

# ENHANCING BORDER SECURITY

---

---

HEARING  
BEFORE THE  
SUBCOMMITTEE ON IMMIGRATION  
OF THE  
COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE  
ONE HUNDRED SIXTH CONGRESS  
SECOND SESSION

—————  
FEBRUARY 10, 2000  
—————

**Serial No. J-106-64**  
—————

Printed for the use of the Committee on the Judiciary



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 2001

72-523

---

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Internet: bookstore.gpo.gov Phone: (202) 512-1800 Fax: (202) 512-2250  
Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON THE JUDICIARY

ORRIN G. HATCH, Utah, *Chairman*

STROM THURMOND, South Carolina	PATRICK J. LEAHY, Vermont
CHARLES E. GRASSLEY, Iowa	EDWARD M. KENNEDY, Massachusetts
ARLEN SPECTER, Pennsylvania	JOSEPH R. BIDEN, JR., Delaware
JON KYL, Arizona	HERBERT KOHL, Wisconsin
MIKE DEWINE, Ohio	DIANNE FEINSTEIN, California
JOHN ASHCROFT, Missouri	RUSSELL D. FEINGOLD, Wisconsin
SPENCER ABRAHAM, Michigan	ROBERT G. TORRICELLI, New Jersey
JEFF SESSIONS, Alabama	CHARLES E. SCHUMER, New York
BOB SMITH, New Hampshire	

MANUS COONEY, *Chief Counsel and Staff Director*

BRUCE A. COHEN, *Minority Chief Counsel*

---

SUBCOMMITTEE ON IMMIGRATION

SPENCER ABRAHAM, Michigan, *Chairman*

ARLEN SPECTER, Pennsylvania	EDWARD M. KENNEDY, Massachusetts
CHARLES E. GRASSLEY, Iowa	DIANNE FEINSTEIN, California
JON KYL, Arizona	CHARLES E. SCHUMER, New York

LEE LIBERMAN OTIS, *Chief Counsel*

MELODY BARNES, *Minority Chief Counsel*

# CONTENTS

## STATEMENTS OF COMMITTEE MEMBERS

	Page
Abraham, Hon. Spencer a U.S. Senator from the State of Michigan .....	1
Feinstein, Hon. Dianne a U.S. Senator from the State of California .....	4
Leahy, Hon. Patrick J., a U.S. Senator from the State of Vermont, prepared statement .....	15

## WITNESSES

Callister, Rayn H., Immigration Inspector, Immigration and Naturalization Service, and Steward, Local 40, American Federation of Government Employees, prepared statement .....	37
Dean, Diana, Customs Inspector, U.S. Customs Service .....	16
Gorton, Hon. Slade, a U.S. Senator from the State of Washington, prepared statement .....	8
Kelley, Colleen M., prepared statement .....	88
Lindemann, Robert E., Senior Border Patrol Agent, Detroit Sector, and Union Steward, National Border Patrol Council, American Federation of Government Employees, prepared statement .....	34
Pearson, Michael A., Executive Assistant Commissioner for Field Operations, Immigration and Naturalization Service, prepared statement .....	22
Smith, Ora A., Immigration Inspector, Special Operations, Immigration and Naturalization Service, prepared statment and attachments .....	40
Winwood, Charles W., Acting Deputy Commissioner, U.S. Customs Service, prepared statement .....	17



## ENHANCING BORDER SECURITY

---

THURSDAY, FEBRUARY 10, 2000

U.S. SENATE,  
SUBCOMMITTEE ON IMMIGRATION,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:39 p.m., in room SD-226, Dirksen Senate Office Building, Hon. Spencer Abraham (chairman of the subcommittee) presiding.

Also present: Senator Feinstein.

### **OPENING STATEMENT OF HON. SPENCER ABRAHAM, A U.S. SENATOR FROM THE STATE OF MICHIGAN**

Senator ABRAHAM. We welcome you all here today. Sorry about the delay in getting the hearing going. As I think everybody knows, there were two votes called right at 2 p.m. So we are still expecting Senator Gorton to return, and when he does, we will let Senator Murray and Senator Gorton introduce Inspector Dean.

But in the interim, what I thought I would do is begin the hearing with an opening statement. Senator Feinstein will have one as well, and we will work in the two Senators as it becomes possible to do so.

Well, there is Senator Gorton. We welcome him.

Today, we will address the issue of enhancing border security. On December 14, 1999, Ahmed Ressam was arrested after attempting to enter Port Angeles, WA. He was found with nitroglycerin and other potential bomb-making material. He was successfully apprehended, but he will not be the last one to try.

This committee is committed to providing our Federal agencies with the support they need to stop terrorists. We have seen in action the critical role that border security personnel play in protecting Americans. Recent high-profile alien and drug smuggling cases have also served as a further reminder of our border security system's important functions. These incidents have also focused renewed attention on the critical importance of maintaining adequate personnel resources at our borders to allow these functions to be performed, and performed effectively.

I hope today's hearing will shed light on four areas, in particular: First, what happened in Washington State in the days prior to the New Year and how Federal agencies responded to those events; second, what steps INS and Customs took and how did the two agencies coordinate their activities.

Third, what other factors enhanced our ability to respond? In particular, how did cooperation between Canada and the United

States, the world's strongest bilateral relationship, work during these incidents, and how does it work more broadly to protect Americans from potential dangers? And, finally, fourth, what additional resources are necessary to help deter and defend against terrorists, drug smugglers, and others seeking to do harm across our borders?

I believe recent events show what works to deter and defend against unlawful activity at the border. As we will hear today, skilled, trained personnel are our best line of defense. At Port Angeles, it was trained Customs personnel who made the difference. In addition, we needed the intelligence capabilities that allowed us to follow up in the Ressam case, and intelligence also alerted the U.S. Government as to where other threats existed.

Recent events also show that our agencies responded quite admirably to the immediate need for greater vigilance. In reaction to intelligence reports and the arrest in Washington State, INS and Customs added shifts and transferred a significant number of additional personnel to ports of entry at the northern border. This heightened readiness enhanced our ability to detect and deter unlawful activity.

Finally, however, these events also demonstrated that we have unmet needs. In particular, it appears that the heightened readiness achieved in the last week of December was accompanied only by rather heroic efforts on the part of the key branches of Customs and INS. But as we will hear today, it appears that our current level of readiness cannot be maintained on a permanent basis with existing resources.

The need for additional inspectors and investigative personnel at ports of entry has been a recurring theme in the oversight and legislative activities of this subcommittee. The Border Improvement and Immigration Act, S. 745, which I introduced with 27 Senate cosponsors, would provide a net increase of over 900 INS inspectors at ports of entry, 375 on the northern border and 535 in the Southwest. In addition, the bill would provide for increased intelligence officers and significantly enhanced tools to combat terrorism, drug smuggling, and illegal immigration. A similar set of resources is also provided for the Customs Service in the bill, including antinarcotics equipment and over 900 additional Customs inspectors.

We have other important unmet needs in closely related areas. Three years ago, Senator Kyl and I included, through an amendment in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, a provision that mandated a net increase of 1,000 new Border Patrol agents a year in each of the following years through fiscal year 2001.

Unfortunately, in only one of those years, fiscal year 1999, did the President's budget ask for the funds necessary to hire the required agents. Moreover, although Congress appropriated the money over the 3-year period, the targeted level was not achieved because we fell short of our recruitment efforts by a net of 594 agents. We have actually had hearings to look at that issue and try to find ways to make sure that we have the ability to meet the level of agent recruitment that we are trying to target.

We must improve on this record. Unfortunately, the President's new budget falls short of the 1,000 new Border Patrol agents mandated by a total of 570 agents. The 430 new agents the President proposes for fiscal year 2001 doesn't even make up for the 594 agents that we have fallen short in recruitment efforts over the last 3 years. So we want to look at that issue both on the budget side as well as here in the committee to try to figure out how we can not only provide the resources but recruit the quality people we need.

The Border Patrol is significantly understaffed at the northern border. Overall, there are fewer than 300 Border Patrol agents responsible for the nearly 4,000-mile-long border the United States shares with Canada.

Inadequate staffing is also a problem for both INS and Customs inspectors. In a May 18, 1999, letter I urged Customs Commissioner Kelly and INS Commissioner Meissner to provide additional INS and Customs personnel to ports of entry in Michigan, where our shortages are clearly felt. That would not only help with security, but would help relieve significant traffic problems at our various ports of entry.

So these are some of the issues that we want to focus on, but in particular today I think we want to make it clear that this committee recognizes the key role that personnel play to help pursue cross-border criminal activities, especially such things as the smuggling of people across borders or terrorist activities.

We are very excited about the panel today and the chance to hear from people who have been on the front line. We will hear from Michael Pearson and Charles Winwood, who respectively head field operations for INS and Customs, and we welcome you.

But in addition to a view from headquarters, we also wanted to hear from people on the front line. That is why we have here today Diana Dean, the Customs agent who first interviewed Ahmed Ressam in Port Angeles. It was her quick thinking and resourcefulness that may be most responsible for having prevented potential tragedy.

On our second panel—I will get into more details when we bring it up here, but we will be hearing from Robert Lindemann, who is a Border Patrol agent with the Detroit Sector; Ryan Callister, an INS inspector from Idaho; and Ora Smith, an INS inspector in Michigan, all of whom can describe the vital personnel resources America needs to maintain a strong deterrent.

The best way to defend our borders against drug smugglers, would-be terrorists and criminals is through solid intelligence, a strong Border Patrol, a sound inspections regime, and a sufficient number of investigators. In my view, it is essential that we allocate the resources to make this happen and thereby guard against unlawful entry and against those who are seeking to do harm on American soil. Recent events show how effective this combination can be and how important it is to make sure we invest now to make sure our efforts are adequate to the task.

At this point, we will hear from Senator Feinstein, and then we will go to Senators Gorton and Murray to introduce one of our witnesses.

Senator Feinstein, thank you for being here.

**STATEMENT OF HON. DIANNE FEINSTEIN, A U.S. SENATOR  
FROM THE STATE OF CALIFORNIA**

Senator FEINSTEIN. Well, thanks very much, Mr. Chairman. Senator Murray was good enough to introduce me to Inspector Dean, and I want to give you my warmest congratulations, and also hope you will relay that to your colleagues, Mark Johnson, Carmon Clem, and Mike Chapman, for the stop that you made. It was certainly very fine work.

Mr. Chairman, one of the things that I think has happened is, as we have increased the enforcement presence on the southwest border, we have seen a shift of illegal entry from the southwest to the northern border. Northern Border Patrol agents have recently reported Mexicans flying to Canada and attempting to slip illegally into the United States from the north.

Given the fact that international terrorists have focused on Canada rather than Mexico, the northern border situation is in some ways even more serious than that in the Southwest. Holes in United States-Canada border enforcement have permitted international terrorists to enter quite easily. Indeed, since 1995, there have been 13 known cases of terrorists crossing to the United States from Canada, and those are just the ones we know about.

As the Canadian Security Intelligence Service concluded in a 1997 report, most of the world's terrorist groups have established themselves in Canada, seeking safe haven, setting up operational bases, and attempting to gain access to the United States. These groups follow a familiar pattern of behavior of making fraudulent use of false or valid travel documentation and arranging the illegal transit of members to the United States and other countries.

Indeed, Canada's generous immigration policies have meant that terrorist groups can more easily establish and maintain cells there. In 1998, the CSIS stated that it had active investigations into 50 terrorist groups and 350 individuals. These include virtually every terrorist group in the world, including Hezbollah, Hamas, radical Islamic groups from Algeria and Iran, the Tamil Tigers of Sri Lanka, the IRA, Sikh separatists, the Kurdish Worker's Party, Palestinian Force 17, and the Iranian Intelligence Service.

But since 1992, Canada has only deported 11 people as terrorists, and before that none. Indeed, starting in 1997, Canada stopped extraditing people to Algeria because of the violence there. Some commentators have argued that these numbers are the result of lax Canadian procedures and poor cooperation between police and immigration authorities.

These individuals point to Ahmed Ressam as a perfect example. Ressam, an Algerian native, arrived in Canada in 1994 with a French passport under another name. He was later actually arrested and deported. Then he went underground and obtained a Canadian passport using only a Roman Catholic baptism certificate, a common practice in Quebec. He remained at liberty in Canada, free to enter the United States illegally.

Gazi Ibrahim Abu Mezer, a Palestinian who claimed Jordanian nationality, is another example. He applied for refugee status after arriving in Canada in 1993, which permitted him to remain in the country, despite two criminal convictions there. As an asylum ap-

plicant, Mezer was also entitled to free legal counsel, welfare payments, and full access to the healthcare system.

Moreover, because Canada lacks something like the U.S. expedited removal system which allows quick deportation of those with manifestly unfounded claims, an applicant such as Mezer could expect to stay in Canada, at government expense, for a year or even longer. This would give him enough time to try to sneak into the United States, which, as he later admitted, was exactly why he went to Canada in the first place.

Indeed, Mezer tried to enter the United States illegally three times. The third time, he was picked up by the Border Patrol 25 miles inside the U.S. States border in Bellingham, WA. INS attempted to remove him, but a judge released him on bond, in part because the judge erroneously believed that the State Department had checked its records but found no evidence that Mezer had any association with terrorism.

Mezer then went on to move to Brooklyn, to set in motion his plan to bomb a busy New York subway station. Mere hours before Mezer and another man, Lafi Khalil, intended to carry out their attack, police raided the terrorist apartment and shot and wounded them. Before he was convicted in July 1998, Mezer testified that the goal of his suicide attack was to kill as many Jews as possible.

While Ressam and Mezer were ultimately apprehended, it seems astonishing that they were really actually caught at all. Our northern border, excluding Alaska, extends almost 4,000 miles. But last year, this border had only 300 agents, about 1 agent for every 13 miles of border. In comparison, the southwest border, 2,000 miles long, had 8,000 agents, 4 agents for every mile.

Don't mistake me. I am not criticizing that. I support it and I am all for it.

And the sector-by-sector breakdown of Border Patrol agents is even more dispiriting. Last year, in the Detroit Sector, for instance, about 20 agents covered 4 States, and in western Washington there were 4 agents for 102 miles of border.

Moreover, even if a possible terrorist is apprehended, there is no guarantee that the person won't just be released with a deportation hearing notice, which, of course, means that he or she will just disappear, free to carry out a planned attack.

The Department of Justice Inspector General, for example, found a few years ago that immigration authorities almost never checked to see if illegal aliens they caught in the Blaine Sector in Washington State were suspected terrorists. Blaine is the most heavily traveled crossing between Canada and the United States west of Detroit. In addition, the Inspector General determined that INS and the Department of State did terrorism checks on only about 10 percent of the 150,000 asylum applications filed by asylum officers each year.

So even if an alien is caught along the northern border, the person will often not be detained or repatriated. The INS simply lacks the money. Last year, for instance, there was testimony that no INS detention facility existed in the Detroit metro area. Agents discovering an illegal alien had to rely on local jails to detain the alien and then pay for that privilege. Indeed, distances are so great and the Border Patrol so sparse that an agent could travel 200 miles

to pick up an alien from another law enforcement agency and then just process and release the person.

What we need is more cooperation with Canada. As the former Coordinator for Counterterrorism at the Department of State, Phillip Wilcox, has stated, "The most effective way of minimizing penetration of our land borders is close cooperation with the Canadian and Mexican governments. Since Mexico has not been a focus of international terrorism, the bulk of my experience was working closely with Canadian law enforcement and counterterrorism officials."

We also need, as you have pointed out, Mr. Chairman, more cooperation between INS, Customs, domestic law enforcement, and our defense and intelligence communities. I am pleased, for instance, to see that in cities such as Detroit, INS special investigation agents have been assigned to FBI-led joint terrorism task forces. We need to do much more along these lines.

To counter terrorism at the northern border, we also need a strategy that focuses not just on deterrence but on physical checks on streets, at farm, on ranches, and in jails. Shows of force such as Operation Gatekeeper or Operation Hold-the-Line may be effective in deterring illegal immigration from Mexico, but are not going to dissuade terrorists seeking to come in from Canada.

These terrorists are more sophisticated than the average illegal alien. They will plan their move across the border carefully. They will come laden with high-quality forged identification documents or genuine documents under an assumed name.

In terms of sheer numbers, terrorism doesn't yet kill many people. Terrorists murder fewer than 2 dozen Americans each year. In comparison, gun shots kill about two dozen American children every 2 days. However, speaking as the ranking member on our committee's Terrorism Subcommittee, the growth potential is enormous, and if we are going to carry out our number one responsibility, which is to protect the national security of this country, we cannot ignore this area.

I thank you, Mr. Chairman. I look forward to the testimony.  
[The prepared statement of Senator Feinstein follows:]

PREPARED STATEMENT OF SENATOR DIANNE FEINSTEIN

Thank you, Mr. Chairman. I am pleased to be here today to discuss the important subject of enhancing the security of our borders. I am especially delighted to see Inspector Diana Dean here today. Inspector Dean played a vital role in detecting and arresting Ahmed Ressam, an alleged terrorist with ties to the Algerian Armed Islamic Group, who was smuggling a huge cache of bombing materials and equipment in his car trunk. She helped prevent what could have been one the most serious terrorist attacks of recent years, one that might have otherwise resulted in terrible damage and suffering.

I join my distinguished friends in applauding the efforts of Inspector Dean and her colleagues Mark Johnson, Carmon Clem, and Mike Chapman in stopping that man. And I congratulate them on winning Exceptional Service Awards for their outstanding performance.

The topic of border security is of preeminent importance, not only to my own state of California, which shares a border with Mexico, but to other states in the south and north. And, while I firmly believe that our immigration authorities must do much more on the problem of alien and drug smuggling and illegal alien entry on our southwest border, I also recognize that these problems plague our northern border as well. Indeed, strategies to protect the integrity of our northern and southwest borders are inextricably linked. As the enforcement presence has increased on the southwest border, we have seen a shift in illegal entries from the southwest to the

northern border. Indeed, northern Border Patrol agents have recently reported Mexicans flying to Canada and attempting to slip illegally into the U.S. from the north.

Moreover, given the fact that international terrorists have focused on Canada rather than Mexico, the northern border situation is in some ways even more serious than that in the southwest; holes in U.S.-Canada border enforcement have permitted international terrorists to enter quite easily. Indeed, since 1995, there have been 13 known cases of terrorists crossing into the U.S. from Canada since 1995. And those are just the ones we know about.

As the Canadian Security Intelligence Service (CSIS) concluded in a 1997 report: "Most of the world's terrorist groups have established themselves in Canada, seeking safe haven, setting up operational bases, and attempting to gain access to the USA. \* \* \* [These groups] follow a familiar pattern of behaviour of \* \* \* making fraudulent use of false or valid travel documentation [and] arranging the illegal transit of members to the United States and other countries."

Indeed, Canada's generous immigration policies have meant that terrorist groups can more easily establish and maintain cells there. In 1998, the CSIS stated that it has had active investigations into 50 terrorist groups and 350 individuals. These include virtually every terrorist group in the world—including Hezbollah, Hamas, radical Islamic groups from Algeria and Iran, the Tamil Tigers of Sri Lanka, the IRA, Sikh separatists, the Kurdish Worker's Party, Palestinian Force 17, and the Iranian intelligence service.

But, since 1992, Canada has only deported 11 people as terrorists. And before that, none. Indeed, starting in 1997, Canada stopped extraditing people to Algeria because of the violence there. Some commentators have argued that these numbers are the result of lax Canadian procedures and poor cooperation between police and immigration authorities.

These individuals point to Ahmed Ressay as a perfect example. Ressay, an Algerian native, arrived in Canada in 1994 with a French passport under another name. He was later ordered arrested and deported. But he then went underground and obtained a Canadian passport using only a Roman Catholic baptism certificate, a common practice in Quebec. He remained at liberty in Canada, free to enter the United States illegally.

Gazi Ibrahim Abu Mezer, a Palestinian who claimed Jordanian nationality, is yet another example. He applied for refugee status after arriving in Canada in 1993, which permitted him to remain in that country despite two criminal convictions there. As an asylum applicant, Mezer was also entitled to free legal counsel, welfare payments, and full access to the health care system. Moreover, because Canada lacks something like the U.S. Expedited Removal System, which allows quick deportation of those with manifestly unfounded claims, an applicant such as Mezer could expect to stay in Canada at government expense for a year or even longer. This would give him enough time to try to sneak into the U.S.—which, as he later admitted, was exactly why he went to Canada in the first place.

Indeed, Mezer tried to enter the U.S. illegally three times. The third time, he was picked up by the Border Patrol 25 miles inside the U.S. border in Bellingham, Washington. INS attempted to remove him but a judge released him on bond, in part because the judge erroneously believed that the State Department had checked its records but found no evidence that Mezer had any association with terrorism. Mezer then went on to move to Brooklyn, to set in motion his plan to bomb a busy New York subway station. Mere hours before Mezer and another man, Lafi Khalil, intended to carry out their attack, police raided the terrorists apartment and shot and wounded them. Before he was convicted in July 1998, Mezer testified that the goal of his suicide attack was to kill as many Jews as possible.

While Ressay and Mezer were ultimately apprehended, it seems astonishing that they were caught at all. Our northern border (excluding Alaska) extends almost 4,000 miles. But last year, this border only has about 300 agent—about one agent for every thirteen miles of border. In comparison, the southwest border is 2,000 miles and had 8,000 agents—four agents for every mile. And the sector-by-sector breakdown of Border Patrol agents on our northern border is even more dispiriting. Last year, in the Detroit sector, for instance, about twenty agents covered four states, and in western Washington State, there were about four agents for 102 miles of border.

We know that 8,000 agents have been too few to stem the tide of illegal alien smuggling, drug smuggling, and illegal alien entry in southwestern states such as California. Three hundred agents for 4,000 miles border in the north is also not enough.

Moreover, even if a possible terrorist is apprehended on our northern border, there is no guarantee that the person will not just be released with a deportation

hearing notice—which, of course, means that he or she will just disappear, free to carry out a planned attack. The Department of Justice Inspector General, for example, found a few years ago that immigration authorities almost never checked to see if illegal aliens they caught in the Blaine Sector in Washington State were suspected terrorists. Blaine is the most heavily traveled crossing between Canada and the U.S., west of Detroit. In addition, the Inspector General determined that INS and the Department of State did terrorism checks on only about ten percent of the 150,000 asylum applications filed by asylum officers each year.

And even if an alien is caught along the northern border, the person will often not be detained or repatriated. The INS simply lacks the money. Last year, for instance, there was testimony that no INS detention facility existed in the Detroit Metro area. Agents discovering an illegal alien had to rely on local jails to detain the alien and then pay for that “privilege.” Indeed, distances are so great along the northern border and the Border Patrol so sparse, that an agent could travel 200 miles to pick up an alien from another law enforcement agency and then just process and release the person.

What we need is more cooperation with Canada. As the former Coordinator for Counterterrorism at the Department of State, Phillip Wilcox, has stated, “The most effective way of minimizing penetration of our land borders is close cooperation with the Canadian and Mexican Governments. Since Mexico has not been a focus of international terrorism, the bulk of my experience was working closely with Canadian law enforcement and counterterrorism officials.”

We also need more cooperation between INS, Customs, domestic law enforcement, and our defense and intelligence communities. I am pleased, for instance, to see that—in cities such as Detroit—INS special investigations agents have been assigned to FBI-led Joint Terrorism Task Forces. We need to do more along these lines.

