Congress of the United States
House of Representatives
Washington, DC 20515

January 19, 2006

The Honorable James F. Sensenbrenner, Jr.
Chairman
House Judiciary Committee
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

We write to request that your committee investigate the Department of Homeland Security's ability to prevent Mexican military personnel, or those posing as Mexican military personnel, from illegally crossing the United States' southern border.

On January 15, the Inland Valley Daily Bulletin reported that according to a Department of Homeland Security (DHS) document, since 1996, Mexican military personnel or their imposters illegally entered our country 216 times. We have attached a copy of the article for your review. These incidents represent a threat to our national security, and raise serious concerns about Customs and Border Protection's ability to prevent such illegal crossings and ensure the safety of our Border Patrol agents. We recently passed important border control legislation that mandates operational control of our borders. If we hope to achieve this goal, this matter must be fully investigated.

Again, we respectfully request that you hold a hearing in your committee on this serious problem. We look forward to working with you on this important issue.

Sincerely,

David Dreier

Duncan Hunter

Encl.

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Mexican soldiers defy border

Homeland Security report: 216 incursions into U.S. made by Mexican military

By Sara A. Carter, Staff Writer
Inland Valley Daily Bulletin

The Mexican military has crossed into the United States 216 times in the past nine years, according to a Department of Homeland Security document and a map of incursions obtained by the Daily Bulletin.

U.S. officials claim the incursions are made to help foreign drug and human smugglers cross safely into the United States. The 2001 map, which shows 34 of the incursions, bears the seal of the president's Office of National Drug Control Policy.

The document states that since 1996, Mexican military personnel have crossed into the following Border Patrol sectors:

- San Diego County, 17 times
- El Centro, 58
- Yuma, Ariz., 24
- Tucson, Ariz., 39
- El Paso, Texas, 33
- Marfa, Texas, eight
- Del Rio, Texas, three
- Laredo, Texas, six
- Rio Grande Valley, Texas, 28.

White House officials would not comment on the map and referred questions to officials at the Department of Homeland Security.

Kristi Clemens, a spokeswoman for the Department of Homeland Security, U.S. Customs and Border Protection, would not confirm the number of incursions, but said Saturday the department is in ongoing discussions with the Mexican government about them.

"We -- the Department of Homeland Security and the CBP (U.S. Customs and Border Protection) -- are determined to gain control of the border and will continue to collaborate with our partners on the border," Clemens said.

Border Patrol agents say they for several years have reported sightings and confrontations with Mexican military inside the United States, which the Daily Bulletin documented last year in Beyond Borders, the newspaper's series about immigration.

"We've had armed showdowns with the Mexican army," said a border agent who spoke on condition of anonymity. "These aren't just ex-military guys. These are Mexican army officials assisting drug smugglers."

In one 2000 incident, more than 16 Mexican soldiers were arrested by border agents in a small town west of El Paso, in Santa Teresa, N.M., after Mexican soldiers fired on the agents, said T.J. Bonner, president of the National Border Patrol Council, a union representing the agents.

None of the agents was injured in the gun battle, and U.S. State Department officials forced the border agents to release the soldiers and return them to Mexico with their weapons, Bonner added.

"If (Mexico) is going to put military across our border to threaten our guys, and if their own government can't control it, then we should be treating this as an act of war," he said.

Mexican government officials said they have neither seen the report nor the map, and they dispute the findings, stating that at no time in recent years have military personnel crossed the border into the United States.

"I strongly deny any incursion by the Mexican military on United States soil," said Rafael Laveaga, spokesman for the Mexican Embassy in Washington, D.C.

"When it comes to Mexican military on the southern side, I have no reports of them crossing into the United States. That would mean that the patrol got lost or lack of expertise and orientation. This could be smugglers with fake uniforms as a tactic to confuse the authorities."

Laveaga added that Mexico's law enforcement agencies work closely with the FBI, Office of National Drug Control Policy and other U.S. agencies to assist in the capture of drug cartel members.

Further, Laveaga contended that wealthy smugglers can afford fake uniforms and can camouflage their vehicles to resemble those of the military.

"Some incursions do occur by smugglers both on the northbound and southbound sides of the border," Laveaga said. "Whenever these incidents occur, both governments have a mechanism to communicate with each other to let each other know what's going on."

In the Tucson sector -- where many border agents reported run-ins with Mexican military -- the U.S. Department of Customs and Border Protection formally issued a card to agents with tips on how to deal with incursions by Mexican soldiers. The Daily Bulletin first reported of the card last year.

The "Military Incursion" card states that "Mexican Military are trained to escape, evade, and counter-ambush if it will effect their escape."

