

**STATEMENT  
OF  
EUGENE R. DAVIS  
RETIRED DEPUTY CHIEF PATROL AGENT  
U.S.BORDER PATROL  
BLAINE SECTOR  
BLAINE, WASHINGTON**

REGARDING  
ALIEN PROCESSING PROCEDURES AND PROBLEMS  
FAILURE TO APPEAR FOR HEARINGS BY RELEASED ALIENS  
LACK OF RESOURCES AND INABILITY OF ANY INTERIOR INS OFFICE TO PERFORM  
ANY SIGNIFIGANT IMMIGRATION LAW ENFORCEMENT FUNCTION  
BEFORE  
THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS  
UNITED STATES SENATE  
NOVEMBER 13, 2001

Mr. Chairman and members of the Subcommittee.

My name is Eugene R. Davis. On January 1, 2000, I retired after spending 29 years with the Immigration and Naturalization Service. During my tenure with the INS I served as a Border Patrol Agent, Immigration Inspector, Special Agent, Patrol Agent in Charge with the Border Patrol, Assistant Chief Patrol Agent, and as the Deputy Chief Patrol Agent for the Blaine Sector at Blaine, Washington. During my years of service I spent much of the time in the field leading enforcement operations. Those operations included working jointly with Special Agents in the Seattle, Washington; Portland, Oregon; and Anchorage, Alaska District offices. Because of the expertise and knowledge that I gained over my many years of experience I have testified before the U.S. House of Representatives on two previous occasions.

I am honored to be here today and wish to express my sincere appreciation for giving me the privilege of testifying. I enjoyed very much my years of service. I can truly say that most of the field agents that I worked with in the Border Patrol, Immigration Inspections, and Investigations were, and continue to be, dedicated government employees who simply want to do their jobs in the manner that they have taken an oath to do.

Since the horrible events that took place on September 11, 2001, I have encountered numerous INS employees who are having a very difficult time dealing with what happened. The emotions of these INS employees mirror those of all other American citizens, but they go much deeper because of the sense of guilt, anger, and betrayal that they feel towards upper INS management. These dedicated INS employees feel that if they had been given the proper tools to do their jobs, and if they had been allowed to enforce immigrations laws in the manner that should have been done that the events of September 11 may not have taken place.

I also believe this to be the case. It is my opinion that most of the blame as to how these terrorists were able to come to our shores to perpetrate these evils acts was because of a total breakdown of the Immigration policies and procedures in this country. If a building had collapsed because of faulty construction and almost 6000 innocent people had lost their lives accountability would be demanded. It is my sincere hope that the United States Congress will carefully examine the collapse of meaningful enforcement efforts within INS and will demand accountability. As various Subcommittees go about their business of putting the INS under strict examination I hope that they will have the wisdom to reach out to the retired District Directors and Chief Patrol Agents who will be willing to come forward and testify. They are the real experts as to what has gone wrong in Immigration enforcement. There are entire legions of retirees that are willing to come forward. I believe there are also huge numbers of present INS employees willing to come forward if the gag order they are under would be lifted. As accountability turns into culpability I hope that Congress will see that those found to be derelict in their duties could be removed and those found to be criminally negligent or to have performed unlawful acts could be charged and prosecuted.

Per the request of the Subcommittee there are several things that I would like to address that were areas of concern during my service with the Border Patrol.

#### ALIEN PROCESSING PROCEDURES AND PROBLEMS

During the last ten years that I served in the Blaine Sector we encountered a great deal of difficulty in our efforts to effectively incarcerate and remove undocumented aliens. This included both illegal aliens that we encountered while doing interior enforcement operations and those whom we arrested coming across the international border from Canada. If our agents could establish that the apprehended alien had a serious criminal record we could usually locate a correction facility to hold him. It was extremely difficult to locate any criminal record on third country aliens entering the United States from Canada. Most had no identification at all, and we had nothing to go on but their word, which was usually highly suspect. Due to the fact that they had no identification and they were in the United States, it was impossible to remove them to Canada. Lacking evidence of a criminal record and because of a severe shortage of funds and jail space, most of these arrested aliens were given a "notice to appear" or "an order to show cause," and they were released on their own recognizance. Before being released the processing agent would ask the alien what his destination was and inform him that he had a maximum of 30 days to report to the nearest INS office for a hearing. A file was then created and mailed to the INS District closest to where the alien said he was going. Over the years that this policy was in effect there were literally hundreds of aliens from many countries who were released in this manner. Many of the undocumented aliens whom we encountered who were already residing in the country were given I-210 letters and told to depart the United States. During the last several years that I worked, we no longer had a problem dealing with undocumented aliens in the interior because we were no longer allowed to work on any interior enforcement operations.

