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# America's Victims At Its Southern Border

Assembly Republican Caucus Office of Policy Research

Jamie Langius

*Assembly Republican Caucus Office of Policy Research*

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Assembly Republican Caucus

Office of Policy Research

# America's Victims At Its Southern Border



Jamie Langius

26 July 1996

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## Executive Summary

This report documents that American citizens and companies are victims of an international border that is out of control. The Speaker of the California State Assembly, Curt Pringle has established a Border Crime Subcommittee to the Public Safety Committee and appointed Assemblyman Jan Goldsmith as its Chair.

- The *Los Angeles Times* reported in 1993, that immigration into the U.S. from Mexico is serving as a “safety valve” by “providing an alternative to social activism and revolt for the disenfranchised.”
- The U.S. Border Patrol has a thankless, and currently impossible, task of control in a corridor that is clearly out-of-control. The agents are underfunded, understaffed and sometimes outgunned while doing everything they can to protect American citizens and property. Unfortunately they are losing control of the border to narco-gangs, criminals and smugglers.
- Colonia Anapra is a small Mexican town 35 miles west of Ciudad Juarez, on the Southern Pacific line between Los Angeles and the East Coast. Thirty-five to forty Southern Pacific freight trains make their run through this area along the border daily and over 600 were robbed in this corridor in 1995.
- Heavily armed Mexican drug gangs are taking the smuggler’s place--terrorizing the ranchers in broad daylight as they smuggle record quantities of drugs and migrants through their property and into the United States.
- “Operation Gatekeeper has been flawed from the beginning,” says Congressman Duncan Hunter. “It was implemented with the Administration’s full knowledge and admission that a shift would occur into East [San Diego] County.”
- “We have lost our ability to measure the increase in border crossings and we have lost the ability to deter the crossings,” said U.S. Border Patrol agent Randy Clark. “It is really frustrating to know we can’t do our job.”
- According to California State Assemblyman Jan Goldsmith, “The total Californians spend on illegal immigrants and their children amounts to about 25 percent of the entire state income tax burden.”

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# America's Victims At Its Southern Border

by Jamie Langius

## Introduction

By reading newspaper accounts one would think that the only people being victimized at our nation's border with Mexico are the poor immigrants crossing for a shot at a better life. This report will document that American citizens and businesses are victims of crime at the border; property loss, deaths and personal injuries can be attributed to the flow of illegal drugs and illegal immigration across the international border, and some of the examples contained in this report will reflect these circumstances.

The border is currently maintained by the United States Border Patrol and its parent bureaucracy the Immigration and Naturalization Service. The U.S. federal government has been given the responsibility to protect and defend its citizens and its borders and there appears to be a lack of will by the federal government to control the southern border. States along the American-Mexican border, like California, have been stuck with paying most of the bills for illegal immigrant hospitalization, incarceration, education and social welfare benefits.

The U.S. taxpayer has literally propped up the faltering Mexican government and economy with billions of dollars. The *Los Angeles Times* reported in 1993, that immigration into the U.S. from Mexico is serving as a "safety valve" by "providing an alternative to social activism and revolt for the disenfranchised."<sup>1</sup> Mexican citizens have been given a Mexican constitutional right to freedom of movement which includes immigrating to the United States.

It is ironic that Hispanic civil rights groups frequently chastise the U.S. Border patrol for building crossing-deterrent border fences and for deporting Mexican

citizens back to their homeland. Yet they say nothing about the Mexican government's deportation of "more than 100,000 undocumented immigrants who came from Central America in one year, according to the National Migration Institute in Mexico City."<sup>2</sup> Mexico's harsh treatment of illegal immigrants on their southern border has gotten so bad that the Mexican Interior Ministry published a 22-page pamphlet in Spanish titled Human Rights Guide for Migrants. The pamphlet says that anyone who enters Mexico without proper documents has broken Mexican law and is subject to expulsion from the country.<sup>3</sup>

This report is not an indictment of the hard working men and women of the U.S. Border Patrol. Theirs is a thankless, and currently impossible, task of control in a corridor that is clearly out-of-control. The Border Patrol is underfunded, understaffed and sometimes outgunned. The agents are doing everything they can to protect American citizens, and property. Unfortunately they are losing control of the border to narco-gangs, smugglers and criminals.

This report will document some of the costs to U.S. and California taxpayers for border control, Medi-Cal expenses, losses to US businesses in the form of theft including train robberies, property damage and Americans forced off their land because of intimidation and threats. Americans as well as the immigrants themselves are increasingly becoming victims of crime down at the border.

## Cross-Border Bandits Ride Again

Pancho Villa was born Doroteo Arango in June 5, 1878, a bandit and revolutionary who became an infamous Robin Hood-like folk hero who fought for social reform in Mexico. In 1915 and 1916, Villa staged several guerrilla raids into New Mexico and U.S. President Woodrow Wilson sent General John J. Pershing to Mexico to capture Villa. His avoidance of capture expanded the already growing legend of Pancho Villa.<sup>4</sup>

Present day bandits are again crossing the border into New Mexico and Texas, this time they are boarding the trains. Not to ride them, but to rob them.

Colonia Anapra is a small Mexican town 35 miles west of Ciudad Juarez, on the Southern Pacific line between Los Angeles and the East Coast. Thirty-five to forty Southern Pacific freight trains make their run through this area along the border daily and over 600 were robbed in this corridor in 1995.<sup>5</sup> According to Mike Furtney of Southern Pacific there are daily encounters along the southern corridor route. Most of the occurrences involve only a few bandits who jump a train and steal what they can. Thieves usually board the train and stop it by disabling one of the mechanical systems like the brakes. Accomplices, hiding near the tracks jump onboard, break open the container cars and throw their booty into Mexico.

Some of the thefts are highly organized and involve large numbers of border bandits, said Furtney. One such incident reported in the *San Diego Union-Tribune* was of a April 7, 1995 robbery performed by a bandit gang of two to three dozen who were surprised by the U.S. Border Patrol in the act.<sup>6</sup> Furtney said that the Border Patrol Agents radioed for back-ups and they were joined by the local sheriff, their helicopter and the Chihuahua State Judicial Police from Juarez. Furtney said that the bandits fired a single shot at the Border Patrol agents, and that some of them were taken into custody by the Juarez Police. The *Union-Tribune* reported that, "Eight suspects were arrested, but not before the fleeing bandits fired an estimated 100 rounds at their U.S. and Mexican pursuers."<sup>7</sup>

According to the *Rocky Mountain News*, another area popular with thieves is next to Mount Cristo Rey, where passing trains are hidden by the mountain and adjoining hills. The robbers crouch in small depressions in Mount Cristo Rey until they hear the train's whistle. Once the train is disabled, a group sometimes



numbering 30, 40 or even 50 people, will descend from the hills and crevices, break open as many cars as fast as they can and flee, spoils in hand.<sup>8</sup>

