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**Official Complaint to the  
House Committee on Standards  
of Official Conduct**

**Presented by:**

**Andy Ramirez, Chairman  
Friends of the Border Patrol**

**July 14, 2008**

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## Friends Of The Border Patrol

A 501(c)(3) Nonprofit Law Enforcement Advocacy Corporation  
PO Box 2685, Covina, CA 91722 • TEL: (909) 476-1125

July 14, 2008

House Committee on Standards of Official Conduct  
HT – 2, The Capitol  
Washington, DC 20515

Dear Madam Chairman, and Ranking Member Hastings:

My name is Andrew M. ‘Andy’ Ramirez, chairman and founder of the nonprofit law enforcement advocacy organization Friends of the Border Patrol. I have testified on a number of occasions before Congressional Committees regarding border security.

I am writing to respectfully request an immediate formal investigation by the House Committee on Standards of Official Conduct into a recent request for assistance from the Immigration and Customs Enforcement Agency (ICE) by Silvestre Reyes, Member of Congress (El Paso), and chairman of the House Permanent Select Committee on Intelligence.

The matter involved a relative of the Congressman’s spouse who had been kidnapped in Juarez, Mexico on June 19, 2008 and was being held for ransom. According to a number of publications, including Narconews.com, which broke the story, a sensitive memo prepared by Donald Bruckschen in ICE Office of International Affairs to ICE Assistant Secretary Julie Myers was leaked, detailing ICE’s role in the matter (see Exhibits 1 and 2).

It has been indicated by a number of retired senior federal law enforcement officials, such as Mark Conrad, RAC for Internal Affairs at Legacy Customs, Sandalio Gonzalez, SAC for the Drug Enforcement Administrations’ El Paso Office, and Michael Cutler, former Special Agent who spent 30 years with Legacy INS, as well as former U.S. Attorney Joseph DiGenova (District of Columbia) who collectively call the ICE request “bizarre, questionable, inappropriate and highly unusual...” and that “it raises serious questions” considering Mr. Reyes’ previous employment as Chief Patrol Agent in the McAllen and El Paso Sectors of the U.S. Border Patrol. (See Exhibit 2)

Therefore, under the “Code of Official Conduct”, it appears Mr. Reyes has violated the following:

1. A Member, Delegate, Resident Commissioner, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House.
2. A Member, Delegate, Resident Commissioner, officer, or employee of the House shall adhere to the spirit and the letter of the Rules of the House and to the rules of duly constituted committees thereof.

While not receiving the benefit directly, his office was used to personally benefit a relative, though the action was in direct contradiction of his previous employment and training as a Chief Patrol Agent under Legacy INS at the U.S. Border Patrol, as ICE assisted Congressman Reyes’ relative, after request by Mr. Reyes’ district staff to ICE, at taxpayer expense.

Last month, a group, Citizens for Responsibility and Ethics in Washington (CREW) filed a letter with DHS Secretary Michael Chertoff requesting that the secretary “immediately order an inquiry into the circumstances surrounding ICE’s involvement in the matter to determine the nature of the inquiry by Cong. Reyes’ office, whether ICE had the legal authority to intercede in this matter, why ICE chose to get involved in this matter, whether the State Department was consulted, and whether ICE has offered assistance in other cases involving foreign nationals kidnapped on foreign soil.” (See Exhibit 3)

This issue raises many questions and requires a review by the Ethics Committee when one considers a statement made by Congressman Reyes, during the House Committee on the Judiciary’s Hearing held by then-chairman F. James Sensenbrenner on August 17, 2006, “Having been an agent, myself, I think that it's important to make the point that when you put on a badge and a gun, you're held to a higher standard in terms of the enforcement of the law. I'm of the opinion that you can't enforce the law if you can't respect it.” (See Exhibit 4)

Mr. Reyes statement was in direct response to my sworn testimony before the Judiciary Committee regarding the prosecution of two Border Patrol Agents, Ignacio Ramos and Jose Alonso Compean by the office of U.S. Attorney Johnny Sutton, which also took place in 2006.

Thus another question is raised, based on his statement, are we holding Members of Congress, who clearly believe that as a former agent, one should be held to a higher standard? His statement raises a question as to his respect of the law in using his position to influence an investigation, though every Federal Agent knows such a practice is frowned upon and as our organization has learned, federal agents and officers are being fired for violating this very issue even when their lives are threatened while off-duty.

I would be remiss not to offer the following fact, which further shows a contradiction in actions and words. While Mr. Reyes felt that the case should be heard by the House Judiciary Committee (which has yet to happen though it was promised nearly two years ago), one month later he contradicted himself, September 2006, during an impromptu meeting he and I had just outside the House Floor. He repeated his statement about a “badge and a gun... and the higher standard”, but then stated in response to my question as to why the supervisors involved in the case were not subject to investigation, “the Border Patrol can open up an investigation to review the two supervisors who did not report the shooting, but NOT THE TWO AGENTS, NOT THE TWO AGENTS, NOT THE TWO AGENTS!”

