



U.S. Department of Homeland Security

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STATEMENT

OF

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U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

U.S. DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

**“SECURITY AND SAFETY OF UNITED STATES CITIZENS  
LIVING ALONG THE MEXICAN/UNITED STATES BORDER”**

BEFORE THE

HOUSE COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY

AND CLAIMS

SUBCOMMITTEE ON CRIME, TERRORISM AND HOMELAND

SECURITY

Thursday, November 17, 2005 @ 10:00 am

2141 Rayburn House Office Building

CHAIRMEN COBLE AND HOSTETTLER, RANKING MEMBERS SCOTT AND JACKSON-LEE, AND MEMBERS OF THE SUBCOMMITTEES: Thank you for the opportunity to speak with you today about U.S. Immigration and Customs Enforcement (ICE) and our ongoing efforts to improve the security situation along the Mexican/United States border, specifically in the Laredo and Nuevo Laredo areas. ICE is working closely with a number of agencies and organizations in both the United States and Mexico regarding Operation Black Jack, an ICE-coordinated initiative. ICE brings to bear all of its law enforcement and investigative powers in Operation Black Jack to make the border safer by attacking the smuggling organizations that operate on both sides of the border.

As the Department of Homeland Security's (DHS) largest investigative agency and with critical responsibilities both along our borders and within the interior, ICE can provide Congress with a comprehensive assessment of the border-related threats to the American people, including those we see today in Laredo. Our assessment is derived from our presence, operations, intelligence collection and investigations at the Ports of Entry, between them and throughout the Nation's interior.

ICE's mission is to protect the American people by using our law enforcement and investigative authorities to prevent acts of terrorism by targeting the people, money and materials that support terrorist and criminal activities. In Laredo and elsewhere, that means targeting and dismantling criminal networks, syndicates and organizations that seek to exploit our borders for criminal purposes. While we agree that the criminal activity we have seen in the Laredo area and elsewhere along the border, in itself,

demands a strong law enforcement response, there is an additional, compelling strategic reason why we must continue to respond forcefully. Intelligence reporting shows that terrorists have expressed an interest and a desire to exploit the existing vulnerabilities in our border security to enter or attack the United States. By aggressively targeting and defeating the criminal networks – specifically, their leadership – that exploit our borders, we simultaneously make it more difficult for potential terrorists to insert themselves, their supporters or their weapons into this country through traditional human or drug smuggling networks and routes.

ICE has the combined authorities for enforcing both customs and immigration laws, which makes our approach to fighting organized criminal activity and border violence very effective. By combining immigration enforcement authorities with expertise in financial investigations, we have an additional tool to hit these criminal organizations where it hurts—by going after their money. This combination of authorities is a powerful tool because suspects frequently commit overlapping or related Title 8 and Title 19 violations. ICE has tools in its toolbox with which we can pursue alleged violators.

That is what we are doing in Laredo.

There we have 72 criminal investigators and 26 personnel from our Office of Detention and Removal. In addition, there are agents and officers from U.S. Customs and Border Protection. CBP is the primary, front-line interdictors of aliens and drugs seized at and between the Ports of Entry. While CBP focuses on the physical border, ICE targets and

takes down the organizational muscle and leadership that drives and sustains this flow of illegal activity.

### The Southwest Border Security Situation

As we assess the smuggling threats, there is no location with a greater operational tempo and varied smuggling threat than the Southwest border of the United States. While no one should minimize its significance, violence between smuggling organizations is not a new phenomenon along the Southwest border. Competition between smuggling organizations for control of smuggling routes has been a source of violence on both sides of the border for generations. However, smuggling organizations also know that violence brings unwanted attention from law enforcement, particularly when innocent victims get caught in the crossfire.

