

Written Testimony of Nathan Burr, Havre Sector Vice President

National Border Patrol Council

**Submitted to the Subcommittee on the Efficiency and Effectiveness of Federal Programs and
the Federal Workforce**

July 12, 2013

On behalf of the National Border Patrol Council, the union representing U.S. Border Patrol Agents, we request that this statement be included in the hearing record for the field hearing titled "Protecting Our Northern Border: Enhancing Collaboration And Building Local Partnerships."

I've been asked to address the Border Patrol's role in securing the Northern Border. The Border Patrol is responsible for providing security in between the Ports of Entry along the entire length of our nation's borders. During hours that the ports are closed we are responsible for their security as well. In short, our role is the role. When it comes to the security of our nation's borders it all begins and ends with the U.S. Border Patrol. As it should. We are the subject matter experts. We are the ones that know every hill and coulee, every nook and cranny, and every two track and turkey trail in our area of responsibility. There has been some confusion on this subject since we were taken over by Customs and Border Protection. We are no longer responsible for "interior enforcement," as we were in the past. That responsibility falls on Immigration and Customs Enforcement now.

For the most part all of our resources and focus is on guarding this nation's borders. The problem that we have is that our meager pool of resources is becoming very shallow. The combination of the Border Patrol's last congressionally mandated mass hiring, and the current budgetary crises, has left many areas drastically underfunded. Fuel and vehicle maintenance funding are two of the more apparent areas. Within my local many stations saw increases in manpower of four hundred percent or more. I was told that these stations saw a corresponding increase in their fuel budget of roughly three percent. This has put many stations in a position where agents are allotted less than ten gallons of fuel for a shift. My station, the Havre Station, is responsible for over one hundred miles of border. The eastern and western edges of our area are over seventy five miles from the station. In spite of our dedication and best efforts it's very difficult to adequately perform our duties without the proper resources.

An additional resource based problem that we have is that of radio dispatchers. There is currently a hiring freeze on all of those positions. The Havre Sector radio room has been short staffed for years. There have been recent retirements and there are more on the horizon. Due to budgetary constraints there is no way to backfill these positions. This puts us in a position where Border Patrol Agents are having to man the radios instead of patrol the border.

While the Border Patrol is focusing all of its resources on securing the border, the impact of that is diluted by not having the necessary resources to send.

In regards to inter-agency cooperation at the federal level, in my experience our collaboration and relations with other federal agencies is functional, but strained. If it wasn't strained bills, like H.R. 1505 wouldn't be necessary. For those that don't remember, H.R. 1505 was a bill prohibiting the

Department of Interior and Department of Agriculture from impeding Border Patrol operations. That was a major issue in my former station of Ajo, Arizona, where we spent a good deal of time patrolling both the Organ Pipe Cactus National Monument and the Cabeza Prieta National Wildlife Refuge.

Complete inter-agency collaboration is subdued, if not completely thwarted, by insecurity and fear. Most agencies are actually far more concerned with protecting their territory than they are with accomplishing their duty. They may be unable or unwilling to perform a specific duty, but they react very strongly if another agency takes care of it for them. In my experience this is doubly true of any agency dealing with either immigration or border security. The relationship between I.C.E. and the Border Patrol is a perfect example of this in regards to the issues of “interior enforcement,” and “worksite enforcement.” One of my first lessons upon transferring to the Havre Station was to never engage in worksite enforcement. In 2008 we received a citizen’s report of possible illegal aliens working on a local resident’s driveway. They were employees of an asphalt crew from Great Falls, Montana. An agent responded and arrested several individuals. I was told that Havre Sector received a call from the Great Falls I.C.E. office the next morning, and that they were quite irate about Havre Border Patrol Agents conducting “worksite enforcement.” Being young and naïve I asked what the issue was. I was informed that the fact that we were responding to a citizen’s complaint was the only thing that kept us out of trouble. I was also instructed that I should come up with ways to encounter suspected illegal aliens at locations other than their place of work. I feel very strongly that attitudes like this are counterproductive and have no place in law enforcement. They are not in keeping with the behavior of a professional law enforcement agency.

