

INS SUPPORT FOR LOCAL EFFORTS: ARE THERE SUFFICIENT FEDERAL RESOURCES?

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE,
DRUG POLICY, AND HUMAN RESOURCES

OF THE

COMMITTEE ON
GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

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INS SUPPORT FOR LOCAL EFFORTS: ARE THERE SUFFICIENT FEDERAL RESOURCES?

MONDAY, APRIL 19, 1999

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY,
AND HUMAN RESOURCES,
COMMITTEE ON GOVERNMENT REFORM,
Smyrna, GA.

The subcommittee met, pursuant to notice, at 1:07 p.m., in the City Council Chambers, Smyrna City Hall, 2800 King Street, Smyrna, GA, Hon. John Mica (chairman of the subcommittee) presiding.

Present: Representatives Mica and Barr.

Staff present: Amy Davenport, clerk; Glee Smith, counsel; and Michael Yeager, minority counsel.

Mr. MICA. Good afternoon. I would like to call this meeting of the Criminal Justice, Drug Policy, and Human Resource Subcommittee to order. I am pleased we are holding this field hearing this afternoon in Smyrna, GA at the request of our vice chairman, Congressman Bob Barr, who represents part of this area. We are pleased to address the important topic at question today, and that is "INS Support for Local Efforts: Are There Sufficient Federal Resources?"

I will start with an opening statement and defer to Mr. Barr and any other statements Members of Congress will be submitting to the record.

After that, we will hear all the panelists before we begin any questioning.

Today, the Criminal Justice, Drug Policy, and Human Resources Subcommittee hearing will focus on the relationship of the Immigration and Naturalization Service [INS] and State and local governments. INS' resources have more than doubled during the years of the Clinton administration. Specifically, it is important today that we review in this hearing whether adequate resources have been targeted toward assisting State and local governments to meet our growing immigration challenges, or have we, in fact, used budget increases simply to be poured on the current organization and administration activities of INS. It is hoped that we can deal with an agency that has had serious difficulties in the past meeting its administrative and organizational functional responsibility and which still is often unable to fulfill its mission, and unfortunately maintains a poor performance record, even among the least responsive Federal agencies.

Anyone who has tracked INS over the years knows that the agency has many institutional management problems that have led

to very horrendous consequences. Back in 1995 and 1996, negligent management led to the naturalization of thousands of individuals who were not eligible for citizenship. In fact, thousands of ineligible criminals received clearance for citizenship while scores of eligible candidates were denied naturalization as their paperwork and fees were lost in the INS bureaucracy. As a result of this and other incidents over the last several years, this subcommittee, and also through the efforts of Representative Smith of Texas and Representative Rogers of Kentucky, respective chairs of the authorization and appropriation subcommittees in the House, has vigorously conducted oversight of INS management to ensure that the agency cleans up its act. This hearing is a continuation of that important oversight responsibility, which again, has been taken on by the authorizers and the appropriators.

However, the purpose of this hearing is not to criticize INS, but rather to focus on what improvements can be made to the enforcement of our immigration laws through a partnership between all levels of government and the private sector. So today, we will hear from not only Federal agencies, but State and local authorities who deal with INS on a daily basis. We hope today to hear from INS and other Federal representatives about what INS is doing right in this part of Georgia, hopefully to provide us with an example at the Federal level. This hearing is also an opportunity to hear, as I said, from State and local representatives of law enforcement and business, who can describe their partnership and their successful activities with the agency and tell us how INS is working with them in their communities. This hearing will provide our witnesses with an opportunity to make helpful suggestions which I hope we can return to Washington to improve Federal policy.

Hearings such as this one today in this local community are very important. Through them, we can learn a great deal and I am looking forward to hearing today's testimony and the testimony of our witnesses who so graciously appeared both voluntarily and those under subpoena.

I want to thank first of all, to conclude my remarks, the distinguished gentleman from Georgia, Mr. Barr, who also serves as vice chair of this subcommittee, both for hosting our subcommittee, for his interest in this most important topic of how we make a Federal agency responsive with State, local and private sector efforts, and how we, in fact, improve the entire process of immigration and naturalization and enforcement, as required by our Federal statute.

