question of how much crime actually spills over from Mexico into the United States. On one hand, criminal statistics indicate that border communities are among the safest in the United States. In fact, there is less crime in some Texas cities on the border than what occurs right here in the Nation's Capital. As we know, crime all over the country stems from a variety of sources. Being able to pinpoint where the crime occurs in Texas that would have occurred regardless of its proximity to Mexico and crimes that occur because it is spillover from Mexican drug-related activities is not an easy task.

I commend both Generals McCaffrey and Scales for taking on this challenge. However, if what is contained in their report is deemed to be true, that would mean that I would have to disregard the most widely cited and concrete evidence of crime in the United States, the FBI Uniform Crime Report.

According to the FBI, the homicide rate along the U.S. side of the Southwestern Border has actually decreased by as much as 14 percent over the last 3 years. These numbers show a clear distinction between political rhetoric and proven facts.

According to the report, FBI criminal statistics do not accurately reflect crime in the border communities because violence goes unreported or under-reported because witnesses to crimes are often afraid to testify, out of fear of Mexican drug DTOs. However, the report does not provide any concrete evidence of proof to support this bold claim.

I will readily admit that in recent years violence in Mexico has reached an all-time high. However, despite dire predictions, statistics and concrete evidence show that the violence has not spilled over into the United States. In fact, the violence occurring in Mexico is highly concentrated and, in many instances, limited to drug-trafficking corridors, some of which are hundreds of miles away from the United States border.

There is a need to bring awareness to this unique situation faced by Texas border citizens. However, we must also assure people living outside of Texas that border towns are safe for travel, trade, and commerce and that violent-crime rates have always remained flat or decreased in border communities in the Southwest.

I would be remiss if I did not mention that, despite strides made to increase personnel on the border, Republican-sponsored budget cuts threaten to take us backwards. This Congress, the Majority, introduced H.R. 1, which cuts \$350 million from the Department of Homeland Security's budget for border security, fencing, and technology. Just yesterday, on an authorizing bill, we voted down, this committee, Republicans on this committee, an effort to add 1,000 Border Patrol agents to the patrols.

You can talk tough, but when it comes time to putting your money where the tough talk is, somehow it is not there.

The Department of Homeland Security must have all the resources and authorities it needs to protect our borders. As Mem-

bers of Congress, we must align our budget priorities with where we claim help is needed.

I look forward to hearing from our witnesses.

Mr. MCCAUL. I thank the Ranking Member.

I would like to just state for the record that yesterday I was very proud to introduce several border-security measures that my good friend Henry Cuellar supported, and, I think most significantly, doubling the size of the BEST teams down on the border, which can confiscate the cash and weapons going southbound. We more than doubled the size of those teams, and I think that is going to go a long ways in this effort.

With that being said, Members are advised that we have votes. I understand we have 2 minutes left on the clock to vote, so we will have to run very quickly. We have two votes, and will be back probably in about 30 minutes. I will then introduce the witnesses, and I look forward to the testimony.

Thank you.

[Recess.]

Mr. MCCAUL. All right, the committee will come back to order.

I appreciate the witnesses' patience. I think that is the last series until about 2 o'clock, so this should be uninterrupted.

I would like to introduce the witnesses and then hear the testimony.

First, we have Mr. Todd Staples, who is a good friend of mine, from the great State of Texas. He is the 11th Texas commissioner of agriculture and was reelected to serve a second 4-year term in this State-wide office. As the ag commissioner, Mr. Staples is uniquely positioned to address the security of our U.S.-Mexico border through the eyes and experience of the Texas ranchers and farmers.

Earlier this year, the Texas legislature passed House Bill 4, which directed the Texas Department of Agriculture to conduct an assessment of the impact of illegal activity along the Texas-Mexico border on rural landowners and the agriculture industry, working in conjunction with other appropriate entities to develop recommendations to enhance border security. The legislative requirement culminated in the report that we are examining at this hearing here today.

Next, we have the distinguished General Barry McCaffrey. He served in the United States Army for 32 years and retired as a four-star general. He currently is the president of BR McCaffrey Associates. For 5 years after leaving the military, General McCaffrey served as the Nation's Cabinet officer in charge of U.S. Drug Policy. After leaving Government service, he served as the Bradley Distinguished Professor of International Security Studies and then as an adjunct professor of international security studies at the United States Military Academy at West Point.

Next, we have Major General Robert Scales. He is currently the president of COLGEN. Dr. Scales served over 30 years in the Army, retiring as a major general, and ended his military career as the commandant of the United States Army War College. In 1995, he created the Army After Next program, which was the Army's first attempt to build a strategic game and operational concept for future land warfare. He is a frequent consultant with the

senior leadership of every service in the Department of Defense as well as many allied militaries.

Generals, it is very great to have you here today. Thank you so much.

Next, we have Ms. Sylvia Aguilar, who is the deputy chief of El Paso's Sheriff's Office and commands the Major Crimes Bureau. Deputy Chief Aguilar has been an El Paso police officer for over 22 years. She has been in command of several units, including the Special Services Division, Office of Operations and Northeast Regional Command.

Thank you so much for being here, as well.

Finally, we have Dr. Michael Vickers. He is a veterinarian and rancher from Falfurrias, Texas. Frustrated by the amount of vandalism and trespassing taking place on his property, he started a group called the Texas Border Volunteers to help law enforcement gain control over the smuggling of drugs and people through private property. Dr. Vickers has been featured on numerous media outlets to discuss border security, including "Greta Van Susteren" and National Geographic's "Border Wars."

The Chairman now recognizes Commissioner Staples for his testimony.

STATEMENT OF TODD STAPLES, COMMISSIONER, TEXAS DEPARTMENT OF AGRICULTURE

Mr. STAPLES. Thank you, Chairman McCaul, Ranking Members Keating and Thompson, Members of Congress. Thank you for your service to our country.

For the record, I am Todd Staples, Texas commissioner of agriculture.

I certainly wish we were here today celebrating the productivity of American agriculture and the fact that because of the hard work of our Nation's farmers and ranchers, American consumers enjoy the safest, the most affordable, and the most reliable food supply in the world. Unfortunately, we are not.

We are here today because farmers and ranchers throughout the Texas border area have been intimidated, have been chased off their own property, they have been assaulted by a violent criminal organization that is running drugs and people across the farms and ranches of Texas. It is because of their concerns that I raised—and, quite frankly, their concerns were rebuffed, they were repudiated. We received lame jokes when we brought this to the attention of the administration.

So I asked in cooperation with the Texas legislature and commissioned a strategic assessment of our Texas border from two senior military officials who have experience securing borders all across the globe and asked for an independent, nonpartisan assessment so that we can know the circumstances and facts that we live with.

Now, I want to, first of all today, say that Mexico is an extremely valuable trading partner with Texas. Mexico is Texas's No. 1 trading partner. Mexico is the second-largest export market for the United States of America for all products. The trade is measured in hundreds of billions of dollars. The economy along the Texas-Mexico border is very dynamic. It is a tremendous part of the

Texas economy and the U.S. economy. It is this legal trade that we seek to preserve.

But it is undeniable that farmers and ranchers are coming forward and telling horrific stories that I refuse to accept as a status quo. I will say that our local sheriffs are doing a tremendous job. Our city police are working valiantly. Our Federal agents that are there and our State law enforcement along the border are all doing an admirable job. But in Texas, across the 1,241-mile border, it is porous. We are having our farmers and ranchers being chased off their property, and we have first-hand testimony of that.

Now, no one is blaming any national leader for the heinous crimes and the seedy motives of these transnational criminal organizations. But when we say the border is safer than ever, it signals defeat, it signals that we are going to accept the status quo. No American should be satisfied that we don't have the right to use and enjoy our property. We need greater Federal resources in order to defend what is a porous border.

Now, statistics have been cited, and I know that there are statistics that we could go back and forth across today. But it is undeniable that drugs weighed by the ton are flowing to urban cities across America, and it is also undeniable that dollars counted in the billions are flowing south. They didn't just appear in those communities; they came across our border somehow.

I am here today asking for common ground so that we can have the Federal resources. I heard from some of the testimony that that is a common issue, that we do agree there needs to be a greater enforcement and greater number of Border Patrol officials.

This document that I submitted as a part of my testimony clearly demonstrates that California, Arizona, and New Mexico have 14 border agents per border mile. I am very grateful for that. Texas averages barely over 6, based on the latest numbers that were provided to us.

We need greater Federal resources. We are asking for your help. We thank you for your attention today.

[The statement of Mr. Staples follows:]

PREPARED STATEMENT OF TODD STAPLES

OCTOBER 14, 2011

Thank you, Mr. Chairman and Members of the committee, for the opportunity to testify before you today. I am Todd Staples, Texas Commissioner of Agriculture.

Texas Border Security: A Strategic Military Assessment documents in clear terms, we have a violently insecure, porous border, with a lack of operational control. Texas is simply calling for sufficient action—ample Federal resources to secure our country. No one is blaming our National leaders for the drug cartels' seedy motives and heinous actions—but saying “our border is safer than ever” signals two dangerous messages to these narco-terrorist organizations that are infiltrating America: No. 1, we are satisfied with the status quo, and No. 2, we are not going to drive you out of business. Congressmen, the only message from a united America should be this: We will meet any opposing force with greater force and we will not cede 1 inch of American soil.

This committee knows first-hand from testimony and field hearings the threats in Mexico that have been well documented as well as our law enforcement and foreign aid efforts at the National, State, and local levels to counter these violent transnational criminal organizations. At this very moment a critical industry to our National security is under increasing attack. Texas farmers and ranchers along the U.S.-Mexico border are regularly becoming victims of intimidation, aggression, and outright violence by armed trespassers that often have direct ties to Mexico's drug

cartels. With alarming frequency, Texans along the border are subjected to physical harassment, illegal trespassing, property damage, theft, and the illegal trafficking of people and drugs on their property.

I come to you today to say we must not minimize the actions of terrorists. This border assessment tells the stories of farmers, ranchers, and rural landowners who have been victims of violence; who witness grim atrocities on a far-too-frequent basis; and generally live in fear of those who cross their land day and night. Americans should be offended that statistics are being used to diminish the crimes committed against their fellow citizens by narco-terrorists.

Let me be clear, this is happening on our side of the border and each day that they threaten a farmer or rancher, they get closer to impacting our Nation's food supply.

American agriculture produces the safest, most affordable, and most reliable food and fiber supply in the world—and Texas is a major contributor to those production efforts. Despite an on-going drought and raging wildfires, the Texas agriculture industry has shown significant strengths in a trying time for the U.S. economy. We continue to lead the Nation in the production of cattle, cotton, sheep, goats, mohair, and many other products that American consumers rely on daily. Agriculture is also a significant sector of the Texas economy, producing an economic impact of about \$100 billion a year. Mexico is the No. 2 export market for the United States and our No. 3 source of imports. It is this legal trade that we seek to preserve.

Let me give you a snapshot of the grave danger Texans face due to an insecure border. These are only some of the acts of violence these transnational criminal organizations have taken in the past few months:

- On Feb. 18—Two energy company employees were assaulted and robbed in rural Webb County;
- On March 11—A ranch foreman was injured from shots fired by suspected drug cartel members in rural Webb County;
- On June 9—Texas DPS and Game Wardens were shot at by drug traffickers in rural Hidalgo County;
- On June 19—U.S. Border Patrol was shot at by drug traffickers in an area that has seen repeated shootings aimed at U.S. law enforcement in Hidalgo County;
- On July 14—Shots fired at water district workers in rural Hidalgo County;
- On Sept. 27—Shots fired, killing at least one individual, on Hidalgo County highway;
- The personal testimony of the farmers, ranchers, and employees being told to “turn around, look the other way, leave your property, or else,” while cartel members run drugs and humans through private Texas properties.

All of these incidents—which law enforcement believes were caused by criminals linked to the cartels—have taken place this year, not on the southern side of the border as many would have you believe, but rather on American soil in Texas. We cannot allow the livelihoods and peaceful enjoyment of private property to continue to be jeopardized. We cannot allow our standards to devolve to a new tolerance threshold for violence against private property owners. In addition to acts of violence, Texans are witnessing the direct consequences of narco-terrorism and organized crime. Rural residents experience the human tragedy of finding dead bodies on their properties—those of the sick and frail who fell behind and were left to die by the traffickers. These well-documented cases are proof that these terrorists do not shed their label simply by stepping into the United States to bring organized crime and traffic drugs, people, weapons, and money.

We've heard of farmers selling out and closing their operations. We are talking about our domestic food supply. We cannot stand by and watch terrorists frighten farmers out of agriculture. We do not like being dependent on foreign oil; we must not become dependent on foreign food.

Transnational terrorists do not send their activity reports to the Homeland Security Secretary. We all know drug trafficking and human smuggling is occurring at alarming rates. During the Super Bowl in Dallas this past year, the Texas Attorney General's office focused resources to assist local law enforcement in combating underage prostitution and concerned faith-based organizations led a campaign during the Super Bowl to bring awareness to this issue. Are we really pretending there is not a problem?

We all know the transnational criminal activity has been heading to our border. What I'm telling you today is they are here, they have arrived and we need to stop making excuses, stop blaming each other, and stop this incursion before the violence statistics exceed the naysayer's thresholds of tolerance. I for one have no tolerance for these transnational criminals trespassing on the soil, the sovereignty, and the rights of the United States of America.

The reality is our porous border is a problem for all Americans—not just those at the border. Law enforcement in New York, Los Angeles, Dallas, and Houston have confirmed that cartels have gangs operating in these cities. How can the border be called secure when fierce assaults continue against American citizens on American soil; nightly incursions occur across Texas ranches; and dead bodies are scattered throughout private properties?

Unfortunately, the administration and others have repeatedly said the U.S.-Mexico border is “as secure now as it has ever been.” While I acknowledge the progress and the gains made in urban border areas; the drugs in American cities and the cash flowing south say that interpretation is simply untrue. The increases in Federal support have resulted in two scenarios along the Texas-Mexico border: (1) Lower crime rates in urban border communities like Brownsville and El Paso, and (2) a rural run-around of the drug cartels now focusing their efforts where there is the weakest presence of Federal border enforcement. Keep in mind that 93 percent of the land in counties along the Texas-Mexico border is unincorporated and overwhelmingly rural.

The bottom line is our border is not secure. What we have are transnational criminal organizations basing their operations in a foreign country and deploying military-type incursions on American soil. And our President indicates this is okay by saying we are more secure today? Members of Congress, please do not rest until we convince the President, an insecure border is an insecure America.

Texas is home to 64 percent of the U.S.-Mexico border, but only 44 percent of the Border Patrol agents. There are 14 Border Patrol agents per border mile on average from California to New Mexico. Yet there are less than half that many per mile in Texas at 6.2 agents per border mile. I assure you, and so do Generals McCaffrey and Scales in their report, there is no reason for Texas to have anything but a higher presence of Federal law enforcement. One of which is to overturn and prevent a strategically beneficial, centrally located entry point for their drugs into the United States. The use of hub cities in Texas such as Austin and Dallas, already serve as gateways to transport drugs to markets across the United States.

Each time the Federal Government denies there is a problem, only the cartels and traffickers benefit—they gain courage and territory. The Federal Government must act now and do more to protect America. Our lives and our livelihoods depend on a secure border where legal trade and commerce can grow. The entire border region is critical to the strength and future of Texas and our Nation, and we need to see these communities prosper and economies grow without the threat of violence associated with illegal drug and human trafficking.

The Federal Government needs a smarter, dynamic response to avoid funneling this traffic into our rural areas. Texans want action and all Americans need action. The Texas legislature, State, and local law enforcement have invested considerable resources to support the mission of the U.S. Border Patrol and meet the public safety concerns of their constituents. These local, State, and Federal law enforcement officers are doing the best job they can, but ineffective Federal policies have only allowed the problems to fester. Our Border Patrol and local and State officers are doing the best job they can, but they are in dire need of the strategic support of our Federal Government to take the fight to the cartels and aid our neighbors to the south. The broader strategy our Government is employing does not appear coordinated, effective, or have the full attention of this administration to follow through in solving this problem.

To get that attention and respond to the urgent pleas for lifesaving help, I launched a website to document the real stories of Texans suffering from our insecure border. *ProtectYourTexasBorder.com* posts videos from those who have bravely come forward—in many cases anonymously for fear of retaliation—to share their encounters with these dangerous individuals. These are true accounts that document what is really happening on our side of the border. The evidence is clear; the border is not secure.

It is imperative the administration help us secure the border. On Monday, September 26, I unveiled a detailed strategic assessment of the United States’ Southern Border between Texas and Mexico that chronicles the impact of violent drug cartels and transnational criminal organizations. Co-authored by retired General Barry McCaffrey, the former Director of the Office of National Drug Control Policy under President Bill Clinton and the former Commander of all U.S. troops in Central and South America, and retired Major General Robert Scales, the former Commandant of the United States Army War College, the assessment details the border problem in undeniable, stark terms. It also provides a strategic analysis of the danger and threat to our Nation, and advocates for expanded resources and attention to secure the border.

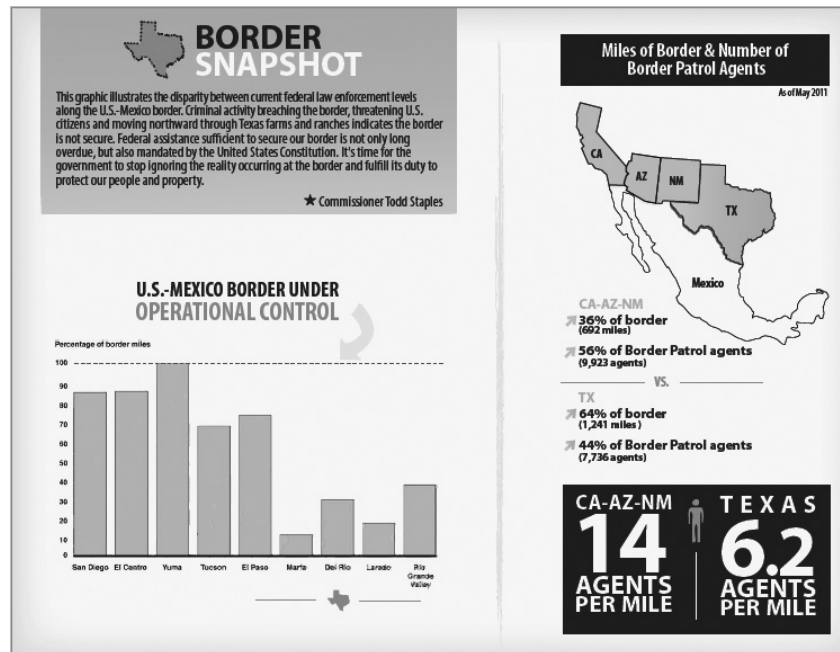
Their assessment, along with many others that have genuinely looked at the war raging along our Southern Border, have concluded we cannot miss this opportunity to join with the Mexican government to confront narco-terrorism, by addressing the strategic needs this region requires to end the illegal flow of narcotics, people, guns, and money.

