

# The Judicial Watch Verdict

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## Judicial Watch Sponsors Congressional Delegation to Investigate Drug Smuggling Crisis on the Border



JUDICIAL WATCH

Judicial Watch Director of Investigations and Research Chris Farrell (left) with Maricopa, Arizona Sheriff Joe Arpaio (center) and Congressman Steve King (R-IA). Farrell led a Judicial Watch sponsored congressional delegation to investigate the drug smuggling crisis on the border. First stop: Sheriff Arpaio's "Tent City Jail."

In July, Judicial Watch led its first ever congressional delegation to the U.S. border to investigate the ongoing crisis of illegal immigration and drug smuggling. Judicial Watch Director of Investigations and Research Chris Farrell guided Congressman Steve King (R-IA) and the delegation on a week-long investigation that uncovered some jaw-dropping facts regarding the size and scope of the drug smuggling

problem on the border. Not only are drug cartels sending massive loads of drugs across the southern border, but they've also established an intricate system of smugglers and "spotters" operating on the U.S. side of the border! The following is a special report on the joint Judicial Watch's congressional investigation:

### Drug Smuggling Backpackers Are Guarded by Armed Drug Cartel Operatives Positioned Inside Our Borders

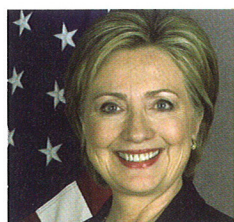
The Judicial Watch congressional delegation began its investigation in Phoenix, Arizona where Farrell had the opportunity to introduce Congressman King to Maricopa County Sheriff Joe Arpaio during an office visit. (As *Verdict* readers may recall, Sheriff Arpaio is known as "America's Toughest Sheriff" for his no nonsense approach to enforcing our nation's immigration laws.) Chris Farrell and Rep. King then toured "Sheriff Joe's" Tent City Jail.

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## Obama Violates Campaign Promise on Transparency

Barack Obama has repeatedly broken his promises of government openness and transparency. In recent months, the President has blocked Judicial Watch's attempts to obtain documents related to former Illinois Governor Rod Blagojevich's scheme to "sell" Obama's former Illinois Senate seat. He has stonewalled the release of documents regarding the government's massive financial bailout. And he has also adopted the Bush administration's bogus claim that White House visitor logs are

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**Liberals Call for Fannie and Freddie to "Relax" Mortgage Standards – Again!** Page 11

Congressmen Weiner (L) and Frank



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Drug smuggling backpacker and a load of marijuana seized by U.S. Rangers of the Bureau of Land Management.

Following the visit with Sheriff Arpaio, the investigation team moved along Interstate 8 (70 miles north of the Mexican border) where drug cartels are known to have dozens of teams of backpackers, each dropping hundreds of pounds of marijuana for trans-shipment to vehicles, which then transport the drugs to American cities.

Backpacker teams normally consist of eight to twelve men. Each backpacker is paid between \$500 and \$2,500 depending on the size of the load being carried and the distance the load has to be transported. Many backpackers hike for five to seven days on these smuggling runs. A clandestine drug cartel support network in

the United States drops food and water for the backpackers at designated points in the desert. Once the drop is made, many of the backpackers simply wait by the side of the road for the U.S. Border Patrol to come by and provide them with transportation back to a border crossing.

Drug cartels have dozens of “spotters” positioned on hilltops and ridgelines overlooking the broad desert valleys transited by the backpackers with their loads of marijuana. These spotters are armed and are equipped with radios, cell phones, GPS devices, flare guns and high tech optics that include night vision gear.

Spotters are routinely paid \$1,500 to man a spotter observation post for three days. Rangers from the Bureau of Land Management (BLM) hiked a segment of one of the smugglers routes with Chris Farrell and Rep. King, and took them to three known spotter observation posts.

The BLM has five Law Enforcement Rangers assigned to cover 1.4 million acres of land. BLM

Rangers provided the following examples of drug cartel spotter operations:

- During two evenings of the operation (April 7, 2009 and April 10, 2009), while Border Patrol and Bureau of Land Management officers were working on Interstate 8, emergency flares were shot from a well-known spotter location.
- The flares were shot during traffic stops on the highway.
- In both instances the flares could be seen for at least fifteen miles.