So I am pleased at this time now to yield to Mr. Barr, vice chairman of our subcommittee and recognize him for an opening statement.

Mr. BARR. Thank you. And I would like to personally welcome you, Mr. Chairman, to our area here in Smyrna, GA, my hometown. I know you have already commented on the wonderful facilities here, which is the primary reason that we chose this venue for today's hearing. The facilities here, under the leadership of Max Bacon and the City Council of the last several years really are an example of our urban and suburban redevelopment that have received national recognition. We hope you will have a chance today to go across the street and see the new law enforcement facilities as well, with which our first panel of witnesses are certainly very

familiar, given the fact that our local law enforcement under Police Chief Stanley Hook does an awful lot of work with INS and with other Federal agencies, so I know they are very proud, as I am, to have you here today.

This hearing is the result not only of Chairman Mica's desire to have more field hearings and not simply limit our hearings on important legislative, appropriations and oversight matters to those we hold in Washington, but to hold hearings out in the different districts around the country so that we (1) can hear more local officials and U.S. officials who are in those communities, to hear directly from them how we can do a better job and the resources that they need to do a better job. It also enables the members of the committee to hear more directly and understand more directly the concerns of our local officials and our Federal officials working out in the different regions and districts around the country.

This also reflects the view of the leadership in the Congress that more of these hearings, not just for the Government Reform Committee and its subcommittees, but also other committees of the Congress, should be holding more hearings in different districts around the country rather than simply limit ourselves to holding hearings in Washington.

As the chairman indicated, the main thrust of these hearings today—and we have three panels of very distinguished witnesses—will be to learn first-hand what problems, if any—and one can presume that there are always problems in whatever we do—are confronting our immigration effort in all of its applications, not just INS, but DEA and its work, and the U.S. Attorney's Office and its work, but also with regard to the relationship between our Federal law enforcement officials—and our local law enforcement officials. Immigration, of course, is a Federal matter; yet, it affects local law enforcement because of the problems of crime that inevitably, to one degree or another, are attendant to illegal immigration. Trying to foster a close working relationship between our Federal law enforcement agencies and our State agencies helps better protect our citizens in all aspects. So, that is something that we are very much concerned about here today.

The focus of the hearing, as the chairman indicated, is not on the problems, although some discussion of the problems certainly is necessary to lay the groundwork for developing solutions. I share the chairman's concern that over the last several years, the funds that have been authorized and appropriated by Congress for the interior enforcement effort by INS have increased dramatically. Yet, what I am hearing—and I do not think I am alone in this, other Members are hearing also—that those significantly increased resources are not getting down to the district and the working level. Quite the contrary, what I hear is that not only are the districts, interior districts such as Atlanta, not receiving increases in funding as mandated by the Congress, reflective of the increased appropriations, but are being told to cut back in terms of all of the indices that one normally would use to gauge whether or not there are sufficient resources in the district offices, everything from overtime to travel to use of cell phones, moneys that are used in undercover operations and so forth. So this is of concern to us because Congress is trying to get the resources to our districts and through them to

support the local law enforcement needs. Yet there seems to be somewhat of a gulf there and we want to hear from these witnesses today, to hear what, if any, the nature of those problems are. Again, not just to highlight a problem, but to lay the groundwork for them determining and us determining how we can do a better job of assisting, because the problems of illegal immigration and the enforcement of our immigration laws in the interior is a tremendous concern to all of us.

So we appreciate the law enforcement officials before you right now, Mr. Chairman. I have had the honor of working as a U.S. Attorney with three of them; that is, with Mr. Fischer and Mr. Szafnicki of the INS. I had the honor of working with Mr. Deane while I served as U.S. Attorney and he now heads that office, the northern district of Georgia, with tremendous integrity and responsibility. I have known Mr. Andrejko since I was elected to the Congress, he heads up, as the Special Agent in Charge, the DEA operation out of Atlanta which covers a wide area in the southeastern United States.