To counter terrorism at the northern border, we also need a strategy that focuses not just on deterrence but on physical checks on streets, at farms and ranches, and in jails. Shows of force such as Operation Gatekeeper or Operation Hold-the-Line may be effective in deterring illegal immigration from Mexico but are simply not going to dissuade terrorists seeking to come in from Canada. Terrorists are more sophisticated than the average illegal alien. They will plan their move across the border carefully, and come laden with high-quality forged identification documents or genuine documents under an assumed name.

As Ranking Member on the Technology, Terrorism, and Governmental Information Subcommittee of the Senate Judiciary Committee, I know that terrorism is a huge problem today and becoming even bigger. Terrorism can result in the death of hundreds or even thousands of innocent men, women, and children. It also leaves economic and property damage and widespread fear and disruption in its wake.

Mr. Chairman, I thank you for holding a hearing on this important subject and look forward to working with you and the other members of this Subcommittee to give this matter the attention it demands.

Senator ABRAHAM. Senator Feinstein, thank you very much.

To introduce our first witness, Inspector Dean, I am going to turn to the two Senators from Washington, Senator Gorton and Senator Murray.

Senator Gorton, thank you for being here.

**STATEMENT OF HON. SLADE GORTON, A U.S. SENATOR FROM  
THE STATE OF WASHINGTON**

Senator GORTON. Mr. Chairman, I begin by thanking the subcommittee for holding this hearing and for allowing me to participate. I can think of few issues more important than ensuring the security of our borders.

Everyone here is aware of the alarming incident last December in which a man attempting to cross the border into the United States via ferry at Port Angeles, WA, was found to be carrying significant amounts of bomb-making materials in the trunk of his rented car. We cannot say for sure exactly what that man, Ahmed Ressam, intended to do with those explosive materials, though it

is becoming more clear that he is part of a much larger conspiracy of international terrorism.

What we know for sure is that through the professional expertise of the woman who will be speaking with you today, a likely disaster was averted. It is not an overstatement to say that our Nation owes a debt of gratitude to Inspector Diana Dean and the other Customs Service employees in Port Angeles for apprehending Mr. Ressay before he and his co-conspirators could perpetrate whatever acts of terror they had planned against the United States. And I know I share those sentiments with my colleague, Senator Murray, and with the entire Washington congressional delegation.

For a number of years, I have expressed my concern with the insufficient personnel levels at our northern border, as have many of my colleagues in the Senate, including members of this committee. It is unfortunate that it has taken an incident as alarming as the case of Ahmed Ressay to draw attention to a problem that many of us have been pointing to for all too long.

Nevertheless, the situation provides us with a unique opportunity to improve border security that we cannot afford to let pass. Make no mistake, this will not be the last attempt made by those outside our borders intent on carrying out acts of terrorism against the United States. It is vitally important that we continue to authorize and appropriate funds for additional border personnel, for which there is strong bipartisan support, not only for the southwest border but for our northern border as well. It is equally important that the administration follow through and actually hire the additional personnel, which the administration failed to do last year.

As my colleagues from northern border States can attest, our calls for additional personnel are often answered with an explanation of the seemingly never-ending need for more support at our southern border. To make matters worse, not only is the northern border unable to get much-needed new personnel, but the relatively few agents we do have are often detailed to the Southwest for extended periods, further exacerbating the understaffing problem.

As a consequence, you can imagine my shock at reading an article in the January 4, 2000, edition of the Wall Street Journal detailing the sheer boredom some Border Patrol agents in the San Diego area are suffering. According to this article, efforts to reduce illegal immigration along the U.S.-Mexico border have been so successful that Border Patrol agents are lacking sufficient work to keep them busy.

In an effort to alleviate this boredom, agents are engaged in one of two alternative activities. They are spending time during working days doing community service—one agent profiled in the article spends 4 days a week at a local elementary school helping students learn to read—or they are leaving the Border Patrol altogether in search of more challenging professional opportunities.

Now, I have no quarrel with the apparent success of the INS in its efforts to curb illegal immigration along the southern border. Nor do I have any complaint with Border Patrol agents performing community service, though I question the amount they should be doing on the taxpayers' time.

What I do have a problem with is the fact that understaffing at our northern border is jeopardizing the security of our Nation, not to mention our border personnel themselves, while in at least some sectors of the southern border there are so many agents that there is not enough work to keep them all busy.

I would like to take a moment to address the question of what impact, if any, an automated entry/exit control system would have made in the Port Angeles incident. I have joined with a number of my colleagues, most notably the chairman, in seeking a repeal of section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. We believe that while the intent of section 110 is commendable, the sheer volume of traffic crossing the northern border every day makes such verification unfeasible.

Many communities that depend on the steady commerce between Canada and the United States would be devastated by the long border delays that would be the inevitable result if section 110 were to be implemented. No doubt, proponents of section 110 will use the apprehension of Ahmed Ressay and his alleged associates as an argument for retention of section 110. I believe this would be unfortunate, as the existence of an automated entry/exit control would not have kept Ressay out. It was by reason of the experience and instinct of Inspector Dean that Ressay was detained and ultimately apprehended. What we need is more Inspector Deans, not more congestion.

With the chairman's indulgence, I make one final comment about Customs border staffing, and that relates to the current House-Senate conference on the Customs Authorization Act. There is a difference between the House and Senate versions of this bill on the pay of Customs inspectors and canine enforcement officers.

The House bill contains a provision that would reduce the pay of those public servants at the very time we are authorizing an increase in personnel on border staffing. Customs agents in Washington State could see a reduction in income of almost \$5,000 a year under the House provision. I have previously stated my opposition to that House provision and I restate it today as this committee examines this very important issue.

I thank you for holding the hearing. I am delighted to have the opportunity to meet Inspector Dean. I am sorry to report I have a markup at exactly this time in the Energy Committee of bills in that committee, and so if the chairman will indulge me, I will take my leave.

Senator ABRAHAM. Senator Gorton, thank you for being here.  
[The prepared statement of Senator Gorton follows:]

PREPARED STATEMENT OF SENATOR SLADE GORTON

Mr. Chairman, I would like to begin by thanking the Subcommittee for holding this hearing, and for allowing me to participate. I can think of few issues more important than ensuring the security of our borders.

By now, everyone here is aware of the alarming incident that occurred last December, in which a man attempting to cross the border into the United States via ferry at Port Angeles, Washington was found to be carrying significant amounts of bomb-making materials in the trunk of his rented car. We cannot say for sure exactly what that man, Ahmed Ressay, intended to do with those clandestine materials, though it is becoming clear that he is part of a much larger conspiracy of international terrorism. What we do know for sure is that through the professional

expertise of the woman who will be speaking with you today, disaster was very likely averted.

I don't think it would be an overstatement to say that our nation truly owes a debt of gratitude to Inspector Diana Dean, and the other Customs Service employees in Port Angeles, for apprehending Mr. Ressam before he and his conspirators could perpetrate whatever acts of terror they had planned against America.

For a number of years I have been expressing my concern with the insufficient personnel levels at the Northern border, as have many of my colleagues in the Senate, including some members of this Committee. It is unfortunate that it has taken an incident as alarming as the developing case involving Ahmed Ressam to draw attention to a problem that many of us have been pointing to for so long. Nevertheless, the situation provides us with a unique opportunity to improve border security that we cannot afford to let pass. Make no mistake about it, this will not be the last attempt made by those outside our borders intent on carrying out acts of terrorism against the United States.

It is vitally important that we continue to authorize and appropriate funds for additional border personnel, for which there is strong bipartisan support, not only for the Southwest border, but for the Northern border as well. Equally important is that the Administration follow through and actually hire the additional personnel, which the current Administration failed to do last year.

As my colleagues from Northern border states can attest, our calls for additional personnel are often answered with an explanation of the seemingly never-ending need for more support at the Southern border. To make matters worse, not only is the Northern border unable to get much-needed new personnel, but the relatively few agents we do have are often detailed to the Southwest for extended periods, further exacerbating the problem with under-staffing. Therefore, you can imagine my shock upon reading an article in the January 4, 2000 edition of the Wall Street Journal detailing the sheer boredom some Border Patrol agents in the San Diego area are suffering. According to this article, efforts to reduce illegal immigration along the U.S.-Mexico border have been so successful Border Patrol agents are lacking sufficient work to keep them busy. In an effort to alleviate this boredom, agents are doing one of two things. They are spending time during working hours doing community service—one agent profiled in the article spends four days a week at a local elementary school helping students learn to read—or they are leaving the Border Patrol altogether in search of more challenging professional opportunities. Now, I certainly have no quarrel with the apparent success of the INS in its efforts to curb illegal immigration along the Southern Border. Nor do I have any complaint with Border Patrol agents performing community service—though I question whether they should be doing it on the taxpayers' time. What I do have a problem with is the fact that under-staffing at our Northern border is jeopardizing the security of our nation, not to mention border personnel, while in at least some sectors of the Southern border, there are so many agents that there is not enough work to keep all of them busy.

I would like to take a moment to address the question of what impact, if any, an automated entry-exit control system would have made in the Port Angeles incident. I have joined with a number of my colleagues in seeking a repeal of Section 110 of the Illegal Immigration Reform and Immigrant Responsibilities Act of 1996. It is our belief that, while the intent of Section 110 is commendable, the sheer volume of traffic crossing the Northern border every day makes such verification unfeasible. Many communities that depend on the steady commerce between Canada and the U.S. would be devastated by the long border delays that would be the inevitable result if Section 110 were to be implemented. No doubt, proponents of Section 110 will use the apprehension of Ahmed Ressam and his alleged associates as an argument for retention of Section 110. I believe this would be unfortunate, as the existence of an automated entry-exit control would not have kept Ressam out. It was through the experience and instinct of Inspector Dean that Ressam was detained and, ultimately, apprehended. What we need is more Inspector Dean's, not more congestion.

With the Chairman's indulgence, I would like to make one final comment regarding Customs border staffing, and that relates to the current House-Senate Conference on the Customs Authorization Act. There is a difference between the House and Senate versions of this bill pertaining to the pay of Customs Inspectors and Canine Enforcement Officers. The House bill contains a provision that would reduce the pay of these public servants at the very same time we are authorizing an increase in personnel and border staffing. Customs agents in Washington state could see a reduction in income of almost \$5000 annually under the House provision. I have previously stated my opposition to the House provision, and I restate it today as this Committee examines this very important issue.

Let me again thank the Subcommittee for holding this hearing. I look forward to working with my colleagues to ensure we take the steps necessary to enhance the integrity of our borders.

## Now Fleeing the Border Patrol: Its Own Agents

As Illegal Crossings From Mexico Plummet, Force Is Plagued By Boredom and Attrition

By MARSHALL VAHREN  
Staff Reporter of THE WALL STREET JOURNAL

**YOUR CAREER MATTERS**

SAN DIEGO—Every Tuesday and Thursday morning, during regular working hours, Greg Hartfield heads to Rickoff Elementary School in nearby San Ysidro to help students learn to read.

He tutors at another area school on Mondays and Wednesdays. In the afternoon, he works in the local libraries, assisting children with homework.

Mr. Hartfield's occupation? U.S. Border Patrol agent, with a mandate to keep illegal immigrants from entering the United States from Mexico.

Border agents, once an affair of such law-enforcement, now face a career predicament: they have done their job so well that it lacks the action and drama that made many of them sign up in the first place. The result, growing morale and attrition problems among the "sightseers."

Recent arrests along the Canadian border have heightened fears that terrorists may be trying to infiltrate the country. But when it comes to illegal immigration, the Immigration and Naturalization Service, which runs the Border Patrol, says the border is under better control than ever. That's thanks to "Operation Gatekeeper," which



Maytag rep? Border Patrol agent Greg Hartfield spends most of his work week tutoring.

over a five-year period boosted manpower, added state-of-the-art detection equipment and directed the construction of a 12-foot-high fence along more than 70 miles of the U.S.-Mexico border.

The San Diego sector covers just 65 miles of the 1,200-mile border, but it accounted for about 40% of all border crossings before Operation Gatekeeper began. In fiscal 1995, one year after the program began, 324,231 migrants were apprehended in San Diego. In fiscal 1999, which ended on Sept. 30, only 182,248 border crossers were stopped there, a 25-

year low. Now San Diego accounts for just 12% of border crossings.

For agents, the new pace leaves plenty of time during the workday for tutoring and other community service. San Diego sector Chief William Veal encourages them to take advantage of the opportunity, enabling some, including Mr. Hartfield, to do so full time. Others put in several hours a week during working hours. Many are none too pleased about it.

"The agents are bored to death. The sense is apathy, I see it in their eyes. Everybody is frustrated," says Joseph Dassaro, an agent since 19 and vice president of Local 1613 of the National Border Patrol Council. "An agent will not stay in the border patrol for 25 years just to read to eighth graders," said Mr. Dassaro, who does no volunteer work. "Every agent I know has an application somewhere else." Some new agents are leaving even before they complete the one-year probationary period.

In the San Diego sector of the patrol, the 2,133 person force is hemorrhaging agents even as struggles to address its ranks, partly in compliance with federal requirements that the patrol nationwide add 1,800 agents a year through 2001. In the last four years, the sector hired 1,750 new agents but lost 1,189. In fiscal 1997, 324 agents left. And fiscal 1998, the same year a union survey found that 60% of the agents were actively pursuing jobs elsewhere, the sector lost 337 agents.

The slower pace is especially disappointing to the new agents, says Ray Vitreal, *Please Turn to Page B12, Column 1*

B12 THE WALL STREET JOURNAL TUESDAY, JANUARY 4, 2000

### YOUR CAREER

## Border Patrol Sees Its Own Agents Flee

Continued From Page B1  
spokesman for the San Diego sector. "They hear these stories of the old guys with high-speed chases, catching groups of 50 people at a time. The old guys tell war stories, the new guys hear this and say, 'Wow, I wish I could do that.'"

Moreover, new Border Patrol tactics, designed to make best use of the high-tech detection equipment, have cut agents' mobility, even along the border. For the most part, agents keep watch—in stationary positions—over an increasingly inert landscape.

Exacerbating the boredom problem is the shift away from so-called interior enforcement—the pursuit of people within the U.S. who are suspected of being here illegally. That prohibition, part of Operation Gatekeeper, followed complaints that people were being stopped just because they "looked Hispanic." There were also concerns about accidents and legal liability arising from high-speed chases. INS district offices now handle interior enforcement.

INS Commissioner Doris Meissner says the changes in the nation's 7,700-agent Border Patrol mirror those taking place in law-enforcement agencies around the country. The new strategies demonstrate "how the nation we know as community policing is applied in a border-control context," she says. "And we know that all over the country, community policing is accepted as the

way of the future in effective policing." San Diego administrators met with more than 60 agents in October to address their concerns. "I hear in a lot of your voices that sense of frustration," sector chief Mr. Veal told them. But he reminded them that guarding the border—the lack of excitement notwithstanding—is the priority. "Our strategy is to create an environment that doesn't encourage people to cross," he said.

*In part to address the boredom problem, agents can do stints in more exciting locations.*

In part to address the boredom problem, the patrol lets agents take 30-day assignments in more exciting locations, such as the Arizona border—now the nation's busiest crossing point—and at U.S. airports in border states. And Mr. Veal says the San Diego agents are slowly adapting to their altered role; he points to a somewhat-reduced flow of departures—270 in fiscal 1999—as evidence. Nationwide in 1999, 757 agents left, leaving the Border Patrol with a net gain of only 369 agents. Some of the attrition is the product of

the current availability of higher paying work elsewhere, rather than job frustration, he adds. This is a particular problem in San Diego, where the cost of living is high. Some who leave are promoted to other INS jobs. Others get higher profile jobs at the Federal Bureau of Investigation, Drug Enforcement Administration and Central Intelligence Agency.

Mr. Hartfield's career neatly tracks the recent changes that have occurred in the Border Patrol, as well as the dilemma facing many agents. He joined in 1995, spurred by memories of visits he had made to San Diego in the mid-1980s for training while he was in the Navy. At nights, he and a friend would drive to the border and watch in awe as agents chased down crossers. "It was so out of control it was almost funny," he says, smiling at the memory. "That's kind of what I thought it was going to be like when I joined."

Then, Operation Gatekeeper, with its new rules, started in. "I go through perches where I say, 'OK, I'm going to put my application in somewhere,'" says 34-year-old Mr. Hartfield. "Sometimes I think I can always transfer to a station that is like this one used to be. But then I think a lot of things we used to do, we can't do any more."

Recently he reached a decision about his future: He applied for jobs at the U.S. Secret Service and the FBI.

Senator ABRAHAM. We will turn to Senator Murray, and we thank you for being here before and waiting this long. I know you have other assignments, but we appreciate your being here to introduce Inspector Dean.

Senator Murray.

**STATEMENT OF HON. PATTY MURRAY, A U.S. SENATOR FROM THE STATE OF WASHINGTON**

Senator MURRAY. Thank you very much, Mr. Chairman and Senator Feinstein, for holding this extremely important hearing today, and thank you both for your statements that I concur with.

It is really my pleasure today to introduce to you my constituent and a real hero, Diana Dean. Diana has been an inspector for the Customs Service for 19 years. She moved from Hawaii to Seattle—that was a good choice—in the mid-1980's. In 1996, she became a full-time Customs inspector and was stationed at Port Angeles, WA.

We really all were very fortunate that she was stationed in Port Angeles, and last month her experience and her training caused her to question an individual who was getting off the ferry entering my home State from British Columbia. The person she stopped, Ahmed Ressam, was carrying 100 pounds of bomb-making supplies. For her service, she received an Exceptional Service Award, along with Inspectors Carmon Clem, Mike Chapman, and Mark Johnson, who assisted her.

Let me just add that I feel like I have a good idea of what Diana's job is like and she has a good idea of what my job is like because shortly after this incident I traveled to Port Angeles and had a chance to sit down with Diana and other inspectors and talk about what they were facing everyday. Shortly after that, she flew back with me to Washington, DC, on that long flight, got here, and we had a snow storm. She flew back home and had to fly here today. So she understands my job now and I understand hers.

I am delighted that she is with us today, and I want to also recognize her daughter, Adrianna, who is with us and has waited patiently and flown out here twice as well. She must be extremely proud of Diana as well.

Let me tell you when I was in Port Angeles, I saw that the northern border really does need our attention. I also visited Blaine and talked with the Customs and border agents there as well. And, Mr. Chairman, your statement is exactly right, and you and I both know, being on the northern border, that we have \$1 million a day of economic activity going back and forth across our border. It is important that we allow it to move safely, quickly, and efficiently.

But we also want to make sure that we have agents like Inspector Dean who are there, who are trained, who are the best people so that those people like Ressam are caught at the border and detained, and we have our work cut out for us.

So I am delighted that you are having this hearing, and I am proud to be here with Diana today. I want her to know that everyone at home is extremely proud of her and her colleagues and the work they do everyday. I have never before the last month had people come up to me and say, will you tell the Customs inspectors thank you for the job they do.

Diana made us all proud and I am pleased to have her before the subcommittee. It is my honor to present to you Inspector Diana Dean.

Senator ABRAHAM. Senator Murray, thank you very much. We appreciate it.

Before we turn to Inspector Dean to make her comments, let me just also mention the panel which we have here includes also Mr. Charles "Chuck" Winwood, who is the Assistant Commissioner of Field Operations with the U.S. Customs Service. We look forward to hearing from you next.

And then finally we have Mr. Michael Pearson, who is the Executive Associate Commissioner for Field Operations with the Immigration and Naturalization Service, and I believe from Traverse City, MI, somewhere in your past. We are proud of that and welcome you both here.

We will start with Inspector Dean.

Senator FEINSTEIN. Mr. Chairman, may I enter a statement into the record, please?

Senator ABRAHAM. Sure, we will be glad to do that and make that part of the record. If other members want to submit statements, of course, we will accept those as well.

[The prepared statement of Senator Leahy follows:]

PREPARED STATEMENT OF SENATOR PATRICK J. LEAHY

First, I would like to thank Senators Abraham and Kennedy for holding this hearing on an issue that is so important to the residents of my state of Vermont. I would also like to thank the witnesses who have come here today from the Customs Service, the Immigration and Naturalization Service, and the National Border Patrol Council, all of which play such a crucial role in maintaining the security of our nation.

This hearing is particularly appropriate at this time, considering the significant public attention garnered by the border arrests that occurred over the holiday season in Vermont and Washington state. Last December 19, border guards in Beecher Falls, Vermont, arrested a Canadian woman, Lucia Garofalo, who was bringing an illegal Algerian immigrant across the border. She has been charged with seven felony counts of alien smuggling and misuses of identification documents.

Ms. Garofalo's arrest followed on the heels of the arrest of Ahmed Ressay, an Algerian who was apprehended in Washington state while trying to enter the United States from Canada with 100 pounds of bomb-making supplies. Federal prosecutors in Burlington, Vermont, are investigating potential links between Ms. Garofalo and Mr. Ressay. I am heartened by the outstanding work of law enforcement officials in Vermont and throughout the United States in this matter—their excellent service allowed our country to avert what could have been a terrible tragedy. I am also appreciative of the assistance that Canada has provided to assist American investigators.

I strongly support providing additional resources—in the form of additional officers, support personnel, and equipment—to assist federal and local law enforcement officers who patrol our northern border. Our southern border has received the vast portion of our attention over the last decade, but the events of the last two months demonstrate that we need to be more attentive to the concerns raised by our border with Canada. That is why I am a cosponsor of S. 745, the Border Improvement and Immigration Act, which would provide additional resources to the INS, Border Patrol, and Customs Service.

Although recent events have confirmed the need to ensure that our northern border is effectively patrolled, it is important that our reaction to these events be a measured one. It is worth noting that although December yielded an important and high-profile case along our northern border, it was in some ways an ordinary month for the Border Patrol. As the Burlington (Vt.) Free Press reported last month, the number of illegal and criminal aliens apprehended along our border in Canada during that month was typical. Despite this fact, some have recently renewed their calls to implement draconian border inspection procedures that would cripple traffic and trade at our borders with Canada. Such a step would be extremely harmful to the

entire American economy, and especially to our northern states. It would also be disproportionate to the threats we face. We should not lose sight of the fact that our law enforcement officers were able to stop the alleged terrorists who apparently sought to harm our citizens. If our officers need additional help, we should provide it. That, and not closing our borders, is the appropriate way to battle this threat.

Senator ABRAHAM. Inspector Dean, we have all come here today, in part, to hear from you and we want to, on behalf of the subcommittee, thank you for your service. Obviously, when we hold hearings here, we often focus in on problems and we too often, as I have said in this role before, act as if nothing is going right. That is sort of the nature of congressional hearings; they tend to oversee problems.

Today, it is good to have a hearing where we are going to be talking about something that did go right, where we, in fact, were successful, thanks to your efforts in apprehending a terrorist, or somebody who at least, we believe, was planning to engage in those kinds of activities.

So we welcome you here today and we will turn to you at this time.

