

# Enforcement Problems at the Northern Border

Testimony by Mark P. Hall

*[Mark P. Hall is President of Local 2499 of the National Border Patrol Council. He gave this testimony before the Subcommittee on Immigration and Claims of the House Judiciary Committee on April 14, 1999.]*

**M**r. Chairman and members of the Subcommittee, my name is Mark P. Hall. I am the President of the National Border Patrol Council, Local 2499 in Detroit, Michigan. I have the honor of being employed as a Border Patrol Agent and proudly serving my country for over fourteen years. I currently work as a Senior Border Patrol Agent on the U.S./Canada border and have done so since 1987. Thank you for this opportunity to testify on the law enforcement problems at the border between the United States and Canada, focusing on the issues of illegal immigration, terrorism, alien and drug smuggling.

There has been a call from Congress and the American people to focus greater attention on controlling our borders. The additional resources to the southwest border over the past few years are much needed. But during this period the resources on the northern border actually declined. This lack of attention to our northern border undermines the enforcement efforts on our southern border and will simply divert the flow of illegal activity across our borders.

The past several years the Border Patrol has seen an increase in resources/manpower never seen before in the 75 years of proud history. The Border Patrol has gone from about 3,500 agents to approximately 7,600 as of September of 1998, a dramatic increase in just a few years. The increases in technical equipment such as, state of the art infra-red cameras, sensors and communications equipment have made the job of controlling our borders more manageable and safer for my fellow agents. These unprecedented increases were in response to the overwhelming call by the American

people for us to get control of our borders. The southwest border was out of control. Alien and narcotics smuggling were rampant; the risk of arrest was far outweighed by the opportunities of the illicit activities transpiring on our borders. These increases in the Border Patrol resources have helped to stem this illicit flow and bring our southwest border under some form of control.

As of September 1998 approximately 7,357 Border Patrol Agents protect our 1,945 miles of southwest border with Mexico. Our northern border with Canada is 3,987 miles long with 289 to protect it. The northern border is more than twice the size of the southwest border. But yet the southwest border has a more 25 times the manpower than the northern border with less than half the border.

## Illegal Immigration

The Canadian government's immigration laws make it simple for citizens of numerous countries to enter with nothing more than a passport. We see these individuals using Canada as nothing more than a stopover on their journey to the United States. Almost every year since my transfer to the northern border in 1987, our apprehensions have increased. Last year the Detroit Border Patrol Sector's apprehensions were at a five-year high. So far this year our arrest numbers are over 40% greater than last year for the same time. Ironically, amount of agents that work the field for this period has actually decreased. Though there has been a net decrease in available manpower, arrests continue to rise. Request from local, state and federal law enforcement have steadily increased as well. As the southwest border is brought under control, there is a corresponding increase in apprehensions on the northern border. The strategy to bring the southwest border under control without dedicating any resources and manpower to the other second frontline of defense is fatally flawed. The stakes in the illicit activities are great. The profits are too high for all of the smugglers to abandon their lucrative illicit activities. We have seen this, and assaults on agents have increased as the frustrations of the smugglers increase.

Others have simply changed how they operate.

This is highlighted by an incident that occurred last month. I apprehended two Mexican nationals as they entered the United States illegally from Canada. After a lengthy interview and examination of their documents I discovered an emerging trend. The Mexicans flew from Mexico with their passports into Canada. They claim that under NAFTA (the North American Free Trade Agreement) Mexicans no longer need visas to enter Canada, simply a passport. They can just come to the United States by way of our northern border. They told me they chose the northern border route because the Mexican border is more difficult to cross into the United States because of the large Border Patrol presence. This has escalated both the prices the smugglers ask and the risk of apprehension and return to Mexico. The aliens said they can buy an airline ticket to Canada, travel to the border and cross into the United States. They said they knew the number of Border Patrol Agents on the northern border was very small. Even if they were caught by the Border Patrol, they said they knew we had no money to return them back to Mexico or detain them. They were right. We have very little money to detain criminal aliens let alone the undocumented border crosser.

This fiscal year, funding for the detention of undocumented aliens is all but non-existent. What little we have seen has trickled in and is quickly gone. Agents here in Detroit have been told the only detention funding available is to be used for aggravated felon aliens. INS Deportations branch maintain the detention funding. We have been told we can arrest and detain only two aggravated felons per week. This has to be done during the hours that Deportations is "open" — Monday through Friday during day shift, otherwise these individuals are not detained because Border Patrol has no detention money. We have no INS detention facility in the Detroit Metro area, therefore we must rely on local jails and pay for the use of their facilities.