In the incidents described above, the spotters were providing security for the backpacker teams by conducting surveillance of law enforcement operations along Interstate 8, and then signaling via flare for drug smugglers to hold up until it was safe for them to avoid detection.



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Food is prepositioned in the desert for smuggler backpacking teams as they march north into the United States.

### A Crisis of Resources

During a subsequent meeting, a senior special agent from another federal agency told the JW congressional delegation of the shortage of resources to combat



**Judicial Watch**  
Because no one is above the law!

501 School Street SW, Ste 700  
Washington, DC 20024  
Tel: (202) 646-5172 or 1-888-593-8442  
FAX: (202) 646-5199  
Email: info@judicialwatch.org  
www.JudicialWatch.org

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smugglers, and of the increasing threat posed to law enforcement by the drug cartels.

The agent was convinced that the American public had little or no appreciation for the scope and depth of the problems at the border. The agent said: “The American public would be outraged if they knew that an armed and organized paramilitary force - operating under the control of drug cartels - was occupying hilltops across the US Southwest with impunity.”

The same agent described the failed half-measures to secure the border with anti-vehicle barriers. From January 2009 through May 2009, there were 271 breaches of the border barrier in the Tucson, Arizona Sector alone.

**Shadow Wolves and Ultra-Lights**

Chris Farrell, Rep. King and the delegation also visited the Tohono O’Odham Indian Reservation and the Immigration and Customs Enforcement (ICE) office in the reservation “capital” of Sells, AZ. There they spent time talking with members of the “Shadow Wolves,” an elite ICE unit of Native American trackers who work against drug smugglers transiting the reservation’s 76 mile border with Mexico.

Here, too, time was spent discussing and investigating spotter drug cartel observation post locations on reservation land. The delegation visited two spotter locations where recent arrests were made. The use of cover and concealment to camouflage the observation posts, as well as the spotter’s use of solar panels and car batteries to keep their communications and optics equipment charged shows the sophistication of the drug cartel operations.

**“The American public would be outraged if they knew that an armed, organized, paramilitary force - operating under the control of drug cartels - was occupying hilltops across the U.S. Southwest with impunity.”**

*Senior Federal Special Agent*

In the border town of Nogales, AZ, Farrell, King and his staff spent an evening with the Santa Cruz County Metro Task Force – a joint operation between the Santa Cruz County Sheriff’s Office and the Nogales Police Department.

Unlike the wide-open desert, the city of Nogales presents a different human and drug smuggling environment. The U.S. and Mexican sister cities of Nogales share a sewer system that has long been used for crossing the border – and more recently for sophisticated tunneling efforts. Once under or across the border, illegal aliens and drug smugglers alike quickly blend in to the local pedestrian and vehicle traffic.

The Metro Task Force has recently focused on ultra-light aircraft (little more than a hang glider with a lawn

mower engine) used to fly marijuana loads of approximately 300-400 pounds across the border for aerial drops. The aircraft then quickly return to Mexican airspace. Reportedly, some of the ultra-light pilots receive only five hours of training before making their first runs. On the night Judicial Watch’s congressional delegation was in Nogales, a 400-pound drop was successfully seized by Metro Task Force before smugglers on the U.S. side of the border could recover the marijuana.

**Over the Hill and Through the Woods**

A visit to Madera Canyon in the Coronado National Forest south of Tucson highlighted yet another law enforcement challenge. Here,

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View over the Vekol Valley and Interstate 8 from a drug cartel spotter position.

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U.S. Rangers from the Bureau of Land Management meet with U.S. Border Patrol Agents on the way to drug cartel spotter positions.

drug smugglers avoid detection and interdiction by exploiting wilderness areas with little law enforcement and by traveling many “back country” trails to move their loads.

Most people think of the Border Patrol and ICE when it comes to combatting illegal immigration and drug smuggling – not a handful of Forest Service law enforcement officers from the U.S. Department of Agriculture. Nonetheless, these Forest Service officers installed camouflaged cameras that have documented large numbers of drug smuggling backpackers in the national forests. Smuggler “scouts” armed with rifles and sidearms lead the drug smuggler groups. It is only a matter of time before a group of these smugglers runs into an American family enjoying a camping trip – with potentially deadly consequences.