**PANEL CONSISTING OF DIANA DEAN, CUSTOMS INSPECTOR, U.S. CUSTOMS SERVICE, PORT ANGELES, WA; CHARLES W. WINWOOD, ACTING DEPUTY COMMISSIONER, U.S. CUSTOMS SERVICE, WASHINGTON, DC; AND MICHAEL A. PEARSON, EXECUTIVE ASSISTANT COMMISSIONER FOR FIELD OPERATIONS, IMMIGRATION AND NATURALIZATION SERVICE, WASHINGTON, DC**

**STATEMENT OF DIANA DEAN**

Ms. DEAN. Thank you. Mr. Chairman and members of the subcommittee, thank you for inviting me here to testify today. My name is Diana Dean. I am a U.S. Customs inspector with 19 years' experience. I am currently assigned to Port Angeles, WA, and have been there since 1991. Prior to my assignment at Port Angeles, I worked as an inspector in both Seattle and Hawaii.

On December 14, 1999, at 6:00 p.m., Ahmed Ressam attempted to enter the United States from Victoria, British Columbia, Canada, in a rented vehicle aboard the ferry motor vessel Coho at the Port Angeles, WA, port of entry. As the primary interviewing officer, I noticed during routine questioning that Ressam was acting in a nervous and strange manner while answering routine questions. I decided to perform a more thorough secondary examination.

Ressam was told to exit the vehicle he was driving in order to open the trunk for examination. After several requests, Ressam reluctantly exited the vehicle and opened the trunk. Preliminary examination by additional inspectors present and myself revealed that the vehicle's spare tire compartment contained several bags of an unknown substance.

Based upon this discovery, an immediate pat-down of Ressam was conducted, during which Ressam managed to slip out of his jacket and flee on foot. The other inspectors present gave chase in a foot chase that ensued over a five-block area, resulting in Ressam's capture. During the foot chase, Ressam attempted to strong-arm the driver of a vehicle passing by. After a brief scuffle, the subject was cuffed and escorted back to the port.

Further examination of Ressam's vehicle resulted in the discovery of 4 timing devices, a total of 118 pounds of urea crystals, 14 pounds of sulfate powder, and 48 ounces of nitroglycerin. The fact is U.S. Customs inspectors do things like this every hour of the day, every day of the week, and every week of the year at all 301 ports of entry in our Nation. Sometimes, we interdict dangerous drugs, sometimes guns, contaminated food, defective parts. The list goes on.

I want to again thank the committee for the opportunity to be here today.

Senator ABRAHAM. Inspector Dean, thank you.

Mr. Winwood, thank you for being here as well. We will turn to you at this time.

#### **STATEMENT OF CHARLES W. WINWOOD**

Mr. WINWOOD. Thank you, Chairman Abraham and members of the subcommittee, Senator Feinstein, for this opportunity to testify.

Inspector Dean's words are a far better testament to the dedication shown by the men and women of the Customs Service in defending our Nation's borders than I could ever offer today. I would simply like to take this opportunity to sketch a broader picture of our mission and the challenges and the needs that we face in the future.

We are extremely proud of the professionalism displayed by our inspectors at Port Angeles. The prevention of terrorist threats at our borders is a cornerstone of Customs responsibilities. Yet, it is only one part, albeit a vitally important one, of a vast mission that ranges from processing nearly \$1 trillion in trade a year to seizing illegal drugs hidden amongst the highest volume of arriving passengers and conveyances in the world.

We also combat money laundering, forced child labor, child pornography, and criminal exploitation of the Internet. We enforce more than 600 laws for a variety of Federal agencies at the Nation's borders, in addition to our own. On a typical day, Customs officers process 1.3 million passengers and nearly 350,000 vehicles at ports and border crossings. They seize nearly 4,000 pounds of narcotics and over \$1 million in ill-gotten cash.

Customs enforcement actions protect our domestic industries from unfair foreign competition. They keep tainted and spoiled products from making their way to consumers, defend against intellectual property rights violations, and deter the corrosive effects of economic fraud. And as you heard today, they help safeguard America from the threat of terrorist attack. It is a difficult job for the Customs Service to sift all of these threats from the vast majority of legitimate trade and travelers passing through our borders.

In response to the threat raised by the arrest at Port Angeles last December, Commissioner Raymond Kelly ordered the Customs Service into an immediate heightened state of alert. Our 301 ports and border locations were instructed to provide prompt staffing assessments to ensure our sites were adequately manned. Where shortfalls existed, inspectors and special agents were relocated. Where extra shifts were needed, overtime was added. Where gaps still remained, other officers were put back on the front line.

Our special agents were detailed to interagency counterterrorism task forces nationwide to provide investigative expertise and coordination of real-time intelligence and dissemination to our ports and border personnel. In all, our measures added to an equivalent of over 900 extra inspectors along our frontiers during the busy holidays.

I cannot stress enough the commitment of the men and women of Customs in making this possible. Our people made extraordinary sacrifices, worked longer, harder hours under heavy volumes of travel in extreme weather conditions, using time they would otherwise have spent with family and friends at home. Their efforts were deeply appreciated. Despite longer lines at border crossings, greater scrutiny, and more intense questioning, we received the strong support of the American public.

Our efforts did not end there. On December 30, Commissioner Kelly implemented a two-officer minimum staffing requirement for all northern and southwest border crossings 24 hours a day, 7 days a week. While this may seem like a small number at first glance, let me make it clear that many of our border crossings, especially along our northern border, are situated in extremely remote locations where travelers are few and hours of operation are limited.

A number of these locations are served by remote video inspection systems, with which frequent travelers can pass through border areas quickly without time-consuming inspections. While these sites are often the least traveled, they are also the most vulnerable, and to staff them around the clock, as the Commissioner ordered, was truly a dramatic step and a necessary one.

On January 11, the Commissioner authorized a scaled-back state of alert. This was done in consultation with other Federal inspection agencies and our intelligence community. Ports and border crossings were returned to their regular operating hours. Staff detailed temporarily to undermanned checkpoints returned home. The only exceptions were the one-man ports and the video inspection locations.

One important result of these operations has been the publication of a new alert plan, again authorized by Commissioner Kelly, for any future threats of this nature. The plan outlines four alert levels, each of which carries sufficient detail to ensure appropriate response to the threat at hand.

We also affirmed once again the indispensable role of cooperation with our partner border enforcement agencies, particularly the INS and the Border Patrol. I say "once again" because since September 1998, our agencies have engaged in an unprecedented project known as the Border Coordination Initiative, or BCI.

At its heart, BCI involves open lines of communication, joint operations, and shared management strategies. In the year-and-a-half that it has been in place, BCI has yielded record levels of drug seizures and reduced processing times for travelers at our ports of entry. It is an outstanding example of what can happen when Government agencies work together to improve service to the American public. This spirit of cooperation carried over to our work to secure U.S. borders after the Port Angeles incident. Immediately following the arrest, Customs and INS exchanged operational plans for 24-hour-a-day staffing at all of our facilities.

I must also acknowledge our outstanding working relationship with Canadian authorities. After the seizure and arrest, our usual high level of interaction with the Royal Canadian Mounted Police and Canadian Customs became even more intense. We exchanged data on subjects who may have been involved in suspicious activity and made an extra effort to share our findings.

A special U.S. embassy law enforcement team in Ottawa, comprised of Customs, the FBI, and representatives of the intelligence community in Ottawa worked tirelessly to support our inspectors and agents stationed at land borders and pre-clearance stations at the seven major Canadian airports.

Mr. Chairman, I believe that when America was faced with a terrorist threat last December, U.S. Customs and its fellow law enforcement agencies along the border stepped up to the challenge. I like to think in some way the peaceful holiday celebrations that ensued were at least partly the result of our efforts. That said, we are under no illusion about the possibility of another attempt occurring again at some other place, at some other time.

We have arrived at an important crossroads. A spiraling volume of trade has put immense pressure on our resources. At the same time, an unrelenting illegal drug trade continues its daily assault on our front lines. Add to this now the specter of international terrorism doorstep. Sifting the threats will become all the more difficult, all the more daunting. How we respond to these challenges now will impact greatly on our mission to facilitate and enforce in years to come.

Fortunately, the Customs Service has taken several important steps to make sure we continue to deliver for the American people. We have developed and are in the process of refining a resource allocation model, a tool developed to provide an agency-wide assessment of our most critical staffing needs and ideas on how to apply our resources. It is the first such model of its kind in the Federal Government to be deployed across the board, throughout every department and location.

Mr. Chairman, these requirements I have with me today are the requirements and documents for the resource allocation model which we would be happy to walk through at a later date with you. I would stress again that this is simply a tool for management and decisionmaking and not the final determinant of how we deploy our personnel.

Lastly, Customs is leading a critical study of border infrastructure needs throughout the country, in consultation with the General Services Administration and other Federal inspection agencies. This project, mandated by Congress, is intended to assess every physical aspect of port operations, from facilities and equipment to staffing and technology. Security and training needs will also be considered. We hope for the support of Congress on this and other important initiatives designed to prepare U.S. Customs for the challenging era of trade and enforcement ahead.

In closing, I again want to thank you, Mr. Chairman, and the members of this subcommittee for the opportunity to testify and to spotlight the dedicated professionals of the Customs Service.

Senator ABRAHAM. Thank you, Mr. Winwood.

[The prepared statement of Mr. Winwood follows:]

## PREPARED STATEMENT OF CHARLES W. WINWOOD

Chairman Abraham and members of the Subcommittee. Thank you for this opportunity to testify. Inspector Dean's words are a far better testament to the dedication shown by the men and women of the Customs Service in defending our nation's borders than I could ever offer today. I would simply like to take this opportunity to sketch a broader picture of the mission of the U.S. Customs Service, our challenges, and our needs in the years ahead.

To be sure, we are extremely proud of the professionalism displayed by our Inspectors at Port Angeles. The prevention of terrorist threats at our borders is a cornerstone of Customs' responsibilities. Yet it is only one part—albeit a vitally important one—of a vast mission that ranges from processing nearly 1 trillion dollars in trade a year to seizing illegal drugs hidden amongst the highest volume of arriving passengers and conveyances in the world.

We also combat money-laundering; forced child labor; child pornography; and criminal exploitation of the Internet. We enforce more than 600 laws for a variety of federal agencies at the nation's borders, in addition to our own.

On a typical day, Customs officers process 1.3 million passengers and nearly 350,000 vehicles at ports and border crossings around the country. They seize nearly 4,000 pounds of narcotics and over a million dollars in ill-gotten cash.

Customs enforcement actions protect domestic industries from unfair foreign competition. They keep tainted and spoiled products from making their way to consumers. They defend intellectual property rights and deter the corrosive effects of economic fraud. And, as you heard today, they safeguard Americans from the threat of terrorist attack.

It is the difficult job of the Customs Service to sift all of these threats from the vast majority of legitimate trade and travelers passing through our borders. And it is my job as the Acting Deputy Commissioner to help make certain we do this without imposing any undue burden upon international business and the travelling public we serve.

In response to the threat raised by the arrest at Port Angeles last December, Commissioner Raymond Kelly ordered the Customs Service into an immediate heightened state of alert. Directors in the Office of Field Operations, who manage our 301 ports and border locations, were instructed to provide prompt staffing assessments to ensure our sites were adequately manned.

Where shortfalls existed, inspectors and special agents were relocated. Where extra shifts were needed, overtime was added. Where gaps still remained, officers whose normal duties did not include basic inspection work found themselves on temporary detail, back out on the front line, interacting with travelers. Our special agents were detailed to interagency counter-terrorism task forces nationwide, to provide investigative expertise and coordination of real-time intelligence dissemination to our port and border personnel.

In all, our measures added up to the equivalent of over 900 extra inspectors along our frontiers for the busy holiday season. I cannot stress enough the commitment of the men and women of Customs in making this possible. Our people made extraordinary sacrifices, worked longer, harder hours, under heavy volumes of travel, in extreme weather conditions, using time they otherwise would have spent with family and friends at home.

Their efforts were deeply appreciated, not just by Customs management, but by the American people. Despite longer lines at border crossings, greater scrutiny, and more intensive questioning, we received the strong support of the travelling public. We clearly sensed an awareness among those we processed of the threat at hand, and Customs role in making the holiday season as safe and secure as possible.

Our efforts did not end there. On December 30, Commissioner Kelly implemented a 2 officer minimum staffing requirement for all northern and southwest border crossings, 24 hours a day, 7 days a week. While this may seem like a small number at first glance, let me make it clear that many of our border crossings, especially those along our northern border, are situated in extremely remote locations, where travelers are few and hours of operation are limited. A number of these locations are served by remote video inspection systems, with which frequent travelers can pass through border areas quickly without time consuming inspections. While these sites are often the least traveled, they are also the most vulnerable. To staff them around the clock, as the Commissioner ordered, was truly a dramatic step, and a necessary one.

On January 11, the Commissioner authorized a scaled back state of alert. This was done in consultation with other federal inspection agencies and our intelligence community. Ports and border crossings were returned to their regular operating hours. Staff detailed temporarily to undermanned checkpoints were allowed to re-

turn home. The only exceptions to this order were ten northern border posts and all remote video inspection system sites, which remain subject to the staffing requirements put into effect immediately after the Port Angeles seizure.

That is the status at which we remain today. One important result of these operations has been the articulation of a new alert plan, again authorized by Commissioner Kelly, for any future threats of this nature. The plan outlines four alert levels, each of which carries sufficient detail to ensure appropriate response to the threat at hand.

We also affirmed once again the indispensable role of cooperation with our partner border enforcement agencies, particularly the INS and the Border Patrol. I say "once again" because since September 1998 our agencies have engaged in an unprecedented project known as the Border Coordination Initiative, or BCI, along our Southwest Border. At its heart, BCI involves open lines of communication, joint operations, and shared management strategies. In the year and a half that it has been in place, BCI has yielded record levels of drug seizures and reduced processing times for travelers at our ports of entry. It is an outstanding example of what can happen when government agencies work together to improve service to the American public.

This spirit of cooperation carried over to our work to secure U.S. borders after the Port Angeles incident. Immediately following the arrest, Customs and INS exchanged operational plans for 24-hour a day staffing at all our facilities. Though implemented at the national level, it was thanks to the skill and dedication of our employees in the field that these plans came together. Our people worked together diligently to ensure that the two officer minimum staffing requirement was met at every location in the country.

I must also acknowledge our outstanding working relationship with Canadian authorities. After the seizure and arrest, our usual high level of interaction with the Royal Canadian Mounted Police and Canada Customs became even more intensive. We exchanged mountains of data on subjects who may have been involved in suspicious activity and made an extra effort to share our findings. A special U.S. Embassy law enforcement team in Ottawa comprised of Customs, the FBI and representatives of the intelligence community in Ottawa worked tirelessly to support our Inspectors and Special Agents stationed at land borders, air preclearance stations, and seven major Canadian airports.

Mr. Chairman, I believe that when America was faced with a terrorist threat last December, U.S. Customs and its fellow law enforcement agencies along the border stepped up to the challenge. I like to think that in some way, the peaceful holiday celebrations that ensued were at least partly the result of our efforts. That said, we are under no illusions about the possibility of another attempt occurring again at some other place, some other time, along the thousands of miles of border that we defend.

We have arrived at an important crossroads. A spiraling volume of trade has put immense pressure on our resources, at the same time an unrelenting illegal drug trade continues its daily assault on our front lines. Add to this now the specter of international terrorism at our doorstep. Sifting the threats will become all the more difficult—finding that deadly needle in the haystack all the more daunting.

How we respond to these challenges now will impact greatly on our mission to facilitate and enforce in years to come. Fortunately, the Customs Service has taken several important steps to make sure we continue to deliver for the American people. We have developed and are in the process of refining a Resource Allocation Model, a tool developed to provide an agency-wide assessment of our most critical staffing needs and ideas on how to apply our resources optimally. It is the first such model of its kind in the federal government to be deployed across the board, throughout every department and location.

At your request, Mr. Chairman, I am submitting a summary of the model. These are the requirements and documentation for the Resource Allocation Model which we would be happy to walk you through at a later date. I would stress again that this is simply a tool for management in decision-making, and not the final determinant of how we deploy our personnel.

Lastly, Customs is leading a critical study of Border Infrastructure needs throughout the country in consultation with the General Services Administration and other federal inspection agencies. This project, mandated by the Congress, is intended to assess every physical aspect of port operations, from facilities and equipment to staffing and technology. Security and training needs will also be considered.

We hope for the support of the Congress on this and other important initiatives designed to prepare the U.S. Customs for the challenging era of trade and enforcement ahead. In closing, I again want to thank you, Mr. Chairman, and the members

of this subcommittee for the opportunity to testify and spotlight the dedicated professionals of the Customs Service.

Senator ABRAHAM. We will turn now to Mr. Pearson. Thanks for being with us today.

#### **STATEMENT OF MICHAEL A. PEARSON**

Mr. PEARSON. Thank you, sir. Good afternoon, Mr. Chairman. I too appreciate this opportunity to appear before you today to share with you the crucial role that the Immigration and Naturalization Service plays in controlling our Nation's borders, including addressing terrorist threats.

I would like to begin by assuring you that the INS' commitment to border security remains unwavering. As you know, the INS is the agency responsible for controlling the entry of aliens into the United States and detaining and removing those who have entered contrary to our laws, including aliens involved in terrorism.

We work diligently with our partners from other local, State, Federal, and international law enforcement, and intelligence agencies to accomplish this goal, which I will highlight in my testimony today. With the recent failed attempts at entry by suspected terrorists along the northern border of the United States, it has never been more apparent that the INS and other law enforcement agencies must continue to work together as a close-knit team.

International terrorists who seek to enter the United States must do so either by applying for admission at a port of entry or by attempting illegal entry. The INS role in counterterrorism is strongly represented by our active participation in several interagency task forces. In today's world, INS efforts to ensure the security of the United States neither begins nor ends at our immediate borders.

INS has adopted a strategy called Global Reach that addresses this overall threat. INS officers are stationed worldwide, working with local government authorities to prevent illegal immigration and alien smuggling in source countries abroad. Currently, the INS has over 5,000 immigration inspectors at our ports of entry nationwide, and over 8,000 Border Patrol agents patrolling our borders between the ports of entry.

Our strategic plan for border enforcement, announced in 1994, is to first control the most heavily-trafficked corridors along the southwest border. The INS greatly appreciates the congressional support for this strategy through its continued appropriations for the Border Patrol.

In order to enforce our laws more effectively and secure our borders, immigration inspectors have instant access to a broad range of information through the use of several informational databases. This information is used to identify and process individuals who may be inadmissible or removal from the United States or subject to other enforcement actions by another agency.

The INS is working with the Customs Service and other Federal agencies to identify how these systems are best applied to border security and facilitation uses. Our close cooperation with our Federal partners, particularly Customs, is embodied by the Border Coordination Initiative, as was outlined by Mr. Winwood.

In achieving our mission on the northern border, we work closely with the Canadian government. Canada and the United States

have a partnership that works. We share the longest undefended border in the world. The INS staffs 105 ports of entry, 8 Border Patrol sectors, and 44 Border Patrol stations along the nearly 4,000-mile border with Canada, not including Alaska.

The INS, with the cooperation of Customs, Citizenship and Immigration Canada, Revenue Canada, and the Royal Canadian Mounted Police, is keeping a close watch on our shared border. Canada is a close ally in the fight against illegal immigration. In combatting illegal immigration, and terrorism in particular, the challenge for United States and Canadian officials is the rapid and timely exchange of information on such individuals who pose a common threat. Our officers at the border, in the interior, and overseas work closely together and continuously to prevent illegal immigration to both countries.

In closing, I would like to emphasize that inherent in our border enforcement strategy is the flexibility to respond to emerging conditions and changing tactics. I look forward to working with the subcommittee to ensure that INS can continue to meet today's demands and tomorrow's challenges.

Thank you, Mr. Chairman, and I would be happy to answer any questions that you may have.

[The prepared statement of Mr. Pearson follows:]

PREPARED STATEMENT OF MICHAEL A. PEARSON

Good morning, Mr. Chairman and distinguished members of the Subcommittee. I appreciate this opportunity to share with you the crucial role that the Immigration and Naturalization Service (INS) plays in protecting the United States (U.S.) from terrorist threats. I would like to begin by assuring you that the INS commitment to border security remains unwavering.

As you know, the INS is the agency responsible for controlling the entry of aliens into the U.S., and detaining and removing aliens who have entered contrary to our laws, including aliens involved in terrorism. This is accomplished at over 300 air, land, and sea Ports-of-Entry (POE's) by Immigration Inspectors and between the ports by the Border Patrol. The INS also prevents the entry of inadmissible aliens at our 14 overseas preflight inspection sites and through international enforcement operations.

We work diligently with our partners from other local, state, Federal, and international law enforcement and intelligence agencies to identify individuals who may pose a threat to the U.S. and prevent their entry or, detain and remove them. With the recent failed attempts at entry by suspected terrorists along the northern border of the U.S., it has never been more apparent that the INS and other law enforcement agencies must continue to work together as a close-knit team.

I will describe our border management strategies, our close cooperation with Canada, and the INS response to the recent northern border terrorist threats.

BORDER MANAGEMENT STRATEGY

International terrorists who seek to enter the U.S. must do so by either applying for admission at a POE or by attempting illegal entry. Consequently, Immigration Inspectors and Border Patrol Agents form the Nation's first line of defense on the border against international terrorism. The INS' role in counter-terrorism is also strongly represented by our active participation in the Federal Bureau of Investigations' (FBI) International Terrorism Operations Section, the Central Intelligence Agency's Counter Terrorism Center, and on 16 Joint Terrorism Task Forces (JTTF).

In today's world, the INS' efforts to ensure the security of the U.S. neither begins nor ends at our immediate borders. Threats from terrorists, alien smugglers, and organized criminals are serious international problems affecting democratic societies everywhere. INS has adopted a strategy to better address this global threat; we call the approach Global Reach. This approach supports the Administration's International Crime Control Strategy. It focuses on addressing the threat at all points on the globe, with INS officers deployed at source and transit locations working with local government authorities, training international air carriers to recognize fraudu-

lent documents, gathering information to better understand and dismantle smuggling operations, and interdicting undocumented aliens before they reach our shores. INS is also working closely with other democratic governments on various initiatives, some of which I will discuss later.

Currently, there are over 5,000 Immigration Inspectors staffing our POEs and over 8,000 Border Patrol Agents patrolling more than 8,000 miles of border. Of the Immigration Inspector positions, over 500 are located on the northern border. The remaining positions are deployed to the southern land border (1,485) and to air/sea ports (3,044) throughout the country. This equates roughly to the inspections workload on each land border, with approximately 26 percent of our border workload and 26 percent of our staff on the northern border. There are 7,705 Border Patrol Agents stationed along the southwest border and over 460 located at the northern or coastal borders. This also reflects the approximate workloads on the northern and southern border; the northern border represents less than one percent of our apprehensions and has approximately four percent of the agents.

Our strategic plan for border enforcement is to first control the southwest border. In order to gain control of the border, since 1994, the INS has strategically deployed both personnel and equipment along the U.S.-Mexico border. Since that time, the number of Border Patrol Agents and Immigration Inspectors deployed to the southwest border has doubled, lighting has been installed, fences built, and sensors put into place. This strategy has proven highly successful in gaining control of the most heavily trafficked portions of the southwest border.

#### INSPECTIONS

In fiscal year 1999, Immigration Inspectors encountered over 525 million applicants for entry into the U.S.: 115 million at the northern land border, 319 million at the southern land border, and 91 million at air and seaports. While the total number of applicants for entry has risen approximately 9 percent over the last five fiscal years, the amount of document fraud encountered in the course of those inspections has risen 20 percent. Enforcement actions such as vehicle seizures have risen 100 percent while alien smuggling apprehensions at the POE's have risen 117.5 percent. The increased resources have clearly produced impressive gains in enforcement results.