Why was it no longer acceptable to investigate the case in September, when Mr. Reyes requested to participate in a hearing on that very case one-month earlier? Keep in mind that Chairman Sensenbrenner responded, “so ordered” to Congressman Reyes’ request to include him in the future hearing (from the Judiciary Committee hearing record of August 17, 2006).

One might consider his words as to that higher standard as a former Chief Patrol Agent, to be contradictory and hypocritical considering the actions and official statements released by ICE and his Congressional Office. The fact remains that ICE and the Office of U.S. Attorney Johnny Sutton had knowledge of, and allegedly failed to prevent the murders of at least 12 Mexican Citizens and a permanent U.S. Resident in Ciudad Juarez, with the participation of an ICE controlled informant.

There was no coordination with Mexican authorities during the “House of Death” murder spree, or during the Ramos/Compean case. The retired Chief Patrol Agent has continued to remain silent, and has done absolutely nothing to expose this nefarious, evil case by requesting a formal Congressional investigation into the light of day before the American people, and bringing the guilty parties involved to justice, as the framers of our Constitution intended. Not a word has been uttered to ICE or DOJ, regardless of the murders committed and loss of life, but ICE is contacted and takes action for a relative of Mr. Reyes. It is indeed highly questionable. (See Exhibit 5)

It is well known in El Paso that Mr. Reyes’ daughter, Rebecca Reyes, was hired by International Microwave Corporation, who received the contract for Remote Video Surveillance System (RVSS) border cameras and other border surveillance materials through Legacy INS as well as the Department of Homeland Security’s Customs and Border Protection. However, a December 2006 Washington Post article states, “he backed the firm's search for funding only because he supports the system of border sensors and cameras.”

Furthermore, the Washington Post article also states, “Reyes has been a key backer of the system and its contractor, International Microwave Corp. Shortly after its 1999 contract award, the firm hired Rebecca Reyes to serve as a liaison to what was then the Immigration and Naturalization Service. She ultimately became IMC's vice president for contracts. IMC also hired her brother, Silvestre Reyes Jr., as a technician on the program, known as the Integrated Surveillance Intelligence System, or ISIS”, programs identified in Congressional testimony to have numerous operational issues, cost overruns, and other problems.

As Mr. Reyes is a retired Chief Patrol Agent in the El Paso Sector, this matter should be reviewed by the committee, as there may be a conflict of interest due to Mr. Reyes previous employment as it was well documented by the press that he was supporting the system, and it is clear his immediate family members directly and personally benefited from that support. It is well established in Border Patrol circles that a pecking order exists, which is certainly understandable given chains of command. However, one can question the appropriateness under conflict of interest of such a contract given the circumstance of Mr. Reyes former employment, that it would be well known both Rebecca and Silvestre Jr are his children (given that Rebecca Reyes was hired as a liaison between Legacy INS and IMC) and the fact that Mr. Reyes, Sr. is a former Chief and current Member of Congress and the border surveillance equipment is well documented to have had operational problems that kept the cameras offline more than on-duty, in addition to cost overruns in a number of Border Patrol Sectors. (See Exhibits 6 & 7)

It is well known in El Paso that former Chief and current Congressman Reyes does not respond to requests for assistance from law enforcement officers being persecuted for doing their jobs by CBP, or as a result of questionable prosecutions by US Attorney Johnny Sutton. Letters by field agents are rejected and agents have been told to follow their chain of command regardless of the facts presented to Mr. Reyes. (See Exhibit 8)

It is also well known among Texas Border Law Enforcement Agencies that Mr. Reyes was the sole voice of opposition questioning the Texas Border Sheriffs, and specifically Hudspeth County Sheriff Arvin West and his deputies who witnessed and caught on tape Mexican soldiers who removed a substantial amount of narcotics from a vehicle that had been involved in a chase with local sheriff’s deputies along the US-Mexico border in 2005. In 2006 the House Homeland Security Committee convened a subcommittee hearing by then-chairman Mike McCaul, a member of this very committee.

When the Washington Times reported in September of 2007 on compromises in security at the El Paso CBP Ports of Entry, which I have also noted in official testimony before the House Committee on Homeland Security's Subcommittee on Border, Maritime, and Global Counter-Terrorism (March 2007), as to entry to the U.S. from Mexico being sped up to prevent delays regardless of security, former Chief Reyes repeatedly met with DHS Officials in Washington, DC to see how traffic could be sped up regardless of the security issues raised. As a former USBP Sector Chief, Mr. Reyes knows the fact of life that narcotics regularly cross through the ports, as well as about explosives brought through the port by individuals on at least two dates since 9-11. El Paso media covered one incident extensively. It can be interpreted that Mr. Reyes is more interested in trade and commerce, which contradicts his previous experience as an SES level manager of an agency responsible for national security.