Targeting these terrorists and securing the border only solves part of the problem; you also must address other weaknesses that have led to the abuse of our border and laws. While I recognize these are two separate issues, it is undeniable that reducing the number of illegal entries into the United States by reforming our failed guest labor and immigration program would allow our law enforcement to focus resources on the remaining reduced illegal border crossings. Any expanded effort to secure the border would be benefited by substantially focusing on reforming a failed immigration system, which in turn would allow Border Patrol and law enforcement resources to be more fully engaged in stopping violent drug and human traffickers. All Americans, regardless of their background or culture, deserve a legal immigration system that meets our workforce needs and diminishes the demand for the coyote smugglers and traffickers who are exploiting and endangering lives.

Allowing a porous border is not only a threat to our citizens and Nation's food supply, but also a threat to our homeland security. Clearly, such a threat stands in direct contrast to the protections authored by our Founding Fathers in the United States Constitution.

This debate can be summed up with one question: Would America allow terrorists based in Canada to make nightly incursions into New York? The answer is a resounding "No!" We need help and we need it now with the immediate deployment of additional boots on the ground.

Thank you for the opportunity to testify. I look forward to any questions you may have.



Mr. McCAUL. Thank you, Commissioner. Thank you for your passion on this issue and this report that you generated.

Next, the Chairman now recognizes General McCaffrey for his testimony.

**STATEMENT OF GENERAL BARRY R. MCCAFFREY (RET.),
PRESIDENT, BR MCCAFFREY ASSOCIATES, LLC**

General MCCAFFREY. Well, thanks, Mr. Chairman and to Ranking Member Keating and Members of the committee, for the opportunity to come here today and talk about the report, which you have already entered in the record. My opening statement, I would appeal to you, sir, to enter that into the record, as well.

Let me begin with two, sort of, assertions. One is my personal enormous pride in President Calderón and his senior officials—Garcia Luna, the head of the Federal police effort, the Mexican Army, the Mexican Navy, and particularly the Mexican Marine Corps, who are struggling for the rule of law in Mexico. Now, I don't think it needs any discussion—43,000 murdered, the most appalling internal struggle. This is not about drugs; this is about the future of Mexico.

I might add, as well, there is no question in any of our minds in this room that the two most important countries on the face of the Earth to the United States are Mexico and Canada, whether it is importing energy or cross-border commerce or cultural affinity. So we have great respect and sympathy for what the Mexicans are undergoing.

I think along with that I would assert that U.S. support for a strategy of cooperation in support of Mexico has been anemic. It is \$1.3 billion over 3 years, 11 helicopters, compared to a \$10-billion-a-month burn rate in Afghanistan. So I would argue that our support to this vital ally has been inadequate.

Now, turning to the study at hand, I was honored to be part of Dr. Scales' effort, working for Commissioner Staples, to take a look at cartel cross-border activity.

I also don't think there is any argument in the room that the dominant criminal enterprise in the United States, more than 260 cities—I was just in Portland, Oregon, talking to their police department—is elements of Mexican cartels. They are moving hundreds of metric tons of cocaine, heroin, methamphetamines, ecstasy, high-THC-content marijuana across that border.

As a general statement, thank God for the resources that Congress has provided over the last several years. I have been working that border problem and Mexico's internal struggle since 1996. I have been in every one of those border cities almost every year since then. It is clear that, were it not for the FBI—thank God for the FBI and their ability to do counter Corruption law enforcement operations. If it were not for the increase in the Border Patrols, gone from essentially 4,000 when I started working this issue to 19,000, if it were not for the increase in the resources to ICE, we would be in a disastrous situation.

So El Paso, the center of the universe—the mayor is a friend of mine—when you look between El Paso and Juarez, Juarez being the most dangerous city I know of—I am in and out of Kabul and Baghdad, and I am here to assure you it is more dangerous in downtown Juarez than it is in either one of those cities. But thanks to U.S. law enforcement, the border community is doing pretty good. Plus, we put in fencing and we allowed the Border Patrol, CBP, to match their assets.

Now, having said that, you know, as we listen to Texas border communities, as we listen to law enforcement officials throughout the United States, there is no question that there are spillover effects—if it is a word that is more acceptable to the debate—all along that frontier.

I just ask you draw your attention to the *Austin American Statesman*, 9 October, big headline: “Violent Drug Gangs Use Austin as U.S. Base.” It is impossible for me to believe that witnesses like Dr. Vickers and others we talk to along that frontier are imagining the violence and intimidation that they face on a daily basis.

So the bottom line, from my perspective, is to support the Mexican authorities in a more robust manner, to increase the assets to Federal U.S. border security, and to make sure we understand that those border sheriffs up and down that frontier simply must receive more assistance—technical assistance, resources, manpower, et cetera.

So, again, Mr. Chairman and Ranking Member Keating, thank you for the opportunity to appear here this morning.

[The statement of General McCaffrey follows:]

OCTOBER 14, 2011

PREPARED STATEMENT OF BARRY R. MCCAFFREY

Chairman McCaul, Ranking Member Keating, thank you for the opportunity to provide testimony on the situation at the Southern U.S. Border. I recently joined MG Bob Scales, USA (Ret.) to complete a strategic assessment of the border security situation in Texas (*Texas Border Security: A Strategic Military Assessment*), which comprises two-thirds of the U.S.-Mexico border. This assessment was conducted on behalf of the Texas Department of Agriculture. I request that the assessment be introduced into the record of this hearing. Principal findings of this assessment include:

- Mexican drug trafficking organizations are active in Texas and their tentacles extend throughout the United States.
- Mexican criminal organizations are a major producer and supplier to the United States of heroin and methamphetamines.
- Mexican cartels supply much of the marijuana consumed in the United States. Mexico is also the vector for more than 95% of the cocaine sold across the United States.
- Mexican drug trafficking organizations are the predominant organized criminal groups in more than 280 U.S. cities. They have displaced the Colombians and other foreign and domestic criminals as the principle threat to the rule of law in the United States. The National Drug Intelligence Center states the cartels represent the greatest organized crime threat to the United States today.
- Mexican criminal organizations procure weapons and ammunition in the United States (as well as from the international arms market) and employ them in the bloody assault on Mexican law enforcement and the Mexican Armed Forces.
- \$19–\$39 billion of drug profits are repatriated each year by these trafficking organizations to Mexico from the United States. Cash has become a blow torch of corruption in both Mexico and the United States.
- Individual Mexican Cartel “soldiers” are recruited from prison gangs in the U.S. border States to act both in the United States and in Mexico.
- Criminal gangs in Texas are essentially “subcontractors” to Mexican cartels, transporting drugs into the United States.
- Given that Texas straddles two-thirds of the U.S.-Mexico border and has transportation corridors that lead to major drug markets throughout the United States, Mexican cartels are especially active throughout the State.
- Despite significant reductions over the past decade in the numbers of illegal crossers of the U.S.-Mexico border, Federal agencies have yet to establish effective operational control of much of the border.
- Criminal drug trafficking across our border with Mexico has not diminished.

- Mexican drug trafficking organizations are increasingly involved in the smuggling of aliens into the United States and often force border crossers to carry drug loads.
- Incidences of drug-related violence and intimidation of residents are becoming more common in Texas' rural counties and communities adjacent to the border.
- Residents of communities and counties adjacent to the U.S.-Mexico border live under constant threat of drug traffickers and are on our "front line" so to speak. Many believe they are increasingly vulnerable and inadequately protected by U.S. Federal authorities.
- The inadequately resourced law enforcement and public safety agencies at the local and county level along the border are frequently overwhelmed by the activities of Mexican cartels. They do not have the manpower to maintain the rule of law or the budgets to deal with the consequences of criminal cross-border activities (e.g. burying the dead, conducting homicide investigations, conducting autopsies).
- The State of Texas has taken effective action since 2006 to enhance security along its border with Mexico.
 - The Texas Legislature created a Border Security Council to provide strategic direction to the Texas Department of Public Safety, the Texas Rangers, Texas Highway Patrol, and other State law enforcement agencies.
 - Tactical operations have demonstrably affected drug trafficking activities and suppressed levels of violence.
 - Texas law enforcement has deployed low-cost and relatively low-technology surveillance and information-sharing systems that can be replicated elsewhere along the border.
 - The tactics and inter-agency cooperation systems developed by Texas law enforcement agencies can be instructive to other border States and, indeed, to Federal border protection agencies.
 - However, the State of Texas lacks adequate resources to confront the drug threat unilaterally and remains dependent on the Federal Government to secure the border, interdict drug trafficking, and prevent Mexican cartels from operating within the United States.

The security situation in Texas (and along the entire U.S.-Mexico border) is obviously affected by the evolving struggle in Mexico, where over 40,000 individuals have been murdered over the past 5 years by crime-related violence. Much of this violence is between rival drug trafficking organizations. However, the cartels have also targeted the Mexican Armed Forces, Federal, State, and local law enforcement agencies, government officials, journalists, and civilians and committed brutal murders to intimidate the public and convince the government not to go after them. This violence is also driving increases in crimes such as kidnapping, armed robbery, and extortion.

Mexico is involved in a desperate struggle for its future. We have never had greater cooperation between U.S. and Mexican authorities to counter this enormous criminal menace from the seven principle cartels. The rule of law throughout the country—not just along the U.S.-Mexico border—is at stake. President Calderón and his courageous administration have demonstrated their resolve and commitment in confronting these crime cartels. While U.S. support of the Mexican government has increased over the past decade, it remains in my judgment less than adequate. The resources we have expended in Afghanistan (\$400 billion) are multiple orders of magnitude greater than the effort we have committed to Mexico via the Mérida Initiative.

It is not in the U.S. National interest to have the next Mexican president and administration conclude that the bloody struggle against the cartels is not sustainable and allow these criminal groups the freedom of action to smuggle drugs and control large areas of Mexico and Central America. The United States must be a more effectively resourced partner to the government of Mexico. We must substantially increase budget for training, intelligence, aviation, and technology required by Mexico—as well as providing a major increase in manpower and resources to: Customs and Border Protection, the DEA, and the Coast Guard.

Our steady support over the past 20 years of the Colombian government in its efforts against major drug cartels was important to their success in dramatically reducing a grave National security threat, expanding the rule of law—and strengthening human rights, law enforcement agencies, and the judiciary. An appropriately resourced and long-term commitment to support Mexico will similarly increase the likelihood of a positive outcome in that nation. Such support to Mexico is a prerequisite for a more secure U.S.-Mexico border and for the safety of our citizens in rural communities along the border.

In summary, we cannot allow local U.S. Sheriff's Departments and State Authorities along our 2,000-mile border with Mexico to bear a disproportionate responsibility for defending America from large, violent, well-resourced criminal organizations that menace the rule of law throughout all 50 States. The dedication and courage of Federal law enforcement agencies and their greatly increased manpower and technology over the past 15 years have prevented a disaster on our frontiers. However, it is clear that these efforts are not adequate.

In closing, we must also recognize that our economy is fundamentally dependent on more than 10 million illegal migrants now in the United States. They are essential to U.S. agriculture, construction, meat packing, and the service industry. They are currently not receiving the protections of minimum wage, OSHA safety standards, and in too many cases the ability to keep their children in school. They cannot go to the local police if menaced by Mexican cartels. We must rationally and fairly both strictly enforce control of our borders with robust Federal law enforcement—as well as providing legal guest worker status to these millions of hard working honest people who are central to our economic well-being.

Thank you for the opportunity to submit this statement and testify at this hearing. My purpose is to strongly urge Congress to resource our partnership with Mexico to more effectively protect the American people from the growing threat of these lethal and malignant criminal organizations.

Mr. McCAUL. Thank you, General. I know you made reference to this *Austin American-Statesman* article, noting how—I think it was La Familia—“Violent Drug Gang Uses Austin as U.S. Base.” There were, I think, over 50 arrests in my hometown of Austin.

I would like to, without objection, enter this news article in the record.

[The article follows:]

CARTEL CONNECTION REVEALS WHY LA FAMILIA TARGETED AUSTIN

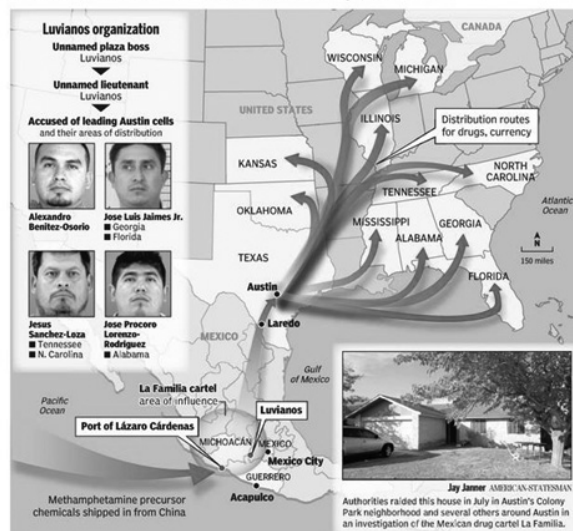
By Jeremy Schwartz, AMERICAN-STATESMAN STAFF

Updated: 9:13 a.m. Monday, Oct. 10, 2011

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The Luvianos-Austin connection

Authorities say the drug cartel known as La Familia used Austin as a hub to move Mexican shipments of marijuana, cocaine and methamphetamine to states throughout the South and Midwest. The cartel's cell leaders in Austin hailed from the same small town in the mountains of central Mexico: Luvianos, in the state of Mexico.



Sources: Texas Dept. of Public Safety, U.S. Drug Enforcement Administration, Texas Fusion Center. Roberto Villalando AMERICAN-STATESMAN

[Excerpt]

The two men were returning to the small, one-story house in Northeast Austin from Alabama. Hidden in the back of their SUV was \$110,000 in carefully wrapped bundles, money authorities said came from cocaine sales.

But responding to an informant's tip, federal drug agents found the men in the parking lot of a bar in Baton Rouge, La., where they searched the truck. As the officers pulled out the cash, the men grew terrified.

"I wish you would put me in jail," one of them said, according to a criminal complaint. "They are going to kill me over this missing money."

According to court documents, the money was destined for an Austin resident the couriers had reason to fear: Jose Procoro Lorenzo-Rodriguez, who authorities say is a local leader for Mexico's brutal La Familia cartel.

The raids that followed revealed that La Familia, a quasi-religious, hyper-violent group born five years ago in the mountains of Michoacán, used Austin as a base of operation to funnel large quantities of cocaine, marijuana and especially methamphetamine to places such as Atlanta and Kansas.

But in addition to providing a glimpse of the cartel's operations in Austin—at least four autonomous cells stretching from Round Rock to South Austin—the investigation revealed a crucial clue:

The men at the top of the Austin organization hailed from the same small Mexican town.

For more than three decades, the remote, desperately poor city of Luvianos, along with other neighboring towns in the mountains of central Mexico, has sent the majority of its northbound migrants to Austin, where they have worked as landscapers, opened restaurants and built a thriving community. One corner of Northeast Austin has been dubbed "Little Luvianos" by residents.

But Luvianos is also a prize coveted by Mexican cartels. Traffickers from the northern border—first the Gulf Cartel and later the Zetas—controlled the town until 2009, when La Familia won the region in a violent war.

Officials emphasize that the vast majority of Luvianos immigrants are law-abiding residents without cartel ties. But increasingly, authorities add, the cartel members who prey on Mexicans in Luvianos have begun to find their way to Central Texas.

"It's not surprising that (cartel members) are migrating to Austin as well," said Francisco Cruz Jimenez, a Mexican journalist who chronicled the recent history of Luvianos in his 2010 book "Narco-Land." "It's very natural that they look for communities where they have paisanos because they can go unnoticed."

Yet it's a development that local officials have been slow to acknowledge. Only last year Travis County joined the long-standing High Intensity Drug Trafficking Area program, which coordinates and funds joint law enforcement efforts against organized crime groups.

Other large Texas cities have been members for years.

As law enforcement agencies work to catch up, the Luvianos connection could hold important answers for officials trying to understand how and why La Familia set up shop in Austin. A thousand miles away, the sometimes bloody, often tragic history of Luvianos has become intertwined with Austin's future.

"A PROBLEM IN AUSTIN"

In 2008, more than 125 cities—including Des Moines, Iowa, and Dayton, Ohio—reported the presence of specific Mexican trafficking organizations in an annual Justice Department report. Austin was not one of the cities. That year, San Antonio, Houston and Dallas all reported that cartels dominated local drug distribution networks.

Since then, Austin officials have learned that as many as four cartels operate inside the city. Law enforcement agencies have arrested human smugglers connected to the Zetas, targeted local prison gang members connected with the Gulf cartel and conducted numerous raids on La Familia members. The Drug Enforcement Administration says members of the Beltrán-Leyva cartel also operate within Austin.

Local drug agents now say that though Austin has long been home to cartels and cartel-affiliated traffickers, better intelligence sharing among agencies and increased cartel activity have brought the problem to the surface.

"We've been a little slow to recognize" the cartels' local growth, said Michael Lauderdale, the head of the city's Public Safety Commission. "We're starting to feel the consequences of that benign neglect."

The July raids, part of a larger nationwide sweep that resulted in more than 1,000 arrests, confirmed the trend.

"If they busted four cells, you have a problem in Austin," said Phil Jordan, a retired federal agent and former director of the Department of Justice's El Paso Intelligence Center, which tracks drug trafficking networks along the border.

The cartel presence in Austin has sparked concerns about the possibility of increased organized crime violence, already experienced in small doses by cities such as Dallas.

Drug war experts predict that bloody outbreaks of violence in Austin are unlikely because it's bad for cartel business.

Jordan said any future cartel violence in Austin is likely to be isolated and targeted against rivals. "It won't be a shootout at the OK Corral," he said. "They try to do it in the quietest way possible. They don't want to create a hysteria."

Yet Austin already has a history of Luvianos-related drug violence. In 1992, a Luvianos man was fatally shot and dumped in the Colorado River. Prosecutors charged three men from Luvianos in the killing.