In order to enforce our laws more effectively and secure our borders, Immigration Inspectors have instant access to a broad range of information through the use of the Interagency Border Inspection System (IBIS). This information is used to identify and process individuals who may be inadmissible or removable from the U.S. or subject to other enforcement actions by another agency. In the past five years, the annual number of IBIS lookout system intercepts increased 200 percent from a little more than 50,000 to over 150,000.

The INS also makes a major contribution to the Federal enforcement inventory of lookout records and related information, in IBIS, through our National Automated Immigration Lookout System (NAILS). NAILS is the repository for lookout information generated by the Department of State's (DOS) Bureau of Intelligence and Research (INR). INR maintains a classified database containing records on individuals who have been identified through analysis of all source information as probably or definitely involved in terrorist activities. Because these records relate to the admissibility or inadmissibility of an alien, INS is the lead agency for responding to matches at POEs throughout the U.S. When Immigration Inspectors at POEs encounter the subject of a terrorist lookout, the INS coordinates with INR and others to determine what actions to take against that individual. With the consent of the proprietor of the derogatory data, the INS may use classified/sanitized information in a proceeding against the alien for inadmissibility. During fiscal year 1999, 88 confirmed hits against the INR database of suspected or known terrorists were made nationwide.

The INS believes that there is value in the use of technologies like Dedicated Commuter Lanes (DCL), the Remote Video Inspection System (RVIS) and the Outlying Area Reporting System (OARS). These systems allow INS to improve border enforcement while facilitating the entry of low-risk travelers. The INS is working with the U.S. Customs Service (USCS) to identify how these systems are best applied to border security and facilitation uses.

#### BORDER PATROL

Nearly six years ago INS implemented its multi-phase, multi-year strategy to prevent the illegal entry of people and contraband while facilitating the flow of legal immigration across the border. In the area of border management, we have achieved more in the past five years than had been accomplished in any comparable period.

Nowhere else is the success of our strategic approach to enforcement more evident than along the southwest border.

Before 1994, there was no comprehensive unified plan for controlling the 2,000-mile border with Mexico. The number of immigration enforcement personnel was insufficient to get the job done, and those we did have did not have the logistical support necessary to accomplish their mission. As a result, illegal immigrants and drug smugglers came across the border with the expectation that they would easily evade apprehension.

In February 1994, Attorney General Janet Reno announced the implementation of a multi-year strategy to strengthen enforcement of the nation's immigration laws and to disrupt illegal entry via traditional smuggling corridors along the nation's southwest border. The strategy specifically called for "prevention through deterrence", that is, elevating the risk of apprehension to a level so high that prospective illegal entrants consider it futile to attempt to enter the U.S. illegally. The Border Patrol developed an operational plan to implement the Attorney General's strategic plan. The INS greatly appreciates Congressional support for this strategy through its continued increased appropriations for the Border Patrol.

The INS has achieved considerable success in restoring integrity and safety to the southwest border by implementing the strategy through well planned operations, such as Operation Gatekeeper in California and western Arizona, Operation Safeguard in central and eastern Arizona, and Operation Rio Grande in New Mexico and Texas. It has been almost six years since the INS began this effort, and the strategy is having a significant impact. Border Patrol apprehensions in the San Diego Sector, once the nation's busiest illegal border crossing, are at a 24-year low. Crime rates in many border communities have fallen dramatically. At the same time, the fees charged by alien smugglers along the southwest border have risen to record levels, a sign that the border is increasingly more difficult to breach.

#### BORDER COORDINATION INITIATIVE

In August 1998, the Attorney General and the Secretary of the Treasury announced the Border Coordination Initiative (BCI). The BCI is a strategic plan for increased cooperation on the southwest border by INS and the USCS to enhance the interdiction of drugs, illegal aliens, and other contraband. The goal of the BCI is to create a comprehensive, integrated border management system at and between the POEs that effectively achieves the mission of each agency.

The interagency approach of the BCI has boosted our enforcement efforts along the border by drawing from the varied skills and expertise within both organizations. This approach is not limited to INS and USCS. One of our goals this year is to formally involve other Federal agencies including: Coast Guard, Agriculture, Federal Bureau of Investigation, Drug Enforcement Agency, and the High Intensity Drug Trafficking Areas (HIDTA) task force along with state and local law enforcement agencies in the BCI. This year, we have tasked our field managers with formalizing that involvement through joint planning, effective coordination, and joint implementation of this year's BCI Action Plans.

Although the initial focus of the BCI has been the southwest border, the INS and the USCS are considering expansion to the northern border. In late September, the Port Management component of the BCI was presented to INS and USCS field managers in the Detroit area.

Cooperation, as exemplified by the BCI, is the key to effective border management. The BCI has proven itself to be an effective and broad-based mechanism to date for coordinating the law enforcement activities of agencies operating along the southwest border of the U.S.

#### COOPERATION WITH CANADA

Canada and the U.S. have a partnership that works. We share the longest undefended border in the world. The INS staffs 105 ports-of-entry, 8 Border Patrol Sectors and 44 Border Patrol stations along the 3,987 miles of border with Canada (excluding Alaska). The INS, with the cooperation of USCS, Citizenship and Immigration Canada (CIC), Revenue Canada (RC), and the Royal Canadian Mounted Police (RCMP), is keeping a close watch on our shared border.

The two-way movement of illegal aliens across our border is a concern that both countries are addressing through long-standing cooperative relationships. Neither Canada nor the U.S. views the border as an impermeable barrier, but rather a border that supports trade and travel while protecting the social and economic well-being of both countries.

Although Canada and the U.S. have differences in their immigration laws, both countries have similar goals and objectives where illegal immigration issues are con-

cerned. The two countries have a long and cherished tradition of embracing immigrants and openness of expression. For both the U.S. and Canada, one of the challenges for democracy is in striking the right balance between facilitation and enforcement while guarding against becoming a refuge for terrorists from abroad. Canada has become the U.S.' closest ally in the fight against illegal immigration. The U.S. recognizes that illegal immigration issues cannot be dealt with in isolation, as does Canada.

In combating illegal immigration, and terrorism in particular, the challenge for U.S. and Canadian officials is the rapid and timely exchange of information on such individuals who pose a common threat. Exchanges of information follow established formal protocols, strengthened by the personal liaison between our officials at the border. Our officers at the border, in the interior, and overseas, work together closely and continuously to prevent illegal immigration to both countries.

#### BORDER VISION

Our current border strategy is designed to address ever-changing crossing patterns. We anticipate that the success in our efforts at controlling the southern land border may result in the shifting of crossing to the northern border. Illegal entry apprehension figures from the Canadian border are still small when compared to the southwest border. Our challenge is to work with our Canadian partners to ensure the Canadian border does not become a viable alternative gateway for illegal entry to the U.S.

In November 1997, Attorney General Janet Reno and Minister of Citizenship and Immigration Canada (CIC) Lucienne Robillard agreed to build on our already successful cooperation by encouraging immigration officials to formalize their partnership in a Border Vision exercise. They directed the immigration services of Canada and the U.S. to expand joint cooperation on migration issues (overseas, border and interior) to protect the region against illegal immigration and the movement of terrorists and criminals. This exercise complements the joint 1995 U.S./Canada Accord on Our Shared Border.

INS and CIC officials, working closely with their respective State Departments, are finding ways to combine resources to protect their citizens against the threats associated with illegal immigration and the movement of terrorists, drug traffickers and other criminals. Both countries have taken concrete steps to systematically and regularly share information on known or suspected terrorists to ensure early detection. In May 1997, the U.S. signed an agreement with Canada to share a list of names of known and suspected terrorists. The program was implemented in April 1998. Clearly, such joint activities illustrate the exceptional level of cooperation between the U.S. and Canada.

The spirit of cooperation on sharing information between Canada and the U.S. took a major step forward with the signing of the Statement of Mutual Understanding (SMU) on Information Sharing on June 24, 1999. The SMU allows for the exchange of information on a variety of immigration-related activities between the two countries.

In addition to the SMU, INS and CIC are exploring the potential for cooperation on issues such as: name search technology for foreign languages, sharing passport-reader technology, the mapping of major smuggling routes to the U.S. and Canada, and joint interdiction exercises to dismantle smuggling syndicates and established smuggling routes.

Additionally, the INS and the Department of State (DOS), working with Canadian authorities, have made significant progress in establishing better coordination between the two countries on visa and entry policies and operations. A comparative paper on visa exemption policy has been drafted. INS and DOS have reached an understanding with CIC on the consultative mechanisms on visa and entry policy, specifically with regard to the sharing of information from visa and immigration records for the purpose of enhancing border security. The U.S. and Canada have also prepared comparative papers on visa issuance policies.

Improving coordination between Canada and the U.S. includes an analysis of criminal offenses of aliens refused admission at certain U.S./Canadian border ports. Canada and the U.S. have also discussed a pilot program to identify those criminal aliens who have been deported by both countries, to be accomplished through the sharing of fingerprint data. We are also exploring the creation of a joint U.S./Canada interdiction and intelligence exercise on illegal aliens transiting the U.S. in order to attempt entry into Canada.

## THE U.S./CANADA ACCORD

The U.S./Canada Accord on Our Shared Border brings together four agencies, RC, CIC, USCS and INS to focus on joint land border issues such as enhancing the security, enforcement and service at low-volume, remote POEs along the northern border with the use of alternative inspection systems such as RVIS, OARS, and the DCL's at selected ports.

Alternative inspection locations are selected only after a careful risk analysis, which includes consideration of prior enforcement actions and compliance, the general location, surrounding communities, traffic volume and various intelligence regarding actual or potential threats. Previously, citizens at these locations were restricted from crossing by the limited hours of operation. In addition, many remote locations had little, if any, security and surveillance capability. The use of technology such as remote video interviewing capability, automated inspection, and license plate readers, significantly increases the security of the border. RVIS also provides better lighting, surveillance capabilities and a 24-hour law enforcement presence where previously none had existed. RVIS is currently deployed to nine northern border sites.

Programs under the private boat initiative, including the Outlying Area Reporting System (OARS), enhance the service provided to the boating and snowmobile communities along the northern border. OARS is a two-way video telephones that enables travelers to receive a primary inspection at selected marinas, docks, and remote areas where there are no inspection facilities.

These initiatives demonstrate the close bilateral cooperation of our two countries. They also demonstrate the way in which cross-border cooperation can work towards the common objective of protecting the security of both our nations.

## TERRORIST THREAT AT THE NORTHERN BORDER

In December 1999, the INS expanded the security level nationwide in response to intelligence that indicated there would be an increase of entry attempts by terrorists. INS offices coordinated their planning process at the local level with the other INS enforcement programs, Federal inspection agencies, and state and local law enforcement entities.

To enhance security, the POE's: Increased overtime to provide for additional coverage on each shift, moved or detailed inspectors between POE's within the same District, and canceled some annual leave, coordinated scheduling with U.S. Customs Service, identified additional enforcement personnel to augment staff coverage at POE's and increased joint enforcement activities such as pre-primary roving, block blitzes, and 100 percent trunk searches with Customs.

During the days surrounding January 1, 2000, the Border Patrol increased its enforcement posture all across the northern border. The Border Patrol: Detailed agents from non-northern border Sectors, canceled some annual leave, used overtime and six-day workweeks to expand enforcement coverage, coordinated with local law enforcement agencies to secure their support in the event additional assistance was required, increased the frequency of contact with Canadian law enforcement agencies, and enhanced presence in and around POE's.

## LIAISON WITH COUNTER-TERRORISM COMMUNITY

The INS currently dedicates six full time positions to other federal agencies at the Headquarters level. At the field level, the INS participates in the FBI's JTTF. The agents provide expertise on INS subject matters ranging from the arrest of suspected terrorists for violation of INS statutes to the coordination of potential threat alerts and lookouts with various INS components.

Recently, the FBI received threat information regarding the possible entry of alleged extremists along the northern border of the United States in the wake recent arrests. Through national level coordination, the INS rapidly disseminated critical information to allow targeted ports of entry to reinforce their resources.

The national level representation of INS at FBI Headquarters allows the FBI and INS to coordinate cooperative arrests in cities where the INS is not represented on the JTTF. On December 30, 1999, the INS supported the FBI during the course of its investigations by interviewing numerous individuals. As a result, six subjects were taken into custody for violation of United States Immigration laws.

During the past thirty days, the FBI and INS have jointly arrested fifteen additional suspects nationwide related to counter-terrorism efforts. Twelve of the fifteen arrests were for INS criminal and administrative violations.

The INS' participation and coordination has also resulted in other effective and significant counter-terrorism operations such as: In March 1999, Operation Eastern

Approach conducted by the Los Angeles JTTF resulted in the arrest of 29 suspects for terrorism and immigration violations and the first conviction of an individual for violation of the statute prohibiting material support of a terrorist organization, the MEK or Mujaheddin-e-Khalq, and Other JTTF operations during the past year include the FBI-INS coordinated removal of Hani El-Sayegh to Saudi Arabia. El Sayegh is suspected of being a conspirator in the Khobar Towers bombing in Saudi Arabia, resulting in the deaths of nineteen U.S. armed forces personnel.

#### CONCLUSION

As you see, our commitment to border security does not start or end with the inspection of persons at a port-of-entry. Our strong working relationships with other Federal, state, and local law enforcement agencies, international law enforcement agencies and other governments allows the INS to safeguard our nation's borders, taking a global approach. This is especially apparent along the northern border because of our close relation with Canada.

In closing, I would like to emphasize that inherent in our border enforcement strategy is the flexibility to respond to emerging conditions and changing tactics. I look forward to working with the Subcommittee to ensure that INS can continue to meet today's demands and tomorrow's challenges.

Thank you Mr. Chairman and I would be happy to answer any questions that you and Members of the Subcommittee may have.

Senator ABRAHAM. By previous agreement with respect to the testimony of Inspector Dean, because of the ongoing nature of the circumstances in the case there, we will defer any questioning today. So let me just focus on Mr. Winwood and Mr. Pearson.

Mr. Pearson, you talked a little bit about the relationship between the United States and Canada. Obviously, in the wake of the Ressam case, there have been some concerns about whether or not there is a well-coordinated effort. And I guess, Mr. Winwood, I would kind of like to throw it to both of you. Maybe in our case, Mr. Pearson, amplify a little bit on your views as to how effective the coordination is, and in the case of Mr. Winwood on the Customs side as well. So could you maybe expand a little bit?

Mr. PEARSON. Yes, Mr. Chairman, I would be glad to. I think we have a good, close coordination nationally, and also with each of our sectors and at the ports of entry in our districts with working with Canada, both with the Canadian immigration system but also with the Royal Canadian Mounted Police. We exchange information on terrorists, we exchange intelligence information. We work together on areas that are being covered.

In the State of Washington, for example, earlier this week at our Border Vision Conference with Canada, we were working with the Canadians about the way we have divided much of the southwest border and are doing on the northern border with zones, working such that as we are covering particular zones in the Spokane Sector, those areas that we are not focusing on or don't have the immediate resources to cover, the Royal Canadian Mounted Police are covering the opposite side.

In fact, in Spokane, they have set up zones that are exactly parallel to ours so we can exchange that information. We are exchanging information on terrorists, on threats. Much of the information we get and people we have stopped at ports of entry or between ports of entry have been because the Canadians have provided information on who is coming.

Senator ABRAHAM. Mr. Winwood.

Mr. WINWOOD. Mr. Chairman, I would echo those statements. I think Mr. Pearson has covered the cooperation we have at the border. The other example I would cite was when this heightened alert

occurred, the establishment of a collaborative task force in Ottawa, with intelligence units on both sides of the border. We have Customs officers assigned in Canada both for pre-clearance and at the embassy in Ottawa, the attache's office, that has immediate access to law enforcement information.

There was a tremendous amount of information exchanged, shared, analyzed between the two governments not only during this heightened alert but during other circumstances. So I would say that the cooperation is outstanding. It is coordinated. People work well together and there is an exchange and flow of information to help each other because we do have a shared concern particularly on our northern border.

Senator ABRAHAM. The concerns that have been expressed about the Canadians' policies with respect to immigration, and so on, that Senator Feinstein mentioned and others, and the media, and so on, obviously poses a concern. But is it your testimony here today, though, that with respect to the monitoring of those kinds of terrorist activities, but in particular as to the possibility of people using Canada as a base to come to the United States, that we are receiving the fullest possible assistance that we can from the Canadian government?

Mr. PEARSON. I think that certainly we don't have a system that is going to catch everything. I wouldn't want to mislead you by saying that with full cooperation we know everything there is to know about who is in Canada and who is attempting to get to the United States, just as we don't know everything about who is in the United States and what they may be attempting to do here.

Senator ABRAHAM. Sure. My question was more is it your perspective that the Canadian government is cooperating as fully as they possibly can in working with us at this point, or are there things we should be asking for that we have not.

Mr. PEARSON. The answer to your question, Mr. Chairman, is, yes, I believe they are. I think we have a very good relationship with them. They have been very open.

Senator ABRAHAM. And on the Customs side?

Mr. WINWOOD. Yes, sir, I would have to echo that, also. Particularly in these circumstances, the data and information was open, the information was flowing back and forth. There was nothing kept back from either side, very open and very cooperative.

Senator ABRAHAM. Now, let me shift gears a little bit. When the incidents that Inspector Dean was part of took place, you have already chronicled the flexibility that was used to bring people to the Port Angeles area, to the border in that area, but obviously that strained conditions elsewhere.

Can you give us perhaps a little sense of what kind of limits and what constraints we have, and more or less what was left, shall we say, more vulnerable perhaps because of that shifting of resources?

Mr. WINWOOD. Well, in our case, Mr. Chairman, we hope we didn't leave anything vulnerable. What we did was we did move some personnel from other locations, but at each location where we removed personnel we asked our officers to work extra hours. We covered normal processing at our southern border and our airports and seaports, where people volunteered to go to the northern border during this heightened time.

Now, the strain, of course, was on the officers. They had to leave home, they were on temporary detail, they were in strange areas. They knew their job, they were well-trained, but it was away from home. So the strain on us was moving people and keeping them away from their home port on these temporary details.

Our goal, though, with our operational plans and our alert levels is that we have contingency plans that allow us to then back up and put other officers on the line or to take other procedures and to increase the amount of hours and overtime that we use to cover the places where we pull people from.

Mr. PEARSON. And we did the same thing. Our personnel really stepped up, understood why leave had to be canceled and understood why they had to work additional duties over Christmas and New Year's and stuff like that. We did have intelligence information on which routes our intelligence community thought that the threats might be coming, so we did focus on more attention on those routes, drawing from other areas. But I wouldn't say that we left any area vulnerable.

Senator ABRAHAM. Well, let me ask it a little differently. And I am glad to hear it, obviously; I am sure all of the audience is as well. But let me just ask how many such threats at one time would we be able to address, given the personnel levels that we have today, and for how extensive a time frame would that be possible?

Mr. PEARSON. That would be a very difficult question to answer because we certainly look at the extent of the threat, what we are looking for for the kinds of numbers. We have 305 Border Patrol agents on the northern border. We recognize that for where we want to get in the border strategy that that is not enough. That comes in Phase IV, as we have discussed before.

Should the threat level be high enough, we can take from other parts of the country, to include the southwest border. We have not done that yet because of the successes we have had on the northern border, and I would say the same applies at the ports of entry.

Senator ABRAHAM. I recognize the hypothetical nature of the question makes it difficult to address, but I guess the concern that I have is that while, when we were able to focus all of our energies in one area, we could maintain adequate vigilance to cover that area and be able to kind of make due elsewhere because of people working extraordinary hours and being taken off their leaves, and so on, it just seems to me that you probably couldn't be doing more than a few of those kinds of intense efforts at the same time without basically breaking the system, which leads to something I will be asking about later.

I don't want to answer these for you, but I obviously am interested in, practically speaking, what can be done in the face of, say, a multi-tiered threat.

Mr. WINWOOD. Well, Mr. Chairman, I will tell you that the actions we took obviously put a strain on the organization both in time and cost. There are only so many hours a day that dedicated officers like Diana and others can work. When you have people working 16 hours a day, double shifts, in very trying conditions, it takes its toll.

I will also tell you, as I mentioned in my testimony, that the tremendous growth in travel and trade that is affecting this country,

which is good—it is good for the economy—there has never been a perfect match with resources to address the increase.

So is it a strain? Yes. Is it the most optimal way to work? I would say no. I guess this is the time to thank you for the efforts you have done with the bills that you have proposed recognizing the need to at least match the growth of work that we face on a day-to-day basis. If we could at least do that, we would have the opportunity to make the proper adjustments for these types of crises that will arise. If you have the right base and match the growth accordingly, then the strain for instances such as this isn't quite as bad. But it is not the ideal way to operate for long-term or multiple crises.

Senator ABRAHAM. Well, that is kind of where I was headed because it seems to me that we do need to give you the support you need. I said at the outset and, of course, have been talking about that a couple of years now. It just seems as a practical matter that if you were trying to be highly strategic about it and you were trying to figure out a way to penetrate our net here, you would take advantage of a situation where there was a particularly disproportionate number of agents, and so on, aimed in one particular area, that would give you probably an incentive, if you were trying to smuggle somebody into this country, to do it where the lines were shorter.

That goes to really what I guess I wanted to finish this panel with, and that is just to ask you what sorts of things we, the Congress, should be doing in terms of providing support to make it possible not to meet every crisis, but to meet just the challenges we have today.

The number in terms of the northern border which has been mentioned here several times, whether it is the Detroit region where we have got 30 inspectors covering 4 States, hundreds of miles of border, or 400 for the entire 4,000-mile border, are ones that cause us to be particularly shocked. I mean, I think anybody recognizes that 1 agent per 13 miles, or whatever the ration is, is inadequate.

We obviously want to hear what your needs are, so let me just throw it open and let each of you on behalf of your agencies give us a sense of what you are looking at and what you think would be the kind of force level that would give you the ability to defend the borders the way you want to.

Mr. WINWOOD. Well, Mr. Chairman, I would say one thing. A sound bite I heard when this incident occurred which I think echoes what you just said was that it is probably true that Ressam did not pick the ferry and arriving at Port Angeles because he wanted a nice ferry boat ride. It is a very vulnerable port, it is small, it is isolated, and obviously it is a target of opportunity for people who would like to take advantage of our borders.

I think the best way I could answer it, Mr. Chairman, is when you have the opportunity with our commissioner establishing through PricewaterhouseCoopers one of the first ever total, across-the-board resource allocation models that takes into account the information associated with growth, et cetera—I think the best way to do that is, when you and your staff have the opportunity, to

show you what we are trying to do which gives us an indication of what the staffing to meet the needs of the future should be.

It is more of a documented, well-designed methodology versus throwing out numbers. So rather than throw out numbers, I would say let's take a look at the resource allocation model when it is finally finished—there are a few more modifications to be made to it—demonstrate it to you and see where that takes us because I think it will show where we need to have the proper increases to meet the tremendous growth of work and challenges that face anybody that is attempting to secure the borders for the American public.

Senator ABRAHAM. Well, whenever anybody appears with a notebook as thick as that, I mean we are always very interested, and we will have you testify as to its contents at a later point. But I suspect that not all 100 members of the Senate are going to be interested in the documents there. But I think it is important—I mean, we will be happy to obviously meet with you—but to get a sense of what the needs are in perhaps a more succinct way.