So I commend this panel to you and to our listening audience. We appreciate very much the media being here today to help us in our effort to educate the public as to improving our law enforcement effort in the area of immigration laws. Hopefully through this hearing today, through this initial panel focusing on the Federal effort, through panel No. 2 focusing on local law enforcement and panel No. 3 focusing on some of the civilian side, the civil sector, we can really, Mr. Chairman, do a good job of helping you as the chairman and through you our full committee. Ultimately imparting that knowledge to the Appropriations Committee so that where adjustments need to be made, as I think they do when we look at the resources that have been appropriated, yet not available to the field, those adjustments can be made. When we see some of the recent policies coming out of Washington that relate to release from detention of aliens, that really I think in the view of our local officials and our district officials would pose a danger to the community, why those policies are in fact coming out of Washington and why, despite the fact that there are more aliens being deported, the number of those with criminal records is dropping dramatically?

So these, Mr. Chairman, are some of the questions that I have that I know are on the minds of some of the witnesses today. And again, I appreciate you coming down to Georgia to hold this hearing and help all of us in our community do a better job of utilizing the law enforcement resources that we have to protect our citizens.

Thank you, Mr. Chairman.

Mr. MICA. I thank the gentleman from Georgia.

At this time, I also wanted to recognize Mike Yeager. Mr. Yeager is representing the minority, the ranking member of our subcommittee is Mrs. Mink from Hawaii who was not able to be with us, but I recognize his participation. We cannot conduct oversight hearings or really any committee or subcommittee functions without concurrence of the minority, under the rules of the committee and the House, so we are pleased that he is joining us today.

I will also leave the record open, without objection, for 5 days after the hearing for additional comments or testimony for the record. Without objection so ordered.

I would like to welcome our first panel today. Our first panel has been partially introduced by the gentleman from Georgia. We have with us Mr. Tom Fischer, District Director of the U.S. Immigration and Naturalization Service. We have Mr. Bart Szafnicki—you are most welcome, and you are the U.S. Immigration and Naturalization Service representative. And Mr. John Andrejko, Special Agent of DEA; and Mr. Rick Deane, the U.S. Attorney of the northern district of Georgia.

Gentlemen, welcome to our panel. Now let me set a couple of the ground rules. First of all, we have authorizing committees in Congress and we have appropriating committees in Congress. We are somewhat unique in that we are an investigations and oversight subcommittee of Congress. Acting in that capacity, that is why we are here today. We will swear you in in just a moment.

Additionally, I might tell you that we ask you to limit your oral comments, your verbal remarks to the subcommittee, to 5 minutes. If you have lengthy statements or additional information that you would like to see included as part of the record, we will be glad to do that.

So those are a little bit of our ground rules and then we will go through the whole panel with your opening remarks to the subcommittee, and we will proceed with questions thereafter.

So our first order of business, gentlemen, is to stand and be sworn in. Stand and raise your right hands.

[Witnesses sworn.]

Mr. MICA. Let the record reflect that the witnesses answered in the affirmative, and again, I welcome you to our panel today and we will start with Mr. Tom Fischer, the District Director for the U.S. Immigration and Naturalization Service. Mr. Fischer, you are welcomed and recognized, sir.

STATEMENTS OF THOMAS P. FISCHER, DISTRICT DIRECTOR, U.S. IMMIGRATION AND NATURALIZATION SERVICE; BART G. SZAFNICKI, ASSISTANT DISTRICT DIRECTOR FOR INVESTIGATIONS, U.S. IMMIGRATION AND NATURALIZATION SERVICE; JOHN ANDREJKO, SPECIAL AGENT IN CHARGE, U.S. DRUG ENFORCEMENT ADMINISTRATION; AND RICK DEANE, U.S. ATTORNEY, NORTHERN DISTRICT OF GEORGIA

Mr. FISCHER. Good afternoon, Mr. Chairman and distinguished members of the subcommittee. Thank you for the opportunity to testify on this most important issue of INS' support for local efforts and whether those resources are sufficient.

