



# Department of Justice

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## STATEMENT FOR THE RECORD

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U.S. DEPARTMENT OF JUSTICE**

## BEFORE THE

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE**

## FOR A HEARING ENTITLED

**SECURING THE BORDER: UNDERSTANDING THREATS AND STRATEGIES  
FOR THE NORTHERN BORDER**

**PRESENTED**

**APRIL 22, 2015**

**Statement for the Record**  
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**Vice-Chair, Attorney General's Advisory Committee (AGAC)**  
**Co-Chair, Border and Immigration Subcommittee of the AGAC**  
**U.S. Department of Justice**  
**Before the**  
**Committee on Homeland Security and Governmental Affairs**  
**United States Senate**  
**April 22, 2015**

Chairman Johnson, Ranking Member Carper, and distinguished Members of the Committee: Thank you for the opportunity to speak with you today about securing our northern border.

**The Northern Border**

Stretching 5,525 miles from the Atlantic to the Pacific and north to the Beaufort Sea of the Arctic Ocean, the longest international boundary in the world divides 13 states from seven provinces and one territory, through four Great Lakes, the St. Lawrence Seaway, and the lands of the Mohawk people. The United States Attorneys for the 16 federal judicial districts along the northern border know well that border security is a critical component of our national security, and we work with federal, state, local, and tribal law enforcement agencies, as well as our Canadian counterparts, to combat the transnational crime that threatens it. The law enforcement effort to enhance border security is complicated by a reality we embrace: the bi-national commitment to accelerate the legitimate flow of trade and travel that now amounts to about \$2 billion per day.

The four districts with the largest volume of border crossings and significant border related criminal activity are Western Washington, which includes Seattle and borders the Vancouver area of British Columbia; Eastern Michigan, which includes Detroit; Western New York, with Buffalo and Niagara Falls, near the Toronto area of Ontario; and my district, Northern New York. Eastern Michigan and Western New York have entirely maritime international borders located in metropolitan areas. Western Washington and Northern New

York have both land and water borders. In the busiest four districts and all along the line, criminal organizations try to take advantage of the length and nature of the border, the volume of traffic, the bi-national commitment to maintain the mobility of people, goods, and information across the border for legitimate purposes, and jurisdictional divisions.

My district, the Northern District of New York, is comprised of 32 of the 62 counties in New York, and is home to about 3.4 million people. The District covers an area of approximately 30,000 square miles – larger than the combined areas of Vermont, Massachusetts, Connecticut, and Rhode Island – and shares a 310 mile international border with Canada. A huge volume of people and goods pass through the District from the major population centers of eastern Canada into the United States, by road, rail, forest, field, and waterway. Eight of the eleven ports of entry in New York are located in our District, and there are a total of 14 official border crossings, many in very remote areas. The territory of the Saint Regis Mohawk Tribe, or Akwesasne, straddles the border and the St. Lawrence Seaway, with portions in New York, Ontario, and Quebec, and some of the Quebec portion lying south of the Seaway. The Mohawk communities on both sides of the border view travel throughout the territory as their tribal prerogative. Smugglers exploit the circumstances at Akwesasne, the Seaway, and the large rural areas between the ports of entry to cross the border surreptitiously.

### **National Security and the Prevention of Terrorism**

The prevention of terrorism remains our number one priority. My family and I have personally felt the impact of terrorism, having lost my 21 year old sister, Lynne, in the skies over Lockerbie in the December, 1988 bombing of Pan Am 103. The terrorist threat is current and real, as dramatically illustrated by the Canadian convictions of Chiheb Esseghaier and Raed Jaser last month for conspiracy to murder for the benefit of a terrorist group. The two men had plotted to kill people by derailing a Via Rail Canada passenger train traveling between New York and Toronto, but they were thwarted by a joint investigation that included undercover work by an FBI agent. In another incident last October, Michael Zehaf-Bibeau shot and killed a Canadian soldier on guard at the National War Memorial in Ottawa, yelling, “for Iraq,” and then fired numerous shots in the Canadian Parliament building. Zehaf-Bebeau was killed by law

enforcement at the scene before he could harm anyone else. Days before, Martin Rouleau-Couture, reportedly a supporter of ISIL, stalked and then struck two Canadian soldiers with an automobile in a parking lot in Saint-Jean-sur-Richelieu, Quebec, killing one soldier and wounding the other. Rouleau-Couture was killed by law enforcement following a police chase. Ottawa is only 57 miles from the Northern District of New York's port of entry at Ogdensburg. Saint-Jean-sur-Richelieu is but 25 miles from our border crossing at Rouse's Point.