Mr. WINWOOD. Mr. Chairman, please, I will not put you through this. I can't go through this, but what this model does—

Senator ABRAHAM. I guess the question is after I have gone through the first 972 pages, is there on the last page sort of—

Mr. WINWOOD. Right, that is what the model does. The model gives the numbers. That is it. This is just how the model is put together. I wouldn't put you through this.

Senator ABRAHAM. You have referenced it enough. I am sufficiently intimidated now.

Let's move to Mr. Pearson. What do you need over there? You don't have a notebook, so you must have a number.

Mr. PEARSON. Well, actually, Mr. Chairman, I do, but it is in notes here. Let me first thank you for all the support you and the subcommittee have given over the years. The INS has grown tremendously since 1994. And it is not just the INS, but the support that you have given for the inspection stations.

The simple answer is continue with that support. Recognize that, as Mr. Winwood talked about and I mentioned, that the Border Coordination Initiative is something that works. We recognize that at the ports of entry, we are a team. So I would ask that with the President's budget for 2001, please support it both on the Customs side and the INS side, so we can get some more inspectors out there and we can get more personnel to help guard our borders, as well as the use of technology.

Senator ABRAHAM. We will support it. I think our plan is probably to provide more support than is outlined in it. And I recognize obviously when the President is putting a budget together, he has to make priority decisions, but I have to confess that at least my understanding is that the numbers, as I indicated in my remarks, that are supported there or that are proposed are not at the 1,000 new per-year agent level that I know the Congress supports.

I have always said we have one of the more unusual subcommittees, in that most of my fellow subcommittee chairs have agencies come to them and ask for more money than Congress is prepared to provide. I sort of find myself in the reverse role of trying to urge more requests because I think this committee is prepared to pro-

vide whatever reasonable requests are made here in terms of addressing some of these problems. So we will obviously be talking more about it.

With respect to inspectors, my understanding is that the administration is proposing 115 new land border inspectors. Is that right?

Mr. PEARSON. That is correct.

Senator ABRAHAM. But I believe 87 of those will go to new ports of entry that are being created in Texas. I think that is the allocation, which means only 28 will go to existing land border ports. That is where I think we are going to have some disagreement here probably not in the subcommittee but in the Congress.

Now, that doesn't mean we can't come to an agreement ultimately, but every indication we have had is that 28 for the rest of the country is not enough and that we are going to have to plus-up that amount. I know from the agency's point of view our support in that respect may not be on your immediate agenda, but probably something we can work together to achieve.

But I would say that Congress, I think, is interested in providing that support, and I think I can speak for most of the subcommittee that there is that type of backing here. And I think we are a little bit frustrated sometimes when the proposals are lower than what seem to be at least the needs, but we can save that discussion for a later date.

I just would conclude by saying that Inspector Dean's presence here today means a lot to us, and I know that those of you here in Washington appreciate the people on your front lines. They don't always get the attention in the favorable way that we want, but I think as Senator Feinstein said, and Senator Gorton, and I tried to allude as well to the fact that it is real people on the front lines that are the ones who make the difference.

We can have all the high-tech equipment, and so on, and that can make a difference, too, but I think at the end of the day you have to have talented, trained people running that equipment. And you have to have people who have, through their own personal experiences, the expertise to make a discerning difference between someone who might pose a threat and someone who doesn't.

And ultimately you have to have well-trained, but also I think well-compensated people, people who have an incentive to do their jobs well. And that is another part of our goal here to try to not just talk in terms of increasing numbers, but making sure that the job itself is sufficiently reimbursed, remunerated, and supported so that the people who can do the job want to stay in this work.

One of the things that we learned at an earlier hearing—and it was somewhat, I guess, not surprising in a sense, but somewhat disappointing—was that a lot of the very best people on the front lines are basically being recruited away by either other Federal law enforcement agencies or the private sector because the pay and compensation and benefits are inadequate to really cause the jobs that we have here in the Border Patrol and Customs, and so on, to be sufficiently appealing.

And we don't want that to happen. We want you to stay doing that job because you have proven that you are our best line of defense, Inspector. So we are going to continue to push for improvement in those kinds of conditions so that we, in fact, can meet the

goal of recruitment that we want and the retention of people, because a lot of our problem has been that even though we are recruiting new people, we are losing folks that cause the net number to not be as high as we want.

So I thank you all and we will ask the next panel to come up. But Inspector Dean, particularly, thank you for what you have done for your country. We are grateful.

Ms. DEAN. Thank you.

Senator ABRAHAM. Again, I want to thank our first panel and now welcome our second panel. We are joined by, again, three of our front-line folks who work on our borders.

First, we have Mr. Robert Lindemann, who has been here with us before. It is good to have you back, Agent Lindemann. He is a senior patrol agent in the Detroit Sector and a 15-year veteran, a union steward for the National Border Patrol Council.

We also have INS Inspector Ryan Callister, from the Eastport, ID, port of entry office, and shop steward, I guess, of Local 40, American Federation of Government Employees.

Then we also have and welcome INS Inspector Ora Smith, who is also from my home State of Michigan, where he is the president of Local 46 of the American Federation of Government Employees.

Let me say that, as I acknowledged to Inspector Dean, we really appreciate the work that you and your colleagues do. The people of Michigan certainly appreciate our team at home, and I am sure that the folks in Idaho do you as well, Inspector Callister. We kind of take some of this for granted. In fact, because of the very nature of the work, too often the only contact citizens have with people in the Border Patrol or the inspections, and so on, come when they are traveling across the border and there is a traffic jam or congestion and they get frustrated.

But when a story like the one at Port Angeles happens, then I suspect it causes people to rethink their impatience and appreciate the fact that the job that you have to do is a pretty challenging one that requires the skills that you all bring.

So I want to just say that up front and now turn to you, Agent Lindemann, for opening comments.

**PANEL CONSISTING OF ROBERT E. LINDEMANN, SENIOR BORDER PATROL AGENT, DETROIT SECTOR, AND UNION STEWARD, NATIONAL BORDER PATROL COUNCIL, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, DETROIT, MI; RYAN H. CALLISTER, IMMIGRATION INSPECTOR, IMMIGRATION AND NATURALIZATION SERVICE, AND STEWARD, LOCAL 40, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, EASTPORT, ID; AND ORA A. SMITH, IMMIGRATION INSPECTOR, SPECIAL OPERATIONS, IMMIGRATION AND NATURALIZATION SERVICE, AND PRESIDENT, LOCAL 46, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, DETROIT, MI**

**STATEMENT OF ROBERT E. LINDEMANN**

Mr. LINDEMANN. First off, I would like to thank you again for having me in front of your committee. First, I would like to discuss an ongoing problem that continues to plague the northern border

and Southeast, directly affecting our ability to provide adequate border security. There seems to be a lack of commitment from the INS to provide these areas with the necessary officers, support personnel, equipment, and funding to secure the border and combat an escalating alien and drug-smuggling problem.

Woefully inadequate staffing levels, antiquated technology, and insufficient funding have greatly reduced our ability to control illegal immigration and drug-smuggling in these areas. Current staffing and funding for these critical areas is only a fraction of what is needed.

Routine repairs to patrol vehicles are often neglected, patrol boats sit idle, and illegal aliens that should be detained or deported are released. This severe deficiency in border enforcement readiness was highlighted last December after several Algerian terrorists were captured trying to enter the United States and the INS attempted to provide around-the-clock border security on the 4,000-mile northern border with fewer than 300 agents. As you can well imagine, it was impossible to provide adequate security with such a small workforce.

For years, experts have identified the northern border and Southeast as likely and preferred avenues for criminals to enter the United States because of the vast territory and lack of law enforcement personnel. Although this is common knowledge, it appears to have been ignored by the INS in determining staffing allocations. It is heartening to see that some members of Congress are trying to correct these deficiencies and place much-needed resources in these critical areas to avert future potential threats to our national security.

Senate bill 745, introduced by Senator Abraham, would require funding for much-needed increases in manpower and resources for the Border Patrol, INS, and Customs Service. The National Border Patrol Council supports this initiative and commends you, Senator, for your tireless commitment to strengthen our borders. Your leadership, as well as Senator Kennedy's and that of other members of this subcommittee, has been invaluable.

We ask Congress to ensure that any legislation that adds manpower to the Border Patrol on the northern border and Southeast specify that such personnel be voluntarily transferred from the ranks of experienced officers, for three reasons.

First, the complexity of work on the northern border and Southeast is generally greater than that on the southwest border, requiring agents that already have field experience.

Second, the northern border and Southeast do not have the resources to properly train new agents.

Third, and by no means least importantly, placing new hires in highly desirable locations on the northern border and Southeast that current officers have been waiting years to transfer to would have a devastating effect on morale, exacerbating an already high attrition rate.

In addition to the equipment and manpower specified in Senate bill 745, there needs to be specific language directing additional resources to the Border Patrol, particularly on the northern border and Southeast. Sad experience has shown that the INS will not do the right thing unless it is ordered to do so.

In addition to the equipment specified in Senate bill 745, consideration should also be given to funding long-range patrol boats for the Border Patrol. Additional funding should be provided for upgrading communications equipment and intrusion sensors for the northern border and Southeast. The systems employed throughout these areas are antiquated and inadequate by any standards.

We commend Senator Abraham and this subcommittee for the vision to provide funding for 40 intelligence analysts to be deployed in drug-trafficking areas. This would be the first time that the Border Patrol would have a trained staff of intelligence personnel to gather and disseminate the raw intelligence gathered from the field.

In closing, the longer it takes to increase officers and support personnel, modernize and augment technology, and provide adequate detention and removal funding on the northern border and Southeast, the more attractive these areas will be for aliens and drug smugglers.

Again, thank you for having me and I will answer any questions you have, sir.

Senator ABRAHAM. Thank you.

[The prepared statement of Mr. Lindemann follows:]

PREPARED STATEMENT OF ROBERT E. LINDEMANN

Good afternoon. My name is Robert E. Lindemann. I am the Vice President of the National Border Patrol Council, Local 2499. I am a Senior Border Patrol Agent with over 15 years of experience, and am currently assigned to the Detroit Border Patrol Sector.

Thank you for the invitation to appear before this Subcommittee regarding the important issue of border security.

First, I would like to discuss an ongoing problem that continues to plague the northern border and Southeast, directly affecting our ability to provide adequate border security. There seems to be a lack of commitment from the I&NS to provide these areas with the necessary officers, support personnel, equipment and funding to secure the border and combat escalating alien and drug smuggling. Woefully inadequate staffing levels, antiquated technology, and insufficient funding have greatly reduced our ability to control illegal immigration and drug smuggling along these areas.

While manpower, equipment and funding for these areas should have increased at the same time the southwestern border was augmented, it actually decreased. Small increases were undertaken only after inquiry and prodding by concerned members of this Subcommittee.

Current staffing and funding for these critical areas is only a fraction of what is needed. Routine repairs to patrol vehicles are often neglected, patrol boats sit idle, and illegal aliens that should be detained and deported are released.

This severe deficiency in border enforcement readiness was highlighted last December after several Algerian terrorists were captured trying to enter the United States and the I&NS attempted to provide around-the-clock border security on the 4,000 mile northern border with fewer than 300 agents. As you can well imagine, it was impossible to provide adequate security with such a small workforce.

For years, experts have identified the northern border and Southeast as likely and preferred avenues for criminals to enter the United States because of the vast territory and lack of law enforcement personnel. Although this is common knowledge, it appears to have been ignored by the I&NS in determining staffing allocations.

It is heartening to see that some members of Congress are trying to correct these deficiencies and place much-needed resources in these critical areas to avert future potential threats to our national security.

S. 745, introduced by Senator Abraham, would require funding for much-needed increases in manpower and resources for the Border Patrol, I&NS, and Customs Service. The National Border Patrol Council supports this initiative and commends you, Senator Abraham, for your tireless commitment to strengthen our borders. Your leadership, as well as Senator Kennedy's and that of other members of this

Subcommittee, has been invaluable on this and other immigration enforcement issues, and is greatly appreciated.

We ask Congress to ensure that any legislation that adds manpower to the Border Patrol on the northern border and Southeast specify that such personnel be voluntarily transferred from the ranks of experienced officers for three reasons. First, the complexity of the work on the northern border and Southeast is generally greater than that on the southwestern border, requiring agents that already have field experience. Second, the northern border and Southeast do not have the resources to properly train new agents. Third, and by no means least importantly, placing new-hires in highly desirable locations on the northern border and Southeast that current officers have been waiting years to transfer to would have a devastating effect on morale, exacerbating on already high attrition rate.

In addition to the equipment and manpower specified in S. 745, there needs to be specific language directing additional resources to the Border Patrol, particularly on the northern border and Southeast. Sad experience has shown that the I&NS will not do the right thing unless it is ordered to do so.

One of the most frustrating aspects of my job is encountering illegal aliens that have to be released because there is no money to detain and remove them. This problem also needs to be addressed.

In addition to the equipment specified in S. 745, consideration should also be given to funding long-range patrol boats for the Border Patrol. These boats should be large enough to be suitable for cold weather and/or rough water operations as well as search rescue applications, and outfitted with LORÚS night vision scopes.

Additionally, funding should be provided for upgrading field communications equipment and intrusion sensors for the northern border and Southeast. The systems employed throughout these areas are antiquated and inadequate by any standards.

We commend Senator Abraham and this Subcommittee for the vision to provide funding for 40 intelligence analysts to be deployed in drug trafficking areas. This would be the first time that the Border Patrol would have a trained staff of intelligence personnel to gather and disseminate the raw intelligence gathered from the field.

In closing, the longer it takes to increase officers and support personnel, modernize and augment technology, and provide adequate detention and removal funding on the northern border and Southeast, the more attractive these areas will be for alien and drug smugglers.

Thank you all for your time, and I will be happy to answer any questions.

Senator ABRAHAM. Inspector Callister.

#### **STATEMENT OF RYAN H. CALLISTER**

Mr. CALLISTER. Mr. Chairman, I would like to thank you for this opportunity to express my perspective on the security of the northern border of the United States of America and of the role of the immigration inspector in this vital issue.

My name is Ryan Callister. I am a steward for Local 40, American Federation of Government Employees, and an inspector for the last 3 years at Eastport, ID. The Eastport, ID, port of entry is staffed 24 hours a day with four Immigration and Naturalization Service employees and eight U. S. Customs Service employees. At times, the four INS employees work long hours on overtime and the schedule is augmented with part-time and detailed inspectors.

The constant lack of sufficient staff on the entire northern border has a deleterious effect on border security. There are simply not enough inspectors to do the job. INS management at the ports of entry are constantly juggling shift coverage. Some 24-hour ports of entry have even had to eliminate the Immigration midnight shift. This has resulted in overburdening Customs, and has caused friction between the two agencies.

A major contributing factor in the lack of staffing is that Immigration inspectors have not been designated as Federal law enforcement officers by the Department of Justice or by Congress. This

negatively impacts recruitment and retention of Immigration inspectors. Inspections is no longer a favored path within INS. As soon as inspectors finish their 18-week basic training course, they are looking for better jobs in the INS or other agencies which provide greater pay, benefits, and law enforcement coverage.

Currently, there is an approximately 15-percent turnover annually in the inspections program nationwide. This necessitates that the agency rely more on part-time help and 60-hour-plus work weeks for those inspectors who remain. There is not even benefit parity with our brothers and sisters in the Customs Service.

Inspectors have been empowered by the Attorney General to interrogate any alien or person believed to be an alien as to his right to be or remain in the United States, to arrest any alien who, in his presence or view, is entering the United States in violation of any law or regulation pertaining to the Immigration and Nationality Act, and the authority to carry a firearm. Inspectors have even recently been issued bullet-proof vests. As the saying goes, if it looks like a duck, talks like a duck, and walks like a duck, then it is a duck. The Inspections Branch is past due for law enforcement coverage.

In the last 10 years, the southern border has been augmented with many new positions, while the northern border has not. It is equally important for the northern border to be adequately staffed. People do not build walls around three sides of their home and expect to keep out unwanted individuals. This is what has happened with respect to America's undermanned northern border.

It is not a coincidence that the Ahmed Ressam incident occurred in Port Angeles, WA, in December. Anyone, including terrorists, can read about the 3,987 miles of virtually unguarded border between Canada and the United States.

It is interesting to note that with the Ressam case, INS had encountered him at a pre-inspection station in Victoria, British Columbia, Canada, prior to his boarding the ferry for Port Angeles. However, INS had only one inspector working because the three other inspectors on duty that day were needed for inspections elsewhere. That one inspector had to single-handedly inspect every vehicle and driver boarding the ship.

The inspector felt Ressam's story was suspicious and did take a closer look at him. He checked Ressam's documents, which were valid, although issued under false pretenses. He also did a cursory inspection of his luggage and rental car. Had he had more time and help, the explosives might have been found. The ship was sailing and the inspector had to leave to conduct another inspection 40 miles away.

A simple analogy is that America is like a house located on a flood plain. Congress has done the basic job of providing Immigration and Customs with enough sand bags to protect the front door when the river rises. But until there are enough sand bags to go around the house, you should not be surprised when the river rises that water comes through the back door.

Within the last few weeks, Immigration Inspections has been informed that their budget on the northern border in Washington State, Idaho, Montana, Vermont, and elsewhere has been reduced from the insufficient levels of fiscal year 1999 to an even greater

inadequacy for the year 2000. These reductions are exacerbated by the fact that the budget was not enacted until December, 3 months into the new fiscal year.

In addition, massive amounts of overtime were spent in December 1999 and early January because of the World Trade Organization in Seattle, the advent of the millennium, and the heightened security alert due to the suspected terrorist interceptions in Vermont and Washington State.

Recently deceased General Leonard F. Chapman, ex-commissioner of INS, once said 5-ton trucks are not built to carry 10-ton loads. If Congress is serious about strengthening America's efforts to stem terrorism and the smuggling of aliens and illicit drugs on its northern border, then it must hire and fund an ample number of full-time inspectors to do the job. Senator Abraham's legislation, S. 745, is an important step in that direction.

In addition, Congress must pass legislation that designates Immigration and Customs inspectors as law enforcement officers, and make the pay and benefits for these employees comparable with Federal and State law enforcement personnel.

I again thank the subcommittee, Mr. Chairman.

Senator ABRAHAM. Thanks, Inspector. We appreciate it.

[The prepared statement of Mr. Callister follows:]

PREPARED STATEMENT OF RYAN H. CALLISTER

Mr. Chairman and Members of the Subcommittee, I would like to thank you for this opportunity to express my perspective on the security of the Northern Border of the United States of America and the role of the Immigration Inspector in this vital issue. My name is Ryan H. Callister. I am a Steward for Local 40, American Federation of Government Employees, and an Immigration Inspector stationed for the last three years at Eastport, Idaho.

The Eastport, Idaho Port of Entry is staffed twenty four hours a day with four Immigration and Naturalization Service (INS) employees and eight United States Customs Service (USCS) employees. At time, the four INS employees work long hour on overtime and the schedule is augmented with part-time and detailed Inspectors. The constant lack of sufficient staff on the entire Northern Border has a deleterious effect on border security. There are simply not enough Inspectors to accomplish the job. INS Management at the ports of entry are constantly "juggling" shift coverage. Some twenty four hour Ports have even had to eliminate the Immigration midnight shift. This has resulted in overburdening Customs and has caused friction between the two agencies.

A major contributing factor in the lack of staffing is that Immigration Inspectors have not been designated as Federal Law Enforcement Officers by the Department of Justice or by Congress. This negatively impacts recruitment and retention of Immigration Inspectors. Inspections is no longer a favored path within INS. As soon as Inspectors finish their eighteen week basic training course, they are looking for better jobs in the INS or other agencies which provide greater pay, benefits, and Law Enforcement coverage. Currently there is approximately a 15 percent turnover annually in the Inspection's program nationwide. This necessitates that the agency rely more on part-time help and sixty hours plus work weeks for those Inspectors who remain. There is no even benefit parity with our brothers and sisters in the Customs Service.

Inspectors have been empowered by the Attorney General to interrogate any alien or person believed to be an alien as to his right to be or remain in the United States, to arrest any alien who in his presence or view is entering the United States in violation to any law or regulation pertaining to the Immigration and Nationality Act, and the authority to carry a firearm. Inspectors have been recently been issued bullet proof vests. As the saying goes, "if it looks like a duck, talks like a duck, and walks like a duck, then it is a duck." the Inspector's Branch is past due for Law Enforcement coverage.

In the last ten years, the Southern Border has been augmented with many new positions while the Northern Border has not. It is equally important for the Northern Border to be adequately staffed. People do not build walls around three sides

of their home and expect to keep out unwanted individuals. This is what has happened with respect to America's undermanned Northern Border. It is not a coincidence that the Ahmed Ressay incident occurred in Port Angeles, WA in December. Anyone including Terrorists can read about the 3,987 miles of virtually unguarded border between Canada and the United States.

It is interesting to note that with the Ressay case, INS has encountered him at a pre-inspection station in Victoria, BC Canada prior to his boarding the ferry for Port Angeles. However, INS has only one Inspector working because the three other Inspectors on duty that day were needed for inspections elsewhere. That one Inspector had to single handedly inspect every vehicle and driver boarding the ship. The Inspector felt Ressay's story was suspicious and took a closer look at him. He checked Ressay's documents, which were valid although issued under false pretenses. He also did a cursory inspection of his language and rental care. Had he had more time and help, the explosives might have been found; the ship was sailing and the Inspector had to leave to conduct another inspection forty miles away.

A simple analogy is that America is like a house located on a flood plain. Congress has done the basic job of providing Immigration and Customs with enough sandbags to protect the front door when the river arises. But until there are enough sandbags to go around the house, you should not be surprised when the river rises that water comes through the back door.

Within the last few weeks Immigration Inspections have been informed that their budget on the Northern Border in Washington State, Idaho, Montana, and elsewhere has been reduced from the insufficient levels of fiscal year 1999 to an even greater inadequacy for the year 2000. These reductions are exacerbated by the fact that the budget was not enacted until December—three months into the new fiscal year. In addition, massive amounts of overtime were spent in December 1999 and early January because of the World Trade Organization (WTO) in Seattle, the advent of the millennium, and the heightened security alert due to the suspected terrorist interceptions in Vermont and Washington States. Recently deceased General Leonard F. Chapman, ex-Commissioner of INS, once said, "Five ton trucks are not build to carry ten ton loads."

If Congress is serious about strengthening America's effort to stem terrorism and the smuggling of aliens and illicit drugs on its Northern Border, then it must hire and fund an ample number of full-time Inspectors to do the job. Senator Abraham's legislation, S. 745, is an important step in that direction. In addition, Congress must pass legislation that designates Immigration and Customs Inspectors as Law Enforcement Officers and make the pay and benefits for these employees comparable with Federal and State law Enforcement Personnel.

I thank the Subcommittee for the opportunity to present this testimony and I would be happy to answer any questions that you might have to the best of my abilities.

Senator ABRAHAM. Mr. Smith, good to have you here.

#### STATEMENT OF ORA A. SMITH

Mr. SMITH. Senator Abraham, members of the committee, it is an honor to speak to you today in support of Senate bill 745. For years, the news media, INS, and Congress has systematically practiced institutionalized neglect of our northern border. We are heartened by your introduction of S. 745, the Border Improvement and Immigration Act of 1999. It gives us something we have not had for years—hope.