"These men came charging into (the dead man's home) with guns blazing," Travis County Detective Mark Sawa said at the time. "We believe they were looking for some marijuana that was just smuggled in."

A 2009 Austin murder also bears the marks of a cartel killing. Officials say the suspect is from the Luvianos area.

"NARCO TOWN"

Stroll through the small, bustling main plaza in Luvianos and you're likely to hear residents sprinkle their conversations with references to nightclubs on Riverside Drive and taquerias on Cameron Road. Immigration to Austin began in the 1970s, according to local residents, driven by deep poverty and a lack of opportunity in the rural, mountainous region. Since those first migrants landed in Austin to work in construction and open restaurants, money sent home from Austin has helped keep the Luvianos economy afloat, paying for quinceañeras, weddings and retirements.

The municipality of 25,000 is part of a region called the Tierra Caliente, or Hot Lands, which straddles the borders of Michoacán, Guerrero and the state of Mexico. The location inside an inhospitable and hard-to-access region of central Mexico has made it attractive to Mexican crime groups. The region has a light police presence: As recently as 2010, only 40 officers patrolled the hundreds of tiny pueblos in the municipality belonging to Luvianos, according to author Cruz.

And crucial to the cartels, the region around Luvianos is crisscrossed with unmapped backroads that lead to the largest port on Mexico's Pacific coast, providing access to ships offloading Chinese precursor chemicals used in the production of methamphetamine.

According to Cruz, the region today produces Mexico's highest quality marijuana and is home to the nation's most productive methamphetamine laboratories. "It was very natural that Luvianos turned into a narco town," Cruz said.

Cruz said the region was initially controlled by cartels from northern Mexico, whose leaders built luxurious homes in the hardscrabble town and paid for road paving to allow better access for their expensive vehicles and the heavy trucks ferrying drug loads.

Soon after La Familia formed in neighboring Michoacán in 2006, its leaders set their sights on Luvianos, which they considered their natural zone of influence, according to Cruz. What followed was a brutal war between La Familia and the Zetas, which reached its height in the summer of 2009, with daily gunbattles and dozens of killings, according to local reports. La Familia emerged triumphant and has since dominated the region, according to Mexican law enforcement.

The cartels have terrorized residents, enforcing nighttime curfews and beating civilians found outside their homes when convoys transport drugs or precursor chemicals.

"They controlled Luvianos," Cruz said. "You have an army of poor people who have either been immigrating or scratching out an existence in the fields. Then came the cartels, who arrived with money, and they hooked the local population, using them as transporters, a workforce for the labs and assassins."

Local Luvianos gangsters have also begun to rise through the ranks. According to the Mexican attorney general's office, La Familia's leader in Luvianos is a man named Pablo Jaimes, who gained notoriety after gunning down three police officers in the nearby city of Tejupilco in 2008. Mexican authorities are hunting for the man.

At the beginning of September, seven La Familia gunmen were killed in a firefight with police in Luvianos. Last week, Mexican police arrested one of the original founders of La Familia just outside the town, which police described as a haven for cartel leaders as they fight a splinter group, the Knights Templar.

A STRONGHOLD FOR LA FAMILIA

After making the trip north, most immigrants from Luvianos and its surrounding towns have landed in a small area of Northeast Austin near Reagan High School, filling a string of moderately priced apartment complexes.

Several restaurants and businesses have been started by Luvianos natives, and three days a week residents can board a bus at a record store on Cameron Road for a direct trip to Tejupilco, a regional capital next to Luvianos. In the middle of the neighborhood, residents walk past an idyllic mural of Luvianos, complete with the quaint gazebo that dominates its central square and the emerald Nanchititlan mountains that ring the city.

For longtime Austin residents from Luvianos, the appearance of La Familia in the city is a painful reminder. "Many people come to live here because they have fear" of La Familia, said one Luvianos-born business owner who has been here since 1985. The man did not want his name used because he feared retaliation against his family in Mexico. "Here, people aren't so scared because there have not been threats. And if the government hears about (cartel members) they grab them up."

Greg Thrash, who was named the resident agent in charge of the Austin DEA office three years ago, said decades of immigration from Luvianos to Austin have made it easier for La Familia to set up shop locally. "Austin is a stronghold for La Familia; we know that," said Thrash, who led the effort to bring Austin into the federal drug trafficking program. "I believe it's generational and familial. They will deal with those they feel comfortable with. That's why you see the presence in certain parts (of the United States), because of family."

Such ties were evident during the July Austin bust, which netted about three dozen suspects who face a range of charges in federal court, including conspiracy to distribute controlled substances. Among them were three men in Alabama who also were from the Luvianos region and received drug shipments from Austin, according to drug task force agents there. In 2009, local agents arrested four people with ties to the cartel as part of another nationwide bust.

According to the DEA, La Familia has operated at least four cells in Austin, each independent and unaware of what orders the others were receiving from cartel bosses in Luvianos. "It was very compartmentalized," Thrash said. The operation was also lucrative, according to Thrash, who said millions of dollars were moved through Austin stash houses. According to a sprawling, 44-suspect indictment, members of the group made several wire transfers to Luvianos.

A DEA chart outlining the structure of the organization identified four men arrested in the recent roundups as cell leaders: Lorenzo-Rodriguez, Jose Luis Jaimes Jr., Alexandro Benitez-Osorio and Jesus Sanchez-Loza. All four have pleaded not guilty to charges including conspiracy to launder money and to distribute controlled substances. They are being held without bail at area jails.

Lawyers for the four either refused to talk on the record or did not respond to requests for comment. One lawyer said the charges against the group were overblown.

The group smuggled drugs in both traditional and innovative ways, Thrash said. In addition to using private vehicles to cross the border in Laredo, he said, the group used FedEx to ship methamphetamine to Austin—on at least one occasion inside a children's book.

Agents seized 30 kilograms of liquid methamphetamine in mini Heineken kegs, a troubling trend for drug agents because liquid drugs can be more difficult to detect than powders or pills.

The ringleaders of the four Austin cells drove inconspicuous vehicles and apparently spent little money locally. "All the money goes back to Mexico," Thrash said. Several members of the group were family men, living with their young children and wives. And Jaimes included his wife in drug trafficking trips, according to pre-trial testimony.

In Colony Park, neighbors said they often saw numerous cars parked in front of the house on Bryonwood Drive, where one of those named as a cell leader, Lorenzo-Rodriguez, lived.

"They didn't talk to nobody," said a 55-year-old neighbor who lives a block from the 1,100-square-foot house, which has an appraised value of about \$69,000 and is owned by a California man, according to county records. The man, after learning his neighbor was suspected of being a cartel member, said he didn't want his name used for fear of retaliation. "It surprised me when they got raided."

According to court documents, the threat of violence hung over the organization.

After the May Baton Rouge bust in which agents found the \$110,000 destined for Austin, police let the men continue to Austin with a receipt for the forfeited money.

One of the men, Mark Rew, went to Lorenzo-Rodriguez's home and presented him with the paperwork. According to court documents, Rew was held captive throughout the day, both at the Colony Park home and at the nearby apartment of one of Lorenzo-Rodriguez's associates.

As dusk began to fall, Rew was brought back to the Colony Park home, where agents believed Lorenzo-Rodriguez was threatening him with a gun, according to court documents. Agents burst into the house, where they arrested the men and found cocaine, \$8,000 in cash and a 9 mm pistol. Rew told agents he thought he was about to be killed over the seized money.

STREET GANGS A DANGER

Local officials and experts say large-scale cartel violence in Austin is unlikely. "It's a concern, but you have to go back to what they are using folks here for," Thrash said. "It's to move cocaine, methamphetamine to end cities." Cartels operating in the U.S. generally have avoided the kind of spectacular violence that marks their operations in Mexico. "They don't want to stir up U.S. law enforcement if they don't have to," said Ricardo Ainslie, a professor of educational psychology at the University of Texas who has studied drug violence along the border.

Sylvia Longmire, an independent drug war consultant for law enforcement agencies and author of "Cartel: The Coming Invasion of Mexico's Drug Wars," said there is an important reason for the disparities in violence in the U.S. and Mexico: Much of the violence in Mexico is driven by the brutal competition for a limited number of highly coveted border entry points. Cartels, she added, will fight ceaselessly for border cities such as Juárez and Nuevo Laredo because once they control them, they can guarantee the flow of merchandise.

"Once they are here, the hard part's over and it's a complete shift in strategy and in the operators," Longmire said. "Cartels are not in the business of fighting over a corner. They let the street gangs do that."

That's what worries Lauderdale, of the city's Public Safety Commission. "What I think is the major threat in Austin is that they would use street gangs in the same way they do with the Barrio Azteca gang in El Paso and Juárez," he said, referring to a violent street gang responsible for many of the killings in Juárez in recent years.

Indeed, Austin police say they've observed a 14 percent jump in youth gang activity in the past year. "I think we're just on the starting edge of this kind of stuff," Lauderdale said.

Cartel violence is not unknown in Texas, especially in Dallas, where a series of shootouts have rattled local officials. In May, a Michoacán man was found guilty of the machine gun slaying of a Familia member, who was killed while he rode in a black Hummer in a Dallas neighborhood.

Austin also might have been the scene of a cartel-related execution two years ago. Police say that in December 2009, a man from a small town near Luvianos walked up to a taco trailer in South Austin and shot a 43-year-old worker, who was preparing food alongside his wife, after ordering some food.

A fingerprint the man left on a bottle of orange soda led police to Jose Rodriguez, who was later arrested in Illinois. Rodriguez, who is awaiting trial in Travis County on murder charges, used several aliases, according to police, including Pablo Jaimes, the name of La Familia's Luvianos leader and the hitman wanted for killing three police officers in 2008. Though Rodriguez was merely borrowing the name, investigators are looking into whether one of the arrested cell leaders in Austin is related to Jaimes.

It is unclear what effect the recent arrests have had on La Familia's organization in Austin.

"If you keep whacking at the organizations, you will weaken, dilute them," Thrash said.

But driving cartels out of Austin entirely is another question. The arrests "have had little or no impact on those organizations and their ability to bring drugs across the border," Longmire said. "These guys are so replaceable."

Mr. CUELLAR. Mr. Chairman, could I ask you a question?

Mr. MCCAUL. Okay, Henry.

Mr. CUELLAR. Austin, Texas, is that on the border? Because I think the focus is on the border.

Mr. MCCAUL. I think the focus—we are focusing on the border States. That is what we need to be focused on.

Mr. CUELLAR. Okay.

Mr. McCAUL. We can argue about El Paso being the safest city or not. I would argue that the UCR indicates that it is one of the safer cities. That is not up for debate here today. What we are talking about, I think as the general mentioned, are the spillover effects.

Mr. CUELLAR. Right. And——

Mr. McCAUL. And it is noted that there are a thousand cities that are inhabited by the drug cartels, according to the FBI's own report.

Mr. CUELLAR. And I just want to——

Mr. McCAUL. And that is not just—that is not Laredo. That is all across the Nation.

Mr. CUELLAR. Okay. I just want to—since you are introducing something for the record, I am not going to object to that, but I just want to put for the record that Austin is not the border. Because I think the focus from everybody is the border. I have no objection to the introduction, but I just want for the record, Austin is 233 miles, roughly 235 miles away from the border, just for the record.

Mr. McCAUL. It is not that far from the border. But I would say, the focus here is not just the border towns. I think the focus of this hearing are the border States and, frankly, the infiltration in the entire Nation and the threat that the drug cartels pose to the entire Nation.

Mr. CUELLAR. My good friend, I don't want to get into it, but the basis of this report is one sentence where they said, "Doing business in a border county is like doing business in a war zone." So the focus of this report is based on border counties. I agree that we need to look at everything, but the basis of this report is one sentence. The conclusion is, "Doing business on a border county"—that is specifically their language—"is like doing business in a war zone."

For the record, Austin, Texas, since you live there—and I will be at your house Monday for lunch—is not on the border. That is all I want to—just for the record.

Mr. McCAUL. Your point is well taken. I view it as a security threat to all Texans and all cities.

With that, I recognize General Scales for his testimony.

**STATEMENT OF MAJOR GENERAL ROBERT H. SCALES (RET.),
PRESIDENT, COLGEN, LP**

General SCALES. Thank you, Mr. Chairman and Ranking Member Keating. My testimony will be principally focused on the study that we wrote.

Five years ago, the Homeland Security Committee authored the report, "A Line in the Sand: Confronting the Threat at the Southwest Border." In that report you predicted a war on the Southern Border. You anticipated the prospect of spillover violence and the critical importance of increasing the resources of our Border Patrol and border sheriffs. We, in our report, essentially support the core conclusion that America's borders are our Nation's last line of defense in the war on terror and they have to be secured.

Your 2006 report underscored the evidence that terrorists want to exploit our porous borders to gain entry into the United States, and we agree with that. The White House and the DHS agree with

that. Indeed, the Secretary said that, “The border-security measures we have taken constitute the most innovative and effective approach our country has ever deployed.” Our report suggests that is simply not true.

I direct your attention to the Department of Justice’s recent report, the “National Drug Threat Assessment for 2011.” In that report they state that the Mexican drug-trafficking organizations are operating in every region of the country. They have increased their drug control over U.S. street and prison gangs to distribute drugs. In many areas, these gangs are using their alliances with Mexican cartels to facilitate an expansion of their mid-level and retail drug distribution operations into more rural and suburban areas. In 2009, mid-level distribution in the United States was dominated by over 900,000 criminally active gang members representing approximately 20,000 street gangs in more than 2,500 cities.

DHS labels as a myth that the border is out of control. The Government Accounting Office concludes differently. They state in several reports that both south-to-north and north-to-south trafficking of drugs and humans and cash is virtually unimpeded in large stretches of the border.

Cartels are increasingly financing more drug consumption and other criminal activities throughout the Nation and amassing a vast amount of cash from criminal activities in the United States. The Federal Government knows this well. Criminal drug trafficking across our border with Mexico is not diminished, as evidenced by the routine seizures of multi-ton loads of illegal drugs in the United States and Mexico.

We are convinced that the Government is doing a very poor job of stopping convicted foreign criminals from entering the country and removing foreign criminals who remain in the country after multiple convictions. Our evidence conclusively proves that the Government has failed to protect Americans and their communities from foreign criminals, particularly in the border areas.

In 2010, ICE removed over 195,000 convicted criminal aliens, and the majority of these aliens were arrested by State and local law enforcement agencies. Our report concludes that a million or more criminal aliens responsible for committing millions of felony crimes continue to pass back and forth through Texas.

Cartels are driven not by religion or ideology but by the motivation of huge and growing profits from drug production and shipment, human smuggling, cash and weapons trafficking. They have expanded criminal enterprises in Mexico and the United States and also internationally.

We state emphatically that most of the evidence presented in our report and documented in an extensive bibliography is derived not by us but from Congressional testimony and Federal documents. Our role was to add military experience and perspective to data that already exists.

The findings and conclusions in our report are not secrets. Most of the data is all in the public records and accessible by anyone with an internet connection. Our report provides close to 200 web links in that regard.

In our opinion, the three real issues documented in the report are as follows:

No. 1, the actual situation on the Southwestern Border is well-known but publicly denied. This is not about murders in large urban areas; it is about the flow of drugs driven by narco-terrorism.

No. 2, much of this crime is channeled through the porous Texas border, with an impact on every State in the Nation.

No. 3, hundreds of thousands of Mexican criminal aliens are deported annually, only to return as troops for the cartels, better equipped to engage in profitable criminal enterprises and activities through the United States.

Thank you.

[The statement of General Scales follows:]

PREPARED STATEMENT OF ROBERT H. SCALES

OCTOBER 14, 2011

Chairman McCaul, Ranking Member Keating, thank you for the opportunity to provide testimony on the situation at the Southern U.S. Border. I recently joined General Barry McCaffrey Bob USA (Ret.) to complete a strategic assessment of the border security situation in Texas (*Texas Border Security: A Strategic Military Assessment*). This assessment was conducted on behalf of the Texas Department of Agriculture.

Five years ago, the Homeland Security Subcommittee authored the report *A Line in the Sand: Confronting the Threat at the Southwest Border*, exposing the rise of the Mexican drug cartels. Your report was prescient in a number of respects. At the time, no one could have predicted the enormity of the bloodshed to come in Mexico. But you did predict correctly that this Nation has a war on its Southern Border. Your committee's report stated that Cartels are controlling the flow of illegal drugs into the United States, and weapons and cash into Mexico, killing anyone that gets in their way. You anticipated the prospect of "spillover violence" and the critical importance of increasing the resources of our Border Patrol and Border Sheriffs.

Most important, both your Homeland Security Subcommittee's report and our recent report, *Texas Border Security: A Strategic Military Assessment* share essentially the same core conclusion: America's borders are also our Nation's last line of defense in the War on Terror and they must be secured. Your 2006 report underscored the evidence that terrorists want to exploit our porous borders to gain entry into the United States. We are in complete agreement that America must make securing our borders the top priority.

The White House and the Department of Homeland Security agree with this priority. As recently as Oct. 5, 2011, the Secretary of Homeland Security gave a speech reiterating that the laws of the United States pertaining to legal and illegal immigration have to be enforced in the "smartest" and "most efficient way possible". Indeed, the Secretary said that "the border security measures we have taken constitute the most innovative and effective approach our country has ever deployed."

Unfortunately, however, as our report documents, nothing could be further from the truth. There is no comprehensive plan in place to secure the Southwest Border. In fact the *National Southwest Border Counternarcotics Strategy 2011* is not a strategy but rather a to-do list focused on what the U.S. Government will achieve when resources are available. The list includes preventing trafficking of illicit drugs across the border with Mexico, as well as stopping the illegal outbound movement of weapons and bulk currency from the United States.

As you know, Federal resources for border security are insufficient for the task and are not likely to grow substantially in the foreseeable future. As our report documents, however, the groundwork has been set for a coordinated Federal/State/local action to secure Texas border with a coalition of State and local law enforcement agencies. Even with these limited resources our front line local and State law enforcement and Border Patrol and Immigration Customs Enforcement Agents are doing a tremendous job. But a great deal more needs to be done on both sides of the border.

Our report commends Mexican President Felipe Calderón and his courageous campaign to break the power of criminal organizations operating in his country. We acknowledge that through the Mérida Initiative and other programs, the United States has been supporting Mexico's efforts in a wide range of law enforcement and

judicial areas. The Mérida Initiative, however, has been significantly underfunded and has not yet become part of a shared border security strategy.