On Friday, July 11, 2008, KTSM the NBC affiliate in El Paso, TX reported that 39 Members of Congress sent a bi-partisan letter to the White House and Attorney General Mukasey demanding an investigation into the failure to file charges, and seek the extradition of Jesus Navarro Montes the alleged murderer of Border Patrol Agent Luis Aguilar killed in the line of duty this past January 19, 2008. Additionally, the letter by the Members requests information on all contacts between our government and the Mexican Government regarding this case.

Agent Aguilar coincidentally was originally from El Paso, TX and the 16<sup>th</sup> Congressional District of Texas where many family members, including his father, reside to this day.

Conspicuously absent is the signature of former Chief Patrol Agent Silvestre Reyes, the Aguilar family's Congressman. Clearly, given his stature as a former Chief Patrol Agent, one would conclude that Congressman Reyes would be leading this fight but beyond a couple of phone calls, one to David V. Aguilar, Chief of the Border Patrol (and Reyes' former subordinate during Reyes' tenure as Chief Patrol Agent of the McAllen BP Sector), and the other to the Attorney General of Mexico, this is not to be the case.

CBP Officers that I have spoken with since KTSM aired the report indicate that Congressman Reyes plans to address this matter at the University of Texas, El Paso at a conference in August.

As a former U.S. Border Patrol Chief Patrol Agent, one would conclude he would have written the letter himself, and been the first to sign the letter. Yet, again his silence indicates a betrayal of his fellow Border Patrol Agents by not addressing the matter in a most expeditious way. Instead, it further demonstrates his well-known failure to support his fellow agents, and his lack of action on their part. One can question again, why he uses his name and Congressional office resources for Mexican Citizens and relatives, but not fellow Americans or an agent in a situation that demands it.

It is clear and evident that Mr. Reyes has utilized his office to request ICE assistance in a personal matter, contradictory to House Rules, though he has refused to provide assistance to agents reporting lapses in security and retaliatory actions by management against whistleblowers. He continues to be conspicuously silent in matters regarding agents killed in the line of duty whose alleged murderers need to be brought to justice, and silent in matters such as the Infamous House of Death, the epitome of evil, heinous cases in which ICE and the U.S. Attorney had knowledge of and allegedly failed to prevent murders from taking place in Juarez, MX. Just as in the House of Death, Reyes' silence has been deafening in the murder case of fellow Border Patrol Agent Luis Aguilar (of El Paso).

As a Chief Patrol Agent, he therefore knows that such a personal use is frowned upon and taught to be inappropriate conduct, in the same way officers at CBP are being suspended and terminated throughout the service for displaying their badge and ID's for identification purposes when a civilian is attempting to assault an off-duty officer.

It's no wonder that so many law enforcement officers have stated in meetings with me that they lack confidence and trust in Reyes' leadership as the only people it appears he acts on behalf of are Mexican nationals and relatives.

The House Committee on Standards of Official Conduct should hold Mr. Reyes to the highest standard possible considering he is a standing committee chairman, and thereby a Member of the Speaker of the House of Representatives' Leadership Team. Mr. Reyes represents not just his own district, but the American people and as a former law enforcement officer of the SES level, he represents law enforcement officers long after retirement having served at that SES level.

Accordingly, it is incumbent upon your committee and the Congress to hold him, as a chairman, and retired SES federal agent by the same standard as stated in his own words of August 17, 2006, before the House Committee on the Judiciary:

“Having been an agent, myself, I think that it's important to make the point that when you put on a badge and a gun, you're held to a higher standard in terms of the enforcement of the law. I'm of the opinion that you can't enforce the law if you can't respect it.”

I respectfully ask for the committee to conduct an investigation and hearing into all these matters as stated herein, given the fact that this complaint is filled with actions and statements that can be viewed as contradictory and even hypocritical on the part of the former chief and current chairman Reyes.