Increasing numbers of Eastern European illegals are entering the United States through our northern border. Many legally enter Canada before illegally crossing into the United States. These Eastern Europeans are not unskilled, menial laborers. They are taking American skilled trades workers' jobs. These illegals walk our streets unnoticed because they generally have no physically distinguishing ethnic characteristics.

Mainland Chinese are showing up at northern border ports in record numbers. Since November, there have been over 40 undocumented Chinese and 1 Chinese individual with a genuine Japanese passport apprehended at Detroit Metro Airport. Smugglers of ille-

gal drugs and other contraband have also discovered the porosity of our northern border. Just ask our brothers and sisters who are border inspectors for Customs, Agriculture, and the Fish and Wildlife Service.

The recent arrest of Ahmed Ressam is a prime example of why northern border Federal inspection programs must be strengthened. Today's terrorists do not dress as Mexican peasants and swim across the Rio Grande. They have the financial resources to buy the highest-quality counterfeit documents or, as in the case of Ahmed Ressam and the Chinese at Detroit, to fraudulently get real documents. Only a trained inspector can detect an illegal who has a genuine document.

The Detroit border ports have seen an estimated 300- to 400-percent growth in traffic over the past 10 years. The staffing shortage at Detroit has become critical. On January 12, 2000, Detroit began ordering inspectors to work 8-hour overtime shifts instead of 4-hour overtime shifts. Less than 50 full- and part-time inspectors work the auto line at the Detroit Bridge and Tunnel. The INS' own staffing model shows a requirement for 102 full-time inspectors. The INS solution to this problem has been to order more and longer overtime shifts. The situation at our Port Huron and Sault Ste. Marie, MI, ports is only marginally better.

Staffing is also a problem at Detroit Metro Airport, the 11th busiest international airport in the world. Metro inspectors average 45 to 50,000 inspections each per year, while inspectors at other airports average only 20 to 30,000. Seven new international flights, bringing an additional 1,400 to 2,000 passengers per day, will begin arriving at Metro within the next 4 months. There is no planned increase of inspectors.

In December 2001, a new terminal designed to accommodate 4,000 arriving international passengers per hour is scheduled to open. The INS has known about this new terminal for 2 years, but we have seen no efforts to recruit more inspectors.

Staff shortages at our airports are further exacerbated by an unrealistic congressional requirement to complete the primary inspection of an arriving flight in 45 minutes or less. Like the inspector who first encountered Ahmed Ressam, many of our best and most capable inspectors just don't have the time to do a proper inspection. Inadequate staffing, facilities, and equipment have made incomplete and/or poor inspections the rule at many busy ports.

Many inspectors have simply quit questioning applicants or have tailored their questions to elicit safe answers. Many inspectors no longer make any attempt to determine the citizenship of persons crossing our international border. Recently, my counterpart in the Customs union stated that Customs inspectors at the Detroit truck docks, the busiest on the northern border, no longer bother to check for immigration violations because there are not any immigration inspectors to process them.

Finally, I would like to thank Senator Abraham for including language in Senate bill 745 to adopt a sensible approach to the implementation of departure controls required by section 110 of the 1996 Immigration Act. The implementation of section 110 would do absolutely nothing to combat terrorism, alien smuggling, or address any other border security issues. We need more staff, better equip-

ment, better training, and better facilities, not more ill-conceived missions of questionable value.

The premature implementation of section 110 would serve only to destroy whatever tiny shreds of pride, professionalism, and esprit that are somehow surviving our current mistreatment by INS. I believe that if section 110 were implemented today, four to six of our Detroit inspectors would simply quit their jobs rather than face even more 16-hour shifts.

I urge each and every member of this committee and the entire Congress in the strongest possible terms to get behind Senate bill 745 and make it a reality. If you want northern border security, it is time for you to make the commitment of giving us the recognition, pay, and grade of law enforcement officers, state-of-the-art equipment, proper training, and adequate facilities and manpower.

Senator Abraham, members of the committee, if you make this commitment to the front-line employees, without hesitation or reservation I promise you we will make it happen.

Once again, thank you for the privilege of bringing my message to you. I will do my best to answer any questions you may have, and I would also request, Senator, that I be allowed to submit some supporting documentation into the record.

Senator ABRAHAM. Without objection, we will be glad to include in the record the additional documents, if any of you have anything to add to your opening statements. I also would like to submit the prepared statement of Colleen M. Kelly, National President, National Treasury Employees Union.

[The prepared statement of Mr. Smith along with additional items referred to above follow:]

PREPARED STATEMENT OF ORA A. SMITH

Senator Abraham, members of the committee, it is an honor to speak to you today in support of S. 745. For years, the news media, I&NS, and Congress have systematically practiced institutionalized neglect of our northern border. We are heartened by your introduction of S. 745, the Border Improvement and Immigration Act of 1999. It gives us something we have not had for years. HOPE!

Since the end of the cold war, an increasing number of Eastern European illegals are entering the United States through our northern border. Many legally enter Canada before illegally crossing into the United States. These Eastern Europeans are not unskilled menial laborers. They are taking American skilled trades workers' jobs. These illegals walk our streets unnoticed because they generally have no physically distinguishing ethnics characteristics.

Mainland Chinese are showing up at northern border airports and seaports in record number. Since November, there have been over 40 undocumented Chinese, and one Chinese individual with a genuine Japanese passport, apprehended at Detroit Metro Airport.

Smugglers of illegal drugs and other contraband have also discovered the porosity of our northern border. Just ask our brothers and sisters who are border inspector for Customs, Agriculture, and Fish and Wildlife.

The recent arrest of Ahmed Ressay is a prime example of why northern border Federal Inspection Programs must be strengthened. Today's terrorists do not dress as Mexican peasants and swim across the Rio Grande. They have the financial resources to buy the highest quality counterfeit documents, or, as in the case of Ahmed Ressay and the Chinese at Detroit, to fraudulently get real travel documents. Only a trained Inspector can detect an illegal who has a genuine document.

The Detroit border ports, have seen an estimated 300 to 400 percent growth in traffic over the past 10 years. The staffing shortage in Detroit has become so critical that on January 12, 2000, Detroit began ordering Inspectors to work eight hour overtime shifts instead of four hour overtime shifts.

Less than 50 full and part-time Inspectors work the auto line at the Detroit bridge and tunnel. The I&N's own staffing model shows a requirement for 102 full-

time Inspectors. The I&NS solution to this problem has been to order more and longer overtime shifts. The situation at our Port Huron and Sault Ste. Marie, MI ports is only marginally better.

Staffing is also a problem at Detroit Metro Airport, the 11th busiest international airport in the world. Metro Inspectors average 45,000 to 50,000 inspections each per year, while Inspectors at other airports average only 20,000 to 30,000. Seven new international flights bringing an additional 1,400 to 2,000 additional passengers per day will begin arriving at Metro within the next four months. There is no planned increase of Inspectors.

In December 2001, a new terminal designed to accommodate 4,000 arriving international passengers per hour is scheduled to open. Although the I&NS has known of this new terminal for more than two years, we have seen no efforts to recruit more Inspectors.

Staff shortages at our airports are further exacerbated by an unrealistic Congressional requirement to complete the primary inspection of an arriving flight in 45 minutes or less. Often, this requirement is mathematically impossible, and can only be achieved if the Inspectors perform improper and/or incomplete inspections.

Like the Inspector who first encountered Ahmed Ressam, many of our best and most capable inspectors just don't have the time to do a proper inspection. Inadequate staffing, facilities, and equipment have made incomplete and/or poor inspections the rule at many busy ports. Many Inspectors have simply quit questioning applicants, or tailored their questions to elicit "safe answers". Many Inspectors no longer make any attempt to determine the citizenship of persons crossing our International border.

Recently, my counterpart in the Custom Union state that Customs Inspectors at the Detroit Truck Docks (the busiest on the northern border), no longer bother to check for immigration violations because there are not any Immigration Inspectors to process them.

Finally, I would like to thank Senator Abraham for including language in S. 745 to adopt a sensible approach to the implementation of departure controls required by Sec. 110 of the 1996 Immigration Act. The implementation of Sec. 110 would do absolutely nothing to combat alien smuggling. We need more staff, better equipment, better training, and better facilities, not more ill conceived missions of questionable value.

The premature implementation of Section 110 would serve only to destroy whatever tiny shreds of pride, professionalism, and esprit that are somehow surviving our current mistreatment by the I&NS. I believe that if Section 110 were implemented today, 4-6 of our Detroit Inspectors would simply quit their jobs rather than face even more 16 hour shifts.

I urge each and every member of this committee, and the entire Congress, in the strongest possible terms to get behind S. 745 and make it a reality. If you want northern border security, it is time for you to make the commitment of giving us the recognition, pay, and grade of Law Enforcement Officers; state of the art equipment; proper training; and adequate facilities and manpower.

Senator Abraham, members of the committee, if you make this commitment to the front line employees, without hesitation or reservation, I promise you, "we will make it happen." Once again, thank you for the privilege of bringing my message to you. I will do my best to answer any questions you may have.

**An open area of our 4,000 mile undefended border with Canada**



Michael C. York/Associated Press

**A border patrol officer walks near a granite marker indicating the border to Canada near Houlton, Maine. Anyone who wanted to enter the United States from Canada in to Maine could walk in easily through open fields.**

## Diverse homelands

Illegal immigrants from more than 100 countries have been picked up by Border Patrol agents in Michigan and three nearby states.

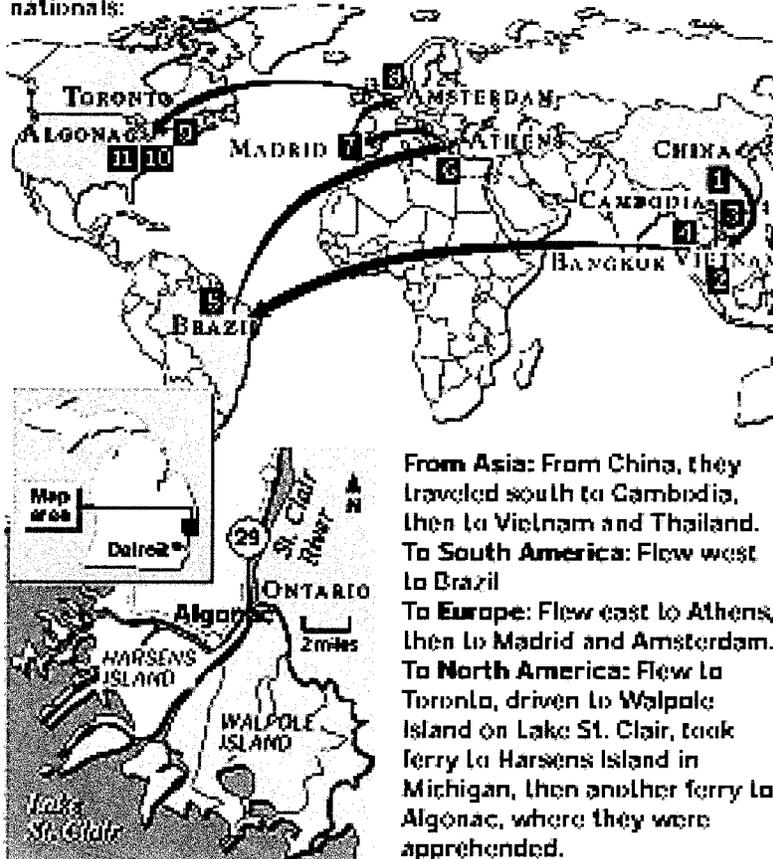
Country of origin	Number	Percent of apprehensions
1. Mexico	8,305	56.8 
2. Canada	4,094	28.0 
3. Guatemala	374	2.9 
4. El Salvador	257	1.8 
5. Honduras	138	0.9 
6. Dominican Republic	112	0.8 
7. Nigeria	76	0.5
8. Colombia	74	0.5
9. Yugoslavia	66	0.5
10. South Korea	62	0.4

Source: Immigration and Naturalization Service

*The Detroit News*

## The crooked road to America

Illegal aliens take many routes to the U.S. Here is the incredible path across four continents followed by one group of Chinese nationals:



**From Asia:** From China, they traveled south to Cambodia, then to Vietnam and Thailand.  
**To South America:** Flew west to Brazil  
**To Europe:** Flew east to Athens, then to Madrid and Amsterdam.  
**To North America:** Flew to Toronto, driven to Walpole Island on Lake St. Clair, took ferry to Harsens Island in Michigan, then another ferry to Algonac, where they were apprehended.

Source: Detroit News research

## On Patrol

Agents monitoring the Canadian boundary are down 14 percent while the number of agents at the Mexican border is up 138 percent.

	Detroit sector	Northern border	Southern border
'89	32	333	3064
'90	30	314	3060
'91	30	308	3072
'92	29	296	3503
'93	31	307	3389
'94	31	302	3670
'95	29	292	4337
'96	28	288	5281
'97	27	264	6261
'98	28	286	7292

Source: Immigration and Naturalization Service

The Detroit News

## **Detroit Inspector shortage**

**Lone inspectors can not properly inspect ships – Private and cargo aircraft not inspected.**

Detroit immigration is so short staffed that an inspector can not be waiting when a ship docks. Border supervisors usually tell the agent to call when the ship is tied up and then when someone can be spared, an inspector is sent to inspect the crew. Often this is hours after the ship docks.

Standard operating procedure is to only send one inspector to inspect a ships. If the inspector is lucky, he or she might arrive at the same time as the customs inspector and they can do the inspection together. Since he or she is usually alone, there is no opportunity to search the ship to see if any undocumented aliens are on board. Inspectors must rely on the captain and agent to present the crew to them, usually in the captain's office or mess hall. Who knows who or what else could be hiding on the ship.

Once the inspector departs, there is no one who goes back to insure no one has jumped ship or that detainees have remained on board. In seven years, one inspector only remembers two incidents where more than one inspector has boarded a ship. Once was when the Coast Guard had Intel drugs might be onboard (none were found although the dogs did hit in several places) and the other was when the 22 Chinese were found on the ship a couple of years ago but once again there was advance Intel and inspectors knew they were on board.

For years, the INS has left the inspection of private and cargo aircraft in the Detroit area up to the US Customs Service. As in the case of the truck docks, if the customs

inspector should discover an immigration violation, they would probably just let them go because there are no longer enough inspectors to respond.

Last year when Chrysler Corporation began corporate charter flights from Germany to Pontiac, Michigan, INS again chose not have inspectors assigned to the Pontiac airport, nor do they send inspectors to meet arriving flights. Instead, US Customs officers were given immigration stamps. Individual I-94 arrival/departure records stamped with these stamps are returned to Detroit for processing into the INS NIIS (Non-Immigrant Information System). The NIIS record then indicates an entry through Detroit and inspection by an immigration inspector.

On another issue. Customs has been asking to have at least one if not more immigration inspectors assigned to their outbound and DNET (Detroit Narcotics Enforcement Team) teams. Many times they encounter illegals or just aliens in general and can't do anything or don't know what they should do with them. I have been told they would like an "immigration expert" with them to help out.

Information courtesy of AFGE members Phil Metz and Ora Smith

## **Tunnel Snapshot**

If it were possible to freeze a moment in time, the afternoon of Tuesday, February 01, 2000 would have been a perfect time at the Detroit Canada Tunnel. At that time, there were five inspectors working the day shift.

Two of the five inspectors were manning inspection booths on the auto-line leaving three inspectors to staff the secondary inspection station.

The secondary inspection station was also occupied by the following:

Four illegals awaiting paperwork processing completion.

The passengers from the Tunnel Bus (no pedestrians allowed).

The passengers from a Greyhound Bus.

The passengers from an airport courtesy shuttle.

Three NAFTA applicants awaiting processing.

And an employee from the tunnel company requesting INS open an additional inspection booth on the auto-line because traffic was backing up into the tunnel.

Information courtesy AFGE member IISO Donna Taylor

## **Detroit Inspectors - Personnel**

### **Authorized vs Required vs Available for duty**

*Inspectors have virtually given up looking for criminal activity.*

There are currently authorizations for 53 full-time inspectors at the Detroit Canada Tunnel, the Detroit Ambassador Bridge, and Detroit City Airport. The staffing model used by INS to determine personnel requirements shows a need for 102 full-time inspectors.

Sounds like only about a 50% shortage, BUT WAIT. No less than 26.4% of the 53 authorized inspectors do not work the auto-line. In reality, the maximum number of authorized auto-line inspectors is only 39, of which three work mostly as Free Trade Examiners (FTE).

The 14 non auto-line personnel are:

1 - Area Port Director (currently vacant)

2 - Port Directors

9 - Supervisors (The bridge and tunnel are both 24 hour 7 day operations)

2 - Senior Inspectors (Port prosecutors and investigators)

Detroit has 38 of its authorized 39 inspectors. However, in addition to the three FTE's, one inspector has been relieved of duty pending the outcome of a domestic situation, one

has been relieved of duty pending an investigation of her conduct, and one inspector performs administrative duties full time.

Additionally, six inspectors are assigned to the Dedicated Commuter Lane (DCL) project per a mandate from INS Headquarters. In actuality, only ~~26~~<sup>26</sup> of the 38 inspectors are available for full time auto-line duty. ~~Twenty six~~ **doing the work of a hundred.**

There are no known new hires in the pipeline and the situation will almost certainly get worse as one proposed termination and two proposed suspensions will almost certainly come to fruition within the next 45-60 days.

In addition to the part-time availability of the six DCL inspectors, three FTE's, and administrative duties officer, there are 13 part-time inspectors to augment the full-timers. In actuality, what we really have in terms of auto-line duties is 26 full time officers and 23 part time officers. However, two of them are in a non-duty status. Of the remaining 11, three of them work full 40 hour weeks and the other eight average between 16 and 32 hours per week.

Immigration Examiners are routinely used to augment the inspections force. This is a very costly proposition as examiners are GS-12 while 25% of inspectors are GS-11 and 75% are GS-9 and below. The shortage of inspectors frequently results in entire eight hour shifts being staffed with overtime. Non statutory overtime spending at the bridge and tunnel is nearly \$500,000 per year. This high rate of overtime spending has drawn the attention of INS Headquarters and the Eastern Region Director who have mandated a reduction

The INS response has been to attempt to reduce overtime spending by ordering inspectors to work eight hour overtime shifts instead of four hour shifts which results in a savings of four hours pay per eight hour overtime shift.

Inspectors have virtually given up looking for criminal aliens because they are virtually overwhelmed just dealing with the legitimate traffic (i.e., free trade applicants, I-94's, I-68's). When inspectors do catch a criminal alien or other illegal, they usually just let them go because there is no money to lock them up. Most of the time, there is not enough inspectors to process expedited removals or regular removals. They are simply returned to Canada with no further action taken.

There are not enough inspectors to have an immigration presence at the truck dock. Customs officers have practically quit calling for an inspector to come to the truck dock because there just isn't any available to go. Customs simply lets the immigration

violators go without action. Inspectors are not available to do cab or trailer checks for illegal aliens, or improperly documented or criminal drivers.

Our brothers and sisters in Customs are so overwhelmed by the workload on the docks, that they are de-vanning and looking at less than one percent of the loads/trucks crossing the border. They, like our immigration inspectors have been reduced to little more than clerks with guns and badges stamp paperwork and wave for border crossers to "go on".

Old antiquated facilities and outdated equipment and technology also conspire to hinder the Federal Inspectors at both the tunnel and the bridge. The poorly designed buildings

are much too small for today's high volume of traffic. There is no room for physical plant expansion at the tunnel and little at the bridge. Two or three large families needing I-94's produce a line that stretches out the door at the bridge.

The limited space available is so saturated that even a technology expansion requires a major re-vamping of electrical and communications circuits at the tunnel.

The staffing at Port Huron and Sault Ste. Marie, is only marginally better. Port Huron facilities that are much newer. Although there has been talk of new facilities at Sault Ste. Marie and the Ambassador Bridge for years, there has been no ground broken, and latest set of plans for the bridge facility may be great for looks, do little to promote the efficiency of the Federal Inspection effort.

The current personnel picture and the facilities at Metro Airport are much better. However, equipment at Metro is old and antiquated. While the Metro Staff is not as critically short as elsewhere in the district, our respite is only temporary. Within the next four months, there will be an additional seven flights bringing some 1,400 to 2,000 additional passengers per day.

The staff problems at an airport are quite different from a land border port. At the airport, there is not a steady stream of arriving travelers like at the border. At the airport, a single aircraft will bring as high as 487 passengers at one time. Airlines schedule planes to arrive in waves in order to facilitate connections. At Metro, it is not unusual for 1,200 to 1,600 passengers to arrive within a 15 minute period.

INS airport inspection facilities are designed and constructed for each inspector to process 50 passengers per hour. According to this design formula, Metro is designed

to accommodate 1,200 per hour. INS staffing policy is to staff one inspector per 60 passenger on most flights. Generally, there is enough inspectors at Metro to man 17 to 21 booths. That translates into 750 to 950 per hour.

The biggest problem at an airport is meeting the 45 minutes per flight primary clearance time requirement levied by the US Congress. Consider an arriving 747 with 420 passengers. INS staffing is clearly seven inspectors (60 to one ratio). However, since our facility is only designed for each inspector to process 50 passengers per hour, the logical conclusion is that at the end of an hour, only 350 passenger will have been processed. Now, we have a facility designed to handle 350 per hour, and a mandate from Congress to do 420 in 45 minutes. **The only way this can be accomplished is to cut corners and do incomplete inspections.**

Without a massive infusion of personnel, the Detroit Border is a disaster of epic proportions just looking for a place to happen. There is a critical need for an immediate infusion of at least 70 new inspectors across the Detroit District.

The most immediate need is for 49 new full time inspectors at the bridge and tunnel, followed by six at Port Huron, four at Sault Ste. Marie, and 10 at Metro airport. This would give us the capability to have a presence at the truck docks, do a proper inspection of ships, perform immigration inspections at Pontiac Airport, and actually have the time to properly inspect potential border crossers, and do the paper work to refuse and or prosecute criminal aliens and smugglers.

Information courtesy of AFGE members Phil Metz and Ora Smith

## **Man faces charges of alien smuggling**

A Canadian citizen was arraigned Thursday in U.S. District Court on charges of alien smuggling. Shannon Yoell, 22, of Chatam, Ontario, tried to smuggle nine Chinese citizens into the United States in the back of a van Tuesday at the Ambassador Bridge, the U.S. Attorney's office said. Seven of the nine were children and returned to their homes in Windsor. A 23-year-old man and a 19-year-old woman are being held as witnesses.

All nine of the Chinese were undocumented.

Information courtesy AFGE member Phil Metz and excerpts from the Detroit News.

## **Abraham: We need tougher alien laws**

### **Senator to require INS to submit plan on illegal immigrants**

Tougher penalties and more investigators are needed to try to combat illegal alien smuggling, Sen. Spencer Abraham said Tuesday in response to a Detroit News report about the growing problem on the northern border.

Abraham, R-Auburn Hills, and chairman of the Senate subcommittee on immigration, said it's hard to say whether higher sentences and fines will deter smuggling, but it's obvious the current penalties aren't working.

"There are only a limited number of options available -- to be more effective at the borders themselves,... and having tougher sentences that send a message to those committing crimes that it's a much more serious consequence if they do it and get caught," he said.

A Detroit News report published last week detailed how illegal immigration on the northern border and in particular Detroit is on the rise, in part due to the Border Patrol's crackdown at more traditional routes into the country such as the heavily patrolled Mexican border.