As you have asserted for years, Congress needs to take action on immigration reform. Our report, however, does not address the issue. However we do take issue with Department of Homeland Security's repeated reference to news media reports (*USA Today*, *Washington Post*, *Wall Street Journal*, and others) that the U.S. border with Mexico is safer than ever before. It is not.

In this regard, we encourage members of this subcommittee to obtain all of the data from the U.S. Department of Justice's National Drug Intelligence Center's *National Drug Threat Assessment for 2011*, specifically data on Transnational Criminal Organizations (TCOs) operating in more than 1,000 of the Nation's cities and communities. The 2010 edition of this report states that Mexican Drug Trafficking Organizations (DTOs) were the only DTOs operating in every region of the country. Mexican DTOs increased their cooperation with U.S.-based street and prison gangs to distribute drugs. In many areas, these gangs were using their alliances with Mexican DTOs to facilitate an expansion of their mid-level and retail drug distribution operations into more rural and suburban areas." In 2009, mid-level and retail drug distribution in the United States was dominated by more than 900,000 criminally active gang members representing approximately 20,000 street gangs in more than 2,500 cities.

The Department of Homeland Security boasts of "dramatic declines in illegal immigration" and "dramatic increases in seizures" over the past few years. Declines in illegal immigration in large part are attributable to problems in the U.S. economy. Immigration has declined because fewer jobs are available to migrant workers. Reductions in migrant labor are illustrated by a huge drop in remittances home to Mexico in the past 2 years.

DHS labels as a myth that the border is "out of control." The Government Accounting Office concludes differently. They state in several reports that both south-to-north and north-to-south trafficking of drugs, humans, and cash is virtually unimpeded in large stretches of the border. For example, the GAO reports that the Customs and Border Protection (CBP) agency over the last 2 years (Mar 2009–Feb 2011) has seized about \$65 million at land ports of entry along the Southwest Border and in illicit bulk cash smuggled out of the United States. This total is less than 1 percent of the estimated \$18–\$39 billion in drug-trafficking proceeds ferreted across the border.

Cartels and TCOs are increasingly financing more drug consumption and other criminal activities throughout the Nation and amassing vast amounts of cash from criminal activities in the United States. The Department of Justice and its Drug Enforcement Agency and the Department of Homeland Security and its CBP and Immigration and Customs Enforcement (ICE) units know this well. Criminal drug trafficking across our border with Mexico has not diminished as evidenced by the routine seizure of multi-ton loads of illegal drugs in the United States and Mexico.

Our report says little about the more than 10 million undocumented immigrants in the United States. The report does say, and documents, that the U.S. Federal Government is doing a very poor job of stopping convicted foreign criminals from entering the country and removing foreign criminals who remain in the country after multiple convictions, imprisonments, and deportations.

DHS points to its year-end removal numbers as a success story. The flip side of this story is the failure to protect Americans and their communities from foreign criminals and their transnational criminal organizations inside the border counties of Texas and other States. In 2010, ICE removed over 195,000 convicted illegal criminal aliens. The majority of these alien criminals were arrested by State and local law enforcement agencies. Recently, ICE officials acknowledged, however, that despite these arrests, there were still an estimated 1 million convicted illegal criminal aliens in the United States. These criminal aliens at large probably have committed 3–4 million felony crimes including sexual exploitation of hundreds of thousands of children.

In Texas since 2008, over 86,000 criminal aliens were booked into Texas jails with criminal histories accounting for over 316,000 charges including:

- 319 murders;
- 1,598 robberies;
- 44,491 sexual assaults;
- 23,310 indecency with a child;
- 12,191 assault;
- 18,823 burglaries;
- 12,191 resisting arrest;
- 11,137 stolen vehicles recovered from Mexico.

In other words, hundreds of thousands of illegal alien criminals are pursuing lucrative crime careers in the United States, and sending back tens of billions to Mexican crime lords to finance future crimes. In Texas and elsewhere tracking down these illegal criminal aliens and making arrests falls overwhelmingly to State and local law enforcement. State agencies resent the credit taken by DHS and ICE for their hard-won achievements.

Our report concludes that a million or more criminal aliens responsible for committing millions of felony crimes continue to pass back and forth through Texas. These criminal fugitives collectively are a threat to National security as well as public safety. It is difficult to agree with Secretary Napolitano's statement last week that "we established, as top priority, the identification and removal of public safety and National security threats" when more than a million convicted criminal aliens are roaming the streets of America. Their presence justifies our conclusion that our borders are not in fact secure.

The Federal Government is also silent on the fact that the States have to pick up the tab for the hundreds of millions it costs to house, feed, and provide medical care to illegal criminal aliens. These costs do not include the expense of investigating and prosecuting cartel and gang crimes. The Federal Government in fact reimburses the States only pennies on the dollar for incarceration expenses.

Cartels are driven not by religion or ideology but by the motivation of huge and growing profits from drug production and shipment, human smuggling, cash and weapons trafficking, and expanded criminal enterprises in Mexico, the United States, and internationally. Mexico recently established the world's largest collection of industrial-size meth labs, that import vast amounts of precursor chemicals from Southeast Asia, and ship to the world's largest market for illegal drugs is just over the border as well as other international markets.

Some elected officials representing communities along the Texas-Mexico border assert that our report "makes outrageous claims" not supported by the facts. They even suggest that the authors are "manipulating crime statistics to mischaracterize the border as out-of-control".

These elected officials have gone so far as to accuse the report's authors of producing "propaganda," trying to "discredit the President," being politically motivated, promoting Governor Perry's political agenda, and trying to distract voters from the "real issues."

Our main purpose in writing the report was to broaden and deepen the altogether too narrow and shallow perspective on "border security" in the National policy debate. We state emphatically that most of the evidence presented in our report, and documented in an extensive bibliography, is derived from existing Congressional testimony and Federal documents. Our role was to add military experience and perspectives to data that already exists. The findings and conclusions in our report are not secrets. Most of the data is all in public records, accessible by anyone with an internet connection. Our report provides close to 200 web links. The public can just click and read.

In our opinion the three "real issues" documented in the report have much to do with the consequences of an insecure border to the Nation, not to the character of the authors:

1. The actual situation on the Southwestern Border is well-known but publicly denied by the Department of Justice, DHS, and other National law enforcement agencies. In fact they have gathered and even published a vast amount of evidence that Mexican cartels and transnational criminal organizations (TCOs) are expanding a network of drug, human trafficking, and other felony crimes throughout Texas and across more than 1,000 U.S. cities.
2. Much of this TCO crime is channeled through the porous Texas border with an impact on every State in the Nation. These crimes are largely managed by hardened illegal criminal aliens who are alumni from the Nation's Federal and State prison systems with their schooling paid for by the taxpayer.
3. Hundreds of thousands of these Mexican criminal aliens are deported annually only to return as troops for TCOs better equipped to engage in profitable criminal enterprises and activities throughout the United States.

Our report concludes that Washington is responsible for securing the border. Texas and the other border States are committed to support the Federal effort. This collective mission cannot be accomplished if the Federal Government refuses to hold up its end of the deal by inadequate funding and a continued denial and abdication of their responsibilities.

Thank you for the opportunity to come before your committee to testify and submit this statement for the record.

Mr. McCAUL. Thank you, General.

The Chairman now recognizes Chief Deputy Aguilar for her testimony.

**STATEMENT OF SYLVIA AGUILAR, CHIEF DEPUTY, EL PASO
COUNTY SHERIFF'S OFFICE HEADQUARTERS**

Ms. AGUILAR. Thank you. Chairman McCaul, Ranking Member Keating, Members of the subcommittee, it is a privilege and an honor to appear before you today.

For close to 30 years, I have served in law enforcement. For 25 years, I worked with the police department, being promoted through the ranks from detective to deputy chief. Since 2009, I have become the chief deputy for the El Paso County Sheriff's Office.

The city of El Paso is in far-west Texas and has a population of approximately 650,000. It is the sixth-largest city in Texas and the nineteenth-largest city in the United States. El Paso County covers an area of more than 1,000 square miles and has a total population of approximately 800,000. El Paso sits across the border from Ciudad Juarez, Chihuahua, Mexico. The two cities form a combined international metropolitan area of 2.3 million.

El Paso is a great and thriving community. It is home to the University of Texas at El Paso and Texas Tech University Health Sciences Center. At El Paso, as well, we have Fort Bliss, one of the largest military complexes in the United States Army.

In 2010, El Paso was awarded the All-America City Award. This prestigious award is the oldest community recognition program in the Nation. The Brookings Institute Metro Monitor has ranked El Paso in the top 20 performing metropolitan areas for over a year. An independent housing market forecaster, HousingPredictor.com, forecasts El Paso to lead the Nation in home price increases for the year.

As I am sure the Members of this committee are well aware, our neighbor Juarez has faced an increase of drug-related violence for the past several years. Since 2008, there have been nearly 8,900 homicides. The violence stems from two cartels that are fighting for control of a lucrative drug corridor and rampant street crime.

El Paso, on the other hand, is a city of law-abiding citizens who work hard every day to support their families and make their community a better place to live, work, and play. Citizens trust and respect our law enforcement agencies—local, State, and Federal—which all work together to keep our community safe.

El Paso is so safe that it was recognized as the safest large city with a population of 500,000 by the CQ Press, which produces the annual Safest City Award. Prior to this recognition, El Paso has been named either the second- or the third-safest city for the last 12 years, even in light of the situation in Juarez.

The McCaffrey-Scales report states that living and conducting business in the Texas border county is tantamount to living in a war zone in which civil authorities, law enforcement agencies, as well as citizens, are under attack under the clock. This is an extreme exaggeration.

Living and conduct business in El Paso is harmonious and thriving. El Paso, unlike other communities in our country, was not hit as hard by the economic woes. We attribute that to our military

base, Fort Bliss, and the individuals that operate and open legitimate businesses and keep our economy flourishing.

The report also states that, "Texas is a tactical combat zone and front line in this conflict." But we are not a combat zone. The combat zone and the front lines are in Mexico. El Paso County is not a war zone. It is one of the safest communities and the best-performing metropolitan area in the country. I urge each of you to visit and see for yourself what a great city and place El Paso is.

Finally, although we don't get involved in port operations, I know drugs are coming through the northbound lanes and guns and money are being sent south to Mexico through our ports. We see the backups on both sides of the border with traffic waiting to go through—traffic and pedestrians. We need resources to upgrade the infrastructure of these ports and increase the number of Customs and Border Patrol officers so we can ensure that the drugs, guns, and money that fuel the cartel war are not getting through the ports and that the legitimate trade is.

Again, thank you for inviting me to testify today.

[The statement of Ms. Aguilar follows:]

PREPARED STATEMENT OF SYLVIA AGUILAR

OCTOBER 14, 2011

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Again thank you for inviting me to testify today.

Mr. McCaul. Thank you, Ms. Aguilar.

The Chairman now recognizes Dr. Vickers for his testimony.

**STATEMENT OF MICHAEL VICKERS, RANCHER AND
VETERINARIAN, LAS PALMAS VETERINARY HOSPITAL**

Dr. VICKERS. Thank you, Chairman McCaul, Ranking Member Keating, and Members of the committee, for inviting me here today.

I am Dr. Mike Vickers, a rancher and veterinarian from the city of Falfurrias in Brooks County, Texas. Brooks County contains a Border Patrol checkpoint that is approximately 65 miles from the Mexican border, Reynosa, Mexico. I have come here today to testify on the violence, crime, and lawlessness that is overwhelming Brooks County and its surrounding counties.

Most counties in Texas that have Border Patrol checkpoints are rural counties with small sheriff's departments. Human and drug smuggling by gangs and organized crime has overwhelmed our sheriff's department. Brooks County Sheriff's Department has 6 deputies to patrol 943 square miles of ranch country. Many ranchers are left to fend for themselves. Ranchers are being threatened if they call Border Patrol or law enforcement to report smuggling activities on their ranch.

I would be glad to expand on that during the questioning.

Some have left their ranches and have moved to the cities of San Antonio, McAllen, and Corpus Christi. There are hundreds of smuggling routes throughout Brooks and its surrounding counties that are used by criminals to skirt the Border Patrol checkpoints.

This year, our sheriff's department busted a large drug ring affiliated with the Zeta Mexican drug cartel. For over 7 years, they had shipped over 200 pounds of narcotics a week through our ranches. An unsealed indictment revealed that two Zetas had come to Falfurrias and were shown where our sheriff's deputies live so that they could come back, kidnap them, and find out who the informant was. This is still an on-going concern.

Property damage is staggering. Cut fences, mountains of trash, destroyed water sources, vandalized homes, stolen vehicles are everyday occurrences. Large range fires have also been set by smugglers. A recent fire killed at least three illegal travelers and required many more to be airlifted to safety.

This is a picture of a ranch fire this year started by a vehicle with Mexican plates that left the road fleeing the Border Patrol and the DPS, Texas Department of Public Safety, that carried 21

illegal immigrants and was clocked at 112 miles per hour by the DPS. Border Patrol was able to save four of the trapped passengers moments before the truck exploded and started the ranch on fire. The truck passengers were undocumented illegal immigrants from India.

Most unsettling are the bodies showing up on our ranches in Brooks County. Fifty-one illegal alien deaths have occurred so far this year, with another 31 reported still missing, and nearly 500 deaths since October 2004. Some are murdered, but at least all are criminal homicides.

One day, when my wife came home, she noticed the dogs playing with a round object in the yard. It was a woman's skull. Her body was found about 150 yards from our backdoor. She had a broken tibia. She didn't walk out there with a broken leg; we suspect rape and murder. Other dead women were found on my south fence and my neighbor's ranch during that same period.

Dealing with the dead bodies has exhausted our county resources. I have aerial photos of our sheriff's department's compound, containing hundreds of vehicles confiscated from drug and human smugglers.

Seven years ago, myself and others started a group called the Texas Border Volunteers to help law enforcement control the smuggling through private property. We are concerned about the thousands of people coming into our State and Nation without knowing who they are or where they come from.

We have monthly operations and report criminal activity to law enforcement and U.S. Border Patrol. We also enlist camera systems to monitor smuggling pathways. We have reported hundreds of illegal aliens and drug smugglers during our operations. Hundreds of illegal aliens have been rescued by our volunteers. These are people who have been cheated of their money and left alone in the wilderness.

We are currently in our second week of operations, and we have been busy. We see many OTMs—"other than Mexicans." The Rio Grande Valley, the McAllen sector, leads the Nation in OTMs, with 20,284 individuals as of September 19, 2011. This is for this fiscal year. If the Border Patrol only catches 8 or 10, then we have an astronomical number of OTMs slipping into our country every year. We have seen groups carrying guns, and I will answer questions on that. People from special-interest countries, such as Iran, Pakistan, Afghanistan, and Iraq, are a concern for all of us. Our other countries represented in OTM apprehensions include Dominican Republic, Sudan, Eritrea, Somalia, Sri Lanka, Nigeria, Ethiopia, Venezuela, Vietnam, and more.

Dangerous encounters: I found a rancher on a highway after dark who was robbed, tied to a tree, shot twice, and had his truck stolen by two illegal aliens. He was rushed to the hospital and survived. I had five illegal aliens with sticks and cedar posts attempt to take my truck away from me when I was leaving a ranch gate.

Encounters with smugglers and illegal aliens are daily occurrences, and most ranchers and their families are not leaving the house without being armed. In many parts of the country, many ranchers cannot keep employees for the fear that is constantly cir-

culating. Our lives have been severely compromised, to say the least.

The Border Patrol's budget in south Texas has been dramatically cut. Local and State law enforcement and Border Patrol need help, and we need it now. We all, as Americans, need them to have adequate resources to win this war on our Southern Border.

Again, I thank you, Members of the committee, for having me here today. I look forward to answering any questions.

[The statement of Dr. Vickers follows:]

PREPARED STATEMENT OF MICHAEL VICKERS

OCTOBER 14, 2011

Thank you Chairman McCaul, Ranking Member Keating, and Members of the committee for inviting me here today.

I'm Dr. Mike Vickers, a rancher and veterinarian from the city of Falfurrias in Brooks County, Texas.

Brooks County contains a Border Patrol check point that is approximately 65 miles from the Mexican Border (Reynosa Mexico). I have come here today to testify on the violence, crime, and lawlessness that is overwhelming Brooks County and its surrounding counties. Most counties in Texas that have Border Patrol Checkpoints are rural counties with small sheriff departments. Human and drug smuggling by gangs and organized crime has overwhelmed our local sheriff's department. Brooks County sheriff's department has 6 deputies to patrol 943 square miles of ranch country. Many ranches are left to fend for themselves.

Ranchers are being threatened if they call Border Patrol or local law enforcement to report smuggling activities on their property. Some have left their ranches and have moved to the cities of San Antonio, McAllen, or Corpus Christi. There are hundreds of smuggling routes throughout Brooks and its surrounding counties that are used by criminals to skirt the Border Patrol Checkpoints.

This year our sheriff's department busted a large drug ring affiliated with the Zeta Mexican Drug Cartel. For over 7 years they had shipped over 2,000 pounds of narcotics a week through our ranches. An unsealed indictment revealed that two Zetas had come to Falfurrias and were shown where our sheriff deputies lived so that they could come back, kidnap them, and find out who the informant was. This is still an on-going concern.

Property damage is staggering; cut fences, mountains of trash, destroyed water sources, vandalized homes, and stolen vehicles are everyday occurrences. Large range fires have also been set by smugglers. A recent fire killed at least 3 illegal travelers and required many more to be air lifted to safety. This picture is of a ranch fire this year started by a vehicle with Mexican plates that left the road fleeing the Border Patrol and DPS (Department of Public Safety.) It carried 21 illegal immigrants and was clocked at 112 mph by DPS. Border Patrol was able to save 4 of the trapped passengers moments before the truck exploded. The truck passengers were undocumented, illegal immigrants from India.

Most unsettling are the dead bodies showing up on the ranches. Fifty-one illegal aliens' deaths have occurred so far this year with another 31 reported still missing and nearly 500 total deaths since October 2004. Some are murdered but at least all are criminal homicides. One day when my wife came home she noticed the dogs playing with a round object in the yard. It was a woman's skull. Her body was found about 150 yards from our back door. She had a fractured tibia. She didn't walk out there with a broken leg. We suspect rape and murder. Other dead women were found on my south fence and my neighbor's ranch during that same period.