### Southern Pacific Railroad Lines Along the Southern Corridor Near the New Mexico and Texas Border

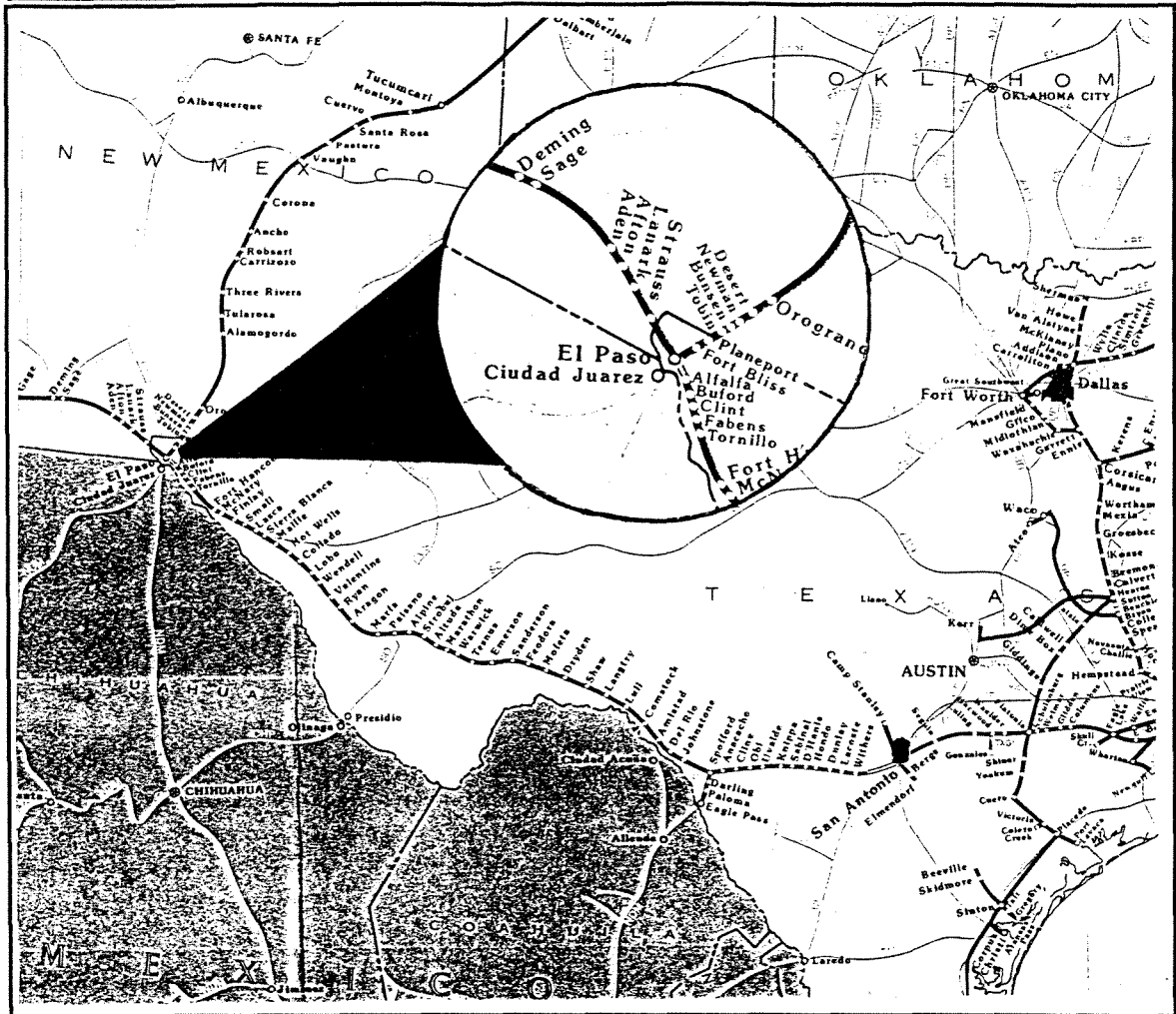


Figure 1. The Colonia Anapra and Mount Cristo Rey areas are approximately 35 miles west of Ciudad Juarez, Mexico and El Paso, Texas. This graphic was reproduced from a map showing Southern Pacific Lines and was Provided by Mike Furtney with SP Corporate Communications.

Southern Pacific's Mike Furtney said that some of the products stolen from trains include televisions, computers and other electronics products, made in California. Southern Pacific carries a \$10 million dollar deductible insurance policy for theft and damage. Usually the amounts stolen or destroyed are less than



the deductible so SP ends up paying for the bulk of the products stolen. Southern Pacific has declined to place a dollar figure on the amount of the losses or say how much they are paying for additional security.

The railroad company is like other firms in that they have to remain competitive against other companies that ship products overland. Train robberies resulting in losses below the deductible affect SP's bottom line. Southern Pacific is now set to merge with Union Pacific, creating one of the largest railroads in the nation. Southern Pacific has dealt with the threat of train robberies on the southern corridor route with security agents working with the Border Patrol. The railroad is using electronic surveillance equipment including infrared cameras and the National Guard is going to build a steel fence on the flat strip of terrain 1.3 miles long where the tracks run close to the international border.<sup>9</sup>

## Narco-Gangs, Smugglers and Raiders

Around the small border town of Naco, Arizona (See Figure 2) a gang of intruders, wearing ski masks and carrying assault weapons burst into six homes. They bound the victims, robbed them and then fled into Mexico using the victim's cars.<sup>10</sup>

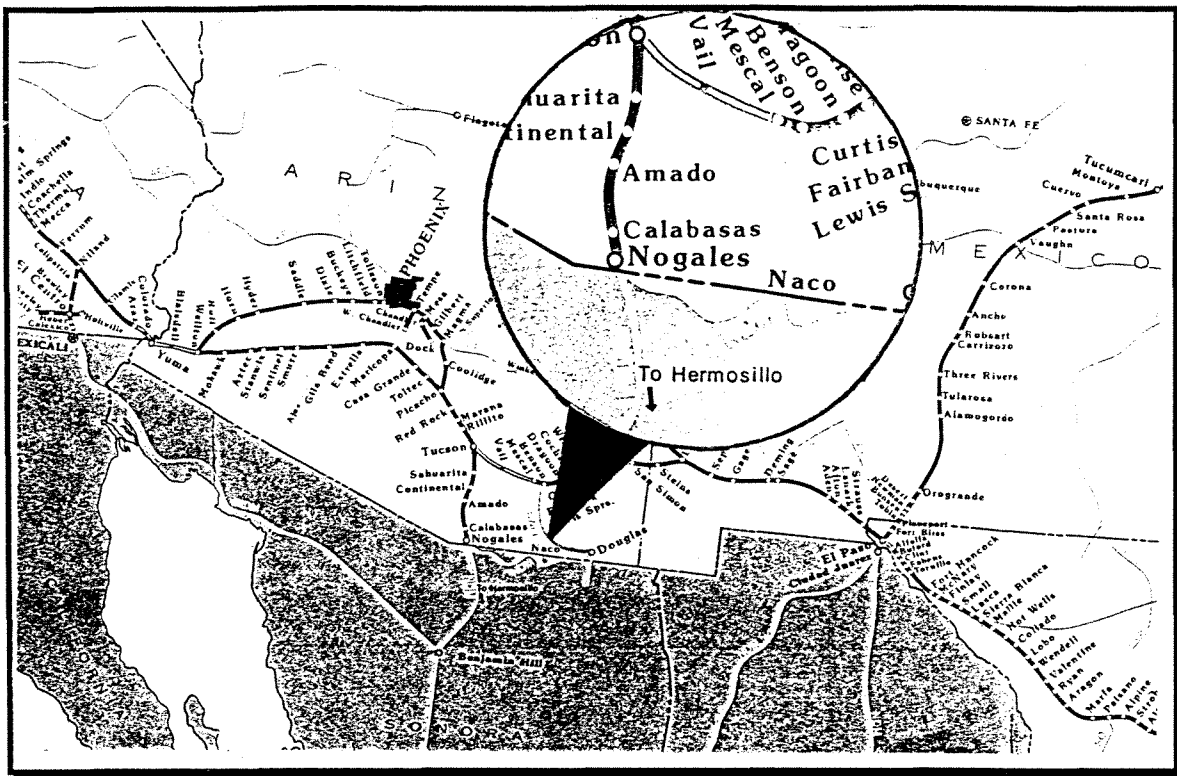


Figure 2. The community of Naco, Arizona, located east of Nogales, Arizona. Map provided by Southern Pacific Lines.