### Report from the Field Grim

Judicial Watch arranged for Congressman King and the delegation to hear from the “rank

and file” of the U.S. Border Patrol – the agents on the ground dealing with the daily challenges. A meeting and border tour took place with representatives of Local 2544 of the National Border Patrol Council. The agents made the following points:

- Lack of prosecution by the U.S. Attorneys is diminishing morale among agents.
- U.S. Attorneys are given air-tight cases but will not prosecute. On one occasion, an Assistant U.S. Attorney said they were too busy and hung up on a BP agent.
- The U.S. Border Patrol needs more air support, and detention beds. And it also needs more support from prosecutors and the judiciary.

Judicial Watch’s investigation concluded when Border Patrol Agents took the group out to a residential area of Nogales that has become a “high traffic” crossing area. The agents who normally patrol this portion of the fence said that they see an average of 30-50 illegal aliens

trying to cross or jump the fence per eight-hour shift.

After discussing the issues in town, the delegation ventured out to a more open part of the border “guarded” with a more recently constructed fence. Unfortunately, the new fence is not effective in keeping individuals out. The fence is comprised of concrete filled beams, but there is a gap in between the beams, which provides the opportunity to grasp the beam and climb up and over.

The group actually witnessed one illegal alien sitting on the fence. The agents included a tour of the Border Patrol Station in Nogales. A central monitoring room provided a broad view of the entire border in the Nogales sector via cameras. In a matter of five minutes, video coverage showed seven illegal aliens being detained by Border Patrol agents.



Prisoners inside Maricopa County Arizona Sheriff Arpaio’s Tent City Jail.

### Crime and Punishment (Almost)

At the station detention facility, illegal alien men are separated from the women and children. The men are further separated into groups subject to “voluntary removal” or “expedited removal.”

A “voluntary removal,” (also called voluntary departure), occurs when an alien is allowed to depart the

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Seized bundles of marijuana in the evidence locker at the Santa Cruz County Sheriff's office.

country at his or her own expense, escorted by ICE, in lieu of formal removal proceedings or prior to completion of such proceedings.

With respect to an "expedited removal," the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 authorizes the Department of Homeland Security to quickly remove certain inadmissible aliens from the United States. This authority covers aliens who are "repeat offenders" or who are inadmissible because they have no entry documents or because they have used counterfeit, altered, or otherwise fraudulent or improper documents. The illegal alien undergoing "expedited removal" is not referred to an immigration judge except under certain circumstances when an alien makes a claim to lawful status in the United States or demonstrates a credible fear of persecution if returned to his or her home country.

One Border Patrol agent on duty described how some of the illegal aliens have been arrested and detained up to 32 times under "voluntary removals." One illegal alien had six additional "expedited removals" before going before a judge. Despite this record, the court ruled "time served" and released the individual at the border point of entry.

## CONCLUSIONS OF THE CONGRESSIONAL DELEGATION BORDER INVESTIGATION SPONSORED BY JUDICIAL WATCH

- The American public needs to be educated about the paramilitary occupation of hilltops and ridgelines across the U.S. Southwest by armed drug cartel spotters.
- Border violence -- related to Mexican drug cartels -- has increased, posing an increasing threat to law enforcement officers and the American public.
- Use of ultra-light aircraft to transport drugs is the newest technique employed by the drug cartels.
- US Attorneys in the region are overwhelmed by the flood of illegal immigration and drug smuggling cases.
- US Border Patrol Agents and other law enforcement officers at the federal, state and local levels still do not have the resources to combat human and drug smuggling.
- Additional resources should include air support, additional prosecutions and, increased court capacity.

### CALL TO ACTION:

Contact your congressman and tell them to support stronger border enforcement. The number for the Capitol Hill switchboard is: **202-224-3121**.



JUDICIAL WATCH

The Judicial Watch congressional delegation confirmed the situation at the nation's southern border is critical and deteriorating. That is why Judicial Watch's nationwide campaign for the enforcement of our nation's immigration laws is so vital.

"This Judicial Watch-sponsored congressional delegation is part of our overall campaign to promote the rule of law by supporting our nation's law enforcement officers -- at all

levels of government. We will also continue to investigate and research the conditions on our southern border in order to educate the public and government officials about the security and other threats posed to our safety, sovereignty and way of life," stated Judicial Watch Director of Investigations and Research Chris Farrell. **JW**