As the District Director for the U.S. Immigration and Naturalization Service in Atlanta, GA for over 10 years, I have witnessed a dramatic change in the enforcement mission of the Service. During the early period of my tenure, immigration enforcement was confined primarily to administrative arrests of illegal aliens and the occasional collateral investigation of immigration benefit adjudications. However, more recently, the enforcement mission has grown to include joint operations and task force assignments with other Federal, State and local law enforcement, as well as immigration-specific investigations against violators of immigration law. There are many explanations for this expansion of duties, including legis-

lative changes, modern transportation to the United States from abroad, and a strong and vibrant economy, to name a few.

Immigration studies have placed the number of estimated illegal aliens in the United States at over 5 million. While increases in the border patrol have deterred many seeking entry along the southwest border, these efforts alone cannot control this influx. It is estimated half of the resident illegal alien population entered the United States in some form of legal status, only to have later violated the terms of their admission. It is well known that the majority of those seeking entry into the United States usually gravitate to the interior of the United States, at which time it falls upon district enforcement personnel of INS or some local agency to deal with this problem.

The Atlanta office has attempted to be proactive in its approach to this increasing problem. An example of this District's approach was an initiative that this office launched in the summer of 1995, called Operation South PAW. In a joint operation with the U.S. Border Patrol personnel on detail to Atlanta and Special Agents and Deportation Officers from the Atlanta District, over 4000 illegal workers were arrested in a 30-day period from 45 different countries. It is believed to be the largest interior enforcement effort in the history of the INS. The income of the illegal workers exceeded \$55 million in gross annual salaries that was redirected to legal workers. In addition, 20 criminal prosecutions were initiated and 10 employers were administratively fined for immigration violations. This is just one of many efforts initiated by this office. We are fortunate in our enforcement efforts to be able to work with some of the finest and most professional law enforcement agencies at all levels within our four-State area of responsibility.

Immediately following Operation South PAW, the INS office formed a joint partnership with the Dalton Police Department and began one of the first immigration task forces in the Nation. This joint effort has positively demonstrated that by working together on matters of mutual interest, INS and local agencies can work together with their respective jurisdictions, to the benefit of the local community. This community policing effort has led to a better understanding of the nature of immigration problems and the solving of such problems by both agencies in a reasonable and prudent manner. In addition to joint enforcement efforts, this task force works within the community educating employers and civic organizations on the requirements of immigration law. The task force works very hard at diminishing the fears of victimized illegal aliens from reporting crimes, by focusing its efforts toward the criminal activity associated with illegal immigration.

The Atlanta District is responsible for all immigration enforcement in a four-State area, including Georgia, North and South Carolina and Alabama. As recently as 1992, the District had enforcement officers only in Atlanta, GA and Charlotte, NC. In 1992, a one-man office was opened in Birmingham, AL. The Illegal Immigration Reform and Immigration Responsibility Act of 1996 included a section to ensure an immigration enforcement presence was in every State and in 1997, INS assigned three special agents to the office at Charleston, SC. I am pleased to report that the recent fiscal year 1999 appropriation included a provision to increase

the presence of INS special agents and deportation officers to certain States identified by Congress to work more closely with State and local law enforcement agencies. Three of the States identified; Georgia, North Carolina and South Carolina, which are within the Atlanta District, have been included in this appropriation, which is known as Quick Response Teams, or QRTs. The Atlanta District is scheduled to receive an additional 35 officers, including 19 special agents, 2 supervisory special agents, 11 detention enforcement officers, 2 deportation officers and 1 supervisory deportation officer. The cities selected for these assignments include Atlanta, GA; Dalton, GA; Savannah, GA; Albany, GA; Charlotte, NC; Raleigh, NC; Winston, NC, and Greer, SC. This will bring the total number of INS enforcement personnel to 128 officers.

The Atlanta District is committed to working with State and local law enforcement agencies within its areas of responsibility and with the assistance of Congress and the administration, looks forward to implementation of the quick response teams through the States of Georgia, North Carolina and South Carolina.

Thank you for your attention and I am pleased to be here and I look forward to answering any questions that you or Congressman Barr or others may have.

Mr. MICA. Thank you. And as I said, we will defer questions. I would like to recognize Mr. Bart Szafnicki, who is with the U.S. Immigration and Naturalization Service also.