As the economic structure of Mexico continues to deteriorate due to inflation and government corruption, drugs and gang activity have increased. Stories abound from Imperial Beach, California to Brownsville, Texas about car-thefts, armed home-intrusions, fences being mowed down and American property owners being threatened. While some cross-border towns co-exist in harmony, some are building walls to protect themselves from the machine-gun fire of drug shoot-outs in Mexico.

American ranchers who own slices of land north of the border say they are recent victims in a war that the U.S. is losing. The *Los Angeles Times* recently

reported ranchers around Eagle Pass, Texas (See Figure 3) saying “their problems began a few years ago when migrant-smugglers started cutting through their fences at night. But now, they said, heavily armed Mexican drug gangs were taking the smuggler’s place--terrorizing the ranchers in broad daylight as they smuggle record quantities of drugs and migrants through their property and into the United States.”<sup>11</sup>

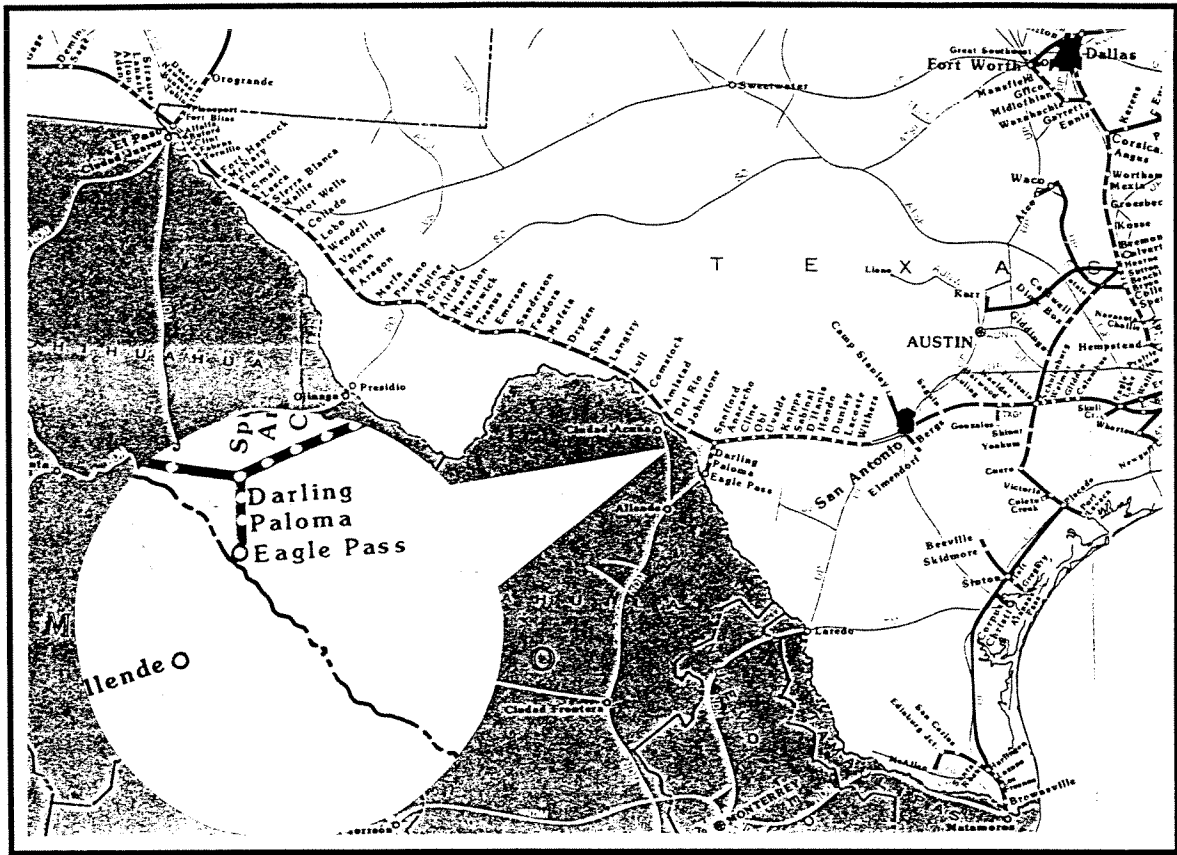


Figure 3. The ranching community of Eagle Pass, Texas, located west of San Antonio, Texas. Map provided by Southern Pacific Lines.

The *Times* found that drug-smuggling gangs have quietly compromised hundreds of miles of the U.S.’ southern border. “Using intimidation, bribery and murder on both sides of the Rio Grande, the smugglers have opened a route through Texas for billions of dollars of Mexican marijuana--and, increasingly, heroin and cocaine--destined for U.S. cities.”<sup>12</sup>

U.S. drug intelligence analysts concede that narco-gangs are buying property on both sides of the border usually through front companies and are building warehouses, staging areas and air strips. In 1993 a 1,416 foot “narco-tunnel” was discovered in Tijuana, Mexico that led to an unfinished cannery and warehouse in

Otay Mesa, California just south of San Diego (*See Figure 4*). The tunnel was “a carbon copy” of a smuggling tunnel that was discovered in Arizona in 1992.<sup>13</sup>

The U.S. Border Patrol has to notify owners, prior to patrolling on their property and the narco-gangs know this. They have increasingly stepped up the pressure and intimidation on border ranchers to sell their property. Many sections of the border have turned into war zones and all U.S. Border Patrol agents are issued bulletproof vests because they are routinely fired on.

The U.S. Border Patrol admits it does not have the manpower to protect the property owners and that the jurisdiction for criminal activity usually falls to the local law enforcement agency. The smugglers, equipped with night-vision equipment, cellular phones, border sentries, and their own intelligence network, have outmanned, outgunned and outplanned the U.S. Border Patrol, U.S. Customs and the Drug Enforcement Agency (DEA). One of the Texas ranchers at a recent DEA meeting summed up the desperation. After months of digging surveillance bunkers, plotting aerial maps and patrolling his property with his pickup truck, he concluded: “It’s we private citizens who have upheld the integrity of the border . . . and we can’t do it anymore. We’re losing America.”<sup>14</sup>

## Operation Gatekeeper

The U.S. Border Patrol was established in 1924 and the gunslingers who patrolled the Mexican-American border did so on horseback. Now the U.S. Border Patrol uses advanced electronic surveillance equipment, listening devices, satellite tracking information, computers and four by four vehicles to patrol “la linea.” The dedicated men and women who comprise the U.S. Border Patrol are at our nations front line in the battle against drugs and illegal immigration. They are taking great risks trying to control our southern corridor by patrolling areas that truly are out of control.

The Clinton administration in October 1994 initiated the first phase of a plan called Operation Gatekeeper. Gatekeeper would focus on apprehending illegal immigrants, by sealing off a five mile corridor that extends from the beach to the Otay Mesa International Border Crossing.