Respectfully,

ORIGINAL SIGNED

Andrew M. Ramirez  
Chairman and Founder & Complainant  
P.O. Box 2685  
Covina, CA 91722

## **Certificate of Service**

I hereby certify that a true and correct copy of the foregoing was submitted via electronic means on this day, Monday, July 14, 2008, to:

Congressman Silvestre Reyes  
2433 Rayburn House Office Building  
Washington, DC, 20515

and to:

Mark Conrad, Attorney at Law,  
FOBP General Counsel  
19411 Askins Forest Drive  
Spring, TX 77379

**EXHIBIT 1 (Attached)**

**Memo to Assistant Secretary Julie Myers, Immigration and Customs Enforcement (ICE) Agency from Donald Bruckshen, ICE Office of International Affairs**

**RE: ICE Assistant Attache' Ciudad Juarez – Update – Recovery of Kidnapped Relative of U.S. Congressman Silvestre Reyes' Wife in Ciudad Juarez, Mexico**

NOTE FOR ASSISTANT SECRETARY MYERS

Date: June 23, 2008  
[REDACTED]

**ICE Assistant Attaché Ciudad Juarez - Update - Recovery of Kidnapped Relative of  
U.S. Congressman Silvestre Reyes' Wife in Ciudad Juarez, Mexico  
Do Not Disclose Outside of ICE**

ISSUE:

On June 22, 2008, ICE Assistant Attaché Juarez reported that kidnapping victim Erika Posselt was recovered by Mexican officials. Ms. Posselt was immediately transported to the El Paso Port of Entry (POE) and paroled into the United States for security reasons.

Assistant Attaché Juarez agents continue to coordinate investigative leads with Mexican officials to identify the subjects of this investigation. Due to the sensitive nature of this incident, please do not disclose outside of ICE.

BACKGROUND:

On June 19, 2008, the Assistant Attaché Juarez was contacted by a Congressional Aide (CA) for Congressman Silvestre Reyes of the 16th District of Texas. Congressman Reyes' aid advised that Erika Posselt, a Mexican national and relative of Congressman Reyes' wife, had been kidnapped in Ciudad Juarez, Chihuahua, Mexico. Subsequently, the ICE Assistant Attaché Juarez requested and received the full assistance of the ICE SAC El Paso office, and coordinated a meeting in El Paso, TX with the Chihuahua State Police to recover the kidnapped victim.

On June 19, 2008, ICE Assistant Attaché Juarez personnel contacted the victim's brother and learned that a group of armed men kidnapped Ms. Posselt from ACCRIPARTS, an auto glass store she owns in Ciudad Juarez, Chihuahua, Mexico. Additionally, agents learned that the kidnappers had called Ms. Posselt's brother and demanded a ransom of \$500,000 in exchange for her safe return. The kidnappers stated that Ms. Posselt would be killed if he contacted law enforcement authorities.

The Assistant Attaché Juarez contacted Patricia Gonzalez, The Attorney General (AG) for the State of Chihuahua, to coordinate efforts to recover Ms. Posselt. Subsequently the Chihuahua Commandant in charge of kidnapping cases contacted the ICE Assistant Attaché Juarez and attended a meeting at the SAC El Paso office with SAC El Paso and Assistant Attaché Juarez agents. Additionally, Assistant Attaché Juarez contacted Technical Operations in Washington, DC to coordinate technical support for this investigation. ICE Attaché Mexico briefed the Deputy Chief of Mission and the FBI Legal Attaché in Mexico City.

On June 20, 2008, Ms. Posselt's brother advised SAC El Paso agents that the family planned to pay \$30,000 to the kidnappers in exchange for her release. Subsequently Assistant Attaché Juarez personnel established a command post with two Ministerio Publico attorneys from Chihuahua, one Chihuahua Commandante in charge of the operation, and Mexican federal agents (SSP) with the SSP Intelligence group (including two members from the SSP kidnapping squad). ICE Assistant Attaché Juarez agents,

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acting solely in a support role, provided Mexican authorities with technical and logistical assistance.

During a series of phone calls between the kidnapers and the victim's brother, the kidnapers demanded \$250,000, half of the initial ransom of \$500,000, for Ms. Posselt's release. The kidnapers also stated that they would kill Ms. Posselt if they did not receive the money. Additionally, investigators noted that during one of the phone calls they could hear Ms. Posselt yelling in background. As a result of the negotiations, the kidnapers agreed to accept a ransom of \$100,000 for Ms. Posselt's release, and that she would be released after her brother delivered an initial payment of \$32,000 in combined U.S. currency and Mexican pesos. The victim's brother was also instructed to personally deliver the money.

On June 21, 2008 at approximately 7:00 pm, the kidnapers contacted the victim's brother and advised him to drop off the money at Avendida Las Torres, Ciudad Juarez, Mexico. During the drive to the drop location, the kidnapers changed the delivery location twice. The ransom money was ultimately delivered by a "brother-in-law" or victim's brother to two male subjects on a motorcycle. After receiving the money, the subjects sped away. Investigators were unable to maintain surveillance of the motorcycle.

On June 22, 2008 at approximately 3:00 AM, Assistant Attaché Juarez agents reported that the victim had been released and was in the custody of Mexican authorities. The victim was dropped off at a public location along with another kidnapping victim, Eduardo Fernandez, who had paid a ransom of approximately \$56,000 for his release. Ms. Posselt refused medical treatment and was immediately transported to the El Paso POE and paroled into the United States for security reasons.