While violence has traditionally been associated with cross-border criminal activity, the current level of violence in the Nuevo Laredo area dramatically exceeds historical norms. The violence in the Nuevo Laredo area is caused by intense competition between the remnants of the Gulf Cartel, which continues to be supervised by Osiel Cardenas Guillen despite his arrest in 2003, and Joaquin “Chapo” Guzman Loera and Arturo Beltran Leyva, who are members of the “Federation” that is attempting to take control of this important “Plaza.” Each of these competing cartels has established relationships with very violent criminal gangs that act as enforcers and sow violence in support of their cartels. The Gulf Cartel is supported by Los Zetas and two other criminal gangs, the Texas Syndicate and Hermandad De Pistoleros Latinos (The Brotherhood of Latin Pistoleros). Los Negros, including individual members of the Mexican Mafia and Mara

Salvatrucha (“MS-13”) support the Federation. The competition between these two cartels and the criminal gangs that support them provides the fuel for the increase in violence that we have seen in the last several years.

The phrase “Plaza” is used to describe the corridor that extends from Southern Mexico up to the Nuevo Laredo area. Control of this corridor translates into control of all smuggling, both of humans and drugs, in the area and any organization that wants to smuggle in this area has to pay a tax to the cartel that controls the “Plaza.” This area is also important because of the infrastructure on the U.S. side of the border. First, the Laredo Port of Entry is the busiest land Port of Entry on the Southwest border, handling approximately 6,000 commercial vehicles a day. U.S. Interstate Highway 35 starts in Laredo, Texas and provides ready access to both San Antonio and Dallas, where both drugs and aliens can be staged prior to movement to other parts of the United States.

However, there are aspects of the violence we are seeing that is distinguished from other periods of instability between competing cartels. For instance, the murder of public officials, particularly the public execution of the Chief of Police of Nuevo Laredo within hours of his appointment, is a sign of the lengths to which the cartels are going to attack anyone who seeks to thwart their efforts to gain control of the “Plaza.”

As a point of reference, so far in 2005 the Laredo Police Department has responded to 20 homicides, of which 13 have been identified as drug related. Reports indicate there have been 157 reported homicides in Nuevo Laredo in 2005. Also in 2005, the Laredo Police

Department has received 10 reports of kidnappings, but 6 of these victims have been recovered or returned. Reports from Nuevo Laredo indicate that there have been 63 reported kidnappings this year. By comparison, in 2004 there were 15 homicides reported in Laredo, Texas, and 68 in Nuevo Laredo. In 2004 there were 9 kidnappings reported in Laredo, Texas, and 46 reported in Nuevo Laredo.

While ICE focuses on the violence occurring in Nuevo Laredo and Laredo, we also are targeting the people and organizations who support, organize and profit from sophisticated human smuggling operations, a number of which are responsible for the tragic deaths of many who perish while being smuggled into the United States from Mexico. For example, in fiscal 2005, 49 aliens died while seeking entry. The previous year, 22 died. Because of the willingness of smugglers to subject aliens to the extreme dangers of walking for days in the vast areas between the Ports of Entry, more and more aliens are dying a horrible and painful death due to dehydration and exhaustion. These smugglers are also paying the cartels that control the “Plaza” for the privilege of smuggling in this area.

The Department has been working closely with its counterparts from the Government of Mexico in several areas, including securing our common border, facilitating the safe, flow of people and goods across the border, and ramping up law enforcement efforts on both sides of the border. ICE, in collaboration with the Government of Mexico, has established the first Binational Alien Protection Unit (BAPU) to address human alien smuggling matters within the San Antonio region. BAPU has developed, received and

analyzed information that has prevented violators, criminals and contraband from penetrating the borders of the United States.

It is important to note that when the violence wrought by these two warring cartels spreads into the United States, state and local law enforcement are the first responders. This is why the sharing of intelligence between ICE, U.S. Customs and Border Protection (CBP), our other federal partners at Operation Black Jack and the State and local officers who are the first to respond to these incidents is so important. It provides a mechanism to enhance the free flow of information between the federal agencies responsible for Border Security and the agencies that respond to crimes driven by border related violence. We also coordinate information sharing with various federal agencies in Mexico; this ensures bilateral mechanisms are closely coordinated.