Phase one’s boundaries included Chula Vista, Imperial Beach and the southern portion of the City of San Diego. U.S. Border Patrol agents were massed into this western corridor where the National Guard had recently replaced a decrepit three strand barb wire fence with a solid ten foot high steel landing mat fence. The Guard had also provided better access to this section by grading parallel access roads north of the new border fence and by installing bright lights.

Last year the second phase of Operation Gatekeeper extended to the western base of Otay Mountain. A Border Patrol spokesman with the San Diego Public Information Office said that the first two phases of Gatekeeper have been successful in deterring border crossings in the sealed western sector. When asked about the increased border crossing traffic through Eastern San Diego County, the Border Patrol spokesman admitted that Gatekeeper has definitely pushed illegal immigration traffic east and that it was impacting these areas more than in the past.

According to the U.S. Border Patrol, phase three of Gatekeeper went into effect May 15, 1996 and when fully implemented it will extend Operation Gatekeeper’s seal from the Pacific Ocean to the border town of Tecate.<sup>15</sup>

Operation Gatekeeper however has its critics, one of whom is Representative Duncan Hunter (R-El Cajon) one of three U.S. Congressman whose districts includes portions of California’s international border with Mexico (*See Figure 4*).

Hunter has been at the forefront of the border battle on the federal side and in March of 1990 proposed to President Bush the idea of the steel mat fence. Wendall Cutting, the chief of staff in Hunter's office says that since Gatekeeper went into effect, they have receive 20 to 30 calls a day from border residents who have become victims of crime and intimidation.

"Operation Gatekeeper has been flawed from the beginning," says Hunter. "It was implemented with the Administration's full knowledge and admission that a shift would occur into East [San Diego] County." Representative Hunter in May of this year called on the Clinton administration to immediately assign 300 additional Border Patrol agents to eastern San Diego County to help the residents who are being inundated by smugglers and illegal immigrants.<sup>16</sup>

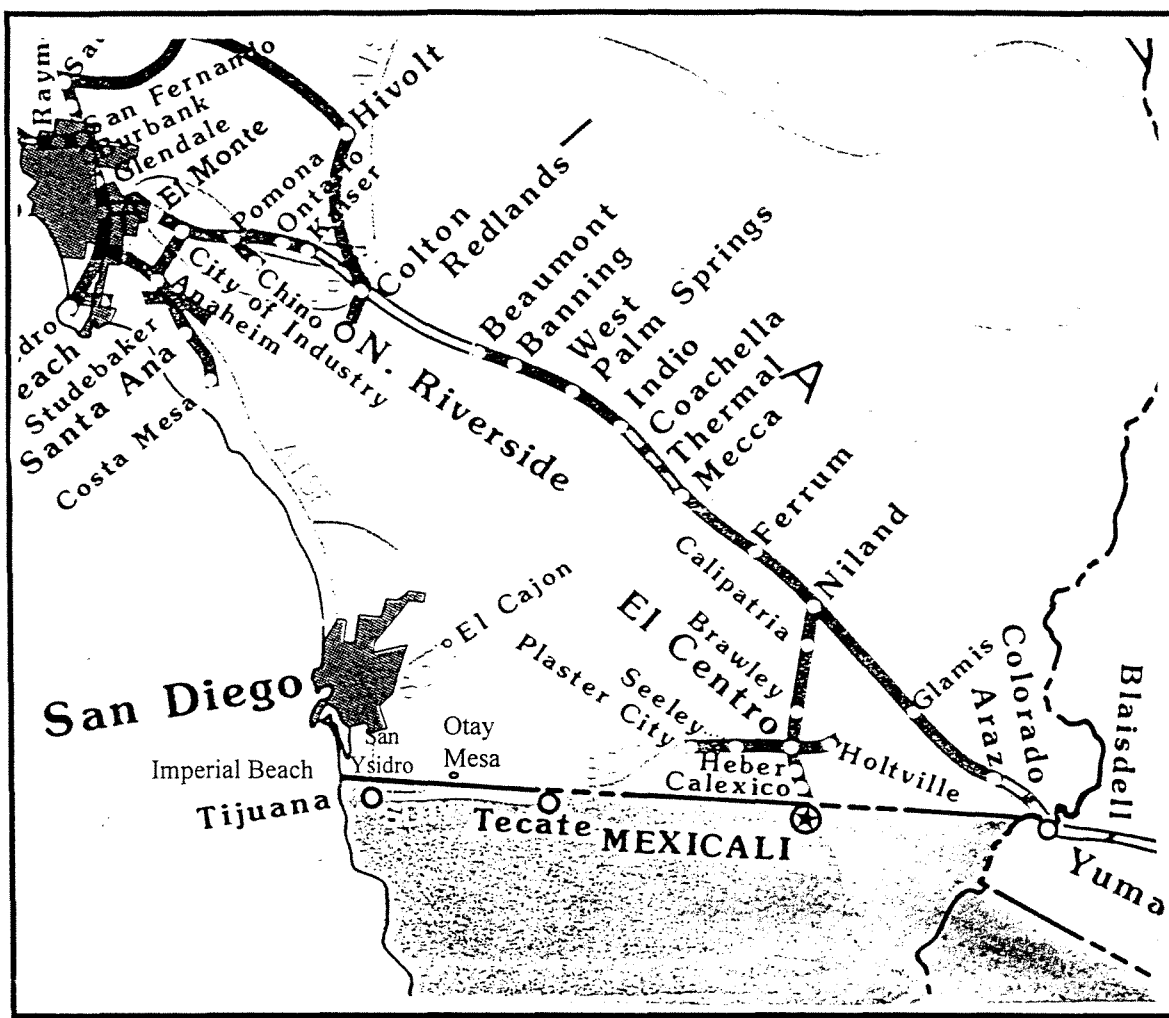


Figure 4. Map shows the Southern California Border with Mexico (Shaded). The map was Provided by Southern Pacific Lines and was retouched.

## The Eastern San Diego County Corridor

In California “the line” stretches from the Pacific Ocean through San Diego and Imperial Counties to Arizona. Eastern San Diego County is represented in the California State Assembly by Jan Goldsmith (R-75th district), who has tirelessly expressed residents concerns in the state legislature. Recently Assembly Speaker Curt Pringle appointed Goldsmith to head up the new Border Crime Subcommittee of the Public Safety Committee and hearings have been held in Los Angeles and San Diego.

Ninety-five percent of California’s southern border corridor is in very rural areas and these areas in San Diego County consist of mountainous and hilly terrain. Small communities north of the border like Campo, Potrero, Jacumba and Boulevard have seen the traffic of illegal aliens and the shipments of smuggled goods increase tremendously since the Federal Government has implemented Operation Gatekeeper.