On June 22, 2008, Ms. Posselt was interviewed at the ICE SAC El Paso office by Ministero Publico attorneys, Assistant Attaché Juarez and SAC El Paso agents. As a result of the interview, Mexican officials are pursuing leads relating to the possible location where Ms. Posselt was held.

[REDACTED]

Donald Bruckschen  
Office of International Affairs

Director, OIA

Director, IROC

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## EXHIBIT 2

### **Published Articles regarding the kidnapping of Congressman Reyes' relative, as well as the involvement of ICE:**

#### Ransom Frees Lawmaker's Kin in Mexico

By Adam B. Ellick, NY Times, Saturday, June 28, 2008

<http://www.nytimes.com/2008/06/28/us/28kidnap.html?ref=us>

#### U.S. Looked Into Kidnapping of Woman Related to Lawmaker

By Spencer S. Hsu, Washington Post, Friday, June 27, 2008

<http://www.washingtonpost.com/wp-dyn/content/article/2008/06/27/AR2008062703232.html>

#### U.S. helps ransom Reyes' kin

Relative of congressman's wife whisked out of Mexico

By Ben Conroy and Jerry Seper, Washington Times, Friday, June 27, 2008

<http://www.washingtontimes.com/news/2008/jun/27/us-helps-ransom-reyes-kin/?page=1>

#### Government Watchdog Group Asks, "Did ICE officials assist in resolving a foreign kidnapping simply because the victim is related to a powerful member of Congress?"

By Bill Conroy, NarcoNews.com, Friday, June 27, 2008

#### Reyes sought U.S. help for kidnapped relative

By Diana Washington Valdez, El Paso Times, Thursday, June 26, 2008

[http://www.elpasotimes.com/ci\\_9695444?source=most\\_emailed](http://www.elpasotimes.com/ci_9695444?source=most_emailed)

#### Congressman's kin kidnapped in Mexico, released

By Alicia Caldwell and Eileen Sullivan, Associated Press, Thursday, June 26, 2008

<http://ap.google.com/article/ALeqM5ibSZOL5jurQgyDZf-N8LCfkZgFIAD91HEPR00>

#### Juarez kidnapping case opens Pandora's box for Congressman Silvestre Reyes

By Bill Conroy, NarcoNews.com, Wednesday, June 25, 2008

<http://narcosphere.narconews.com/notebook/bill-conroy/2008/06/juarez-kidnapping-case-opens-pandora%E2%80%99s-box-congressman-silvestre-reyes>

#### U.S. Congressman's Family Member Kidnapped in Juarez

By Bill Conroy, NarcoNews.com, Monday, June 23, 2008

<http://narcosphere.narconews.com/notebook/bill-conroy/2008/06/us-congressman's-family-member-kidnapped-juarez>

EXHIBIT 3 (Attached)

**Letter by Citizens for Responsibility and Ethics in Washington (CREW) asking DHS Secretary Chertoff to investigate Congressman Reyes' request of ICE regarding the kidnapping of Reyes' relative:**



The Honorable Michael Chertoff  
June 27, 2008  
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According to the Department of Homeland Security's ("DHS") website, the mission of DHS is to "lead the unified national effort to secure America." More specifically, it will "prevent and deter terrorist attacks and protect against and respond to threats and hazards to the nation," and "ensure safe and secure borders . . ." <http://www.dhs.gov/xabout/strategicplan/>.

ICE is the largest investigative arm of DHS, responsible for eliminating vulnerabilities in the nation's border, and with economic, transportation and infrastructure security. *Id.* ICE "investigates a wide range of national security, financial and smuggling violations including drug smuggling, human trafficking, illegal arms exports, financial crimes, commercial fraud, human smuggling, document fraud, money laundering, child pornography/exploitation and immigration fraud." <http://www.ice.gov/about/operations.htm>.

ICE's Office of International Affairs, which appears to have been involved in this matter, is the largest international investigative component in DHS, interacting with the international community on behalf of ICE through investigations of immigration and customs violations, management of the Visa Security Program and the International Visitor's Program, representation with international organizations, conducting international training and guiding repatriation efforts.

*Id.*

Nowhere in any mission statement or other description of the authority of DHS, or any component of DHS, including ICE, is it suggested that DHS has the authority to get involved in the investigation of the kidnapping of a foreign citizen, abducted on foreign soil, by foreign nationals.

It is well known that Juarez has long been plagued by violence, including frequent kidnappings. Although the FBI previously investigated the disappearance of at least 30 U.S. citizens in Mexico, the agency's involvement was predicated on the fact that agents were searching for American citizens. Diana Washington Valdez, Reyes sought U.S. help for kidnapped relative, *El Paso Times*, June 26, 2008. The United States does not, however, routinely step in and offer its assistance in recovering foreign kidnapping victims, not related to powerful members of Congress. ICE's actions here raise troubling jurisdictional and foreign policy questions.