Last year three female skeletons were found on an adjacent ranch southeast of my home. Many women are sexually assaulted, raped, and brutalized. Last Saturday night a group of women were given a pill by a Coyote (a human smuggler) to give them endurance for the trek around the Checkpoint. All of the women became drowsy and fell asleep. One awoke that morning nude next to the nude coyote. She grabbed her clothes and fled. Fortunately she found the highway and then the Border Patrol found her. She was raped and our sheriff's department is investigating. Many women dress like men because of the threat of sexual assault.

Dealing with the dead bodies has exhausted our County resources. I have aerial photos of our Sheriff Departments compound containing hundreds of vehicles confiscated from drug and ranch smugglers. Seven years ago myself and others started a group called The Texas Border Volunteers to help law enforcement control the

smuggling through private property. We are concerned about the other thousands of people coming in to our State and Nation without us know who they are and where they come from. We have monthly operations and report criminal activity to law enforcement (USBP). We also enlist camera systems to monitor smuggling pathways (see photos). We have reported hundreds of illegal aliens and drug smugglers during our operations. Hundreds of illegal aliens have been rescued by our volunteers. These are people who had been cheated of their money and left alone in the wilderness. Many go lost for days without food and water and ultimately die. We are currently in our second week of operations. Tuesday night we reported and assisted Border Patrol in apprehending 15 illegal aliens (criminal trespassers.) Thirteen of them were from Mexico, one was from Honduras, and one other from Guatemala. We see many OTM (Other Than Mexican). The Rio Grande Valley (McAllen) sector leads the Nation in OTM's with 20,284 individuals as of September 19, 2011 (figure for this fiscal year). If the Border Patrol only catches 8–10% then we have an astronomical number of OTM's slipping in every year.

We have seen groups carrying guns. On one operation the coyote leading 33 Chinese illegal immigrants was carrying a rifle.

Diseases are a big concern both human and animal alike. There is a big fear of Hoof and Mouth disease being brought in from China. Currently there is an outbreak of Hoof and Mouth disease in Taipei, Republic of China. Chinese have been a leading OTM group in the Falfurrias Border Patrol area. During our March operation, illegal Chinese immigrants had paid \$50,000 each for transportation into the United States. Africa also has Foot and Mouth disease, and many Africans are being smuggled through South Texas.

People from special interest countries such as Iran, Pakistan, Afghanistan, and Iraq are a concern for all of us. Other countries represented in OTM apprehensions include Dominican Republic, Somalia, Sri Lanka, Nigeria, Ethiopia, Venezuela, Vietnam, Bangladesh, Ukraine, Poland, Columbia, Ecuador, and more.

Some ranchers want to sell their land and move away, but they are finding there are no buyers willing to purchase their ranch land. Many properties simply won't sell because of the prevalent criminal activity. Numerous ranches along highways cannot graze cattle because of the constant fence damage. My fence along US Highway 281 is electrified. Some of my clients along the river have ceased agriculture operations because of threats or they have a present danger. Ranchers on the Mexican side have been run off their property and the cartels are fighting on their land for river access. My partner and I have both heard machine gun fire when working on ranches close to the river. Now hunting leases are in jeopardy of being dropped by hunters fearing the danger. This would be a big blow to the economy of the county and the individual ranches.

DANGEROUS ENCOUNTERS

I found a rancher on a highway after dark who was robbed, tied to a tree, shot twice, and had his truck stolen by two illegal aliens. He was rushed to the hospital and survived.

A friend's wife was attacked by 10 Guatemalan illegal immigrants as she was attempting to open the ranch's main gate while bringing the kids home from school. She was able to jump in the car and escape.

I had five illegal aliens with sticks and cedar fence posts attempt to take my truck when I was leaving a ranch gate.

This year a group of Indian illegal immigrants tried to take the vehicle from a neighbor's ranch hand.

Encounters with smugglers and illegal aliens are daily occurrences and most ranchers and their families are not leaving the house without being armed. In many parts of the county many ranchers cannot keep employees because of the fear that is constantly circulating.

My wife has had numerous frightening encounters. One in particular was a large muscular man with a pencil-thin mustache and beard that followed her from her horse barn up to our house. He was not speaking English or Spanish, and she had no cell phone or weapon. She was able to make it safely inside the house and call the Border Patrol. He continued to try to walk up into the driveway of the house but luckily the Border Patrol arrived quickly. That was the last time she left the house unarmed or without her cell phone. The man was a Brazilian split from a group of 40 other illegal Brazilian immigrants, and he was speaking Portuguese.

Recently two Coyotes in a vehicle loaded with illegal aliens plowed through a local woman's residence. She was killed.

Our lives have been severely compromised to say the least. The Border Patrol's budget in South Texas has been dramatically cut. Local and State law enforcement

and Border Patrol need help! We all as Americans need them to have adequate resources to win this war on our Southern Border.

Again, thank you again to the Members of the committee for having me here today. I look forward to answering any questions you might have.







Mr. MCCAUL. Thank you, Dr. Vickers, for your very vivid testimony.

Let me just say from the outset—and I think we are going to have a very lively discussion, a good dialogue here today—but let me say from the outset, I don't view this as Republican/Democrat issue. I don't see it as a partisan issue. I see this as a bipartisan issue. When it comes to National security and securing our borders, this should be a bipartisan issue.

I think, you know, if anything, at yesterday's authorization, you know, Mr. Cuellar and I sponsored several bills together—one to double the size of the BEST teams, another one to provide Border Area Security Initiative grants for local law enforcement and sheriffs—and that is as it should be.

So I am not going to try to spin this into a political theater event. What I am interested in are these two generals, who have taken a lot of time out of their—they are busy, but they took a lot of time to write what I thought was a very good report.

You know, we have talked about maybe coming up with a 5-point plan, if you will, or a 10-point plan, in terms of how we can better secure this Nation from this threat. So I would like to hear from the two generals, in terms of, if you had to prioritize, say, the top 5 or top 10 points in terms of what we need to do as a Nation, how would you respond to that?

General MCCAFFREY. Well, Mr. Chairman, let me begin by thanking Chief Deputy Aguilar for her testimony.

I might add, I don't have a bit of disagreement with anything she said about El Paso as a city or a county. Although I might add that I had a meeting, personally, in a closed room with 100 people from both Juarez and El Paso within the last 18 months. In that entire

room, both sides of the border said they feel intimidated. A senior police official in the city of El Paso, in response to a question from a Mexican national, said, "If these people come across the border, I will not be able to protect you." I was astonished. Texas DPS was in the room when we had this seminar to educate me on what was going on.

So I do think, though, that we should accept as a reality, non-partisan—I am not running for public office, and I am not associated with either party. I have been working that border for a long time. The rural areas are absolutely threatened, and Dr. Vickers' testimony should be given great credence.

Now, having said that, No. 1, if we took the border, from one end to the other, the 24 Southwest Border counties, and made a State of them, you would say a couple of things. No. 1, they are 51st in per capita income, 51st in health care. You can go on. They are the poorest counties in the United States, but they are No. 1 in documented Federal crimes.

So I would argue this is not the responsibility of border sheriffs. Hudspeth County: 12 deputies, 5,000 square miles, an intimidated population, cartel presence in the county. We can't protect America unless the Border Patrol and the other parts of the system—you can't just increase manpower in the Border Patrol. The Federal Marshal Service, DEA, FBI, the court system has to be enhanced also. We have to get resources adequate to counter this challenge.

I think the second aspect of it, not the subject of this hearing: We can't protect America unless we reform immigration law in the United States. We have 10 million people running our agriculture system, meatpacking, daycare centers, et cetera. These humble, hardworking, spiritual people are here making America's economy work. They can't go to the local police and ask for protection because they are here illegally. They can't wire their money home to their mother. We simply must reform and have a guest-worker status where these people are protected by OSHA safety standards, minimum wage, et cetera. Without which, we are not going to affect the border.

Then, finally, I think we have to get real assets to the Mexican government. I think I mentioned we had given them 11 helicopters in 3 years. Thankfully, during the Clinton administration, we got over 250 aircraft to the Colombians, who have turned the situation around in a 10-year struggle.

Those would be my top three recommendations.

Mr. McCAUL. Let me say in response to that, as well, that we have met President Calderón several times, and I have tremendous admiration and respect for what he is doing. I agree with you, it is anemic, the funding.

The Mérida Initiative has had some success, but we need to look at, post-Mérida, what are we going to do? We have been working on a plan to get the Colombian special forces that have been trained by our guys to work with the Mexican military to crack down on these drug cartels in Mexico. I think they assimilate better. I think President Calderón is very interested in that idea, and I think we are going to make some progress on that.

My time is somewhat limited, but I have to touch on the—Dr. Vickers, you talked about the "other than Mexicans." I know that

that number—you know, the seasonal worker is not the threat here. The threat is the “other than Mexican” coming in. I think the events of this week, demonstrating that an Iranian operative was reaching out to what he thought was a Los Zetas drug cartel member to arrange a team of assassins to bring explosive devices across the Mexican border into the United States to take out the Saudi Ambassador highlights this threat that we face, you know.

When you look at Hezbollah’s 1980 fatwa, they say, engaging in drug production and trafficking, explicitly stating that making these drugs for Satan, America, and the Jews—if we cannot kill them with guns, we will kill them with drugs. Then in 2008, El Universal reported that the Mexican Sinaloa drug cartel was sending elite assassins to train on weapons and explosives with Islamic radicals in Iran.

Now, whether that is—you know, that is a report. Is this happening? What is the Islamic Hezbollah connection to Latin America? We know there is a Tehran-Caracas connection to Venezuela. We know that Hezbollah is very—there is a heavy presence of Hezbollah in the Western Hemisphere.

If I could refer to this, here we have the Iranian operative, Mr. Mansour, who thinks he is contracting with these drug cartels, who are pictured on the right here with these assault weapons, these AK-47s. This is the threat. This is one we have been warning about for years.

That is my concern, as a former counterterrorism official and as a Member of this committee who is looking at border security issues. This makes the border that much more imperative that we have to get it secure.

Mr. REYES. Mr. Chairman, will you yield on that point?

Mr. MCCAUL. I want to hear from the witnesses, if that is okay, and I would be happy to have a further discussion.

But to the two generals, I mean, you are giving a military strategic assessment of this threat. How do you view this connection? I think it highlights even more so that we need to be paying attention.

Granted, most of this violence is taking place in Mexico. Forty thousand people killed in Mexico. Juarez, when I went in there, 6,000 people killed. I had the same security I had going into Afghanistan.

So what needs to be done? General Scales, I want to give you the opportunity to answer before my time has expired.

General SCALES. Yeah, I will be very brief. I am a soldier, and I wrote this—well, we wrote this report from the standpoint of the military, but what I would like to do is cut through the politics for a minute and give you four or five things that need to be done in addition to more funding. Money is important, but other things we have discovered are equally important that don’t necessarily deal with finances.

First of all, we believe that Texas is a template, for many reasons that we talk about in the report, particularly the aggressive action of the Texas Rangers. In many ways, the Texans’ system has proved to be one of the best we have seen.

Second, we need to improve coordination, communications, intelligence-gathering between State, local, and Federal. We need to

focus right here—right there. The tactical side of this battle, where, as we know, all wars—Afghanistan, Iraq, or the Southern Border of Texas—are won or lost is at the tactical level of war. We don't put the resources at the tactical level I believe that we should. So it is not just the money but where you put it.

I think we need to do a better job of cross-border, to use my phrase, joint operations with the Mexican military. I understand all of the political problems, beginning with the Mexican war in the mid-19th Century. I have got it. But in those few instances where the Rangers and the Feds and the locals and the Mexicans operated together on both sides of the border, they effectively shut down drug trafficking for days. That needs to be a template for how to do it.

We need to use cost-effective, cheap, off-the-shelf technology to build—not just build a fence but to build a fence that is strategic in nature and can be observed. You know, there is an old saying in the military, any obstacle that is not covered by observation or fire is useless, and the same thing is true here. In the State of Texas, they have taken deer cameras and GPSs and cell phones and put them together in cheap, anti-intrusion systems that have worked extraordinarily well.

The final point I will make is schooling. You know, one thing we learn in the military is the military is a learning institution. Information sharing, teaching, and learning between all the three levels—State, local, and Federal—but particularly local, it is important for us to stay ahead of the enemy intellectually, not just physically. Because the cartels are smart, adaptive, flexible, heartless, and cruel organizations. If they out-think us as well as out-fight us, all the Federal money in the world won't make a difference.

Mr. MCCAUL. Thank you, General.

I see my time has expired, but let me just end by saying, thank you again for this report. I think it is very valuable. Commissioner Staples, thank you for your effort on this, as well. I think Texas has done a lot of things right and has provided a model, I think, for the other border States.

I think, Congressman Cuellar, you and I talked about coming up with maybe a 5-point plan or a 10-point plan—Silvestre Reyes. I think the two generals just, I think, came up with some pretty good ideas that we could perhaps work together on going forward.

So, with that, I recognize the Ranking Member, Mr. Keating.

Mr. KEATING. Thank you, Mr. Chairman.

You know, I am struck by listening to all of you, and I think there is an amazing consistency here. So if people are coming to this hearing and think there isn't, I want to hear about it. This is the amazing consistency I have heard.

Now, as a DA before, there would be reports from year to year saying that in my county we had one of the lowest homicide rates. So the press would call me up and people would call me up and say, "Well, what do you think about that?" I said, "Well, I am not happy. I am not happy because people are getting killed. It doesn't matter about numbers; people are getting killed." That is what I see here.

I see here presented a picture, El Paso is safe compared to other large, large areas. I see it is thriving. I see a good community. I

see the economy doing well. Yet, I listen to Dr. Vickers and I get it. Within that broad view, there are some terrible, terrible things going on that have to be addressed. To say, statistically, everything is safe begs the issue that there are still huge problems to deal with.

So, the first comment I make is one of perspective, that, you know, look at the big picture, then look at the very important telescopic view of what is going on to ranchers and people and what is going on there.

I do say this—and I think we are not going to make progress at the hearing unless I get this out. You will get your chance, I hope, if I don't run out of time, to discredit this. I understand the two generals were asked for a military strategic plan, but I must say this.

I think, looking at the big picture, to sit there and use the language that said conducting business on the Texas border is tantamount to living in a war zone, I don't think that rhetoric helps, because I don't think it presents the real picture. Are there warlike tactics on ranchers? Yeah. But don't give the impression, in my opinion, that the whole area is like that, because that is not what I am hearing.

The other thing is—and I just want to get my positions out here. I am really pleased with what General McCaffrey said, because this is what I believe too. I believe, No. 1, the resources are inadequate. We made the analogy between Afghanistan and Mexico and how much is spent there and how little is spent on a very real issue that threatens our safety and security in this country, not just in the borders, not just even in Austin, but I think looking at it in the big picture, it affects many of our major cities. I was listening to General McCaffrey talk about how these cartels are pipelines and they are the people bringing death and danger to the rest of the country as well. So this is a big issue, and it extends beyond the borders. So I agree with General McCaffrey in that respect.

I also believe his comments about comprehensive immigration. If you want people to speak up, if you want people not to be turned into soldiers for the cartels that are crossing the border back and forth, the people that are coming over, working, and are obeying the laws, other than being here illegally, they can't come forward and do anything if they are threatened with the laws themselves.

If you want them to have a stake in the action, if you want them to be part of the solution and stand up and fight these cartels, we have to do something to let those people that are coming here be here legally so that they are not afraid to speak up and not afraid to be used and not afraid to be intimidated, and their families. That is an important point you brought up. You said it was tangential; I think it is central.

Also, if we are talking about resources, consistently with all of you, those resources are necessary. So I want to tell you, just as one person, I will support that comprehensive immigration reform so that we can fight and people have a stake in the action. We are not going to win unless people have a stake in the action and can fight.

I am going to fight for more money. I am not alone. Our Ranking Member and the Members of this committee, I think they can

speaking for themselves. A lot of people want to spend that money. I am not trying to be political but factual. The majority in this House, in Congress, voted to cut. We need more money if we are going to do the job. That is a fact I see.

So, as I look forward, you have my commitment on funding this, not cutting it. You have my commitment on dealing with immigration. You have my commitment to go forward and realize that this just is more than a border problem; this affects every citizen in the United States. We better wake up and understand that.

To Dr. Vickers, we owe all the resources we can to you folks who are just unduly and inordinately and beyond sometimes comprehension being attacked by people. I hope some of those Federal resources can supplement the good job I think that the local police are doing trying to combat this.

So those are my feelings. If in the few minutes or seconds you have left, if someone wants to contradict anything I said, go to it. I want to know if I got the picture from what you have said.

General MCCAFFREY. Let me also agree on the one point you thought might have been in contention. I think this is a criminal threat. This isn't war. The solutions aren't military. The last thing we ever want is one U.S. soldier across that border, even if invited by the Mexicans. I think we have depended unduly upon U.S. military support of the U.S. Border Patrol. We ought to build institutions, Federal law enforcement institutions, that are adequate to do the job.

Now, having said that, you know, I have been watching this at a close range since 1996, as a friend of Mexico and a friend of the border communities. We are out of control on that border in rural areas, and those people need protection. It ought to be Federal law enforcement, with resources also devoted to sheriffs' departments who simply can't keep up—not just the sheriff's department, the local prosecutor, the coroner. They can't even do autopsies. These are homicides, people murdered on U.S. territory, and we are not protecting them.

Thank you, sir, for your comments. I agree.

Mr. KEATING. Thank you, General.

I am over my time. I just want to throw something out. You can answer it if some of the other Members of the committee have questions as it goes along. If you can fit it in, good. I don't want to overdo my time. But General Scales brought up another point about how Mexican law enforcement officials have to work hand-in-hand with American law enforcement and Federal officials. If you get the chance in your questions—you don't have to answer it now—tell us how we can better do that. Thank you.

Thank you, Mr. Chairman. With that, I yield back to you.

Mr. MCCAUL. I thank the Ranking Member for his usual thoughtfulness and good suggestions.

I would submit that, as we draw down in the Afghan conflict, that it is my hope that we can channel those resources to this threat that we have right next-door in our backyard. It is also my hope that, as the BEST teams, as we double the resources there, that the moneys that they seize, the cash going southbound, that we can redirect that right back to the border and right back to the BEST teams.

So, with that, I recognize now the gentleman from South Carolina, Mr. Duncan.

Mr. DUNCAN. Thank you, Mr. Chairman.

Thank the panelists for being here. This is a very timely discussion.