Terry Stevens and her family live in the little town of Potrero, California just west of Campo. Mrs. Stevens, when interviewed said that all of her neighbors have experienced increased trouble from border-crossers in recent months. Stevens said that people’s homes are being broken into, water lines have been cut, fences are being mowed down by vehicles or cut, watch dogs have been killed, and the community had to be evacuated last year because of an out of control wild fire that was determined to be started by illegal aliens. “It’s really scary, when at 2:30 in the morning your dogs start barking and outside there are groups of what appear to be 40 people moving across your property,” said Stevens. “You call the Border Patrol or sheriff but they can’t respond in time. What little help we are given is like putting a Band-Aid on major surgery.”<sup>17</sup>

D.H. Mikesell is a retired Air Force Master Sergeant who lives in Campo. He says it is not uncommon to see large groups of 30 to 50 border-crossers following the Mexican guides or “Coyotes”, who are paid by the crossers to help them cross the border and skirt “La Migra,” Spanish slang for the INS and the U.S. Border Patrol. “Increasingly these people are becoming meaner and more desperate.” Mikesell, tells of friends and neighbors who have become America’s victims in the southern corridor. “We’ve had attempted car-thefts and our homes are being ransacked. Nobody seems to care.”<sup>18</sup>



One of Mikesell's friends is Lorna House. In May of 1995, she took her dogs out for an early morning walk around her forty acre ranch in Boulevard, California a short distance from the border. Mrs. House, an elderly widow, returned home to find her police scanner, CB radio, antennas, cash and her husband's gun collection stolen. When the deputy arrived he basically shook his head and told her there was nothing he could do; her possessions were most likely already across the border.

Mrs. House has experienced two separate incidents where groups of men intimidated her and advanced on her home. "I yelled but they didn't stop, so I pulled out my shotgun and blasted it over their heads but they kept on coming. I then shot at their feet and they ran away." House said she was told by the sheriff not to hurt the border-crossers. "I don't know what else to do," she said. "I am terrified to leave my home."<sup>19</sup>

Bob Maupin owns 250 acres right on the border south of Boulevard, California. He said that he will not be intimidated by the Mexican "coyotes" who try to smuggle people and drugs through his property. "Coyotes have threaten me and my family," said Maupin, who recalled more than once having a machete pulled on him by a coyote. One day a group was trespassing on his property and threatened to beat him up if he tried to stop them. "I knew they were not poor Mexicans looking for work when I saw the tattoos on their knuckles. They told me there was more of them than me and kept coming until I pulled out my .357 magnum pistol then, they ran."<sup>20</sup>

Donna Tisdale lives across the road from Lorna House, closer to the border. Tisdale said that "prior to Project Gatekeeper, there was really no problem." She said that there would be the occasional crosser but now the trickle has turned into a stream and the groups of twenty to forty people crossing her family's ranch have worn regular paths. According to Tisdale, the border-crossers meet along Mexico's Highway 2 at a staging area know as Jardinas del Rincon. From there the coyotes take them across the border and her property.

Tisdale estimates that the daily number of illegal immigrants who cross through her ranch is between 200 and 300. "We have to repair our fences everyday. We asked the U.S. Border Patrol for help and they gave us a sincere offer to have the National Guard build a ladder over the fence, so the illegal border crossers can climb over and don't have to cut through." According to Tisdale, this creates a liability problem for her: if border-crossers injure themselves on the Tisdale's ranch then the Tisdales could become legally liable to the injured party. Making the pathways through the Tisdale's ranch more accessible is not their idea of helping the situation.<sup>21</sup>

“There have been some home burglaries out here by illegal aliens,” said Sergeant Walter Ogle of the Sheriffs Office in Campo. “We can tell by the MO [modus operandi] that the thieves were illegal immigrants,” he continued. Usually they steal food, clothing, cash and anything that can be sold easily. Sgt. Ogle has a contingent of four deputies, not all of whom are on duty at the same time, to cover 300 square miles of territory.

“As Gatekeeper pushed east, the criminal element associated with the border also moved east,” stated Sgt. Olge. He tells a story about one of his deputies who, in hot pursuit, tracked a burglar from the victim’s house right to the border fence. A hole was burrowed underneath the landing mat border fence and the deputy could see some of the victim’s belongings. So, the deputy climbed underneath the fence into Mexico, grabbed all of the possessions and returned them to the gracious American victim.

The *San Diego Union-Tribune* reported that in 1995, East County property crimes, and burglaries had more than doubled. Auto thefts had skyrocketed to 41 from five during the same period last year.<sup>22</sup>

“In retrospect,” said Sgt. Ogle “it has caused the folks out here to alter their lifestyle . . . in once what was a trusting, country-like community, now folks are having to be careful and lock their doors.”<sup>23</sup>

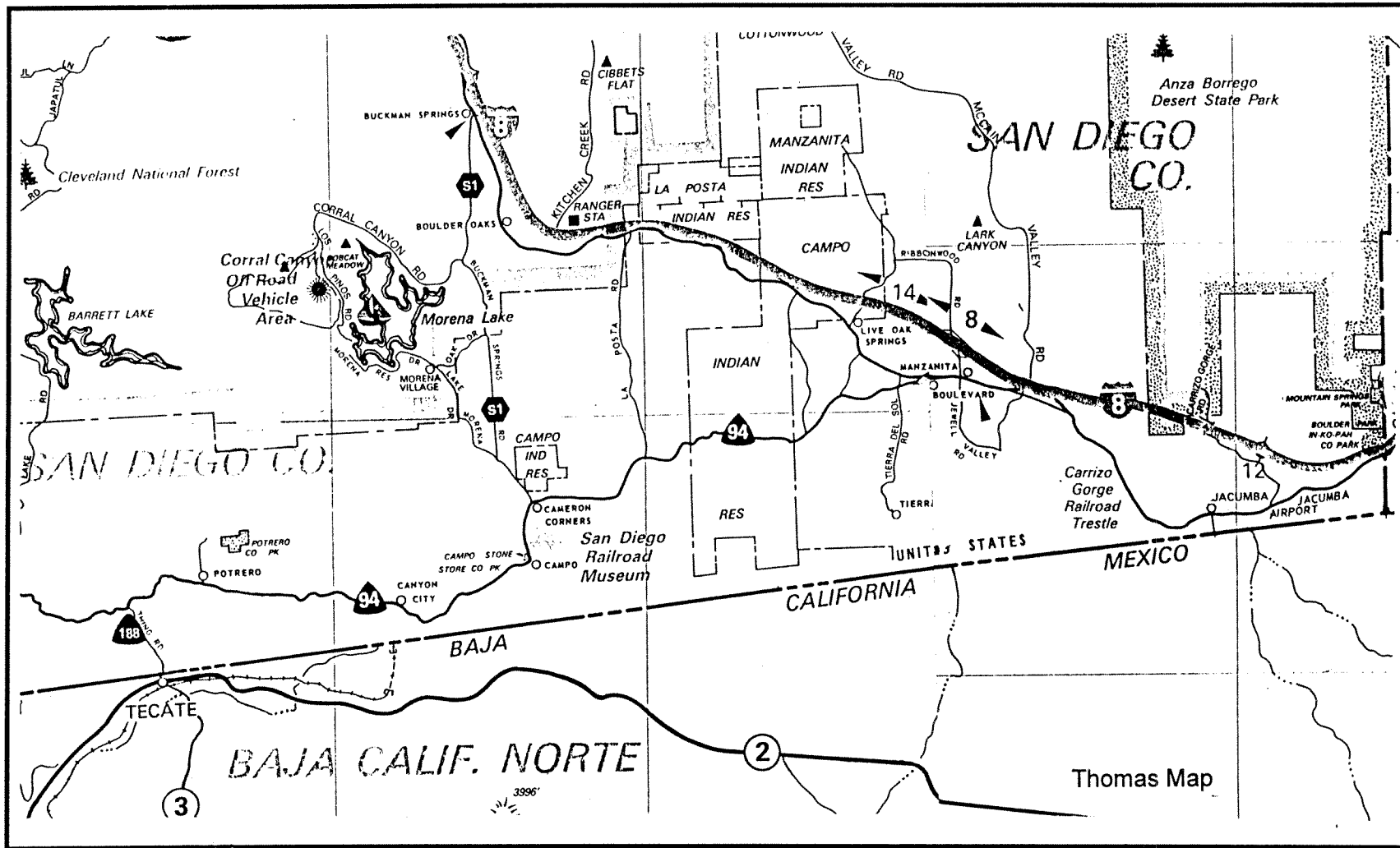


Figure 5. Map represents the eastern portion of San Diego County, including the communities of Campo, Boulevard, Potrero, Tecate and Jacumba. Map has been retouched and enlarged.