CREW respectfully requests that you conduct an investigation to discover the nature of the conversations between Congressman Reyes' office and the Assistant Attaché for Ciudad Juarez that led to ICE involvement in this matter, whether ICE took action in this matter because of Congressman Reyes' position not only as a member of Congress, but as the chairman of the Permanent Select Committee on Intelligence, whether any member of Congress previously has requested ICE assistance on behalf of a foreign national in a foreign country and whether such assistance has then been offered, whether ICE has the statutory authority to initiate contact with

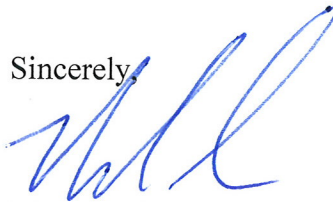
The Honorable Michael Chertoff  
June 27, 2008  
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Mexican authorities and then provide logistical support for a recovery operation, whether ICE has provided assistance when contacted about the kidnappings of other foreign nationals in Mexico in the past, how much U.S. participation in this mission cost, whether Mexico is reimbursing the United States for its operational costs in assisting with the recovery mission, whether the U.S. State Department was consulted before American authorities contacted Patricia Gonzalez, the Attorney General for the State of Chihuahua, and whether ICE officials improperly pressured Mexican authorities to take action with regard to this matter.

While the release of Ms. Posselt and the other kidnapping victim, Eduardo Fernandez, is certainly a positive development and law enforcement officials can be commended for assisting to secure their release, the unusual U.S. intervention in this matter clearly warrants inquiry. DHS should have a policy as to when and if it will offer assistance in foreign law enforcement matters not directly involving American citizens and that policy must be something other than action is warranted if the family of a powerful U.S. government official is involved.

Thank you for your attention to this matter.

Sincerely,



Melanie Sloan  
Executive Director

Encl.

## EXHIBIT 4

### Statement by Congressman Reyes before House Committee on the Judiciary Field Hearing held August 17, 2006 in El Paso, TX, from Official Hearing Transcript:

COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

AUGUST 17, 2006

Serial No. 109-147

Printed for the use of the Committee on the Judiciary

Available via the World Wide Web: <http://judiciary.house.gov>

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Chairman **SENSENBRENNER**. The gentleman's time has expired.

The gentleman from Texas, Mr. Reyes.

Mr. **REYES**. Thank you, Mr. Chairman.

And I apologize for being late, but I will tell you I was late because we were doing the grand opening of the U.S.O. Center here at Fort Bliss. We've been working very hard on that. And I think we owe it to our military to stay true to them. So I apologize for being late.

But having said that, welcome to El Paso, all of you.

And I know, Mr. Chairman, that you had a chance to go out with the Border Patrol last night.

And I would hope that my colleagues make an opportunity, if not on this trip, in the immediate future, to go out with the great men and women of the United States Border Patrol.

Having been an agent, myself, I think that it's important to make the point that when you put on a badge and a gun, you're held to a higher standard in terms of the enforcement of the law. I'm of the opinion that you can't enforce the law if you can't respect it.

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So I support, Mr. Chairman, your having hearings on the two agents that were mentioned here, because I think that probably will be, at this point, the only way we are going to be able to clear the record on all sides. You know, a lot of things are flying in the Internet. There's a lot of phone calls coming in, a lot of misinformation out there. So I think hearings is the way to go, and I hope you do do it. And Mr. Chairman, I hope you will invite me to those hearings.

Chairman **SENSENBRENNER**. Consider it done.

Mr. **REYES**. Thank you, Mr. Chairman.

## EXHIBIT 5

### THE HOUSE OF DEATH\*

#### Overview

The House of Death looks like a typical middle-class home in a residential neighborhood in Juarez, Mexico, across the Rio Grande from El Paso, Texas. But in reality, it is a portal into the world of narco-trafficking, a crossroads where torture and murder were carried out by ruthless thugs, including corrupt Mexican police officers.

This portal also reveals that U.S. agents and prosecutors have been drawn into its shadows because they knowingly allowed the murder factory to churn out victims in an effort to advance their careers.

Between August 2003 and mid-January of 2004, a dozen people were kidnapped, tortured and murdered at the House of Death with the help of a U.S. government informant who was under the watch of U.S. Immigration and Customs Enforcement (ICE) agents and an Assistant U.S. Attorney in El Paso.

When the informant's role came to light, after his activities nearly cost the lives of a DEA agent and his family, rather than investigate the callous actions of U.S. officials who allegedly allowed the informant to commit murder under government cover, the leadership of the U.S. Department of Justice and Department of Homeland Security, which oversees ICE, chose to bury the facts along with the bodies.