You know, I don't think anyone that has followed the issue of the Southern Border and Hezbollah and the Mexican drug cartel, I don't think it caught any of us by surprise that the Iranian Quds Force would utilize the Mexican drug cartel as a conduit for wanting to bring God knows what into this country and commit a heinous crime in the sovereign United States of America.

We were lucky. There is an old saying, I would rather be lucky than good any day. But America needs to realize that we were extremely lucky that the person they contacted was a DEA undercover agent posing as a member of the Mexican drug cartel, as an assassin, that they contacted about helping them cross the Southern Border.

Let me just remind the committee and others that Iran has a growing influence on Western Hemisphere. They have opened six embassies in the last 5 years in this hemisphere. We know the Venezuelan connection. But keep in mind that if this plan hadn't gone forward, a backup plan or an additional plan was to commit another attack in Buenos Aires. Let's keep in mind that, prior to 9/11, the attack on the sovereign United States of America, that the largest single attack in the Western Hemisphere happened in Buenos Aires, Argentina, with an attack on the Israeli Embassy and cultural center. That was their secondary attack this week—or, rather, in June that was announced this week.

I want to urge my colleagues to get behind House Resolution 429 that I filed on Tuesday that urges the administration to include the Western Hemisphere in its area of focus in the next counterterrorism strategy. I think that is important. I think that is going to be singled out today and as we go forward in investigating what went on this week.

So, gentlemen, I just want to ask—I guess I will ask General McCaffrey. First off, I want to thank you and General Scales for your service to our great Nation; the other panelists, for what you are doing in Texas, for that sovereign State, but also for America.

But I am from South Carolina. We are a long ways from the border, but we are impacted. As you saw on the screen earlier, the flow of drugs and crime into this country comes through my State, as well. So we are very concerned about what crosses our border, who crosses our border, and the sovereignty of this Nation. So I want to thank you as well as the generals.

Generals—and I will ask General McCaffrey—can you elaborate on whether or not it is possible for Hezbollah to exploit the drug and human-smuggling routes and networks used by the Mexican drug cartels to attack the homeland? If you could tie in any knowledge you may have with the Mexican drug cartels' tunneling under our border and any relation it may have to or similarity to the tunnels that may be found in southern Lebanon.

General McCaffrey. I always caution people, I am an infantry officer, so if you ask me two questions, I forget the first one.

But let me, if I may, say that it is clear to me that our primary threat across that border is drugs. It essentially sees a thousand cities in the United States whose dominant criminal activity comes out of hundreds of metric tons of meth, cocaine, heroin, ecstasy, et cetera. That is what is happening.

By the way, it used to be Colombian criminals, Dominicans, Nigerians, Russians, low-IQ gringos, and now primarily it is Mexicans. Some of that, I might add, is because the dominant cartel activity that used to be in Colombia, they have been beaten by the Colombian national police and the courage of the Colombian leadership. So they have ceded ground and the Mexicans came in, have now got an end-to-end solution. So we do have to be concerned about that, as it is overwhelmingly what Americans in Portland, Oregon, and Yakima, Washington, and upper-State New York, and South Carolina care about.

In addition, however, I think your point is a good one. It is hard to imagine us protecting America from a counterterrorism threat if we don't have a unified Federal law enforcement strategy to protect America's borders. We don't. The Border Patrol has a decent internal strategy. There is the most complex, Byzantine, mixed-up mess of Federal authorities trying to coordinate activities. If you are a sheriff of a border county, trying to sort out who you go to is almost impossible. What would pass for a strategy are really to-do lists that, if funded, would result in further improving safety.

So I don't think we have done our job at the Federal level at all. I don't mean that as an attack on DHS. Thank God we put together the Department of Homeland Security—180,000 people, put \$40 billion a year into it with new resources. We would have a disaster. But it is inadequate, it is not coordinated. As General Scales mentioned, it is not adequately coordinated across that border. The DEA is doing an unbelievably good job of coordinating in Mexico, but not Federal law enforcement authorities on our side of the border.

General SCALES. Congressman, let me just answer your question very briefly.

As we get better at detecting and tracking terrorists from these named countries, the terrorists get more committed to coming to America through our unprotected borders. The days of going through JFK, thanks to the terrific work that DHS has done, are not over but extremely difficult.

We have a record of one gentleman who tried—an Iranian—I think it was Iranian—who tried six different countries, to include Indonesia, Cuba, Russia, and others, to break in to the United States, if you will, and he finally only managed to do it when he linked up with the cartels.

The cartels are apolitical about this. They want to make money. If a guy from Iran shows up with, in this case, a million-and-a-half dollars to smuggle him across the border, more than happy to do it.

Our grave concern is: How many have we missed? How many who have sought political asylum and had to be let go in Texas have joined a terrorist group? We don't know because we lose track of them, unfortunately, when they go through an unsecured border.

Mr. DUNCAN. Let me just, in my remaining time, reference a document that we forget about, and that is the Constitution of the United States. Article 4, section 4, says, the United States shall guarantee every State in this Union—and Texas freely joined this Union as an independent country, if we are reminded—but will guarantee every State in this Union a republican form of Government and shall protect each of them against invasion.

That is not my words; that is the words here, “against invasion.” You look up the definition of invasion, it takes many, many different forms. I believe we are seeing a form of that on the Southwest Border.

I yield back.

Mr. MCCAUL. I thank the gentleman.

The Chairman now recognizes the Ranking Member of the full committee, Mr. Thompson.

Mr. THOMPSON. Thank you very much, Mr. Chairman.

Let me at the outset thank our witnesses for their thoughtful comments today. It clearly reflects that you have given this subject matter significant study, and I appreciate you for that.

Dr. Vickers, let me say to you that your concern for your county and the people living in it is duly noted. One of the things we are trying to do is to push resources to the sheriffs, as well as other localities.

General McCaffrey, your comments about a coordinated Federal law enforcement effort is some of the things we are concerned about, because right now the proposed DHS budget is to be cut. That cut doesn’t push more resources to the border; it takes away. Whatever you want to say, a cut is a cut.

We have tried to add person power to Customs and Border Protection, as I said, as late as yesterday in our authorizing markup. We were not successful, but we are not going to give up. We have talked to the men and women on the ground, just like property owners. You absolutely have to have resources. Now, those resources go beyond just individuals. It is that coordinated strategy that we don’t have. So it is a combination of fencing, air support, whether it is unmanned drones or whatever, along with the local individuals. So we hear you.

One of the things we are beginning to hear also is that, as the drugs come north, the money and guns go south. So now, to the generals, how do you suggest we deal with the guns and money going south as part of this deterrence to deal with this issue?

General MCCAFFREY. Thank you, sir, for those comments. I fully agree with you.

By the way, one of the political problems I think you face, not me, is if you are trying to get resources out of Congress but you are simultaneously saying the problem isn’t very important, the murder rate is tiny, El Paso is like Switzerland, there isn’t much of a problem on the border, you are simply not going to be able to get the resources for Customs and Border Protection that are required. So there is a tension here between, on the one side, diminishing the apparent scale of the threat while trying to, rightfully I think, enhance the resources.

I also think we owe it to the Mexicans to not see the problem as their threat to us but recognize it as a mutual responsibility.

Every time I look at seizure rates, our seizure rates on cash flowing south are nonsensical. We don't get at a bit of it. When we take pride in seizing \$20 million or \$40 million, that is a drop in the bucket.

Now, to do that, I might add, though, is a real problem. I stood there at the Bridge of the Americas in El Paso, and you look at the cars going into Mexico at night. You don't see any taillights. They are not slowing down. They are driving right by Mexican law enforcement, going into the country.

So we would have to establish on our side of the frontier—by the way, the most important issue day-to-day is economics. We do not want to see an end—Mexico is our third-biggest trading partner, probably No. 2 on energy, tremendously important to our country. We can't stop traffic at that border. So, to do that, we would have to establish new forms of control: How do you look for money going south?

Finally, we have the problem of guns. I am a gun nut. You know, I have—my son and I are gun nuts. We are shooters, hunters. But somehow we have to, in those four border States, find a way to ensure that individuals cannot buy dozens of automatic weapons or semiautomatic weapons that can be easily fixed and allow them to go south and murder Mexican police and marines and soldiers, never mind our Border Patrol agents.

Now, I don't mean to divert, by the way, to this bone-headed ATF operation. I am talking about the larger issue of: How do we protect Mexico?

Mr. THOMPSON. Well, and I appreciate it. I was the top gun for the Democrats at the last sporting place, so I understand guns, too. But I use them in a sporting context and not other.

Dr. Vickers, you talked about the resources. What kind of resources do you envision as being helpful to a county like yours?

Dr. VICKERS. Well, we need to start at the local level. This is where it needs to start. Like rural counties like I mentioned in my testimony that have these Border Patrol checkpoints, most of them in Texas have very small sheriff departments because we are small-populated counties. Our county has about 6,000 people. Kennedy County on Highway 77 that has a checkpoint only has 400 people.

So these sheriff's departments are on the front line. A lot of times, they are the first person that somebody calls when they have an incident or an issue or a life-threatening situation on these ranches and they call 9-1-1. Sometimes, and a lot of times, the Border Patrol can't respond because they are tied up at the checkpoint with maybe a drug bust or some other activity.

So it is critical that we give adequate funding to these sheriff's departments one or two counties in that have these check points. It is critical. Our sheriff's department right now has an application for a grant for \$410,000 or \$412,000 for a lot of equipment that would really help us in that county. Adjacent counties that have similar problems need the same thing. So this is where we need to start.

Then we need to help the State. We need more helicopters. Our DPS and our Texas Rangers are strapped, overworked. They are doing a great job, but it is not enough. We need twice as many heli-

copters, twice as many State troopers to be able to assist the Border Patrol in this war we are fighting down in South Texas.

Mr. THOMPSON. Well, thank you very much. So the underlying comment is, we have to have more resources available to the border than less resources?

Dr. VICKERS. Oh, absolutely. We need more resources starting at the county level and going up through the Border Patrol.

Mr. THOMPSON. Thank you very much.

Mr. MCCAUL. Let me thank the Ranking Member. I agree with you, we need more.

I just wanted to say I think the southbound flow of cash and weapons is the big issue, which is why we doubled the size of these BEST teams that can seize those weapons and cash and strangle the lifeblood of the drug cartels. You know, in addition, we authorized additional UAVs for the border. The Border Area Security Initiative grants that you talked about, Dr. Vickers, was authorized in my amendment, which was joined by Congressman Cuellar.

Finally, technologies used in Afghanistan on the Afghanistan-Pakistan border, we are moving those technologies to the Southwest Border, and I think that is smart. As we wind down our operations there, the error stats, the sensor surveillance that we are not going to be using there we can move and deploy to the Southwest Border and save the taxpayers some money, as well.

With that, I would like to recognize the gentleman from Florida, Mr. Bilirakis.

Mr. BILIRAKIS. Thank you, Mr. Chairman. I appreciate it very much.

Thank you for your testimony.

A question for the generals: Why are the Iranians, in your opinion, opening up embassies, as the gentleman from South Carolina indicated, throughout Latin America, including countries where there are no significant commercial relationships or expatriate communities? Is it possible to get platforms to the intelligence services and terrorist proxies? Does it have to do with the relationships between these services and terrorist groups and drug cartels?

I have one more question after that.

General SCALES. Thank you, sir.

Very briefly, I don't think that there is any question but that terrorist-exporting countries like Iran, for instance, I don't think there is any question that they have a grand plan. They have allies in South and Central America governments that are willing to take their ideologies or embrace their ideologies and give them an entree or a launch point or a lily pad, if you will, for entry into the United States.

What is important to understand, though, is if it weren't for the cartels and the cartel involvement, they would have a tough road, coming from Mexico north. You know, it is like a Sopranos' type of organization. You know, you are standing on a street corner and all you want to do is just have the grease. That is the way the cartels are. They are generally not political or ideological. They are there to expedite illegal activity.

My concern—and I think it is evidenced by what happened the other day—my concern is that the working relationship, the familiarity between governments like Venezuela and cartel organizations

like the Zetas, who are essentially military organizations to begin with, will become ever more intermixed. It will become more and more profitable.

So here you have an odd situation, don't you, where you have petrodollars supporting a lily pad in Venezuela being pushed forward by narco-dollars. It is a very, very dangerous situation for the country. Frankly, until what we saw last week, it wasn't something that, sort of, was viewed very highly on our screen.

But I will tell you what. All we need is for something like this to succeed, God forbid, by some—you know, pick your terrorist, working his way through the Southern Border, to be a wake-up call for the Nation. God forbid that it should ever happen.

Mr. BILIRAKIS. General, would you like to comment, as well?

General McCaffrey. Well, I really would join Dr. Scales' comments. The dominant concern we in the United States have is criminal activity distributing hundreds of metric tons of drugs in our cities, and we end up with—pick a study you believe. I say there is around 5 million Americans that are chronically addicted to illegal drugs.

I was just out in Utah yesterday at a Nation-wide conference on troubled youth. At the end of the day, the problem affecting the United States is still cocaine, meth, high THC content, alcohol abuse by youngsters. So that criminal activity is what we have to focus on.

Having said that, I think your point is entirely correct. How could we pretend to protect America if the Federal law enforcement agencies lack the strategy and the resources to control our frontier? They do not control our frontier. They do a terrific job protecting El Paso and Laredo and San Diego. Part of that, by the way, is fencing, strategically placed. But the rest of the border, as Dr. Vickers and others will tell you, is free movement of heavily armed people.

On the other side of that border—you can look across the river into Juarez—you are talking company-size fire fights with grenade machine guns, anti-aircraft guns, military hand grenades. These are not, you know, a mafia shakedown of a guy with a fruit stand. These are huge, lethal organizations, who so far, by and large, have decided for business reasons to not go after U.S. law enforcement, generally, on our side of the frontier. It is coming. This situation is getting worse, and we have to organize ourselves now to protect ourselves.

Mr. BILIRAKIS. Thank you.

Last question, Mr. Chairman.

Is it true that some of the car bombs recently being used by the cartels in Mexico are technically very similar to car bombs designed, used in Iraq by Iran's terrorist proxies there? Would you say that would indicate—if that is true, would you say that would indicate possible collusion or training between cartels and terrorist groups?

Whoever would like to address that.

General McCaffrey. That is a good point. You know, I think some of this data, you ought to go to the relevant authorities. You know, General Petraeus, the agency would have better, more relevant testimony.

What I would say, though, is I have dealt with Mr. Chavez and Venezuela over the years, personally, and I have great empathy for the problems of Venezuela. But he has acted as a platform facilitating some of the goofiest terrorist organizations on the face of the Earth, threatening his own neighbors and facilitating threats to the United States.

So we should expect this will happen and part of it will be facilitated by the Venezuelan intelligence services.

General SCALES. Just to add to what General McCaffrey said, the cartels don't need a lot of help, to be frank with you. I was talking to a Texas Ranger who described the cartel operation. They had world-class communications that was encrypted. They had automatic weapons that, in many ways, were superior to those of the Texas Rangers. They had a scout system of scouts that were using night-vision devices, third-generation night-vision devices. They had an operations plan. I have even seen a manual for execution and ambushes that was taken directly from one of our own military manuals.

So, if the Iranians are involved, fine. But if someone were to describe to me the characteristics of a cartel small unit based on equipment, training, technology, I would have, frankly, been very impressed.

Mr. BILIRAKIS. Thank you very much.

I yield back, Mr. Chairman.

Mr. MCCAUL. Thank you.

The Chairman now recognizes the gentlelady from New York, Ms. Clarke.

Ms. CLARKE. Thank you very much, Mr. Chairman.

Thank you, Ranking Member.

As a resident and representative of the Northern Border, I would rather, actually, provide my time to someone who has some expertise from Texas, the gentleman from Laredo, Mr. Cuellar.

Mr. MCCAUL. Without objection, the gentleman from Texas is recognized.

Mr. CUELLAR. Thank you.

Just for procedure, I get her 5 minutes and then I get my additional 5 minutes; is that correct?

Mr. MCCAUL. Within my discretion, of course. But, yes, that is my understanding.

Mr. CUELLAR. Since I am buying your lunch after this, I think it would be in your discretion.

Mr. MCCAUL. I am on the Ethics Committee. A Member-to-Member gift is allowed, so it is okay.

Mr. CUELLAR. All right. Thank you very much.

First of all, I want to thank all the witnesses for being here. I do know that, you know, we all have the same goal, and that is to protect our country. We are all in agreement.

Certainly, I want to thank my good friend, Todd Staples. We go back since the State legislature. Appreciate all the work that you have done, and the generals and everybody.

I want to make sure that my friend Michael McCaul understands that I just have some questions—and we are all on the same page, but I just have some questions. Again, no disregard to our military folks, but I just want to ask some questions.

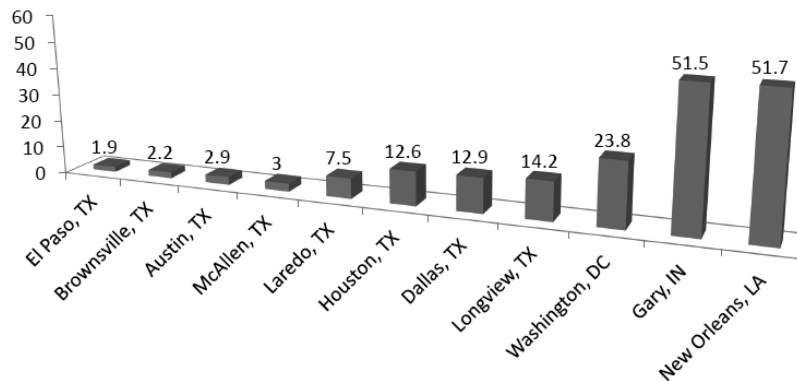
Being from the border, I have three brothers who are peace officers. One is a border sheriff. One was a DPS narcotics intelligence officer for 27 years. I have two other peace officers there. My family lives there. My two kids live there. I have lived there all my life. I was Governor Perry's secretary of state, so I understand both the border and the Mexican side. I used to be the chairman of the budget for DPS and the Texas Rangers, so I understand all of that. So I just wanted to give you this as a background.

But my first question: If I could have slide No. 1 go up there and ask you all one question. Because the crux of the report is this—and, generals, I don't have a problem with what is happening in Mexico. I understand it is a very violent situation. But I do want to say for the record, I think we have the best working relationship that we have had with the Republic of Mexico in the last 175 years. The cooperation is just amazing. There has been a shift in paradigm in working with them. We need to continue working with them.