## Imperial County

Imperial County is a vast expanse of land that stretches from the eastern most boundaries of San Diego County to the Arizona border. This desert county is famous for the teeming agricultural land that produces a large percentage of America's salad bowl vegetables. Water from the Colorado River traverses the All American Canal to feed the farms and the levies along the border communities have become areas of apprehension and danger. Randy Clark\* is a U.S. Border Patrol agent out of Calexico, California (*See Figure 6*) who has seen the number of agents who watch the line in this corridor diminish from twenty to six. Most of the manpower loss is due to normal attrition said Clark. "We have seen a tremendous impact in this sector brought on by Operation Gatekeeper in the effort to seal off San Diego and with the devaluation of the Peso," replied Agent Clark when asked about Gatekeeper. Sometimes there are only two agents per shift to cover the city of Calexico and the twelve miles on either side of town.

According to Clark, "alien oriented violence" has been increasing; several residences have been robbed and American citizens have been mugged. One elderly American woman was stabbed and the assailant grabbed her purse and fled into Mexico. Agent Clark and his co-workers wear bullet-proof vests because there have been at least four shooting incidents that he was aware of, since December 1995. Three incidents involved narcotic smugglers shooting at U.S. Border Patrol agents and one incident involved alien smugglers.

The latest shooting incident happened in April 1996 when a U.S. Border Patrol agent spotted a Ford Aerostar, west of Calexico on the All American Canal levee. A group of men were loading bails of marijuana into the van. The agent called for back-up and when they arrived proceeded toward the smugglers who ran back into Mexico. The agents were securing the Aerostar and two bails of marijuana that were left, when accomplices in another vehicle on the Mexican side began firing at the agents. Luckily none of the agents were hurt, just a little dirty from taking cover.

Clark said that agent safety is a priority when border jumpers are spotted in one sector all of the agents move out to back each other up. This means that all of

*\* Randy Clark in addition to being a U.S. Border Patrol agent is president of the El Centro / Imperial, American Federation of Government Employees, local 2554, known as the National Border Patrol Council.*

the other crossable sectors in their 50 mile stretch of border are unmanned and wide open. "We have lost our ability to measure the increase in border crossings and we have lost the ability to deter the crossings," said Agent Clark. "It is really frustrating to know we can't do our job."<sup>24</sup>

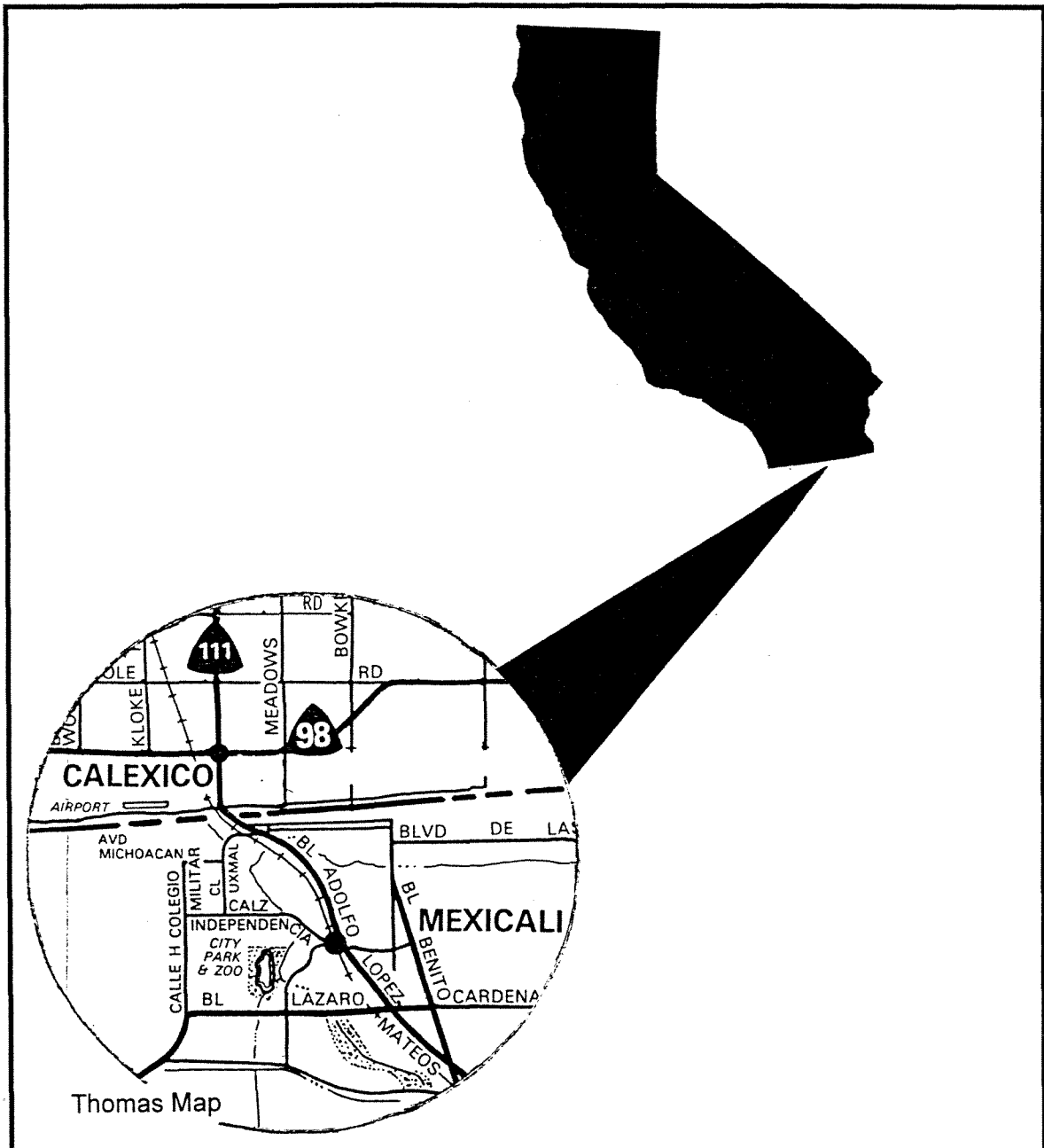


Figure 6. Calexico, California and its cross-border neighbor Mexicali, Mexico. Map has been retouched and enlarged.

## Mexican and U.S. Officials Compromised

On both sides of the border, from The Gulf of Mexico to the Pacific Ocean, wealthy smugglers have infiltrated local police departments, federally funded drug task forces, county sheriff's offices and federal agencies. A former U.S. Immigration and Naturalization Service inspector was convicted on June 25, 1996 in San Diego for a smuggling scheme that brought in more than three tons of cocaine through the Imperial Valley's "cocaine corridor". The INS inspector bribed border inspectors and made arrangements to help smugglers avoid inspection as they drove loads of cocaine across the border between September 1994 and January 1995.<sup>25</sup>

It is common knowledge that some Mexican federal officials and police often act as middle men protecting tons of illegal drugs transported from Mexico's interior to the border smuggling organizations.<sup>26</sup> Sometimes protection means intimidation, keeping out rival narco-gangs and suppressing witnesses.