A cover-up was hatched that continues to this day, and the high-ranking DEA agent who blew the whistle on the case became yet another victim of the House of Death, his career ruined in the aftermath of a calculated effort to silence the messenger.

#### INSIDE THE HOUSE OF DEATH

A dozen people were murdered between August 2003 and mid-January 2004 in a house in Juarez, Mexico. The murders were carried out by a top lieutenant of the Juarez Cartel. The house was used to extract information from people who were tortured until they gave up their drugs. The victims would then be killed and buried in the back yard. A Chihuahua state police supervisor and his subordinates ran the kidnapping operation, using their cover as policemen to kidnap people. U.S. agents with the ICE office in El Paso had an informant who controlled the house and was contacted whenever there was a need to use it. He was present for at least 5 of the 12 murders known to have taken place in the house, according to the gravedigger that assisted him. (<http://www.narconews.com/Issue39/article1506.html>)

The informant had been on the payroll of ICE since the 1990s, and also worked jointly for ICE and DEA, but was "deactivated" by DEA in July 2003, after he was caught running a load of marijuana across the border. For this he was charged by New Mexico state authorities, but the charges were dropped at the request of the U.S. Attorney's Office (USAO) in El Paso, allowing the informant to continue working for ICE in the case. ICE agents became aware of the first

murder in August 2003, when the informant reported that he had participated in the murder, which was recorded on tape by the informant. DEA officials who were clued into the ICE operation, wanted to make Mexican officials aware of the murder and to take down the case. However, ICE and the U.S. Attorney's Office refused to shut it down, with the knowledge of high level officials in Washington at both DOJ and Homeland Security, which oversees ICE (This is evidenced in an affidavit filed by the federal prosecutor in the case).

<http://narcosphere.narconews.com/story/2006/9/30/19315/7364>

The reason given was that exposing the informant's participation in the murder would have crashed not only the instant case, but also a cigarette-smuggling case – because the same informant was a player in both cases. So from August 2003 until mid-January 2004, as many as 11 more people were killed in the house, with the informant allegedly participating in, and reporting those additional murders to his handlers at ICE.

On January 14, 2004, three people were murdered, but not before one of them gave up an address to a stash house in Juarez. The killers went to the house but no one answered. The occupants, a mother and her children, were inside, in fear of the strangers at the door. The mother called her husband, who returned to the house. The family then got in the car and left.

The car was pulled over a while later by a Juarez police unit. The occupants were likely in store for a trip to the House of Death, but the killers were not sure who the driver was, so they contacted the informant, who had bragged, as part of his cover, that he was connected on the other side of the border to corrupt U.S. law enforcement. The killers wanted the informant to check out the driver.

The driver stayed in his car and put out a call from his cell phone for help. The informant contacted his ICE handlers.

Soon, another car arrived. At the same time the informant's ICE handlers ran their check and learned the identity of the driver, who carried a U.S. consular ID, as did the individual who had come to his assistance. They were both DEA agents stationed in Juarez.

The lid was blown off the kidnap/murder operation, as was the possibility that some U.S. officials, in their zeal to make a case, had allowed up to 12 murders to take place and now had nearly cost the lives of a DEA agent and his family. The irony is how easily things could have played out differently that day, and the murder spree would have continued unabated. The address that the torture victim gave up was almost correct: two tons of marijuana were later found in the house next door to the DEA agent's home in Juarez. As a result of the traffic stop, DEA evacuated all of its agents and their families from Juarez as a safety precaution. The Mexican government also sent 80 federal agents to Juarez to investigate. More than a dozen of the state police gang and some low-level thugs were taken into custody, and the cartel lieutenant was lured by the informant into the U.S. where he was arrested on an earlier drug charge, and was subsequently indicted for several murders that clearly could have been prevented by U.S. authorities.

Sandalio Gonzalez, the DEA Special Agent in Charge in El Paso, reported the alleged criminal cover-up in the ICE operation. He alleged that the agents and the prosecutor knew the informant was a participant in the murders, yet allowed the killings to continue to ensure the informant was not exposed. He first spoke out in 2004, within weeks of the DEA agent and his

family being nearly kidnapped. In the wake of that confrontation, and after learning that the informant was a participant in the murders, Gonzalez sent an internal letter to the top ICE official in El Paso and to Johnny Sutton, the U.S. Attorney for the Western District of Texas. In that letter, Gonzalez held ICE responsible for these events, and implicated the federal prosecutor who had obstructed the investigation of the threat against the DEA agent and his family.

Rather than investigate the allegations, DEA/DOJ officials went after Gonzalez, seeing to it that he was reprimanded and his career tarnished with a negative performance review. Gonzalez was ordered to remain silent on the whole matter. Gonzalez later contacted the Office of Special Counsel and filed an appeal with the Merit Systems Protection Board for whistleblower retaliation. This retaliation was initiated at the behest of Sutton, who wanted to bury the letter to avoid compromising a career-boosting death-sentence case against a major narcotics trafficker. This means that a U.S. Attorney is implicated in at least the alleged cover-up of a U.S. government informant's participation in mass murder.