In March of this year, a local police department arrested five foreign nationals involved in a \$45,000.00 jewelry store robbery. These subjects claimed to have been from five different countries. Investigation revealed these subjects were members of a highly organized interstate robbery/fraud ring operating in at least five states. One subject had a photo-altered passport. A fingerprint check revealed two were listed with the FBI

as having previous felony theft convictions. Due to lack of detention funding these subjects were processed for a deportation hearing at a future date and released on their own recognizance with not so much as a dollar posted for bond.

Border Patrol Agents are dedicated to performing their duties in the highest tradition of the Agency. Unfortunately, we all know the duties of a Border Patrol Agent can call for the ultimate sacrifice. Last year, sadly, we lost the greatest number of Agents ever within a one-year period. At one point in the Detroit Station, 50 percent of the Agents had been involved in a shooting. Personally, I have been involved in two shootings on the northern border. When Border Patrol Agents answer the call to protect our nation's borders, only to have the violators of law show little concern for arrest, because we have no money for detention or repatriation, it has a devastating effect on our morale. This frustrating dilemma is taking its toll on agents. The tongue-in-cheek use of the acronym "C.A.R.P." which stands for "Catch and Release Program," is common on the northern border.

One of the Border Patrol's biggest problems on the northern border is lack of resources. There is not one station within the Detroit Border Patrol Sector that has agents on duty 24 hours a day. There are days when not a single agent is on duty. Often days go by without an agent even coming close to patrolling our sector's northern border area. The manpower shortage is alarming. Agents have to respond to other law enforcement agency's requests concerning foreign nationals in an area responsibility ranging through four states with only 19 field agents. Agents must also participate in oral hiring boards, academy details, and details to the southwest border. At one point, the Detroit Station had three agents detailed to the southwest border for 30 days, thus leaving only four out of seven at the station for the day to day patrol duties. Last summer the manpower shortage was so great and calls from other agencies were high, the station's patrol boat had less than 20 hours of service logged. With such shockingly low actual border patrolling hours we can not even get an idea of what is happening on our northern border.

In the Detroit Sector it is not uncommon for an agent to travel 200 miles one way to pick up an alien from another law enforcement agency only to process the individual and then release him. The Detroit Sector

has only one Detention Enforcement Officer to transport these individuals. Over the past two years the Detroit Sector's only Detention Enforcement Officer travels over 200 miles per day on average. More support personnel are needed to free Border Patrol Agents to do their regular duties.

As stated earlier, the Detroit Sector has 19 field agents. This year the Detroit Border Patrol Sector's management/union partnership council drafted a proposal describing what they felt would meet the sector's manpower needs for 24-hour-on-duty coverage. The minimum number was an astounding *additional* 104 Border Patrol Agents or 5 1/2 times as many field agents as currently in the sector. This, I believe, would have to be done over several years. It is my firm belief that northern border agents should begin their service at the southwest border for a number of reasons. First, to obtain the foreign language skills needed to do the job, which someday could save that officer's life. Another reason is to gain the unique skills necessary to work the southwest border so that when they are detailed to the southwest border for short periods of time, they are effective. Finally, and by no means the least importantly, employees from the southwest border should be allowed to transfer to the northern border for morale purposes and to help stem an alarming rate of attrition on the southwest border.

## Terrorism

The FBI has identified several Mid-East organizations as known terrorist groups. The Detroit Metro area has the largest mid-east population on the globe outside of the mid-east. The Detroit area also has a significant Serbian and Albanian population. Although it is true, there are many other groups through out the world that are known and acknowledged terrorists groups, I am going to address our situation here locally in Detroit. Terrorism experts indicate that Canada has become an assembly point for potential terrorists seeking U.S. targets.

During the Gulf War the Detroit Border Patrol was in a high state of security. We received intelligence almost daily of potential terrorist smuggling efforts from Canada in our area of operation. The intelligence indicated that smuggling of terrorist across the border to transit to "safe houses" in our area was a very real probability. Due to extremely low staffing levels, vigilance on the border was minimal to none. This was

the best we could do with the dismal manpower we had at that time. Our staffing today is less than it was then.

In the mid-1990's an environmentalist group sailed by vessel up the St. Lawrence Seaway to the Detroit River. They anchored off the shore of a local nuclear power plant located on the international boundary waterway. They then surreptitiously and illegally entered the grounds, scaled the cooling towers and held security, police, and FBI at bay for 6 hours. The nearest on-duty Border Patrol Agent responded from another state after being requested by the FBI. This group transited more than 100 miles of our international waterways unmolested, unchallenged by any law enforcement. We can only be thankful that this group did not have more of a destructive motive. Our role is to protect and secure our national sovereignty, but we are unable to do so effectively because of the lack of personnel and resources.