[The prepared statement of Mr. Fischer follows:]

**TESTIMONY OF THOMAS P. FISCHER
DISTRICT DIRECTOR
UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE
ATLANTA, GEORGIA
BEFORE THE
HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY
AND HUMAN RESOURCES**

April 19, 1999

Good afternoon, Mr. Chairman and distinguished members of the Subcommittee. Thank you for the opportunity to testify on this most important issue of INS' support for local efforts, and whether those resources are sufficient.

As the District Director for the United States Immigration & Naturalization Service in Atlanta, Georgia for over ten years, I have witnessed a dramatic change in the enforcement mission of the Service. During the early period of my tenure, immigration enforcement was confined primarily to administrative arrests of illegal aliens and the occasional collateral investigation of immigration benefit adjudications. However, more recently the enforcement mission has grown to include joint operations and task force assignments with other federal, state and local law enforcement as well as immigration specific investigations against violators of immigration law. There are many explanations for this expansion of duties, including legislative changes, modern transportation to the United States from abroad, and a strong and vibrant economy to name a few. Immigration studies have placed the number of estimated illegal aliens in the United States at over 5 million. While increases in the Border Patrol have deterred many seeking entry along the southwest border, these efforts alone cannot control this influx. It is estimated half of the resident illegal alien population entered the United States in some form of legal status only to have later violated the terms of their admission. It is well known that the majority of those seeking entry into the United States usually gravitate to the interior of the United States, at which time it falls upon District enforcement personnel of INS or some local agency to deal with this problem.

The Atlanta office has attempted to be proactive in its approach to this increasing problem. An example of this district's approach was an initiative that this office launched in the summer of 1995 called "Operation South PAW". In a joint operation with U.S. Border Patrol personnel on detail to Atlanta and Special Agents and Deportation Officers from the Atlanta District, over 4,000 illegal workers were arrested in a 30 day period from 45 different countries. It is believed to be the largest interior enforcement effort in the history of the INS. The income of the illegal workers exceeded

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Immediately following Operation South PAW, the Atlanta INS office formed a joint partnership with the Dalton Police Department and began one of the first Immigration Task Forces in the nation. This joint effort has positively demonstrated that by working together on matters of mutual interest, INS and local agencies can work together within their respective jurisdictions to the benefit of the local community. This "community-policing" effort has led to a better understanding of the nature of immigration problems and the solving of such problems by both agencies in a reasonable and prudent manner. In addition to joint enforcement efforts this task force works within the community educating employers and civic organizations on the requirements of immigration law. The task force works very hard at diminishing the fears of victimized illegal aliens from reporting crimes by focusing its efforts towards the criminal activity associated with illegal immigration.

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The Atlanta District is committed to working with State and local law enforcement agencies within its area of responsibilities and with the assistance of Congress and the Administration looks forward to implementation of the Quick Response Teams throughout the States of Georgia, North Carolina and South Carolina.

Thank you for your attention and I am pleased to answer any questions.

Mr. SZAFNICKI. Good afternoon, Mr. Chairman, Congressman Barr, Mr. Yeager, ladies and gentlemen. Thank you for the opportunity to testify here also.

Recently, there has been much rhetoric over the nature of INS' role in the enforcement of the immigration laws in the interior of the United States. There has been harsh criticism over the agency's proposal of a new interior enforcement strategy, shifting emphasis away from the illegal aliens at worksite locations. It has been suggested by some that this shift is a capitulation by the administration in enforcing immigration laws inside the United States.

First, I will agree that no strategy should eliminate or diminish any enforcement effort within the United States. Worksite enforcement, like any other enforcement effort, should be an effective tool in the difficult task of removing and deterring illegal migration to the United States. However, the simple removal of large numbers of illegal aliens without a sound strategy and purpose is futile and a waste of taxpayer dollars. INS' mission has grown dramatically over the years. While some may see our mission as quite simply to locate and arrest illegal aliens, enforcement efforts must also address the cause of the illegal immigration.