Documents show that Attorney General John Ashcroft and his Deputy James Comey were briefed on this case, and that the trail of this cover-up extends from the agents who handled the informant, to the USAO, to the administrator of the DEA and top officials in the Department of Homeland Security, to the top guns in the DOJ, to Members of Congress. Despite the allegations about the cover-up and the multiple murders, Attorney General Alberto Gonzales appointed Sutton to the post of vice chairman of his Advisory Committee of U.S. Attorneys, which plays a key role in determining DOJ policies and programs.

To date, no credible investigation has been conducted, and no one has come under scrutiny for those brutal slayings; not the informant who participated in them, not the ICE agents or the federal prosecutor who were aware of the informant's participation, yet continued to use him to make a drug case; not even the drug trafficker accused of ordering the murders. In the case of the drug trafficker, there was no trial, assuring that the whole affair would not be exposed to courtroom scrutiny. Rather, U.S. Attorney Sutton cut a plea deal in which all murder charges against the suspect were dropped.

The results of an inquiry consisting of over forty interviews conducted by a "Joint Assessment Team" of DEA and ICE agents have not been made public by these agencies despite the filing of numerous FOIA and discovery requests.

**\*The above narrative is based on reports published by the online investigative publication The Narco News Bulletin.**

## EXHIBIT 6

**Articles published regarding the Remote Video Surveillance System supported by Congressman Reyes, daughter Rebecca Reyes was Vice-President of company that manufactured system, son Silvestre Reyes, Jr, hired by same company:**

### **Texas Democrat to Head House Intelligence Panel**

By Jonathan Weisman, Washington Post, Saturday, December 2, 2006, Page A04  
<http://www.washingtonpost.com/wp-dyn/content/article/2006/12/01/AR2006120100496.html?referrer=emailarticle>

### **Probe Faults System for Monitoring U.S. Borders**

By John Mintz, Washington Post, Monday, April 11, 2005, Page A01  
<http://www.washingtonpost.com/wp-dyn/articles/A42516-2005Apr10.html?referrer=emailarticle>  
<http://www.washingtonpost.com/ac2/wp-dyn/A42516-2005Apr10?language=printer>

### **CNN's Lou Dobbs Tonight**

Report by Bill Tucker, April 13, 2005  
<http://transcripts.cnn.com/TRANSCRIPTS/050413/ldt.01.html>

### **Border Security Breach**

By Chris Halsne, KIRO News-7, Seattle, WA, January 4, 2003  
<http://www.americanpatrol.com/FEATURES/030106-SILVESTRE-REYES-SCAM/ReyesCamKiROTV010403.html>

## EXHIBIT 7

Testimony of Inspector General Richard Skinner, Department of Homeland Security regarding DHS Remote Video Surveillance System (border cameras)

December 16, 2005

<http://www.fobp.us/Files/Specreports/Testimony-Skinner.pdf>

Testimony of Deputy Inspector General Joel S. Gallay, U.S. General Services Administration regarding DHS Remote Video Surveillance System (border cameras)

June 16, 2005

<http://www.fobp.us/Files/Specreports/Testimony-Gallay.pdf>

## EXHIBIT 8

Testimony of Andy Ramirez, Chairman of Friends of the Border Patrol regarding the subject of Technology, Infrastructure, and the Human Element. The topic of corruption was also included. **Official Congressional Testimony (written prepared statement) before the House Homeland Security Committee, March 8, 2007**  
[http://www.friendsoftheborderpatrol.com/Docs/Ramirez\\_HHSC\\_03-08-07.pdf](http://www.friendsoftheborderpatrol.com/Docs/Ramirez_HHSC_03-08-07.pdf)

*"Those that tell you that people with a badge and a gun should be held to a higher standard in that sense are correct, but they are not telling you the entire story, one which is begging to be told of high corruption in El Paso. I have a number of agents who need whistleblower protection in order to do their duty and report to Congress as they have me do on their behalf for oversight as this involves our national security. This administration has placed a gag order on them and prevented them from doing their duty, and they have received no help when filing their complaints with their local elected representatives."*

My testimony was speaking in reference to Congressman Silvestre Reyes of El Paso. A number of federal law enforcement officers have stated repeatedly and directly to me that they have received no assistance from him or his district staff representatives. In fact, he has stated to many that they need to follow their chain of commands. However, FOBP has learned that many field offices are violating the rights of subordinates in a variety of ways including retaliation for whistle blowing, assaults, verbal attacks, and through many other vile methods. This has been documented by the officers' counsels, and by our organization, too.