Further, the card asks agents who come across Mexican soldiers to keep a low profile and use shadows to camouflage and hide.

Rep. Tom Tancredo, R-Colo., said the numbers show that suggestions for increasing Border Patrol resources or building a fence along the border won't do enough to secure it.

"It is a military problem," said Tancredo, who supports immigration reform. "We should commit the military to the border -- tomorrow. I mean, with armor and weapons."

Speaking by phone from El Paso, the congressman recalled his own confusion and disbelief when Border Patrol officials first told him of the incursions several years ago.

But the more time he spent at the border, the more he realized how serious the problem is, Tancredo said.

"Down here, there are war stories where you have Mexican military pulling up when drug traffickers are coming across, cocking their weapons, challenging our guys," he said "Shots have been fired. ... This is a problem here. I don't think anybody understands it unless they're here."

Lt. George Moreno, who has been with the Imperial County Sheriff's Department for 20 years, said that he was surprised to hear about the 22 Mexican incursions reported during 2002 in the El Centro sector, 110 miles east of San Diego.

"I've heard rumors that it's been happening," Moreno said. "A lot of these types of incidents are dealt with at a federal level. It's not brought down to our level unless it really concerns us."

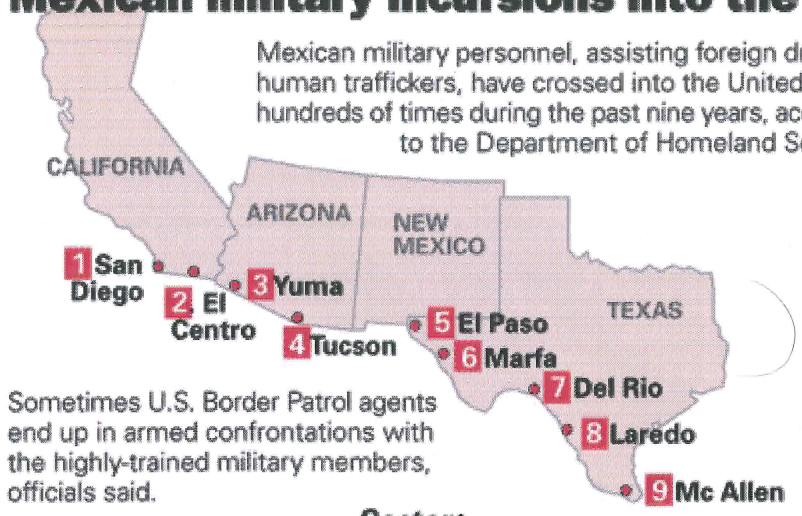
Border Patrol agents also are the target of the international Mara Salvatrucha street gang, whose members Mexican smugglers plan to bring across the border and pay to kill U.S. agents, according to a confidential Homeland Security alert obtained by the Daily Bulletin last week.

Jim Gilchrist, co-founder of the Minuteman Project, a civilian volunteer group that has monitored the border since April, said that Congress must address the serious nature of the military incursions.

"That number is 20 times larger than even the Minuteman project organizers are aware of," Gilchrist said, referring to the 216 documented incursions. "But I'm not surprised at that number. There are significant drug and human cargo cartels involving Mexican military threatening Americans at the border. But our Congress has turned a blind eye to it because what the American people don't know won't bother them -- that's how our representatives think."

Mexican military incursions into the U.S.

Mexican military personnel, assisting foreign drug and human traffickers, have crossed into the United States hundreds of times during the past nine years, according to the Department of Homeland Security.



Sometimes U.S. Border Patrol agents end up in armed confrontations with the highly-trained military members, officials said.

Sectors

Fiscal Year	1	2	3	4	5	6	7	8	9	Total
1996	2	3	0	3	1	0	0	0	0	**9**
1997	0	3	2	2	2	2	0	0	1	**12**
1998	2	5	1	3	3	5	1	1	0	**21**
1999	0	5	2	9	8	0	0	1	3	**28**
2000	1	2	3	5	4	0	1	0	7	**23**
2001	1	9	6	9	3	0	1	0	5	**34**
2002	2	22	4	3	1	0	0	1	7	**40**
2003	3	3	4	3	5	1	0	1	2	**22**
2004	4	5	0	1	4	0	0	2	2	**18**
2005	2	1	2	1	2	0	0	0	1	**9**
Total	**17**	**58**	**24**	**39**	**33**	**8**	**3**	**6**	**28**	**216**

Number of incursions

Source: Department of Homeland Security

Staff graphic

Staff Writers Mason Stockstill and Wendy Leung contributed to this report.

Sara A. Carter can be reached by e-mail at sara.carter@dailybulletin.com or by phone at (909) 483-8552.