The most incredible story heard during the author's interviews was told by Mr. Bob Maupin who owns the Maupin Ranch in Eastern San Diego County. According to Mr. Maupin, in August 1985 he earned the "dubious distinction of being arrested by the Mexican Army on U.S. Soil." Maupin, whose property boundaries the border, was out on the ranch about a week before the incident when he smelled a chemical in the air. Maupin says he notified a friend who was a retired drug agent and explained to him that the closest residence was just southeast of the border. The friend said that it was probably ether and that Maupin could be smelling a large meth-amphetamine lab.

A week later Maupin was at his ranch when his house was approached by eight Mexican soldiers of the 60th Infantry. As they trained their fully automatic NATO-issue FN-FAL rifles at the house they asked if he was Señor Maupin. Being out-gunned Maupin surrendered his weapons and was given a receipt for them by the Mexican troops. As Maupin told the story, he insists that the heavily armed troops out of Jacaine, Mexico, who each had extra magazines full of ammunition had come on to his property to intimidate him for informing the U.S. authorities about the meth-amphetamine lab across the border. "How else would they have known my name?" questioned Maupin. "They were sent to frighten us."

Figure 6.

The Mexican troops left the Maupin's ranch and were later apprehended by the U.S. Border Patrol. No charges were ever filed by Maupin who said, he was told by U.S. authorities that they would not want to embarrass the Mexican Government. The Mexican troops are seen in this photograph standing near a U.S. Border Patrol van.

Photo was provided by Mr. Bob Maupin.





## Some of the Costs to U.S. and California Taxpayers

U.S. taxpayers are also victims who pay for crime and violence down at the border. According to the *Los Angeles Times*, the federal government is spending \$206 million in 1996 to bolster border defense.<sup>28</sup> Money is being spent on all types of equipment and resources to deter border crossings and smuggling.

The costs of illegal immigration to the State of California for 1995 has been estimated to be \$4.3 billion. According to the State's Border Crime Subcommittee Chairman Jan Goldsmith, "The total Californians spend on illegal immigrants and their children amounts to about 25 percent of the entire state income tax burden."<sup>29</sup>

The following sections briefly describe how some of the taxpayer's money is being spent due in part to illegal or questionable activity originating at the border. It is not intended to be a comprehensive listing, which after doing research the author believes could fill volumes.

### Cargosearch

A new X-Ray machine that costs \$3 to \$4 million called Cargosearch scans trucks that cross the Otay Mesa, California border station for narcotic and human loads.<sup>30</sup> According to Bobby Cassidy with the U.S. Customs, Public Information Office, the Cargosearch machine at the Otay Mesa crossing has been recently upgraded and U.S. Customs plans to install a network of the X-Ray machines at border cargo crossing sites like Calexico.<sup>31</sup>

### Drug Sniffing Dogs

One of the best ways to determine narcotic or human smuggling loads is with the use of dogs and their keen sense of smell. The INS has used dogs since 1988 and the cost for each dog is between \$8,000 and \$10,000 fully trained. While on duty nationwide the INS's dogs have sniffed out millions of dollars of illicit drugs.<sup>32</sup> The dogs have been so successful that drug traffickers have placed bounties on them. One dog, named Duc, who sniffed out millions of dollars of cocaine at the border was found dead, apparently poisoned by smugglers.<sup>33</sup>

## Prenatal Care

In California there is a Medi-Cal program that enables pregnant women to receive prenatal care for 60 days. The Clinton administration had previously determined that residents of Mexico are eligible for free prenatal care benefits under a program called, "Presumptive Eligibility" and had prohibited California from asking patients their place of residence. Clinics five minutes north of the border had their parking lots filled with cars displaying Mexican license plates. According to Assemblyman Jan Goldsmith, the costs of the program had skyrocketed from its inception in 1993 of \$965,000 to the 1995 figure of \$25.7 million.<sup>34</sup>

The Republican Assemblyman scored a victory this month after taking this issue public. Now the Federal Government has said that states can ask the expectant mother whether she is in the United States legally.

## Incarceration

On March 29, 1996 illegal immigrants jailed at the old U.S. Navy Brig at Miramar Naval Air Station in San Diego, California tried to burn down the facility. The prisoners were unhappy about bad TV reception and living conditions. The fire and the resulting near-riot caused over \$500,000 in damages and \$1.5 million in medical costs.<sup>35</sup>

In Los Angeles, African American civic activists called for the removal of illegal immigrants from Los Angeles County jails. A January 1996 five-day, race induced near-riot scenario pitted Latino and Black inmates against each other. Sheriff Sherman Block said there were 25 brawls, involving 5,300 prisoners, leaving 123 hurt and 6 deputies with minor injuries. The damage amounted to thousands of dollars and the department's cost would be more than \$600,000 in overtime pay.<sup>36</sup>

According to Governor Pete Wilson's administration there are more than 16,000 illegal immigrants in state prisons and it is costing Californians over \$400 million a year. The federal government last year gave California \$63 million to support imprisoned illegal immigrants which still left a bill of over \$337 million to be paid by the state's taxpayers.<sup>37</sup> Governor Wilson has tried to sue the federal government in an effort to have them take the responsibility for the border but, as reported here, the California taxpayer ends up footing most of the bill.

## Medi-Cal Fraud

The State Border Crime Subcommittee heard testimony in July of 1996 about medical contract consultants advocating Medi-Cal eligibility for illegal immigrants and about a doctor who was billing Medi-Cal for allegedly treating patients in his Tijuana, Mexico office.

At the July 7, 1996 hearing the subcommittee heard testimony that medical contract consultants advocated Medi-Cal eligibility for illegal immigrants. Dr. Dianne L. Norman told the subcommittee that employees of Pro-Care Inc., a San Diego health plan that treats Medi-Cal patients changed, altered and falsified patient's charts that were about to be reviewed by state auditors.<sup>38</sup> According to Matthew Adams, chief of staff for Assemblyman Goldsmith, "Contract consultants are hired by San Diego and Los Angeles Counties to assist hospitals in getting Medi-Cal applicants through the system. The consultants receive a percentage of the Medi-Cal payment."<sup>39</sup>

In May of 1996, Medi-Cal Fraud investigators in San Diego arrested Jesus Saul Guevara a Tijuana, Mexico doctor for bilking Medi-Cal to the tune of \$300,000 over a three year period. He had submitted claims to California for services provided at his clinic in Mexico, and had the reimbursement checks sent to a San Ysidro, California post office box. This was the first time the state Department of Justice's Bureau of Medi-Cal Fraud has arrested a physician from Mexico for fraudulent billings, more than \$100,000 of the billings were just from this year alone.<sup>40</sup>

## Patient Dumping

Health care workers and emergency crews in direct testimony before the Border Crime subcommittee broke the story of U.S. Border Patrol agents dumping suspected illegal immigrants at hospitals and fire stations or having paramedics respond to the scene of the injury. When the hospital or paramedic company bills the federal agency for costs incurred the government refuses to pay, because the person was never technically under the custody of the Border Patrol.