### Operation Black Jack

In response to the smuggling organizations and networks responsible for this violence, in July 2005, ICE and our partners in Federal, state and local law enforcement created Operation Black Jack. Operation Black Jack has two strategic goals. 1) Increase the flow of information between the federal agencies that are responsible for or contribute to border security and State and local law enforcement so that crimes of violence can be tied to the cartels that are responsible. 2) Attack the human and drug smuggling organizations that provide the “fuel” for this violence. Through Operation Black Jack, ICE works with Mexican law enforcement to target organized criminal activity; drug smuggling, money laundering, alien smuggling, arms and human trafficking, public corruption activities and

the resulting border violence. Based upon the real-time exchange of tactical law enforcement information between the United States and Mexico, Operation Black Jack has successfully targeted numerous individuals involved in the drug cartel-related violence in the Nuevo-Laredo region.

An important first step in the establishment of Operation Black Jack was the development of an agreed-upon threat assessment that identifies the most violent and prolific human and drug smuggling organizations and cells. We then prioritized this list of targets for dismantling. The threat assessment and the prioritized target list was prepared by a co-located intelligence unit, the Laredo Intelligence Center (a HIDTA funded initiative), with participation from ICE, CBP, the Drug Enforcement Administration (DEA), the Texas National Guard, the Union Pacific Railroad Police and the Laredo Police Department. The unit also has a well-established relationship with the Federal Bureau of Investigation (FBI)'s McAllen Intelligence Center, the El Paso Intelligence Center and the U.S. Border Patrol intelligence unit in Laredo.

The threat assessment and the target list of organizations were provided to two blended enforcement groups—one that is focused on investigating the drug and money laundering groups identified in the assessment; another that is focused on attacking the most violent human smuggling and trafficking organizations.

### Recent Operational Successes

I want to describe for the Subcommittees a few of the recent enforcement successes that highlight the collaborative working environment of Operation Black Jack and the

contributions we are making to disrupt and dismantle the organizations that cause the violence on both sides of the border.

On October 11, 2005, U.S. Border Patrol agents assigned to Operation Black Jack received information about a residence where a homicide suspect might be located. The information was shared with the Laredo Police Department who investigated. The next day the Laredo Police Department contacted Operation Black Jack when the investigation revealed that the homicide suspect was not located there, but \$342,880 in currency and 10 automatic weapons had been discovered. ICE agents, Border Patrol agents and agents from ATF, all assigned to Operation Black Jack, responded to the scene. The investigation has revealed that the occupant at the residence, an illegal alien, was guarding the weapons and currency prior to them being smuggled to Mexico and was working for a cell that operates on behalf of Joaquin "Chapo" Guzman. ICE agents seized the money as drug proceeds while ATF agents seized the assault rifles and arrested the subject for being an alien in possession of firearms. This kind of combined enforcement operation in which each agency brings its expertise and experience to the table is exactly how Operation Black Jack is operating daily.

On October 27, 2005, Operation Black Jack team members, including the Laredo Police Department, traveled to Rockwall, Texas, after receiving information that two subjects wanted for murder in Laredo lived there. A search of the residence resulted in the arrest of the two subjects wanted for drug related murders that occurred as far back as 2003. During the warrant execution at the residence, agents also encountered four additional

subjects that were arrested for various crimes. Two subjects were arrested by ICE for Entry Without Inspection. One was also a person of interest in a 2003 murder in Laredo. One subject was a fugitive from the U.S. Marshals Service. Another, the occupant of the residence, was arrested for possession of cocaine and marijuana. The execution of the search warrant also resulted in the seizure by the Rockwall Police Department of \$132,991, a handgun, money counter, scales and other evidence of drug distribution. These arrests illustrate the value of pursuing information regarding subjects wanted for crimes of violence, even when it means traveling outside Laredo. It also demonstrates how federal resources and authorities can contribute to taking violent individuals off the street.

Since its inception in July 2005, Operation Black Jack has resulted in the seizure of more than \$1 million, 300 pounds of marijuana, 300 pounds of cocaine, 18 assault rifles, 2 handguns, 3 vehicles and the arrest of 20 subjects.

In summary, Operation Black is a collaborative project that wouldn't be possible without the active involvement of CBP, ATF, the DEA, the FBI, the Laredo Police Department, the Texas Department of Public Safety, the U.S. Marshals Service, the Texas National Guard and the United States Attorney's Office, which has devoted resources to prosecute Operation Black Jack cases.

Chairmen Coble and Hostettler, this concludes my statement. I will be pleased to answer any questions that you or Members of the Committee may have.