2010 FBI Uniform Crime Reports

MURDER RATE

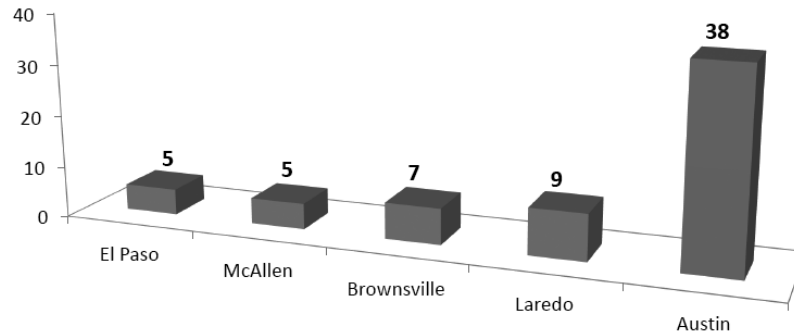
(National Rate = 5.0 Murders per 100,000 Population)



Prepared by the Office of Congressman Henry Cuellar

10/14/2011

**2010 FBI Uniform Crime Reports
TOTAL NUMBER OF MURDERS**



Prepared by the Office of Congressman Henry Cuellar

10/14/2011

Mr. CUELLAR. But there are two things that you all said in the report that really upsets a lot of us that live on the border, because you make it sound like there are no nice people living on the border. One is your quote was, “Doing business in a border county is like doing business in a war zone,” No. 1. No. 2, the citizens on the U.S. border, Texas side, are under constant attack I think it was 24 hours a day. Those are the two points that I want to mention that I am really focusing on.

Let me ask you this. If you look at the chart over there, you look at the chart and you will see certain things. You will see the border areas—this is the murder rate per 100,000. You have El Paso, Brownsville, all that. Then you have Houston, Dallas. Longview actually has the highest one, 14.2. Then I think the highest ones in the Nation are Gary, Indiana, and New Orleans at almost 51 murders per 100,000 itself. By the way, Washington, DC, is at 23.

We are here in Washington. Would you call Washington, DC, a war zone?

General McCaffrey. Well, let—

Mr. Cuellar. Just a “yes” or “no.”

General McCaffrey. Questions are never answered with “yes” or “no.”

Mr. Cuellar. Well, I am asking you just to—

General McCaffrey. I am not going to answer a question with “yes” or “no.” I think what we are doing is we are—

Mr. Cuellar. Okay, thank you. Let me—

General McCaffrey. We are talking by each other.

Mr. Cuellar. General—

General McCaffrey. The murder rate in El Paso does not take into account the 50 murdered Mexican nationals in that county

that Dr. Vickers takes into account. If you want to use the language “war zone,” you have to go to that rural community.

El Paso is a beautiful, vibrant place, where the hospital is so fearful that they want their own police force to guard against Mexican criminals coming in to get wounded cartel members.

Mr. CUELLAR. General, thank you.

The other general: Is Washington, DC, a war zone?

General SCALES. No.

Mr. CUELLAR. Okay. But, looking at those numbers, you all came out with a conclusion that Laredo, El Paso, McAllen, those areas are a war zone; is that correct?

General SCALES. No.

General MCCAFFREY. That is not what we—

Mr. CUELLAR. Look at your report. You got paid—you were paid \$80,000, as former military, of taxpayer dollars to make this report; is that correct?

General SCALES. We had five people work 4 months on this report. I assure you, you know—

Mr. CUELLAR. I am sorry. Let me—

General SCALES [continuing]. What he makes in a year. I assure you—

Mr. CUELLAR. General, with all due respect—

Mr. MCCAUL. Will the gentleman yield for a second?

I do think these are respected generals. I believe we need to show them respect and allow them to answer the question.

Mr. CUELLAR. Okay. Well, let me ask my question again. Were you paid \$80,000, yes or no?

General MCCAFFREY. Well, let me ask you, are you suggesting that this report had political or monetary motivation? If you are, sir, that is a shameful comment—

Mr. CUELLAR. Let me say something General.

General MCCAFFREY [continuing]. And you should retract it—

Mr. CUELLAR. General? General?

General MCCAFFREY [continuing]. Because my dedication to this country was based on 32 years of service.

Mr. CUELLAR. General, a statement was just made by your colleague there that said, let’s cut through the politics. All right? It was just said. Also—

General MCCAFFREY. You should not turn this into an ad hominem attack on my—

Mr. CUELLAR. General?

General MCCAFFREY [continuing]. Motivation for this study. You, sir, should not raise that point.

Mr. CUELLAR. General? General? I am just asking a simple question. Were you all paid \$80,000, just yes or no?

General MCCAFFREY. You are asking a provocative question—

Mr. CUELLAR. Okay. For the record—

General MCCAFFREY [continuing]. That I am not going to accept.

Mr. CUELLAR. For the record, my understanding is they were paid \$80,000 for the report. There is nothing wrong. You all are making a profit.

Now, let me ask you—

General SCALES. No, we did not make a profit. We lost a considerable amount of money.

Mr. CUELLAR. All right. Eighty thousand dollars.

Now, let me ask you—let's go—General Scales, let me ask you this question. You are a Ph.D. from Duke; is that correct?

General SCALES. Yes.

Mr. CUELLAR. Okay. I am a Ph.D. I am an attorney. I looked at your report. I looked at your report. All I found was anecdotal evidence. I think, if I would have done my dissertation or a report, I would have got an F if I were to put no citations, bibliography—and we will talk about your bibliography in a few minutes—no footnotes.

Don't you think anybody that would bring this as a Ph.D. would have got an F on their report?

General SCALES. Well, not only have I done a Ph.D., I have done 6 books and about 300 scholarly articles. So I know a little bit about how to write.

No, that is not how we did it. What I suggest you do is have your staffers go into our bibliography. Most of it is available on-line.

Mr. CUELLAR. Okay.

General SCALES. Over 200 citations are on-line.

Mr. CUELLAR. All right.

General SCALES. I did say—but, look, the issue is not—the issue is not that. The issue is not about what has happened now or what has happened in the last 10 years. What I am concerned about is the future. What we are suggesting is, what is happening on the Texas border is, in many ways, a canary in the coal mine, a—

Mr. CUELLAR. Can you tell me—

General SCALES [continuing]. Harbinger of the future. Our concern is that if it is neglected, particularly in the rural areas, the Nation will pay a very high price.

Mr. CUELLAR. Can I ask you this question: What scientific instrument did you use for measuring this report? What validity did you use? Or was it all anecdotal?

General SCALES. No, it wasn't anecdotal. If you would go through the report and look at the bibliography, you will see that.

Mr. CUELLAR. All right. We will do that in a few minutes.

Let me ask you this question. Your report cites—and I am trying to find your evidence. I am trying to find your evidence. But your report, on pages 24–28, uses the anecdotal information that is directly picked up from the Texas agricultural website.

Is that the information you used to show the violence on the border? Because, apparently, you disagree with the FBI's statistics; is that correct?

General SCALES. I agree with the Department of Justice's statistics, on which we rely for a lot of this information, and also the General Accounting Office and other Federal agencies.

You know, if you have that much trust in Federal statistics, so be it. We added an anecdotal section because we thought that the concerns expressed by ranchers and farmers were so poignant and so well stated, as Dr. Vickers just did, that some type of anecdotal reinforcement of our statistical data was probably pretty useful, because it talks about the human side of this, not the statistical side of that. You seem to be missing that point.

Mr. CUELLAR. Well, let me see what you missed. How many people did you interview?

General SCALES. I am sorry, say it again?

Mr. CUELLAR. How many people did you interview for your report? How many people did you talk to to make this report?

General MCCAFFREY. Well, look, first of all——

Mr. CUELLAR. Let me just——

General MCCAFFREY. First of all, it seems to me that this report was based primarily on Federal reports that are published. Second, it is based on my personal 15 years of dealing with the border and Mexico.

Finally, we added—and Dr. Scales has correctly stated—we tried to listen to the voice of Texas law enforcement and Texas rural people. That is the basis, the qualitative basis, behind this report.

Mr. CUELLAR. My question is very simple. How many individuals did you personally interview to come up with this report?

General SCALES. I don't know. I interviewed—I interviewed several people. I can't give you a number.

Mr. CUELLAR. Is that two? Five? Twenty?

General SCALES. I don't——

General MCCAFFREY. Well, I have interviewed people over 15 years, starting in El Paso in the cross-border meetings.

General SCALES. I will give you a number. I will give you a number. I didn't count them. I will say, adding Texas border security people, local people, I will say—I will say—here is a number: 30.

Mr. MCCAUL. The gentleman's time has expired.

Mr. CUELLAR. Is this the 10 minutes?

Mr. MCCAUL. The 10 minutes, yes. And I am not sure about this lunch we have with the generals now after this Q&A.

Mr. CUELLAR. Let me just close up. Again, I assert that I have all the due respect for you all. My only point was this, is that I just feel that if you are going to attack the border and call it a National—say that it is doing business in a war zone, I was just asking what was your information. That is all I was asking. I was not getting personal.

General SCALES. Look at the bibliography, go on the web sites, come up with the Department of Justice information, compare it with the FBI information, and I think that answers the question.

Mr. CUELLAR. Well——

General MCCAFFREY. Plus, to be honest, Mr. Cuellar——

Mr. KEATING. Mr. Chairman?

General MCCAFFREY [continuing]. I think you were getting personal. I think that was an uncalled-for remark.

Mr. CUELLAR. I was just——

Mr. KEATING. Mr. Chairman, may I be recognized?

Mr. MCCAUL. Yes. The gentleman's time has expired. The Chairman now recognizes the Ranking Member.

Mr. KEATING. Thank you, Mr. Chairman.

I just want to make a couple of points. I would like to further ask unanimous consent that Ms. Jackson Lee, a Member of the committee, be allowed, in turn, as a committee Member to testify.

No. 2, I want to be very clear about this, as I was before. I want to thank the generals that are here for all their service. You have represented your country so well, and you have our gratitude. As we never would question—at least I would never question any of your motives when it comes to our country's safety and security.

Thank you.

Mr. McCAUL. I thank the Ranking Member for his respectful comments, and let me add also my respect for these two generals, as well, and the work that you have done.

Let me add also, when we talk about the UCR data, to some extent I believe it is flawed in terms of not taking into account drug trafficking. It does not take into account—it fails to measure kidnapping, home invasions, threats, and extortion—crimes widely associated with drug trafficking. Even the Congressional Research Service reported that trends in drug-trafficking-related crime across the United States are currently unknown because Federal law enforcement agencies do not systematically track and report drug-trafficking-related crimes.

With that, I am going to recognize the gentlelady, who serves on the Homeland Security Committee, Ms. Jackson Lee.

Ms. JACKSON LEE. I thank you.

I thank the Members who are here. I would ordinarily yield, but I have to take this because I am being called to the floor with an amendment.

Let me thank the committee for their questioning and pose and say to the witnesses that are here, I think information is valuable. I have worked with General McCaffrey when we worked together when he was a drug czar here. I have worked with the Members who are at this table on the issue of OTMs that also weave their way into confusion. That is what I consider on the Mexican side of the border, with respect to the drug cartels and the violence that can pose a serious terrorist threat coming through.

I don't think anyone denies the existence of the potential for violent spillover. Clearly, with the incident of this week, making this hearing timely, on the interaction of the Iranian assassination plot, drug cartels seeking to pay a drug cartel activist, terrorist, if you will, to be engaged in an assassination plot, we are not blinded by our championing of the region to say that that does not happen. I think the angst is when a region is blanketed—and I know that the State agriculture department had all good intentions.

But here are my questions, General McCaffrey, that I want to pose. Because I think we should be very clear that I am not going to—I view the commitment of the present administration as a serious commitment to the needs of the border. It is an overwhelming crisis that we are facing.

So I want, first of all, to have on the record, is this a pointed report at the Obama administration for their lack of engagement?

General McCAFFREY. Well, let me respond to that.

Absolutely not. You know, I think Secretary Napolitano and her two predecessors, Judge Chertoff and Tom Ridge, started with nothing, created 180,000-person department, 23 agencies, have enhanced the security of the border enormously. It has taken us—when I started working the issue, with your support and guidance in your district, we had 4,000 border patrolmen. It was laughable. We barely had the border marked.

So I think, over time, we have done a magnificent, improved job, and I have great respect for them.

Ms. JACKSON LEE. Let me—my time is short. So this is a systemic problem. We started with almost—I call 4,000 “zero.” We are

now way beyond that. I have indicated at this dais many times of the amendments and submissions we have had to enhance Border Patrol.

Let me get to the point of the violence and sort of the gist of this particular report. I think it was important to delineate how you just delineated. Because what has happened is that the impact of the report—and we want to focus our resources—suggests that it is a bloodbath walking through the streets of maybe Laredo, El Paso, and that even the law enforcement there, even though you spoke to them, are being overwhelmed.

What I would like to hear from you is, No. 1, that you distinguish that there are strong law enforcement and also local jurisdictions that take no prisoners, when I say in terms of tolerating that or working to not have that occur, but that from a Federal perspective, going forward even, whatever administration comes up, we have a persistent, continuing crisis at the border that has a potential impact but there is no doubt that the cities at the border are both fighting but maintaining a climate of being able to do business.

Could that be a legitimate statement?

General McCaffrey. I think you stated it perfectly. I share your views.

Ms. JACKSON LEE. I would ask, just as someone who has been invited to the border and because of being on this committee—and, Commissioner, I am not ignoring you; I have an amendment I am just trying to—I would ask that we have the opportunity—I am a guest in that area, but I would appreciate the opportunity for further discussion so that the report that this committee now has oversight that the Chairman has allowed me to participate in, that the report gets directed to the resources that we in the Federal Government need to have to have partnership.

I just ask this final question, Mr. Chairman. Is this an appropriate time to cut homeland security funding or to enhance homeland security funding for the very points that you have made in your report?

General McCaffrey. Well, again, I think you have summarized it, although it is not just resources.

Ms. JACKSON LEE. I understand.

General McCaffrey. It is also a coordinated Federal strategy that is lacking.

Ms. JACKSON LEE. Absolutely. So resources should not be cut, but we should have a Federal strategy, but also accepting and acknowledging the work that has been done by our local cities.

Thank you, Mr. Chairman.

General McCaffrey. Absolutely.

Mr. MCCAUL. I thank the gentlelady.

The Chairman now recognizes a good friend and colleague, former chief of the Border Patrol, El Paso sector, Mr. Reyes.

Mr. REYES. Thank you, Mr. Chairman.

Thank you all for your testimony here.

I just want to thank especially both General Scales and General McCaffrey for their service to our country and for taking a first cut at putting together a report that I think is a first cut and I would recommend that we continue to develop this.

My first question to you, General Scales, is: Did you visit or consult with the El Paso Intelligence Center to do this report?

General SCALES. No. The intelligence center that I visited was the BSOC in Austin, which is—

Mr. REYES. Yeah. That is the State one.

General SCALES. Yeah. I went to them. I toured it. I guess I went there three times. I had a chance—in fact, if I could just give a plug for the State of Texas, that is one of the best three-level—tactical, operational, and strategic—coordination centers that I have ever seen. It ranks with some of the best I have seen—

Mr. REYES. Okay, but that is in Austin. El Paso Intelligence Center is on the border. I am curious, why would you not have gone to visit the El Paso Intelligence Center?

General SCALES. That is a good question. Because my partner went down there. I was scheduled to go down, but, as you may know, I am under treatment for cancer, and I had to—

General MCCAFFREY. But let me add to that. I have been in and out of the El Paso center 100 times. So I am part of this study and well aware of their work.

Mr. REYES. Well, General McCaffrey, some of the conclusions in the report are contrary to what the El Paso Intelligence Center says and would have said to you. But, you know, whether we like it or not, this is a political environment. Those of us that live on the border, especially me that work that border, that have the experience of being a Border Patrol agent and then a chief, I have to take umbrage at you saying, General McCaffrey, that there is no strategy, that there is no comprehensive—that case right there that you were pointing to, the Iranian case, that is one great example of coordination and great intelligence and law enforcement work.

I would recommend, Mr. Chairman, that your committee get a classified briefing on exactly how that went down, because some of the statements that were made here are erroneous. But I don't think you have the information. But I would recommend that you—

Mr. MCCAUL. I have not said anything erroneous. I have been briefed on it, by the way.

Mr. REYES. You have gotten the classified briefing?

Mr. MCCAUL. Yeah.

Mr. REYES. Okay.

Mr. MCCAUL. But, in any event, yeah.

Mr. REYES. Okay. Then you recognize that this was outstanding—

Mr. MCCAUL. Oh, yeah. I am going to the U.S. Attorney's Office in Houston with ICE, DEA, FBI to congratulate them. Having been a Federal prosecutor, this was an example of how it can work very well—and the coordination with Mexico, by the way.

Mr. REYES. How things are working.

Mr. MCCAUL. Yeah.

Mr. REYES. You know, ATF gets criticized for Fast and Furious. In the report here, it is mentioned that we ought to go after the organizations, not just the straw purchasers. That is what they were trying to do. They were trying to do it in a joint investigation

with Mexico. So that part of it sometimes gets ignored in the details.

I want to also make mention that when we are talking about what needs to be done—and there is no tension between what we say to defend our community and our border region and the lack of resources. The Chairman can tell you, I am advocating for more and more resources to come to the border. The one area—and, by the way, I retired in December 1995. We had 5,600 Border Patrol agents in December 1995. Today we have over 21,000 Border Patrol agents.

But in this time span, post-9/11, we have failed to pay attention to the ports of entry. That is where most of the narcotics and that is where I would say most of the threat is for potential terrorists coming into this country with false documents.

The Chairman knows very well that I have the “Putting Our Resources Toward Security,” which deals with the ports of entry. David Dreier agrees. I am not sure if you are a cosponsor or not; I think you are. But we need to focus resources on the ports of entry.

The problem today is that—General McCaffrey, when you made the observation that there was never a taillight that turned on as the cars were going into Mexico, the problem we have today is that those ports of entry were designed exclusively to inspect traffic coming north. We have to pay attention to remodeling those ports of entry so that our BEST teams and all the coordination with the sheriffs and the DPS and others so that they can have a safe enough environment to actually screen traffic going south through those ports of entry. That is very important.