Sharp Healthcare operates paramedic services in east San Diego County. They have an operating loss totaling \$38,000 for services rendered to patients with Mexican addresses. When they tried to bill the Border Patrol for patients brought

to the hospital as a result of injuries incurred while fleeing Border Patrol agents, the bills were rejected.<sup>41</sup>

The bills for medical services provided illegal immigrants include vehicle accidents, pregnancies and assorted injuries. U.S. Border Patrol agent William Librera testified before the subcommittee that “an unwritten policy” discourages agents from arresting illegal immigrants after they are treated.

“The clear message is the cost to the federal government is more important than detaining illegal aliens,” said Librera.<sup>42</sup>

Jack Duffy of Scripps Memorial Hospital testified that they have treated as many as forty illegal immigrants who were transported or routed to their facilities by Border Patrol agents since the beginning of the year, including one man who incurred \$200,000 in emergency services.<sup>43</sup>

Californians pick up the tab for patient dumping by the Border Patrol, because the hospitals pass the costs of treatment to paying patients or to the taxpayers who fund Medi-Cal.

## Epilogue

Criminal activity has surrounded the border between Mexico and the United States since the time of prohibition when tequila smugglers crossed the line to peddle their potent elixir. Everyone has heard of the plight of the poor Mexican peasant crossing the border to look for work. Factual stories and rumors persist about bodies lying in the canyons after drug shoot-outs, female illegal border-crossers being raped by their guides, and illegal immigrants held-up at gun point, everything they own being taken from them. Meanwhile human and narcotic smuggling has become a big money business, smugglers have become wealthy and narco-gangs are fighting for territory.

Recently the plight of America's victims of border crime is coming to light as documented in this report. Despite the political rhetoric, it is a crime to cross the international boundary into the United States illegally.

The San Diego Union-Tribune reported that Mexican Consul Luis Herrera-Lasso Mijares, "stressed that Mexico, in adherence to its Constitution, will not impede the northward flow of 'economic' immigrants."<sup>44</sup> Judging by the Mexican Government's official response, it is this authors belief that Americans should expect to bear the full brunt of all costs for any measures utilized to control our southern corridor.

While not every American resides on the border, we all are paying the price for sectors that are out of control. The author wishes to express his gratitude to the courageous U. S. Border Patrol agents, local sheriff's deputies, other law enforcement officials, U.S. Customs agents, INS personnel and private citizens who everyday are on the front lines at this dangerous place we call the border.

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FROM :  
FROM : 915 324 2782

915 324 2782

1996.07-29 11:36 #519 P.12/12  
1996.07-02 19:31 #336 P.01/01



U.S. Department of Justice  
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Office of the Commissioner

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CO 703.C

JUN 27 1996

The Honorable Jan Goldsmith  
Assemblyman  
75th District, California Legislature  
Sacramento, CA 95814

JUN 21 1996

Dear Mr. Goldsmith:

Thank you for your letter of June 10, expressing your concerns about U.S. Border Patrol protocol for handling accident victims. The Attorney General has asked us to respond.

The Immigration and Naturalization Service (INS) does not receive budgeted funding to cover the medical expenses of aliens in the United States that are not in our custody. Aliens in our custody are the responsibility of the INS and we would be responsible for medical expenses.

The existing protocol for encounters with person in need of medical treatment by our officers is to provide any emergency assistance required without ascertaining the immigration status of the individual(s). This is in keeping with standard police procedures and humanitarian considerations where it is in the interest of the police unit to first provide emergency treatment and second to perform any enforcement action needed. We will not incur an obligation for the Government unnecessarily. We will provide medical assistance and assist in transportation of parties in need of medical assistance to treatment facilities.

We regret that you disagree with this policy, but hope that you will understand the Government's position. If this office may be of assistance in the future, please let us know.

Sincerely,

FOR THE COMMISSIONER

Pamela Barry  
Director  
Congressional Relations

# REPRESENTATIVE DUNCAN HUNTER

52D DISTRICT, CALIFORNIA  
MEMBER, NATIONAL SECURITY COMMITTEE  
CHAIRMAN, SUBCOMMITTEE ON MILITARY PROCUREMENT



## NEWS

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## HUNTER CONTINUES CALL FOR INCREASED BORDER ENFORCEMENT IN EASTERN SAN DIEGO COUNTY QUESTIONS RECENT ADMINISTRATION CLAIMS

Rep. Duncan Hunter (R-El Cajon) today continued to call on the Clinton Administration to immediately assign 300 additional Border Patrol agents to eastern San Diego County. On Saturday, May 11, 1996, Hunter requested that the Immigration and Naturalization Service (INS) deploy new agents based upon the continuing increase in illegal immigration, violence, and fires in the area.

"Operation Gatekeeper has been flawed from the beginning," said Hunter today. "It was implemented with the Administration's full knowledge and admission that a shift would occur into East County.

"That shift should have been met by adequate border enforcement," Hunter continued. "Unfortunately, the INS Commissioner opposed my plan in 1994 to provide adequate enforcement, and now East County residents are being overrun because the area lacks a sufficient Border Patrol presence." INS Commissioner Meissner opposed Rep. Hunter's amendment to increase the Border Patrol by 6,000 agents during testimony in Congress on May 11, 1994. The overwhelming majority of agents in San Diego County are currently stationed in the western portion of the county.

Despite inaction by the Administration, Rep. Hunter continues to gain funding for new border roads and fencing in East County. The House of Representatives will conclude debate today on H.R. 3230, the Fiscal Year 1997 Defense Authorization Act, which authorizes an additional \$5 million to continue border construction specifically in the East County area.

Rep. Hunter also questioned recent statements made by INS Commissioner Meissner, who said that apprehensions of illegal immigrants in the San Diego Sector are "down 40%" and that the agency has the problem under control. The Commissioner made her comments in testimony last Wednesday before a House appropriations subcommittee, which is currently considering fiscal year 1997 funding for the Department of Justice and the INS. Apprehensions in the sector continue to be, in fact, higher than before Operation Gatekeeper began in October 1994, Hunter pointed out. In certain stretches of the border temporary decreases in apprehensions have been recorded. This may have been due in large part, however, to the transferring of agents away from the Imperial Beach area—with less Border Patrol agents, there are less personnel to apprehend illegal immigrants. "Illegal immigration has not been slowed by Gatekeeper," said Hunter. "It has made a

-continued-

difference in East County, however, where the administration has let the situation get out of control."

The Clinton Administration's claim that the San Diego area is successfully under control is also a puzzling characterization. As shown below, it has been difficult to determine their definition of "success."

- Since 1994, the INS has boasted of the success of Operation Hold the Line in El Paso, Texas, which has successfully deterred illegal immigration. The result there had been a decrease in illegal alien apprehensions by over 70%. Former Border Patrol Chief Silvestre Reyes implemented the El Paso operation over the initial objections of the INS.
- On March 10, 1995, also in testimony before Congress, INS Commissioner Meissner termed the rise in illegal immigration, and resulting 17% increase in apprehensions under Operation Gatekeeper, "a sign of success."
- Last week, the INS claimed a decrease in apprehensions in San Diego is also a sign of success. Illegal immigration apprehensions, however, continue to be way up in the sector—recently *as high as 51% higher* than before Operation Gatekeeper. Recent statistics showing increased apprehensions at Border Patrol highway checkpoints also prove illegals are getting through Operation Gatekeeper.

"Rhetoric by the INS does not equal action. Recent events in East County demonstrate the need for a coherent, consistent policy of deterrence on our borders," he said.

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