This entire situation could easily be fixed by giving the Border Patrol and I.C.E. overlapping jurisdictions in enforcing immigration laws in regards to this nation’s interior and in the workplace. There would be no cost associated with this and it would require no training, as Border Patrol Agents are well trained in immigration law and are fully authorized to enforce all laws associated with violations of the Immigration and Nationality Act. Put immigration enforcement back in the hands of immigration officers that are willing and able to do the job.

One of the greatest problems that the Border Patrol faces in regards to collaboration and partnership with other entities, particularly local law enforcement entities, is that of perception. Much to the chagrin of most agents, the Border Patrol itself is an intensely political animal. In my nine years of service I have seen partnerships in two states develop and collapse based on the direction and strength of the political winds. The Havre Station’s Amtrak check is a great example of this. When I arrived at the Havre Station in May of 2008 we hadn’t been allowed to check the train for quite some time. This was a result of the Border Patrol previously being sued by the ACLU when Havre Agents had arrested an out of status alien from Iraq. The Border Patrol’s response to this, was to immediately cease all train check operations in Havre. A few months after my arrival we started checking the train again, albeit sporadically. In January of 2010, The Havre Station stood up a dedicated train check unit, of which I was a part. We checked the trains every day, and our apprehension numbers skyrocketed. During this time we also interrupted multiple attempts at smuggling narcotics, and we thwarted the theft of nearly \$100,000 worth of camera equipment from a Seattle area store. We continued checking the train in this manner, with or without a dedicated train check unit, until the fall of 2011 when the Border Patrol and the Havre Sector caved in to mounting political pressure, and ended our train check operations.

During the time that we were dedicated to checking the train I watched a tremendous number of partnerships develop. A ticket agent in Portland would call me when someone he thought was

suspicious would board the train. The ticket agent was given our phone number and told to call us by an Amtrak Police Officer that we had built a relationship with. Car attendants and conductors would tip us off to suspicious behavior of passengers on the train. Several arrests were made due to these relationships. When we were forced to cease train check operations those relationships withered and died. The previous level of cooperation is now gone. People generally don't understand the nature of the political waters that we tread. They don't understand why we are no longer there, they only know that we aren't there for them now. They feel that they have been abandoned. No amount of rhetoric will heal that wound. We have to start over from ground zero and rebuild those relationships. This takes time and slows our progress towards a more secure border.

The effects of border security and the Border Patrol on our local communities can be enormous. The obvious first effect is the increased law enforcement presence in our communities. We back up local officers on stops. We help provide K9 support, and even air support when possible. From an enforcement standpoint the Border Patrol brings some very valuable assets with it.

The economic impact of having Border Patrol Agents in small border communities is obvious. Many of us prefer to shop locally, even if it means paying a little extra, because we believe in supporting the communities that support us. We also require vehicles, ATVs, Snowmobiles, and other equipment to perform our duties. All of those service vehicles require fuel and maintenance. If there are enough vehicles in the fleet, they may require enough maintenance for the local garage to need to hire another mechanic.

The majority of us have families. That leads to schools benefiting from increased enrollment. Havre Public Schools had to hire extra staff in order to accommodate the increased enrollment in Kindergarten two years ago. Many of us had children in that class. Increased enrollment leads to increased funding, and that can lead to a potential increase in the quality of education that all of our children get. In addition to the benefit to the schools, local youth sports and youth organizations benefit as well. Many of these organizations will also benefit from agents being coaches and leaders for their organization.

Many charities also benefit from having a Border Patrol presence in their communities. Last year, in Havre, a Border Patrol Agent's wife organized a barbecue cook-off. The event was designed to raise money for the local soup kitchen and a church charity. Although there were only four teams competing they raised over \$500 for those charities. Of those four teams three were made up of local Border Patrol Agents. This is one example in addition to all of the other major charitable events that Border Patrol agents take part in throughout the country.

In closing I thank you for the opportunity to address you today, and look forward to answering any questions that you may have.