United States Attorneys' Offices work closely with the twelve Joint Terrorism Task Forces (JTTFs) operating at and beyond the border along with their Canadian law enforcement colleagues, to spot and stop terrorism along with their Canadian law enforcement colleagues, understanding that our vigorous enforcement of the federal criminal code – prosecuting drug smugglers, human traffickers, child exploiters, and gun dealers – reduces the threat of another attack. In addition, the Northern District of New York is a travel corridor between cities in Canada and New York City. Accordingly, we work closely with the Department of Homeland Security (DHS) to maintain robust enforcement of immigration laws.

### **Criminal Law Enforcement Along the Northern Border – Narcotics, Firearms, Human Trafficking and Child Exploitation**

Our national effort to combat transnational crime includes initiatives promoting communication, coordination, cooperation, collaboration, and integration, such as the Integrated Border Enforcement Teams (IBETs), Border Enforcement Security Task Forces (BESTs), and Shiprider (integrated cross-border maritime law enforcement) led by DHS, the Department of Justice's Organized Crime and Drug Enforcement Task Force Program (OCDETF), and the Drug Enforcement Administration (DEA) led drug task forces. Each of the four busiest districts has a BEST, and Shiprider is expanding eastward after establishing regular operations on the maritime borders in Washington and Michigan.

The United States Attorneys' Offices have had great successes working with the BESTs, High Intensity Drug Trafficking Area Task Forces (HIDTAs), and other interagency groups on a variety of criminal cases. In the Northern District of New York, we opened a branch office in Plattsburgh in 2008 to provide leadership on the ground in cases such as one involving both the

seizure of 350,000 ecstasy pills headed south from Canada and 16 kilograms of cocaine going north, and others arising from the regular interdiction of high potency marijuana grown indoors in Canada and smuggled across the border to cities throughout the eastern United States. Subsequent cases have highlighted the importance of a constant presence. For example, in *United States v. Allan Peters*, a joint federal, state, local, and tribal investigation dismantled a ring that smuggled in over 1000 kilograms of marijuana for distribution in US cities and sent millions of dollars in drug proceeds back to Canada. The group regularly transported hockey bags filled with 100 – 250 pounds of marijuana across the St. Lawrence to a property south of the river in Quebec, where couriers would load the bags into vehicles and continue on accompanied by scout vehicles – vehicles with people looking for police. Border Patrol Agents nonetheless intercepted several load vehicles, and DEA seized 16 handguns the group was picking up in Syracuse for delivery to a location in Canada. Peters was convicted by a trial jury and, in February of this year, sentenced to imprisonment for 168 months.

In *United States v. Daisy Realza*, a joint DEA/DHS investigation dismantled an organization that obtained ecstasy in Montreal, used boatmen to transport it across the border, and then couriers driving vehicles with traps, escorted by “blockers,” to deliver the ecstasy to wholesalers in New York City and Boston, where it was exchanged for cocaine and cash to be smuggled back to Canada. These trips took place several times per month, with each load delivering about 50,000 pills and returning several kilograms of cocaine. Over a 12 month period, law enforcement officers made five seizures of hundreds of thousands of the pills, weighing well in excess of 100 pounds. Last fall, Realza pled guilty to engaging in a continuing criminal enterprise and was sentenced to imprisonment for 108 months.

In the west, Project White Rhino was a model of cross-border cooperation crippling a major drug trafficking organization. The expansive District of Montana border with Alberta and Saskatchewan extends 585 miles and presents an inviting target. However, the office of US Attorney Michael Cotter and more than 100 law enforcement officers working in Los Angeles, Las Vegas, and Vancouver, as well Montana, Saskatchewan, and the interior of British Columbia built a case convicting 17 people in Montana and Canada whose ledgers reflected their smuggling of 1,054 kilograms of cocaine from the US into Canada over 22 trips, together with

approximately 1.3 million ecstasy pills and 140 pounds of marijuana from Canada into the US for distribution. Seizures included \$380,000 in Canadian currency, 441 kilograms of cocaine, 29 kilograms of ecstasy and 12 vehicles.

The Western District of Washington, now led by Acting US Attorney Annette Hayes, has prosecuted drug organizations related to the Hells Angels, including one that smuggled 1,000 - 2,000 pounds of marijuana into the US each month for distribution in California, Illinois, Missouri, Georgia, and New Jersey, and 100 – 200 kilograms of cocaine into Canada each month for distribution in British Columbia – resulting in the seizure of more than 1,000 kilograms of marijuana, 136 kilograms of cocaine, \$2 million, and lengthy prison terms. Another organization recruited a former Royal Canadian Mounted Police (RCMP) member and a corrupt border services employee to help get cocaine from the US through the border into Canada, and “BC Bud” marijuana from Canada into the US – resulting in the seizure of more than 1700 pounds of cocaine and \$3.5 million as well as the conviction of 54 participants, with sentences of up to imprisonment for 20 years. In another matter, Western Washington’s Operation Frozen Timber resulted in the trial conviction of a pilot who traversed the border flying his helicopter at low levels so he could smuggle dozens of loads of marijuana from Canada into Washington, Idaho, and Montana.