The interior enforcement strategy which complements INS border management efforts targets the agency's limited enforcement resources on removing criminals and other illegal aliens, disrupting smuggling rings, responding to community reports and complaints about illegal immigration, stopping immigration benefit and document fraud and enforcing immigration law among employers. Here are but a few of the activities of the Atlanta agents.

The Atlanta District is currently investigating a major H1B visa fraud operation which is suspected of illegally bringing in large numbers of illegal aliens from India to ostensibly perform skilled labor in the computer industry. It is suspected that few, if any, of these aliens are qualified for entry into the United States and this operation is nothing more than a front for a more sophisticated alien smuggling ring. This ring brings in people, not in the dark of night across the borders or in unseaworthy ocean vessels, but right through our Nation's front doors by abusing and manipulating the visa system. It attacks the very heart and integrity of our legal, controlled immigration system. If left unchecked, it will break down the system we know today to lawfully control and admit foreign nationals into the United States.

In February 1998, the Atlanta office began implementation of a pilot program known as the National Criminal Alien Removal Plan. This plan was implemented at three metro Atlanta county jails—Cobb, Gwinnett and DeKalb. From February 1998 through February 1999, over 1,035 foreign-born nationals from 75 different countries have been identified and removed or detained pending removal from the United States due to serious criminal convictions. Many, if not most, of these individuals would have gone undetected were it not for this program.

Here are just a few examples of the type of individuals encountered.

Felix Ngana, a citizen of Kenya entered the United States as a foreign student in 1993 to attend Beulah Heights Bible College. He was encountered at the Cobb County Detention Facility, having

been arrested for aggravated stalking, carrying a concealed weapon, burglary and obstructing an officer. He had been previously arrested and convicted in 1997 for simple battery. He was subsequently convicted for the above offenses on January 4.

Alfred Paez-Denada, an illegal alien from Mexico living in Lilburn, GA was arrested on the charge of public drunkenness. He was encountered at the DeKalb County Jail and a check with the National Crime Information Center revealed that Mr. Paez had 55 arrests in California and Arizona and 26 criminal convictions for such crimes as larceny, burglary, theft and shoplifting. He had been ordered deported from the United States on four previous occasions.

In 1992, then Attorney General William Barr directed INS to dedicate a number of INS special agents to assist communities in combating ethnic violent gangs. The Atlanta office has dedicated 10 special agents to this effort. Agents are assigned to work with DEA, FBI and the High Intensity Drug Trafficking Area [HIDTA], as well as specified, identified communities with known or suspected gang activities. One such community is Gainesville, GA, where in addition to a number of illegal aliens working and residing, there are also no fewer than six gangs. The murder of a 14 year old boy by a known illegal alien gang member on June 1, 1998 led INS to an aggressive enforcement effort, along with the FBI and the Hall County Sheriff's Office, the Hall County District Attorney's Office as well as the office of the U.S. Attorney in the northern district of Georgia. Since this effort, there has been a diminished influence of these gangs in the Hall County area.

In 1995, INS Atlanta undertook a unique concept in concert with the Dalton, GA Police Department and initiated the Nation's first truly joint immigration task force. The Dalton Immigration Task Force has approached the immigration problem as a community policing effort designed to educate employers and the public, as well as to enforce Federal and State laws specific to the problem of illegal immigration. To date, this task force has been responsible for the identification and removal of over 875 illegal aliens, 168 criminal aliens have been arrested on State or Federal felony charges. Six joint worksite enforcement operations and over 60 employer education seminars have been conducted.

These are but a few examples of the nature and type of work being conducted by agents of the Atlanta District. The District's authorized investigative strength is 65 positions, a total of 48 special agents, 5 immigration enforcement agents, and 11 support personnel. The District is responsible for the enforcement of the Nation's immigration laws in the four States of North Carolina, South Carolina, Alabama and Georgia. This area represents 372 different counties and covers 188,000 square miles. This area has well over 1,000 separate State and municipal law enforcement agencies plus other Federal law enforcement entities. Currently, the Atlanta office has four locations with enforcement personnel at Atlanta; Charlotte, NC; Charleston, SC, and Birmingham, AL. Birmingham, AL currently has only one special agent assigned to cover the entire State.