#### FAILURE TO APPEAR FOR HEARINGS BY RELEASED ALIENS

A check with any INS District Office in the United States will reveal boxes and boxes of files belonging to those aliens who were told to report to the nearest office at their destination and

who failed to appear. I would estimate that there has been no effort to locate 95% of these aliens. They have been allowed to simply disappear into the United States. No one knows whether a number of these missing persons are trained terrorists who will eventually emerge to perpetuate more acts of terrorism against innocent United States citizens.

#### LACK OF INTERIOR ENFORCEMENT

It is not that District Offices have been derelict in trying to locate these people. Each of the INS District Offices has one common major problem -- a lack of manpower resources. Most District INS Offices are able to operate on strictly a limited reactive basis. They cannot be proactive. It is common knowledge that for all intents and purposes there is no interior enforcement of immigration laws. In most cases if you make it past the border and are undetected or if you receive a temporary pass to make it to the interior you are home free. The District Offices do not have adequate numbers of enforcement staff to do what they have been tasked to do. The situation in the Seattle, Washington and Portland, Oregon Districts has been placed under even greater burden over the last several years when the Border Patrol was restricted from doing any interior enforcement operations in areas that they had traditionally worked. This has created "no enforcement zones" and has also provided the delusion that apprehensions in the Blaine Sector have dropped for a positive reason.

#### FINAL CONCLUSIONS

In closing I would like to enter into the record my own conclusions regarding the immigration mess that we as a country find ourselves in. For over the past two decades there has been a flood of uncontrolled illegal immigration taking place in the United States. This illegal immigration has occurred by people slipping across our borders and by people coming here as visitors or students who have not gone back home. There has been a bi-partisan neglect to really address this problem. The common denominator in most instances, which causes this flood of immigrants is jobs. People slip across the border one day, buy a fraudulent Social Security number on the second day, and by the third day they are gainfully employed. It is true that many of these people are doing jobs that many American citizens will not do, but it is also true that you cannot wink and look the other way as an undocumented migrant worker illegally crosses the border and at the same time screen out terrorists. Over the years there has been no one more outspoken than I on the issue of putting additional resources along the border. On April 14, 1999, I testified before the House Judiciary Committee on this very subject. However, I will also be the first to say that it will not solve our immigration problems by just putting additional agents and technology along our borders. This is equivalent to placing additional crewmen and a global positional system on the Titanic. INS policy in this country is a flooded, sinking ship. In order for illegal immigration to come to a halt Congress will have to shut off the job magnet. This will mean Members of Congress will have to stand up to the pressure of special interest groups that are dependent on illegal aliens that slip across the borders.

As I made reference to in my opening remarks I believe that it is imperative that Congress addresses the issue of mismanagement in the headquarters division at INS. If a Border Patrol Agent under my supervision were negligent and lost a pair of \$200.00 binoculars, he was held accountable. He was disciplined and was forced to make restitution. If a headquarters manager allows millions of dollars to be squandered on a worthless computer system that will not work there is nothing done to him. I believe that in most instances he is given millions of additional dollars to try again.

I am especially perplexed as I read reports that have come forth from the office of both the present and past Inspector General for the Department of Justice. Over the last decade they have written and published many reports outlining the mismanagement within INS but nothing seems to change.

Over the past two months since the terrorist attacks Congress and the media have done their utmost to examine the Taliban and the outside influences that caused September 11<sup>th</sup> to happen. It is now time for Congress and the media to turn their attention inward to look at the root causes that allow terrorist to arrive here. The majority of the system's breakdowns that have allowed this to happen lie within the framework of the Immigration and Naturalization Service.

Please take the time and effort to correct these problems and restore effective immigration policy.

Again thank you for the opportunity of being here. I would welcome any questions that the Subcommittee may have.