The office of Maine US Attorney Thomas E. Delahanty II has prosecuted cases showing Maine to have been a corridor connecting southwestern drug suppliers to traffickers in New Brunswick. Apolinar Oriz-Islas, of Houston, Texas, was arrested as he attempted to deliver 10 kilograms of cocaine and tried, convicted, and sentenced to imprisonment for 170 months based on evidence showing that he received hundreds of thousands of dollars from drug traffickers in New Brunswick, obtained cocaine from Mexico, and had it transported to Maine and then smuggled into Canada. Robert Rossignol was sentenced to imprisonment for 12 years for repeatedly obtaining currency from a drug dealer in New Brunswick, smuggling the currency across the border, and giving it to a runner who transported the money to Texas for the drug dealer to procure the cocaine. The cocaine was handed to the runner to bring back to Rossignol, who smuggled the cocaine from Maine into Canada and gave it to the drug dealer, who paid him. One smuggling event involved \$300,000 which was seized.

The drug threat is pervasive, but just one of the many types of border crimes we confront. Another is firearms trafficking and an example, uncovered in Western Washington, involved a Vancouver man who was convicted of unlawful dealing in firearms and making false statements to cross the border when he travelled to Oregon to pick up boxes of firearms and ammunition and brought his arsenal to a storage facility near the Washington – British Columbia border.

In the fight against human trafficking, a joint investigation by the RCMP and Homeland Security Investigations (HSI) into the smuggling of young Romanian women through the US to Montreal for prostitution recently resulted in charges in Canada and my district. In the Western District of New York, US Attorney William Hochul recently announced the arrest of Edward Eguavoen for attempting to enter the United States through Canada using a Canadian passport under a different name. Subsequent investigation by the Department of Homeland Security revealed that Eguavoen is wanted by Belgian authorities on a 2005 conviction and sentence in absentia to imprisonment for seven years for bringing seven women from Nigeria to Belgium and forcing them to engage in prostitution in brothels controlled by a criminal organization. Eguavoen is being held for extradition from the United States to Belgium.

The horror of child exploitation gives rise to a tragic number of cases, some of which involve the border. When upstate New York resident Joseph Jenkins traveled into Canada, Canadian Border Services Agency (CBSA) discovered child pornography on his laptop and he was charged in Canada. When he did not show up for trial there, we prosecuted. A trial jury convicted Jenkins of possessing and transporting nearly 4000 images and over 100 videos of child pornography, including files depicting sadistic sexual abuse, bondage with chains, and sex with prepubescent children. Jenkins was sentenced to imprisonment for 225 months. In other matters, we have been able to arrest individuals at the border for child pornography and other acts that constitute the sexual exploitation of children. For example, in a case handled by the office of United States Attorney for the Eastern District of Michigan Barbara McQuade, a retired police officer from Cincinnati pled guilty to crossing into the United States from Canada with a video camera in his trunk containing child pornography.

## **Cooperation and Coordination with Canadian Law Enforcement Authorities**

Though the existing enforcement teams and task forces have had significant successes, their structure, composition, and mandates have left them short of true integration. The Beyond the Border declaration in 2011 included the commitment “to build on existing bilateral law enforcement programs to develop the next generation of integrated cross-border law enforcement operations.” The implementing Action Plan provided for bi-national teams of cross-designated officers patrolling and conducting investigations. With our Canadian counterparts, we are addressing the issues associated with integrated enforcement. Meanwhile, the vital work of advancing border security goes on, and now includes the Border Operations Leadership Team (BOLT), which brings together the operational leaders from law enforcement and prosecution departments and agencies with border missions for their insights and action on measures to enhance our efforts to eradicate cross-border crime.

We are confident that our bi-lateral commitment to border security, our mutual respect for national sovereignty, and our shared tradition of protecting both public safety and individual rights will strengthen our efforts to achieve more integrated cross border enforcement. We are committed to continued vigilance, using the full range of investigative tools and laws available to us to fight transnational crime and enforce US law. With governmental support and BOLT’s operational charge, the northern border United States Attorneys and federal law enforcement agencies are poised to capitalize on the historic opportunity to forge bonds with our Canadian counterparts that increase our effectiveness.

## **Conclusion**

Thank you for the opportunity to discuss with you the dedication and demonstrated diligence of the Department of Justice in partnering with U.S. and Canadian law enforcement and prosecution colleagues to address the many challenges associated with securing our northern border. I look forward to answering any questions you might have.