Last, you know, whether or not the report is looked at as a political document or not, you know, what is political, I think, is when in the press conference statements are made like, fill up your gas tank, get away from El Paso and the Federal authorities. Drive down and talk to border sheriffs, judges, lawyers, bankers, merchants, ranchers, and farmers, and I guarantee you you will get a completely different view. The mayor of Eagle Pass, the mayor of Laredo, the mayor of Brownsville all say the same thing that the mayor of El Paso is saying.

But the implication here is that, for some reason, El Paso—and I think it was a shot at me—and I were trying to make some kind of a political statement or cover story or whatever. I assure you, just like the Chairman said, I would be the last one to question your motives, because I have so much respect for all of you.

I don’t know the commissioner, but I will tell you, we exchanged letters. There were concerns about the ProtectYourTexasBorder.com and some of the statements that were made in there by people that were racist. I stand by those concerns. But I have tremendous respect for your work, your reputation, and I want to work with you to help convince the majority here on the House side that we need to pay attention to ports of entry. There are currently 33—

Mr. McCAUL. Will the gentleman yield on that? You don’t have to convince me on that. I yield back.

Mr. REYES. But right now, as we are sitting here talking about these things, ports of entry all along the U.S.-Mexico border are

suffering with a 32, 33 percent vacancy rate to as much as 38 percent. That is unconscionable. The drug cartels know that. They have multiple runners, they have multiple spotters. They also, unfortunately, have so much money that some officers succumb to corruption, our officers. So it is critical that we do everything that we can to protect our Southern Border.

But our Southern Border is not in chaos. It is not a war zone. There are tremendous resources that are put to work every single day to keep us safe, as reflected by that Iranian case most recently. But, you know, if you will agree, I will host you at the El Paso Intelligence Center, and you can get a very clear understanding of the Federal strategy that exists and how they are working both with local, State, and other Federal agencies, including Texas DPS. I have seen the——

Mr. MCCAUL. Will the gentleman allow the witnesses to——is there a question that they can answer? Because it has been almost 10 minutes, and it is 12:40. We have votes around 1 o'clock, and I know that——

Mr. REYES. Well, yeah, sure, I will——

Mr. MCCAUL. Thank you.

Mr. REYES. You know, the frustrating part of this is, in 5 minutes or 10 minutes, someone that knows what is going on, someone that takes issue with some of the things that were in the report, we can't get it done. But if you will allow me, for the record, I will submit to you a written response to the report, if that is okay.

Mr. MCCAUL. Without objection.

[The information follows:]

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October 28, 2011

The Honorable Michael T. McCaul
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Subcommittee on Oversight, Investigations,
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and Management
U.S. House of Representatives
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The Honorable William R. Keating
Ranking Member
Committee on Homeland Security
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Dear Chairman McCaul and Ranking Member Keating:

Thank you for your willingness to allow me to include additional information in the record of the Subcommittee's October 14, 2011 hearing. As I expressed to the panel, I have strong concerns about the report titled, "Texas Border Security: A Strategic Military Assessment."

At the hearing, you will recall that I requested the opportunity submit a detailed rebuttal of the report to be prepared by law enforcement agencies with jurisdiction over the report's allegations, including the Department of Homeland Security and the Department of Justice. To that end, I requested information from and meetings with senior leaders at agencies that currently share some border security jurisdiction or responsibility.

Officials I contacted question the methodology (anecdotal and anonymous posts from blog pages) and accuracy of the research (attributing crime figures from cities well outside the border region as evidence of so-called "spillover" violence) included in this report and have serious concerns regarding the validity of its conclusions. Because this lengthy report is largely composed of anecdotal evidence and unverified figures and statistics, requiring various leaders and departments to spend large amounts of energy, time, and resources to rebut a largely discredited report is not justifiable. Furthermore, I believe that testimony from experts like Chief Deputy Sylvia Aguilar of the El Paso Sheriff's Department at the hearing confirmed that the report makes misleading claims about violence in Texas border communities and consequentially inaccurately paints the border as dangerous.

Certainly, we can all agree that the level of violence in Mexico continues to be an issue and that individuals and businesses in Mexico have been harmed. However, as former Chairman of the House Intelligence Committee, I received regular intelligence briefings on domestic and international threats, and never in my tenure on the Intelligence Committee was I informed of

any substantiated claims or reports regarding spillover violence. In fact, cities such as El Paso, McAllen, and Brownsville are safer than most cities in U.S., and I take issue with the conclusions and the outlandish claims made in the report stating that "living and conducting business in a Texas border county is tantamount to living in a war zone in which civil authorities, law enforcement agencies as well as citizens are under attack around the clock." This type of misleading rhetoric belittles the outstanding work of law enforcement professionals who are dedicated and diligent public servants. This sort of sensationalism also distracts us from the critical work that needs to be done to truly secure the border— including hiring additional port inspectors, modernizing our port infrastructure, and bringing our ports of entry into the 21st century.

I have dedicated my entire career to security issues, working 26 ½ years in the U.S. Border Patrol and serving on key defense and security committees and taskforces while in Congress. I look forward to continuing to work with you on vital border security issues and invite you to visit my district in the future to see firsthand the security operations on the border and to experience the vibrancy and energy of El Paso, America's safest large city.

Sincerely,



Silvestre Reyes
Member of Congress

Mr. REYES. I will give, General Scales and General McCaffrey, a copy to you and anybody else that wants it. Because I don't want to denigrate the work that you did, but I do think there are huge holes in some of the conclusions that are there and some of the other concerns that I have.

I have, again, tremendous respect. I am willing to yield and have you comment on anything that I said.

Mr. STAPLES. If I could, Congressman, I would like to say that I agree with your comments about the ports of entry. We need to focus on developing legal trade and ensuring that we have the resources there. I think that is a common goal that we share with you.

You mentioned several mayors along the Texas-Mexico border, but 93 percent of the border between Texas and Mexico is in an unincorporated area, and it is overwhelmingly rural. I would hope that today's hearing doesn't devolve into statements of one sentence or another in the report, which, by the way, was originally stated about being a war zone by a Texas Ranger who is living, working, breathing, and fighting the fight in these rural areas and a sheriff's deputy that is fighting the fight in these areas, and they are on record on ProtectYourTexasBorder.com.

The comments that you made about the website were removed—and thank you for calling the attention to that—immediately upon being notified that there was something that was inappropriate.

The statistics that have been presented here today from the Uniform Crime Report, the FBI cites in two different incidences on their own website that these statistics must not be taken in an isolated viewpoint. In fact, one statement says, "These rankings lead to simplistic and/or incomplete analyses that often create misleading perceptions adversely affecting cities and counties and their residents."

So we are not here today to focus on statistics. The purpose of the report was to move beyond what comments might be made by elected leaders and to put this into the hands of those who have impeccable credentials.

I think what I have heard, that we are all in agreement that we don't want to surrender one part of Texas or one part of America to these drug cartel members, and we all want to see more resources going to protect these individuals. I thank you for that very much. That is what we are asking for.

General MCCAFFREY. May I add, I also think your point on the border crossings is entirely correct. It is inadequately resourced. There is no question about that.

To further your point, half the illegal entries into this country that stay come by air. So it is not just the Customs and Border Protection; it is also Transportation Security Agency, ICE, and others who have to have a comprehensive system. It is not just those magnificent people. I have learned a lot from you over the years, listening to you, with your experience in the Border Patrol. But it is not just the sworn officers. It is the justice system, the detention capability, the ability to move these prisoners around that are all part of it.

Finally, returning to Mr. Keating's point, you can't get there unless you recognize 10 million illegal migrants in this country who are building America's future. We simply have to take that along with the border.

Sir, again, thanks for all I have learned from you over the years.

Mr. MCCAUL. The gentleman's time has expired. I think that was a very constructive question and answer.

The Chairman now recognizes the gentleman from Houston, Texas, Mr. Green.

Mr. GREEN. The interloper. Thank you, Mr. Chairman, and I thank the Ranking Member, as well, for according me this honor to be a part of this august body.

To all of the witnesses, I have been impressed with your testimony, and I thank you.

But I do have to say this: We have great respect for all of you, and we have great respect for our generals. I think that I speak for all of the Members of the committee when I say this, that we have great respect for you.

My good friend, Mr. Cuellar, did not have the opportunity to give his conclusion. I would like to yield about 30 seconds to him for his conclusions, and then I would like to make one point.

Mr. Cuellar.

Mr. CUELLAR. Thank you very much for yielding, Mr. Chairman.

Again, like I said at the very beginning, I respect all of you all. I appreciate it. Todd, you and I go back a long way.

My only point is, living on the border, I just have a problem with the conclusions that came out. I mean, the CRS report that came out that you recited, if you look at it, it comes out with a conclusion that the spillover crime is not there. I can point that out. Also, Forbes magazine listed the top 25 most dangerous cities, none of them on the Southwest Border. The Business Insider listed the top 25 dangerous cities in America. They are not listed there.

All I was trying to do is look at—I like to be scientific. I do research. I just want to know: What scientific method did we get it?

We are all in the same boat, as the Chairman—I respect all of you. I have peace officer families. I respect the military folks. But I will protect the border, no matter who it is. Shame on anybody that wants to attack the border. It is a great place to live.

We have been working together in a bipartisan way, Michael and myself, with Al Green and all of us. We are all Americans. We want to do the right thing. I am just saying, let's do it together.

Again, I thank you very much for all you being here. Thank you. Mr. GREEN. Thank you.

My comments are hopefully going to be well received by all, but I especially want to thank the generals, because you are, to a certain extent, the genesis of my thoughts today because I had other things that I wanted to say prior to hearing your comments.

What you have said about comprehensive immigration reform, General, I take very seriously. I think you have made a salient point, and the Ranking Member followed up on it, and I would like to follow up on it, as well, because there are some things that just bear repeating because of the importance associated with them.

Border security is important. There is no question that it is important. It is a part of comprehensive immigration reform, and we should never forget that it is a part of it. We have millions of people in the country that we cannot account for, in terms of knowing who they are. We cannot allow a system to persist that does not let us know who is in this country. We cannot. We cannot focus exclusively on any one area of security to the exclusion of other areas that are of paramount importance.

I am saying to you with my 1 minute and 10 seconds left that this really is a question of will. There is a way to do what we need to do. It is a question of will. The question is: Will we take up the responsibility to secure this country? To secure this country, we not only take up the component of securing the border, we take up comprehensive immigration so that we can do as you indicated, General. We have to know who is in the country. We have to have a means by which ingress and egress for those who are migratory workers can be accounted for.

These are things that we can do. We have not had the will to do them. It is kind of shameful, if you want to know the truth, from a person who is a Member of Congress. It is shameful that we haven't had the will to take up comprehensive immigration and put this to rest. We are putting our country at risk because we won't step across and embrace each other on something that is vital to our security, comprehensive immigration—not just one aspect of it or any aspect of it, but the entirety of it, so that we can secure all of the people in our country.

Generals, I am going to single you out and say thank you again. We are doing some other things that I will talk to you about when we get a break here.

To all of you, thank you for coming. Sheriff, thank you. Mr. Vickers, thank you for your report. Mr. Commissioner, thank you.

But I cannot do this without saying to people who have made great sacrifice, thank you. I have been around some generals, and

I know what it means to reach that rank in life. You don't get there by being popular; you earn it.

Thank you. I yield back.

Mr. MCCAUL. Thank you, Mr. Green, for your very nice comments.

I just want to close by saying this has been a very spirited and lively debate. I think it is a debate we need to have as a country.

I want to thank the witnesses and the generals and the commissioner for providing this report, which is so important.

There is one last point I wanted to touch on. General McCaffrey, you mentioned this earlier, and that is the intimidation by the drug cartels. Do you believe that they intimidate the civilian population?

General MCCAFFREY. I don't think there is any question about it. You know, again, I think Commissioner Staples really got to the heart of the matter of it. When we talked about the war along the Texas frontier, that was coming from Texas law enforcement and Texas ranchers.

So I sort of stand behind and defer to the viewpoints, in the rural communities, not El Paso and Laredo and the cities where we have the FBI and the Border Patrol. These American citizens require our Federal protection, and they are not getting it. I thank you and all the Members of Congress for bringing attention to this issue.

Mr. MCCAUL. I think the debate should not be how safe various cities are but just the general threat to the State and the Nation.

Do you believe they intimidate the Government?

General MCCAFFREY. No. I think it is pretty hard to intimidate the Texas State government, and—

Mr. MCCAUL. No, no, no. Do you believe that the drug cartels intimidate the Mexican government?

General MCCAFFREY. Well, thanks to the courage of President Calderón and Genaro Luna, the Mexican marines are not intimidated by anything. It is astonishing what they have done at the risk of their own lives. It is not just their own lives, it is their families. It is unbelievable.

So we owe them. We have an obligation to an economic and political, democratically to stand with them in a significant way and—

Mr. MCCAUL. President Calderón said that it was an attempt to replace the state, the drug cartels.

General MCCAFFREY. I actually—if I may add, sir, I don't think they want to replace the state. I think they want to intimidate it. What they want to do is run drugs, prostitution, human smuggling, frozen illegal tuna, you name it. These are criminal organizations that want to intimidate the Mexican law enforcement and haven't done it.

Mr. MCCAUL. Do you believe that they do that by extortion, kidnapping, and political assassination?

General MCCAFFREY. Murder—it is unbelievable. We ought to thank God for the courage of the Mexican Army and Marine Corps.

Mr. MCCAUL. The reason I brought these questions up, those are the elements under Federal law to define terrorism. I know in this report there is support for a designation, like President Clinton did with the FARC, to designate them as foreign terrorist organizations.

I do that not as a label—you know I introduced this bill. I didn't do it to label them, but rather to give us more authorities to go after them multi-jurisdictional. I believe that that could go a long ways in stopping this threat.

General MCCAFFREY. By the way, I wholeheartedly support your thought on it. I think it makes U.S. Federal law enforcement uneasy. They don't want to see Department of Defense and uniformed military, nor do I, taking primacy. I think Department of State is concerned that this might be an embarrassment to Mexico. But I think you are right on target; we should label them what they are.

I ran into the same problem in Colombia 10 years ago. We finally won that struggle and allowed ourselves to identify the FARC, the ELN, and the AUC as terrorist organizations on the State Department report. We ought to do the same thing to the seven Mexican cartels.

Mr. MCCAUL. Finally, I just want to give the entire panel maybe 30 seconds or a minute to conclude because some of the witnesses haven't had—the generals have been testifying a great deal. I wanted to give some of the other witnesses a moment just to say a few words before we adjourn.

Commissioner Staples.

Mr. STAPLES. Thank you, Mr. Chairman, and thank you, Members, for your attention to this very important issue today.

I think the testimony is very clear that Texas farmers and ranchers are asking for your help, and there seems to be the agreement that is what is needed.

No one is suggesting that Texas is not a dynamic State. No one is suggesting that our border is not a vibrant portion of our economy. What we are saying is that the first-hand testimony of farmers and ranchers that they cannot live and enjoy their property is something that no American should take as status quo and that we will accept.

Thank you very much.

Mr. MCCAUL. Thank you for being here today.

General McCaffrey.

General MCCAFFREY. I would just thank all the Members of the committee and Congress for their support you have provided since I started working on this issue in 1996. Thank God we now are beginning to have institutions that have the resources to protect our frontier, and I urge you to continue to support them.

Mr. MCCAUL. Thank you.

General Scales.

General SCALES. My suggestion—and, again, thank you very much for allowing us to be here. My suggestion parting is to get away from the numbers. Murder rates or urban violence or the statistics here and there, this is not the issue. It is not why we did the report.

We did the report because we were concerned about the long-term safety of the citizens of Texas to continued intrusion by the drug cartels. I used the phrase earlier in the testimony “canary in the coal mine,” and I believe that to be true here.

Let's not worry about the third decimal point in the statistics. Let's look at the report holistically about what it represents, and that is an increasing and insidious and very violent turn by the

Mexican cartels to intrude themselves on our thousand cities in the United States, using Texas as their rural point of entry.

So, if the outcome of this report is a continued interest by this committee and others on the importance of focusing on the rural aspects of the cartel intrusion into Texas, then it served its purpose.

Mr. MCCAUL. Thank you, General.

Chief Aguilar.

Ms. AGUILAR. Thank you.

I just wanted to again stress the importance of continuing to provide us with homeland security grant funding and providing resources to the local, State, and Federal law enforcement agencies.

I will say that El Paso should be used as a model city of best practices, and an interest should be taken as to what is it that we are doing so right because of where we sit and how successful—the community and law enforcement have a success story of working together and doing things right.

So I am always plugging for the city and saying, come and visit and use us as a best-practice model.

Mr. MCCAUL. Yeah, I think you have to attribute a lot of that to what Congressman Reyes did when he was chief of Border Patrol, was hold the line with the physical barricades, the fencing. You have the EPIC center there, you have a military base. It is a fortress.

With that, Dr. Vickers to close out.

Dr. VICKERS. Thank you, Chairman.

January of this year, the Border Patrol in Jim Hogg County apprehended 11 backpackers at my ranch gate with 700 pounds of marijuana. Down in San Ygnacio in March, my partner heard machine-gun fire across the river. Since then, I have heard machine-gun fire, working along the river in the San Ygnacio area.

Both of these incidents that I reported in my testimony happened in Jim Hogg County. I know for a fact that there were at least 40 criminal homicides on illegal aliens in the Laredo area and at least one cartel member murdered this year in the streets of Laredo.

I just wanted to let Congressman Cuellar know that all of these are in his district.

Most of the ranchers in that area—

Mr. CUELLAR. Can I respond, Mr. Chairman?

Dr. VICKERS. Most of the ranchers and a lot of ranchers in that area, from San Ygnacio all the way to Rio Grande City, will not call law enforcement anymore when they see backpackers with guns on our side of the river because they fear for their lives and their family.

Mr. GREEN. Mr. Chairman—

Mr. MCCAUL. Thank you for your anecdotal—we need to conclude this hearing.

Let me just say that—thanks again for your testimony. While we may disagree on some finer points, I believe that both sides of the aisle agree with the overall final objective. What we want to do is secure the border and secure the Nation.

With that, I would ask that we work together toward that effort.

Mr. REYES. I was going to recommend, and maybe you are already going to do it, but I think it is important to bring in CBP and officials from the El Paso Intelligence Center——

Mr. MCCAUL. We have done that.

Mr. REYES [continuing]. And the FBI intel that can supplement a lot of what we discussed here today.

Mr. MCCAUL. That is a very constructive idea.

With that, we thank the witnesses, and this hearing is adjourned.

[Whereupon, at 12:59 p.m., the subcommittee was adjourned.]