The stories revealed that many undocumented aliens, even some accused of crimes in addition to illegal entry into the country, are simply let off on the streets because the Border Patrol has no detention facility in Michigan and little money to pay jails to hold them.

Abraham said his legislation would require the INS commissioner to submit to Congress within 90 days a plan for detaining criminal aliens who aren't jailed. It also would:

Double the 240-person team of investigators and enforcement officers now assigned to human smuggling for the Immigration and Naturalization Service.

Double the sentences that smugglers must serve for their crimes. For example, the current minimum sentence for smuggling 100 illegal immigrants into the United States would be increased to 54 months from 27 months

Change the fine to twice the amount a smuggler was paid for the job.

In only some cases would that translate into a higher fine for smugglers, though. The current minimum fine for smuggling 100 aliens is \$6,000. Often the individual who is caught bringing illegal aliens into the country claims he was paid only \$200 as a small link in an international smuggling network that charged each immigrant up to \$50,000.

"It's probably not going to be the answer to all of our problems, but any tools we can get we look forward to," said Carl McClafferty, chief of the four-state sector of the Border Patrol that is based in Detroit.

**By Lisa Zagaroli / Detroit News Washington Bureau**

## **Border agents stretched thin**

### **Understaffed, underfunded, agency hard-pressed to nab, detain, deport aliens crossing from Canada**

By the time Mark Hall came on duty that Sunday evening, three illegal immigrants from Mexico had already caught a lucky break. They had been apprehended at Metro Airport after they got off a plane without proper documents. But they had been let loose on the streets of Detroit because the U.S. Border Patrol didn't have any place to detain them or money to send them back to their country. So when Hall got a call saying one had been caught breaking into a Detroit fire chief's car, the Border Patrol agent responded the only way he could.

"We took them to the other side of town and dropped them off again," he said. The incident is just one example of how the Border Patrol along the Canadian border, constrained by limited resources, is unable to enforce its basic task: stopping undocumented foreigners from getting into the country.

Too few agents means large stretches of border can't be patrolled, and even priority areas sometimes go unmonitored for days or longer. When agents do nab illegal aliens, they usually are let go within hours with a "stern warning" and an often-ignored request that they return for a judicial hearing. There's no detention facility in Michigan for immigration cases, and the Border Patrol usually has little or no money to pay jails to house aliens, even those accused of committing crimes.

"If they're not taken into custody after their arrest and subsequently taken to a deportation hearing on the spot, they don't leave," said Robert E. Lindemann, steward for the National Border Patrol Council Detroit Sector Local 2499. A policy that seems to work, however, has been tried at Metro Airport. There, many airlines agree to convert the remainder of an

illegal alien's plane ticket into a return flight to their home country, or the government pays a reduced government rate, said assistant chief patrol agent Stan Rosas.

The best deterrent for us is to catch the person and send them back," said Carol A. Jenifer, Detroit district director for the Immigration and Naturalization Service. But many aliens are simply released after their paperwork is processed.

## Approach encourages violations

U.S. Rep. Lamar Smith, R-Texas, chairman of a House immigration subcommittee, calls the INS approach "a bright flashing sign that says to potential illegal aliens, 'Come to the United States. Once you make it past the Border Patrol, you are home free. 'If the smuggled alien is allowed to remain in the U.S., he or she will report back home to family and friends, 'Come on in, the INS doesn't care,' " Smith said.

Michael Bromwich, inspector general of the Justice Department, said aliens are hardly ever prosecuted for the criminal offense of entry without inspection, even after repeated apprehensions. In addition, neither the INS nor the State Department conduct terrorism checks on more than 90 percent of the 150,000 political asylum applications filed each year, Bromwich said

Rep. Smith said there have been 13 known cases of terrorists crossing into the United States from Canada since 1995. Perhaps the most extreme case of illegal entry from Canada in recent years involved Gazi Ibrahim Abu Mezer, who was convicted of plotting to bomb the New York subway in July 1997. The Palestinian tried to enter the United States illegally three times. The final time, he was picked up by the Border Patrol 25 miles inside the U.S. boundary in Bellingham, Wash. Removal proceedings were started but a judge released him on bond because he had no criminal history, according to the INS.

"The virtual impunity from prosecution that aliens face when they are caught entering the United States illegally is also made apparent by Mezer's case," Bromwich said.

***Most not a threat***

The vast majority of illegal immigrants aren't a threat to anyone, so the INS has pledged to focus its efforts on removing criminal aliens -- those who have violated a law other than illegal entry. But in Detroit, the Border Patrol isn't able to execute even that policy because it lacks detention facilities and other resources.

For example, in March, five people suspected of robbing \$46,000 in jewelry from a Wonderland Mall store were foreign nationals, and two of them had previous felony theft convictions. The Livonia Police Department didn't have enough evidence to hold them for stealing 140 10-karat gold necklaces and charms, 270 rings and 20 bracelets.

But the Border Patrol, which believed they were members of an organized robbery ring operating in at least five states, should have been able to hold them simply on the basis of illegally being in the country. Instead, they were released with a deportation hearing notice, said Hall, president of the union that represents Border Patrol agents.

Lt. Ben McDermott of the Livonia Police Department said it's common for illegal aliens to vanish before court appearances. "It's almost a joke, the fact they are here illegally and you expect them to appear in court if you let them go," McDermott said. "Doesn't make a lot of sense, but that's what ends up happening."

The Border Patrol rarely asks an illegal alien to post bond because if they can't put up the money, the agency doesn't have the funds to jail them, according to several agents. Just in the last few weeks, the agency has released illegal aliens accused of stabbings, beatings and drug trafficking, records show. And agents say even prosecutions can produce unsatisfying results.

In May, Lai Yim Yeung and two Walpole Island residents were apprehended smuggling five Malaysians near Algonac, north of Detroit. The Chinese national and Canadian citizen, arranged a plea bargain and the other two weren't charged. "We worked hundreds of hours on that, just the paperwork," said Paul Bungay, an agent and Border Patrol union member. "It took 10 court appearances and he got six months in prison. It wasn't worth prosecuting him for six months."

Often, agents on the northern border are called on to help patrol the southern border. Detroit had one of the country's largest Border Patrol offices during Prohibition, but now is one of the smallest with 28 agents to cover four states. Since 1989, the number of agents in sectors touching Mexico has increased 138 percent while northern border agents have decreased 14 percent. Gus De La Vina, chief of the U.S. Border Patrol, said it was decided earlier this decade to concentrate on the Mexican border because of the huge number of illegals going through.

**By Lisa Zagaroli and Jonathan Brunt / Detroit News Washington Bureau**

## Illegal alien smuggling rises

### **Border Patrol says sneaking into state a growing problem**

Federal agents caught 148 illegal aliens -- a substantial increase -- being smuggled into southeastern Michigan during the last three months of 1999, the Border Patrol announced Wednesday. That total compares with 19 undocumented foreigners nabbed trying to sneak in a year earlier. On Dec. 30 alone, Border Patrol agents caught 11 Chinese nationals as they tried to cross the St. Clair River at Algonac in St. Clair County. They've been released to await a deportation hearing

The surge in cases reflects a growing problem of alien-smuggling in the region, said Carl McClafferty, chief patrol agent of the Border Patrol in Michigan. With only 36 agents in the state, he noted, "it's a very difficult, almost impossible task." Many of those caught paid thousands of dollars to smugglers who fly them from China, South Korea, Malaysia or other countries to Toronto and then attempt to cross into Michigan, before being transported elsewhere.

U.S. Sen. Spencer Abraham, R-Auburn Hills, said the increase in immigrant smuggling and recent arrests of suspected terrorists in Seattle and Vermont show the government should deploy more agents on the northern border. "We have to have a fair share of the new agents," Abraham said. "Something closer to half of the new agents hired should go to the northern border." Of the Border Patrol's 8,500 officers nationwide, only about 300 agents now monitor the border with Canada. Congress last year authorized the hiring of 1,000 new officers, but the agency has had trouble attracting enough newcomers.

Officials announced a \$2,000 signing bonus for agents signed after Jan. 10.

**By David Sheparson / The Detroit News**

## Detroit News Letters and Editorials

***Revisit U.S. immigration policy***

In response to the July 21 letter "Don't weaken borders": I support the writer's desire to improve border security and protect our nation from foreign criminals. However his attacks on Sen. Spencer Abraham are unwarranted. My experience has been that criminals usually avoid encounters with law enforcement. The expected benefit of an automated tracking system may be negligible in controlling criminal activities. It will more than likely be negated when criminals seeking entry avoid it altogether.

The writer's assertion that this system would have aided Border Patrol in detaining alleged serial killer Rafael Resendez is wrong. Resendez entered the country illegally. He did not present himself for inspection or admission at a port of entry.

The writer further asserts that Abraham is treasonous because of his opposition to an unproven automated tracking system. Given the Immigration and Naturalization Service's (INS) proven inability to provide reliable service and enforcement, the senator may be on to something by questioning the worth of this proposed system.

Additionally, the writer claims that Abraham is leading us down the road to ruin by opting for lax border enforcement policies. The opposite is true. Abraham has been working diligently to improve criminal interdiction efforts by taking to task the administration and the INS for withdrawing needed funding for enforcement.

The INS has tremendous internal problems that affect its ability to address national concerns over border security. Immense illegal immigration and increased drug smuggling further exacerbate these conflicts. The INS' failure to address these problems has undermined legal immigration and impeded enforcement efforts.

The reasons why Resendez was released from Border Patrol custody are many, but the blame rests squarely with the INS policy of releasing felons and other repeat offenders without prosecution. Even though Border Patrol agents were unaware that Resendez was wanted for suspicion of murder, they still had a felon on their hands. Computer checks revealed that he had been previously deported. That made him eligible for felony prosecution for re-entry after deportation.

If Resendez had been detained and subsequently prosecuted, it may have lessened the number of killings or allowed law enforcement to catch up with him. But the INS rarely prosecutes anyone for this crime. Instead, it opts for lesser administrative penalties. The only thing that will discourage illegal immigration and other criminal acts along our borders is when we arrest, detain and prosecute offenders.

Abraham has helped the INS remember that it has a commitment to the people we serve. Not only was the senator able to get funding for positions lost over the years, but he convinced INS to fund additional agent positions. These added positions will help out immensely. Senator Abraham's leadership on this issue of border security should be commended.

**Robert E. Lindemann**  
**National Border Patrol Council**  
**Detroit**

***Abraham is right***

Sen. Spencer Abraham is right, and the July 21 letter writer is wrong about automating our country's borders ("Don't Weaken Borders").

Abraham should be congratulated for his efforts to keep business, tourists and investments flowing from Canada into Michigan and the rest of the United States . Contrary to the writer's contentions, the senator is not trying to loosen our borders. He is trying to ensure that there is not a line of returning citizens and visitors stretching all the way to Toronto.

The issue in point is Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which requires the Immigration and Naturalization Service (INS) to establish an automated record-keeping system for all people entering and leaving the United States. The problem is that there is no system capable of handling the volume of traffic. If Section 110 is implemented as written, there will be huge backlogs at the borders, hurting legitimate tourists, businesses, legal immigrants, and citizens. In any case, Section 110 was not designed to be an enforcement tool.

The effort to revoke Section 110 is supported by the state of Michigan, DaimlerChrysler, Ford Motor Co., the National Association of Manufacturers, the U.S. Chamber of Commerce, the American Immigration Lawyers Association, Eastman Kodak, Alcan Aluminum Corp., IBM and other leading business and civic groups.

**David H. Paruch**, Royal Oak

***Inspectors have problems too***

As a union official representing immigration inspectors at the Detroit-Canada Tunnel and the Ambassador Bridge, I read with interest the articles on the northern U.S. border.

Under-staffing and under-funding have been problems that inspectors have dealt with for years in Detroit. We can barely keep up with legal immigration and visitors to the United States. The immigration service's own workload analysis model shows that there should be 102 full-time inspectors staffing the bridge and tunnel. These locations are currently staffed with a total of 33 full-time inspectors, with no increase in staffing expected.

These inspectors also must handle all ship inspections in the Port of Detroit. It is not uncommon to staff almost a complete shift with inspectors on overtime.. Criminal and other aliens who should be processed for hearings before an immigration judge are simply returned to Canada with no adverse action taken against them because there is not sufficient staff to process the alien. Prior deportees who attempt to re-enter the United States (a federal felony) or who make false claims of citizenship (also a felony) are not prosecuted.

Not many people realize that Canadians comprise the third-largest group of illegal aliens in the United States, and Detroit is the busiest port of entry in the United States. It is much cheaper for taxpayers if we stop illegal immigration at our borders rather than going out to the countryside to track down those who are here in violation of the law.

I urge readers to write Congress and demand more staffing for the northern border, and the resources and funding it deserves.

**Philip J. Metz,  
Vice-president  
American Federation of Government Employees Local 46  
Detroit**

### ***Section 110 misunderstood***

The July 21 letter "Don't weaken borders" made inferences based on inaccurate facts regarding Section 110 of the Illegal Immigration Reform and Immigration Responsibility Act.

Section 110 required that the attorney general establish an automated entry-exit data collection system at all land borders, seaports and airports by September 30, 1998. In 1998, Congress delayed the implementation of Section 110 until March 30, 2001 for the land border and seaports, and amended the provision to require that the system not "significantly disrupt trade, tourism or other legitimate cross-border traffic at land border Ports-of-Entry (POE)." In order to comply, the Immigration and Naturalization Service (INS) has begun to assess the impact of the entry-exit data collection system.

If Section 110 is implemented, it would collect entry-exit data from those who enter the United States through a legal POE. Those who enter the United States illegally by not reporting for inspection at a designated POE would not be recorded in the data collection system. This would be the case for illegal aliens such as alleged serial killer Rafael Resendez.

The INS, however, is committed to improving the systems that more effectively gather law enforcement information, conduct fingerprint checks, and track criminal histories. The arrest and removal of criminal aliens is the INS' top priority. Efforts to design and to implement Section 110 without adverse impacts on cross-border travel and commerce may take years.

INS needs to improve its systems now. To this end, the INS has been working very closely with Citizenship and Immigration Canada (CIC) and with Revenue Canada on border

enforcement and facilitation. These efforts include the sharing of law enforcement information, the development of joint facilities, an emphasis on cross-border smuggling organizations and activities, automation technologies, and visa issuance and control.

**Carl L. McClafferty III,  
Chief Patrol Agent  
United States Border Patrol  
Detroit Sector**

## **More illegal aliens slip across border**

### **Detroit proves a popular path for smugglers**

A stretch of the Detroit River near Grosse Ile is referred to in court documents as the "hole in the wall," but for Choi Seng Chee, it will always be like the gate to heaven. It was on those international waters that Choi and 10 other Asians he'd never seen before illegally slipped from Canada into a country he associated with the Grand Canyon and Niagara Falls as a school boy, and jobs and opportunity as an adult.

"I know I must take the risk," said Choi, 50, who on July 20 was on a 26-foot cabin cruiser that was met by U.S. Border Patrol agents as soon as it crossed into U.S. waters. "No one crying. They must take the risk also. ... We can't get visa, so the only way is to come by smuggling."

Illegal alien smuggling is a growing yet largely hidden business along the U.S.-Canadian border. Smugglers are getting as much as \$50,000 per person to bring in aliens desperate to reach the United States. Yet immigration authorities, short of personnel and detention facilities, can do little to slow the activity. Generally, aliens such as Choi are released to await court hearings for which most do not appear because they've moved on to find work despite their illegal status

The illegal alien problem has ripple effects in communities like Metro Detroit, keeping wages and working conditions poor in businesses that exploit illegal immigrants' inability to complain to authorities. The traffic also sours citizens on federal policies that often let known illegal aliens, even those who have committed crimes, walk free. At the same time, other aliens must wait years to get into the country through proper channels.

Nearly 15,000 illegal immigrants from more than 100 countries -- from Mexico and South

Korea to Somalia and Serbia -- have been apprehended sneaking into the country over the past decade by the Detroit region of the Border Patrol, which covers Michigan, Indiana, Illinois and Ohio. Last year, Border Patrol agents picked up 1,768 undocumented foreigners in the Detroit region alone, an all-time high, according to Immigration and Naturalization Service (INS) records.

"We get spurts of drug smuggling, but we have a constant drone of alien smuggling," said Carl L. McClafferty, chief of the Detroit sector of the Border Patrol. "For us, alien smuggling is steady work."

The increased traffic in the Detroit region is due partly to crackdowns in other areas, sending smugglers looking for new paths into the country. At least four groups of nearly a dozen Asians each have taken boats into the area in recent weeks, after the December bust of a major smuggling ring on a Native American reservation in New York State.

Mexicans trying to avert the massive Border Patrol crackdown on the southern border are taking advantage of an international trade pact that inadvertently made it easier to move human cargo as well as auto parts and other goods among the United States, Canada and Mexico.

Last year, about 32 million people moved freely and legally in and out of Michigan's ports of entry, most of them traveling for business or pleasure, said Carol A. Jenifer, director of the Detroit district office of the immigration service.

Last year the immigration service deported 682 foreigners who illegally entered through Detroit, Port Huron, Sault Ste. Marie and Detroit Metro Airport. Another 1,646 who were detained voluntarily left the country without formal proceedings. But Detroit is increasingly

becoming a favorite destination for human smuggling by sophisticated operatives who bypass legal routes and enter in places the Border Patrol doesn't have enough staff to monitor. In dark train tunnels under the Detroit River and on the vast, open waters of the Great Lakes, where ice floes threaten boaters and swimmers, whole families of illegal aliens have taken risks to reach America.

***Maybe I find illegal work***

**The journeys often are arranged by a network of smugglers in the aliens' home countries, Canada and the United States.**

Choi, a former grocer whose business collapsed with the Malaysian currency, took a relatively simple route . He flew to Canada legally and walked around Toronto's Chinatown for a couple of days waiting for smugglers to approach him. "They come find me. Maybe they have, what do you call that, spy?" he said with an ever-present smile. "We have discussion how much pay. At first, \$3,500. After bargaining, \$3,000."

Choi was driven to Windsor and later to a boat docked on the Detroit River. When he stepped down into the covered seating area, he found himself with two other Malaysians, a man from Hong Kong and seven Chinese, including a mother and her three children. "I'm thinking, same like me," Choi said.

The Border Patrol spotted the boat at a place it calls the "hole in the wall" because it's the only opening in a jetty-like wall of trees along the shipping channel that shields the view of the Canadian side of the waters.

Choi said he overheard some of the Chinese fretting quietly about how they would pay their \$50,000 debt to smugglers and family if they didn't make it to New York, where all of them hoped to find jobs. "Maybe I find illegal work. Then hopefully I will get work permit and I will stand freely," Choi said in a courthouse interview while waiting for authorities to release him so he could walk to Detroit's Greyhound station and buy a bus ticket to New York. His plan to get out of the area immediately is the typical scenario because aliens are rarely held by the INS and the Border Patrol agents, who don't have a detention facility at all in Michigan. In rare cases, the agencies pay local jails to house the aliens.

## **Canada: The gateway**

### **Canada doesn't have to take them back unless they're Canadian**

"Canada is an alternative gateway for illegal entry into the United States," said Michael A. Pearson, executive associate commissioner for the immigration service . It is used by smugglers as a stepping stone for many reasons.

"Canada is not as prepared to deal with the professional, sophisticated smuggling networks," said Peter Kwong, chairman of the Asian American Studies Program at Hunter College in New York. "It is easier to fly into Canada than into the United States, where all the main airports are alert to these kinds of problems."

Aliens who tell authorities they fear for their lives in their homelands are freed in Canada while their asylum claims are processed, said Sgt. Kenneth Yates, a smuggling expert with the Toronto police. That gives them time to make it to the United States. In addition, Canada doesn't require entry visas from many countries that the United States does, including Malaysia and Mexico.

That's at the core, officials said, of a troubling trend: Mexicans bypassing the heavily patrolled 1,945-mile southern border and traveling to Canada. There they can penetrate the United States from its mostly unguarded 3,987-mile northern border, said Mark P. Hall, president of Local 2499 of the National Border Patrol Council in Detroit. "Mexicans can simply fly up to Canada and avoid the danger of the border bandits in the Southwest, and they might not have to pay the smuggling fees" if they buy their own plane tickets, said Hall, who has apprehended several undocumented foreigners who flew to Toronto and tried to walk into Michigan

The risk of getting caught is extremely slim, and the risk of being detained and sent back to your country is practically nil," he said. Hall noted that the northern border has fewer than 300 Border Patrol agents while the smaller southern border has more than 7,000. "Word like that usually spreads like wildfire down in Mexico," he said of easier ways to get into the United States. "I know we're going to be experiencing a lot more of it."

***'You must think how to survive'***

An increase in illegal Asian immigrants followed Operation Over the Rainbow II, a major bust along the St. Lawrence River that U.S. Atty. Gen. Janet Reno called the largest alien smuggling case on the northern border. Nearly 50 smugglers were identified. They reportedly arranged for 100 to 150 Asians per month to pay \$47,000 apiece to make the journey to New York City.

The trips that those immigrants took were similar to those of some of the Chinese, Taiwanese and Malaysian nationals who came through Michigan last spring. The last leg of their trip was a 140-second, \$5 ferry ride to Algonac from Walpole Island, on the St. Clair River between Lake St. Clair and Port Huron. But to reach that point some of the aliens trekked through several countries in Asia, Europe and South America before smugglers in Canada arranged their entry into "Gold Mountain," a common Chinese term for the United States.

Most illegal immigrants who are caught tell authorities they simply need a job. "Money, less and less," Choi said of watching his life savings dwindle, searching for the English words to explain how he justified breaking the law to get to the United States. "You must think how to survive. "I don't know what people think, but I think I like here," he added.

### *Prosecutions on rise*

Like most illegal aliens who make it to the United States, Choi and the others were questioned and released pending separate immigration hearings while prosecutors focused on nailing their smugglers. The immigration service has had some success in shutting down smugglers. The number of smuggling prosecutions on the northern border increased from 184 in 1997 to 194 in 1998 to 137 in the first six months of the 1999 fiscal year, which runs from September to October, said Pearson of the service's field operations

For example, a smuggler who brought in five Malaysians through Walpole Island in May was sentenced to six months in prison, but the aliens were released pending hearings. It's difficult to get at the core of the smuggling operations, despite international hopes to thwart them, because they involve a network of people in several countries or continents.

Alien-smuggling organizations operate internationally with near impunity," Louis F. Nardi, director of the immigration service's smuggling and criminal organizations branch, testified to Congress last spring. "Public corruption in source and transit countries contributes to a smuggling organization's ability to move large groups of aliens destined for the United States."

Also occupying the Border Patrol are illegal aliens who enter on the heavily patrolled southern border and immediately hop northbound flights. This year, Detroit agents were apprehending as many as 30 or 40 illegal aliens per flight until authorities in southern airports such as Phoenix began cracking down before the aliens boarded planes.

Jesus Nino Guzman, 24, walked off a plane at Metro Airport wearing a Cleveland Indians cap, with a Fort Wayne, Ind., identification card tucked in the pocket of his black jeans. But

Border Patrol agents staking out his flight from Phoenix immediately did a double take when they saw him. They'd picked up a man who looked exactly like him -- and turned out to be his twin brother -- coming off the same flight a day earlier with a dozen other illegal immigrants.