In summer 1995 Detroit Border Patrol had received reports that a group of more than 20 Serbians at an unknown location in the Windsor, Ontario, Canada area. These individuals, at least some were thought to have terrorist ties, were suspected to attempt entry into the United States via the Detroit River. One evening while no agents were on duty, we received a call from the U.S. Coast Guard. They had apprehended six of these subjects, only after their boat broke down in the Detroit River in front of the Coast Guard Station. Witnesses stated this boat was seen traveling back and forth from Canada to the U.S. all day, always loaded with people. All six subjects in the boat were listed on our "lookout" bulletin. Suspiciously, only the operator of the boat had a sunburn. I can not tell you how many made of the other 20 individuals made it to our shores, or how many were suspected terrorists.

## Drug Smuggling

We know drug smuggling is prevalent on our Canadian border, but the actual extent is unknown for all of the previously mentioned reasons. Over the past several years Detroit Sector Border Patrol has been involved in several millions of dollars worth of narcotics seizures. We have arrested Canadians buying drugs to resell them in Canada. Agents have arrested Americans taking drugs to sell in Canada. We have stopped watercraft on our border and found hidden compartments with drug dogs alerting on these empty spaces, indicating there had been drugs in them. I stopped watercraft with

specially designed PVC type containers that could be tethered underwater to a boat for surreptitious transport of contraband. Again, a police drug dog alerted us to the presence of a controlled substance.

We have detained individuals coming from Canada via the Detroit/Windsor freight train tunnel (this tunnel runs under the Detroit River from Canada). We have stopped known gang members with empty duffel bags making return trips from Canada, persons with pending criminal drug cases, pending weapons smuggling cases to name a few. This tunnel has been a hot bed of illicit activity ever since prohibition.

Intelligence indicates that the increasing Asian gangs in Toronto, Ontario, are smuggling heroin into the United States across our northern border and smuggling back cocaine. Intelligence tells of increased marijuana smuggling from Canada into the United States because of an increasing trend toward hydroponics production in Ontario, British Colombia, and Quebec.

Confidential sources of information tell us that contraband smuggling across the waterways is rampant. We are told that individuals run contraband by boat with little fear of being stopped due to the meager law enforcement presence. We are told they would rather travel unchallenged by boat as opposed to by car and face questioning at a traditional vehicle Port of Entry.

This past year we were so short of manpower it was difficult to get two agents on duty at the same time to run the Detroit patrol boat. Border Patrol agents rode with the Coast Guard in order to have some coverage. On one such night last fall, while stopping and boarding boats crossing the international waterway from Canada, three boats ran at high speed and evaded apprehension by “blacking out” and out-running federal law enforcement. This was just one night! This past year a “jet ski”-type personal watercraft was stopped on the St. Clair River and four kilograms of cocaine were seized as it entered Canada from the United States.

### Lack of Physical Resources

The Detroit Sector sorely lacks the resources to assist its agents. Its patrol vehicles are older and have high mileage. Boats are the basic tool for patrolling a border comprised entirely of water. Only four of our five stations in the Detroit Sector have a boat. Two of the boats we have, one at Trenton Station and the other at the Port Huron Station, are cast-off equipment from other sectors. These two boats were old and headed for

the surplus pile, but were fixed up and put into service in the Detroit Sector.

The Detroit Sector two-way radio system, as most others on the northern border, is outdated and easily scanned by smugglers. When agents leave their patrol vehicles their walkie-talkies are useless in all but a few locations. We see agencies such as the Michigan State Police receiving huge federal funding (rightfully so) to replace their out-of-date two-way radio system with a state-of-the-art 900 MHZ digital system.

Intrusion sensors and cameras in the sector are decades behind in current technology. Intrusion cameras don’t even project a “real time” picture. They simply “click” a picture and send it over a phone modem, thus valuable time and information are lost. Thereby the risk of escape by offenders is greatly increased.

### Conclusion

The resources needed on our northern border must be addressed. I believe that the increased flow of illicit traffic across the northern border that we have already seen will only worsen as more pressure is placed on the southwest border. Prioritization is absolutely essential to any well-run organization, however, to declare that you have only one priority is patently unsound and impractical. To declare the Border Patrol has only one priority jeopardizes the safety of the men and women whose duty it is and threatens the integrity of our borders.

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