### *More help on border*

Guzman had returned to Guanajuato to spend Cinco de Mayo with his wife, who stayed in Mexico while he worked in the United States on and off since 1992. He told the agents who apprehended him that he paid a smuggler about \$1,000 to get him back to Indiana. I make mattresses," Guzman said in an interview in Spanish sprinkled with English. "I earn \$9 an hour working 40 to 58 hours a week."

In Mexico, Guzman made only about 300 pesos a week, about \$32, in the highest paying fields, such as construction. He said he sends much of his money home so his family can buy better food and clothes. His apprehension by the Border Patrol in Detroit didn't faze him much. "I'm not saying I won't try to come back, but probably not right away," said Guzman, who was placed on a flight to Mexico City.

The Border Patrol has been promised staffing increases to help fight the growing traffic, under a new mandate from Washington that it focus more on keeping illegals out of the country to begin with rather than raiding job sites or neighborhoods after aliens have entered. Meantime, foreign nationals like Choi slip in and embrace the United States despite stories of grueling working conditions.

I love here," declared Choi, who was held for a few nights in a facility called Freedom House in Detroit. "Hopefully, the United States will love me to stay here."

**By Lisa Zagaroli and Jonathan Brunt / Detroit News Washington Bureau**

## **Possible terror links show vulnerability of Canadian border**

The 3,987-mile line between the United States and Canada is considered the world's longest undefended border. That means it often allows easy passage for smugglers -- and raises the possibility that terrorists can slip through, too. Authorities say recent arrests in Washington state and Vermont show that terrorists can set their sights on the United States after first finding a haven in Canada. In the first case, an Algerian man is charged with bringing bomb-making materials into the United States. In the second, authorities have detained two people, an Algerian with a false passport and a Canadian woman accused of having ties to Algerian extremist groups

Other illicit activity is common. The stretch of the border in upstate New York and New England is a hotbed of smuggling in both directions. People, drugs and cash are the primary southbound cargo, while liquor and cigarettes are the northbound contraband of choice.

Border Patrol spokesman Ed Duda said aliens from more than 100 countries have been caught trying to illegally enter the United States. Officials realize that many illegal immigrants still get across -- but they have no idea how many. "We catch as many as we can," Duda said. "There is no iron curtain up here and there are no land mines."

There are checkpoints on main roads between the United States and Canada, but there is no fence along the border. In many locations people can cross unchecked on back roads, walk through fields or take boats across rivers or lakes. The Border Patrol has remote sensors in some locations, but their staffing levels make it impossible for them to cover the length of the border.

Now law enforcement officials in the United States and Canada fear the trust that allows the

border to go largely unpatrolled has made the United States vulnerable to terrorist attack. "You can't blow up anything in the United States if you can't get in here," said Phillip Stern, an international private investigator and security consultant in New York.

American law enforcement agencies are working with their counterparts in Canada and Europe to learn more about the background of Ahmed Ressam, 32, the man arrested in Washington after bomb components were found in the trunk of his car. He is believed to have ties to Osama bin Laden, the Saudi exile accused of directing the bombing of two U.S. embassies in Africa last year.

Federal prosecutors in Vermont have linked Canadian Lucia Garofalo to the Algerian Islamic League. The organization was founded by Mourad Dhina, an Algerian whom prosecutors describe as an arms merchant who sends weapons to terrorist organizations. Dhina, a physicist, denies the connection. Ms. Garofalo, 35, and Bouabide Chamchi, 20, were arrested Sunday night at Beecher Falls, Vt., when they tried to enter the United States by car.

The Washington and Vermont cases have not been linked. Still, in response, the Border Patrol and Customs Service have put extra agents to work along both the Canadian and Mexican borders. "It's a reality check for everyone, not just speaking as a Border Patrol agent but as a civilian," said Bob Tripi, deputy chief patrol agent in Houlton, Maine. His agents are busy patrolling Maine's 616 miles of border. Besides working bus terminals, they're using all-terrain vehicles, and sometimes snowmobiles, to patrol remote areas.

While the Border Patrol looks for people trying to sneak across, the Immigration and Naturalization Service deals with people who try to enter the United States through

checkpoints. The INS agent in charge in Vermont, Noel Induni, said most people turned away from checkpoints are convicted criminals. He said roughly 300 people a month are denied entry. "While it's a relatively large number of people, it's a small percentage of the total because we have several million who cross every year," he said.

Adds Carol Jenifer, INS district director in Detroit: "Given the volume of work we have, I think we do a pretty good job. I think we could do much better if we had all the resources we needed."

But the porous nature of the Canadian border is still apparent. It is becoming less expensive for a Mexican citizen to fly to Canada, where immigration laws are less stringent, and sneak across the U.S.-Canadian border than it is to hire a smuggler to go directly across the U.S.-Mexican border, said Keith Olson, president of the Border Patrol officers' union in Bellingham, Wash.

Would-be drug smugglers also know the flaws in the system. Vancouver's Cannabis Cafe, currently closed due to a police raid, offered customers maps of the border, noting the areas where patrols were few and far between. A kayaker from Victoria, British Columbia, was recently captured by a sheriff on Washington's San Juan Island with a big stash of marijuana.

While it's rare to apprehend suspected terrorists along the border, it's happened before. Almost four years ago, a Lebanese man caught trying to illegally enter the United States at Champlain, N.Y., was linked to the Middle East terrorist group Abu Nidal.

In 1987, three Lebanese-born Canadians were arrested with a bomb in the border town of Richford, Vt.

In 1978, Kristina Berster, a suspected member of the former West Germany's Baader-Meinhoff Gang, was captured entering Vermont

. By **Wilson Ring / Associated Press Writer**

## **Resources needed to combat terrorists**

**By Sen. Spence Abraham**

It's time to strengthen America's efforts against terrorism and smuggling. To do this, we must increase our resources at the border. The recent arrest of Ahmed Ressam, found with nitroglycerin and other potential bomb-making material while attempting to enter Port Angeles, Wash., shows that now is the time to act.

While we can never develop foolproof methods, America can and should focus more resources in areas that can provide greater deterrence. Terrorists and smugglers are not likely to enter the United States using lawful means or their own identities. In fact, Ahmed Ressam sought to enter Washington state using false documents.

For the past five years, I have worked with my Senate colleagues to increase personnel on our Northern border to combat alien smuggling and possible terrorist activity. This effort, however, is not yet complete. Here is a plan of action.

First, let's complete the mission and increase significantly our Border Patrol, particularly on the U.S.-Canadian border. In the Detroit sector, fewer than 20 Border Patrol agents are expected to be responsible for four large Midwestern states — Michigan, Ohio, Indiana and Illinois, an area covering hundreds of miles of border. This small number of Border Patrol agents also must assist Immigration and Naturalization Service (INS) investigators in responding to local law enforcement requests in these four states. In addition, overall there are fewer than 300 Border Patrol agents responsible for the nearly 4,000-mile long border the United States shares with Canada. I do not see how we can possibly expect our Border Patrol agents, no matter how hard-working they may be, to cover areas this immense with so little manpower.

Three years ago, Sen. Jon Kyl of Arizona and I included through an amendment in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act a provision that mandated a net increase of 1,000 new border patrol agents a year in each of the following fiscal years through fiscal year 2001. But in only one of those years, FY 1999, did the president's budget even ask for the funds necessary to hire the required agents.

Nevertheless, Congress appropriated the necessary money and 1,000 additional agents were hired in FY 1997 and 1998, according to the General Accounting Office. However, in 1999, the INS fell short of its recruitment efforts by a net of 594 agents. We must consider pay increases and other means to help recruit and retain the Border Patrol agents that America needs. The INS reform bill I introduced in 1999 would increase the Border Patrol by an additional 1,000 agents a year from 2002 to 2004. It's clear that increase is sorely needed.

Second, we must raise the allotment of INS inspectors and Customs personnel on the Northern border. In a May 18, 1999 letter, I urged Customs Commissioner Raymond Kelly and INS Commissioner Doris Meissner to "provide additional INS and Customs personnel to ports of entry in Michigan." That would not only help with security but would help relieve significant traffic problems at the Ambassador Bridge, Detroit-Windsor Tunnel, the International Bridge at Sault Ste. Marie and the Blue Water Bridge. It was Customs personnel who successfully apprehended Ahmed Ressay in Port Angeles.

Third, we must continue to strengthen our intelligence sharing with Canada and other allies. And this sharing should be a two-way street. The Alien Smuggling Enforcement and Prevention Act I introduced this year will increase U.S. intelligence personnel devoted to international organized smuggling and other criminal activities.

Fourth, we must recognize that granting clemency to terrorists sends the wrong signal about our nation's resolve. That is why all of us should remain concerned about President Bill Clinton's recent pardon of FALN terrorists.

It is possible that given the current media attention, the Congress will be faced with proposals to retain or add provisions to current law that would not be effective in controlling our borders. We must reject approaches that would take away scarce financial resources from needed increases in the number of Border Patrol agents, INS inspectors or Customs personnel who help defend and monitor our border. In the end, we know that it was U.S. personnel who blocked the entry of and apprehended Ahmed Ressam. In that way, the current system worked. But by no means should that make us sanguine.

Law enforcement personnel, properly deployed and coordinated with sound intelligence, are our best defense against unlawful entry and against those seeking to do harm on American soil.

[The prepared statement of Colleen M. Kelley follows:]

PREPARED STATEMENT OF COLLEEN M. KELLEY

Chairman Abraham and members of the Subcommittee, thank you for the opportunity to submit the views of the National Treasury Employees Union (NTEU) on the issue of border security. NTEU represents over 150,000 federal employees. About 8,000 of these workers are inspectors and canine enforcement officers (CEOs) of the U.S. Customs Service. They are stationed at 301 ports of entry around the United States and in Canada and the Caribbean.

Customs inspectors and CEOs make up our nation's first line of defense in the war on drugs. In addition to this primary mission, they are responsible for stopping sophisticated and dangerous narcotics smuggling, international money-launderers, arms smugglers, child-pornographers, fugitives from justice and, the subjects of this hearing, suspected international terrorists.

We are pleased and proud that you invited Inspector Diana Dean to testify today about her role in safeguarding American lives by apprehending Ahmed Ressam at the Canadian border in Port Angeles, Washington. Inspector Dean is a member of NTEU, and one of the brave officers who risks her life daily in the performance of her duty. No one knows what tragedy would have befallen American communities in mid-December 1999 had Ahmed Ressam been cleared to enter the United States with over 100 pounds of bomb making supplies in the trunk of his car. In addition to Diana Dean, Customs inspectors, Mark Johnson, Carmon Clem and Mike Chapman are owed a debt of gratitude from us for their quick and clear thinking and their responsiveness.

What many people do not know is that these inspectors, the first line of defense against terrorism, are not considered to be federal law enforcement officers under current statute and regulation. This is a long-standing injustice that must be corrected. H.R. 1228 and S. 718 would extend law enforcement officer status to Customs and INS inspectors and give them the benefit of twenty-year retirement that they so obviously deserve.

It has become increasingly more difficult for the Customs Service to recruit the best and the brightest to the ranks of Customs inspectional personnel. Once new Customs' recruits learn that they are not provided the benefits of law enforcement officers in other agencies and the private sector, they take their newly trained skills elsewhere. This is a preventable situation that can be cured by designating Customs inspectors and CEOs as law enforcement officers.

Customs inspectors work side-by-side with Customs agents, FBI agents, and local police to carry out anti-terrorist contingency plans. Around the country, they take the lead in boarding ships and suspicious flights searching for stowaways and illegal narcotics and contraband. A Customs inspector's training includes criminal law, arrest authority and arrest procedures, seizure and search authority techniques, self-defense tactics, frisk and pat down procedures, hand cuffing, and take down procedures, anti-terrorism, and firearms use.

All inspectors are issued firearms to protect themselves, their fellow inspectors and the public. Commissioner Kelly's recent decision to allow Customs inspectors to carry their weapons 24 hours a day was a necessary response to the constant threat of violence faced by inspectors in the performance of their duties at all ports. Currently inspectors and CEOs are required to qualify on a firing range three times a year.

All of the training and experience mentioned above was used in the apprehension of Ahmed Ressam. Inspector Dean used her experience and skills in interrogation to become highly suspicious of Mr. Ressam's responses to routine questioning. Inspector Mark Johnson was required to pat down Mr. Ressam in the secondary area. After he escaped detention, Inspector Johnson chased him and "took him down." He hand cuffed Ressam and placed him under arrest. This is not a rare occurrence at a port of entry. This is a job requirement. These Customs inspectors and their fellow inspectors and CEOs around the country should be granted law enforcement officer status under Title 5, section 8336(c)(1).

In the immediate wake of Ahmed Ressam's arrest in December, Customs Commission Raymond Kelly declared the agency to be in a heightened state of alert. This declaration forced a look at the working conditions and security assessment on the Northern Border. The picture was not pretty. In many areas of the 4,000-mile border, travelers were being cleared to enter the United States by a remote video inspection system (RVIS). This system requires travelers to look into a camera manned by a Customs inspector positioned, in some cases, over 100 miles away. The effectiveness of this method of clearance is obviously flawed. There is no way of requiring a traveler to drive his or her vehicle to an open entry port for a more thor-

ough inspection, and what criminal would comply with that request from an inspector on a monitor. RVIS has been suspended since the heightened state of alert. It is our hope that the Customs Service will permanently abandon the RVIS program to concentrate on more effective ways of protecting our borders.

The heightened state of alert confirmed what NTEU has been emphasizing for years. The Customs Service is poorly funded and sorely lacks the adequate resources, staffing and technology to keep pace with the burgeoning trade and travel across America's borders. After Ressam's capture, the issue of inadequate staffing levels was not just a matter of travelers tolerating long lines at border crossings, we were forced to examine staffing levels from the perspective of the safety of human lives from terrorist attack.

The heightened state of alert required inspectors to relocate to the Northern Border from inland airports and all over the United States. There was immediate expanded shift coverage where Customs had been operating at below minimum staffing levels. The "one-man" ports of entry were recognized to be too dangerous and risky, so two inspectors were assigned to all locations.

Inspectors worked extra shifts, some clocking 16-hour days all week. Most worked double shifts at least twice a week. All rank and file inspectors as well as non-uniformed Customs employees and their families made sacrifices. Approved vacation and holiday leave was canceled; the days were long and stressful. The weather conditions were horrendous and the atmosphere was one of danger and apprehension. These were extreme conditions under which to work. The Customs employees, who gladly gave what was required of them to their agency during this time, must be appreciated and recognized for it. Through their hard work, we greeted the new century without tragedy.

The Customs Service is now operating in a scaled back state of alert, but the problems have not disappeared. Additional resources have not been budgeted to hire more Customs inspectors on the Northern Border, and the woefully inadequate staffing levels will remain unless there is a push from Congress to recognize this dangerous and unacceptable situation and appropriate more funds for Customs.

We welcome Senator Abraham's proposal, S. 745, that would authorize more staffing and resources for Customs, and we pledge to support this bill and any others that recognize that adequately funding the Customs Service and supporting the employees who perform its mission should be a legislative priority.

In August the Senate passed its version of H.R. 1833, the Customs Authorization Act, that would authorize, but not appropriate, additional resources and staffing for Customs all around the country. We commend the Senate for its interest in this issue, and for supporting the dedicated men and women of the Customs Service by refusing to include in its bill attacks on their night pay that were included in the House's version of H.R. 1833.

Thank you.

Senator ABRAHAM. Of course, we from Michigan have a pretty good feel for the challenges that are confronted there. I suspect it is a little different in Idaho just because of the nature of the geography.

Let me just ask, first of all, a question similar to the one I did in the last panel, which is what has been the level of cooperation with the Canadian officials or your counterparts in the other law enforcement agencies in terms of trying to maintain border security? Is it your sense that they are working as effectively as we heard in the last panel and that they are doing the things that we need them to do to help make sure that the border is safe?

Mr. LINDEMANN. Yes, sir. On my level, on a field agent level, Ontario Provincial Police, the Royal Canadian Mounted Police, and the various other police departments, Windsor P.D., go well above and beyond the call of duty in providing us with whatever information we need, and that is something we don't experience at all on the southern border.

Mr. CALLISTER. I agree. We have very good rapport with the Canadians. It can involve other things other than terrorists, such as drug smuggling or whatever, but we do work together well.

Mr. SMITH. I believe we have excellent coordination with Canada. Our intelligence officer is in contact with the Canadian police departments at all levels on a daily basis. Many of our look-outs are generated through his contacts with the Canadian law enforcement officials.

Senator ABRAHAM. Let me just ask you, Inspector Smith, the President's budget, as I mentioned, proposes—although it proposes the addition of about 117 or so new inspectors, it turns out that about 87 of them end up going to new ports of entry. Is it your judgment that 28 new inspectors for the entire country will meet the shortage problem that we confront right now?

Mr. SMITH. Senator, I believe we need at least 70 just in the Detroit district alone. So 28 is far short of our requirements.

Senator ABRAHAM. Inspector Callister.

Mr. CALLISTER. Well, I look forward to going back to 12-hour days when I get back to my port. There are three inspectors there to work 24 hours, so we definitely need probably double that, at least.

Senator ABRAHAM. Well, let me just throw out something else that we have talked about before, but I want to kind of for the record address it—probably you, Mr. Lindemann, would be the best—but the absence of detention space and what challenges that presents to us in the Detroit region.

Mr. LINDEMANN. In a nutshell, it devastates morale. In the last 8 days, we have had money; miraculously, it came through. But for the preceding year, we had little or no detention money. We could not detain anybody. We were having people we were arresting on outstanding warrants of deportation. We attempted to reinstate those. No money. It has had a devastating effect on any type of border control.

We have been constantly arresting smuggled loads of Chinese up in the Port Huron area on a regular basis, as well as INS investigators. We don't detain any of them. We arrest them, process them, and let them go. There is no deterrent. Now, it is my understanding it is getting so bad at the ports of entry that the Chinese are foregoing the process of a smuggler and turning themselves in. I believe that occurred on the southern border at one of the southern ports of entry. They are just saying, well, if they are not going to detain us or deport us, why take a chance of crossing across the river and possibly drown?

Senator ABRAHAM. They basically allow themselves to be—

Mr. LINDEMANN. I will just go to the port of entry and turn myself in. That is clearly not an enforcement strategy.

Senator ABRAHAM. That sort of beats asylum-seeking, too, doesn't it?

Mr. LINDEMANN. Exactly. I mean, if that is the point, why not just pack us up and send us to the southern border?

Senator ABRAHAM. Unbelievable. If there is any documentation of that that can be provided, we would appreciate it.

Mr. LINDEMANN. As far as releasing aliens from custody?

Senator ABRAHAM. Or that it is becoming a pattern that is increasing in terms of people turning themselves in.

Mr. LINDEMANN. Yes, sir.

Senator ABRAHAM. Anything that would support that anecdotal evidence would be helpful to us.

Mr. LINDEMANN. I do have that with me, as a matter of fact.

Senator ABRAHAM. Great, thank you.

Let me, in light of the time, and we got started a little bit late, just throw out one last question and allow you to kind of address in any way you want. Is there anything else that you would like to address with respect to the impact of inadequate staffing in terms of what those problems—I mean, you know, when we talk about the issues of terrorism across the border, and so on, obviously there is an enormous range of issues that can be brought up in terms of U.S.-Canadian relations, in terms of various kinds of technologies, and so on.

But can you perhaps each address in a very specific sense what the risk in terms of the terrorist risk is if we continue as inadequately staffed as you have each characterized the current situation? We will start with you, Inspector Smith.

Mr. SMITH. I think it is only a matter of time before terrorists that have more nefarious intentions than Ahmed Ressam did simply walk across our border. I think we are deluding ourselves if we say that it will not happen.

Senator ABRAHAM. If we don't staff up to the levels that are needed?

Mr. SMITH. Yes, sir.

Senator ABRAHAM. Inspector Callister.

Mr. CALLISTER. I mentioned earlier that we are working 12-hour shifts. What does that do to the body? I don't feel that I am adequately prepared to handle certain situations that might arise, and I am sure everybody else agrees with me. Safety is a big issue. So if we have the terrorists coming through, they could come through our port, they could walk around our geographical area. But we do definitely need additional staff, sir.

Senator ABRAHAM. Mr. Lindemann.

Mr. LINDEMANN. Not to be another doomsayer, but we are in the same boat. In Port Huron, they cover several miles of area which is experiencing out-of-control smuggling. They have three agents to cover that, with one supervisor. That leaves several hours out of every day when there is no one available. So I mean I don't know how to answer that any more than that.

Senator ABRAHAM. I think the point we are trying to make here in the hearing is that there is a clear connection between the levels of staffing and the potential risk that we confront.

We have kind of run out of patience, I guess, around here a little bit about this issue. I mean, when these events happened in Port Angeles over the holidays and I was watching them, I was, or course, immediately reminded of the last hearing we had—I think, Mr. Lindemann, you were down here for it—and the fact that we have heard continuously from the people on the front lines that they don't have anything close to the level of agents that they need, or inspectors, on the northern border.

That is why I have been writing regularly to the heads of the agencies to ask for more of an allocation, recognizing that we don't want to leave some other part of the country vulnerable, but at the same time assuming that we were at least going to succeed in in-

creasing on a net basis by 1,000 agents per year and at least in terms of Border Patrol getting some of the manpower we required. That is why we introduced the legislation you have all spoken about here today, S. 745.

As I suggested before, the thing that amazes me is that this is a situation where Congress is prepared to provide the support that the agencies need. Most other subcommittees have agency heads and representatives in here begging for more support and essentially being told that they will have to live with what they have got or with slight increases.

Here, there is a strong bipartisan consensus to provide the support that is needed, and yet we can't seem to get the job done. I mean, we are prepared to appropriate enough money to hire 1,000 new Border Patrol agents. I think if we pass our legislation, we would have the ability to have the resources for the inspectors.

Again, maybe this is a function of Government. I don't know. Maybe Government just can't operate. But if this was the private sector, I don't think it would be that challenging in terms of if a company needed to add more sales personnel or needed to add more accountants or whatever. They would be able to do that. I can't imagine the government in the State of Michigan, if it needed certain increases in personnel, failing to be able to fill the positions.

We recognize there are some things that make it harder. That is why we have also tried to address the issues of pay and benefits because it is not easy to keep people in positions, as been mentioned here, for a variety of reasons. But we are going to do our best.

I just want to finish this round by thanking you all for being here. I am going to do my very best to convey your sentiments—and I know the sentiments you are conveying represent those of the people beyond you in the services—to our colleagues. Hopefully, we can, as a result of that, build even greater momentum to pass the legislation, but also to get the cooperation of the administration.

It is very difficult to guard the borders if we have got only a few hundred agents for the thousands of miles we have in the north. It is very hard in an area like Michigan, which has the largest amount of—there is more trade over the Ambassador Bridge in Detroit, just one bridge between the United States and Canada—there is more trade over that bridge, just that one facility, than all American trade with Japan combined. And right behind it are the tunnel in Detroit and the Blue Water Bridge in Port Huron in terms of ports of entry and in terms of economic activity. To have 30 agents representing the whole region is just simply not enough. So we will keep working on it.

We appreciate your testimony because it is probably the one thing which we can effectively use more than any other to try to get the message across, and we will do our best to convey it. Thank you for being here.

The hearing will now be adjourned.

[Whereupon, at 4:11 p.m., the subcommittee was adjourned.]