INS alone has the statutory authority to arrest an individual for being illegally in this country. Quite simply, when it comes to the

arrest of illegal aliens for immigration violations, INS is the only game in town. Unlike other Federal law enforcement agencies who often share jurisdiction with State and local law enforcement, INS, if it fails to respond, leaves many jurisdictions with few alternatives.

INS' interior enforcement has been hit with increased requests from other Federal, State and local law enforcement to head up or participate in criminal enforcement efforts against foreign-born nationals. This fact, coupled with new laws, has required INS special agents to step up its efforts in the area of criminal enforcement and at the same time attempt to address its administrative responsibilities.

While the Border Patrol has deservedly received an increase in its personnel and resources, INS' interior enforcement has witnessed little or no growth. From 1994 through 1998, INS' overall enforcement budget grew by about \$1.3 billion and 7,493 positions. Most of the increased enforcement funding was directed at the southwest border, where a buildup of an additional 4,000 Border Patrol personnel was intended to prevent illegal entry. During the same period, INS requested 1,167 positions and \$163.2 million for worksite enforcement initiatives. The Service received 525 positions and \$56.4 million for worksite enforcement initiatives. Border Patrol enforcement success has led directly to the evolution of more sophisticated alien smuggling organizations attempting to evade this increased presence. As pressure is exerted along the southwest border, criminal groups are devising new routes and methods to ply their trade in human cargo. In order to complement the Border Patrol strategy, interior enforcement must be prepared to respond to these criminal smuggling organizations while simultaneously managing its other responsibilities.

In an attempt to meet these demands, INS has developed an interior enforcement strategy designed to focus its finite resources at the underpinnings of illegal immigration. These efforts should diminish the ability of illegal aliens to gain a foothold in the United States and lessen the impact on local law enforcement throughout the country.

I too thank you for your time and I would be happy to answer questions at the conclusion of this panel.

Mr. MICA. Thank you. We will defer questions, as I said. I would like to recognize the presence of the Congressman, U.S. Representative from this area, Johnny Isakson, who has joined us and also invite him to come up and join the panel. We would love to have you on this side.

Mr. ISAKSON. No, with you two stars, I think I am going to stay back here. Thank you though, Mr. Chairman. [Laughter.]

Mr. MICA. Thank you, sir.

Now I would like to recognize Mr. John Andrejko, who is a Special Agent of the Drug Enforcement Administration.

[The prepared statement of Mr. Szafnicki follows:]

**TESTIMONY OF BART G. SZAFNICKI
ASSISTANT DISTRICT DIRECTOR FOR INVESTIGATIONS
UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE
ATLANTA, GEORGIA
BEFORE THE
HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY
AND HUMAN RESOURCES**

April 19, 1999

Good afternoon, Mr. Chairman and distinguished members of the Subcommittee. Thank you for the opportunity to testify on this most important issue of INS' support for local efforts, and whether those resources are sufficient.

Recently there has been much rhetoric over the nature of INS' role in the enforcement of the immigration laws in the interior of the United States. There has been harsh criticism over the agency's proposal of a new interior enforcement strategy, shifting emphasis away from the illegal aliens at the worksite locations. It has been suggested by some that this shift is a capitulation by the administration in enforcing immigration laws inside the U.S.

First, I will agree that no strategy should eliminate or diminish any enforcement effort within the U.S. Worksite enforcement, like any other enforcement effort, should be an effective tool in the difficult task of removing and deterring illegal migration to the United States. However, the simple removal of large numbers of illegal aliens, without a sound strategy and purpose is futile and a waste of taxpayer dollars. INS' mission has grown dramatically over the years. While some may see our mission as quite simply to locate and arrest illegal aliens, enforcement efforts must also address the cause of the illegal migration.

The interior enforcement strategy, which complements INS' border management efforts, targets the agency's limited enforcement resources on removing criminal and other illegal aliens, disrupting smuggling rings, responding to community reports and complaints about illegal immigration, stopping immigration benefit and documents fraud, and enforcing immigration law among employers. Here are but a few of the activities for which Atlanta agents are dedicated to:

- **The Atlanta District is currently investigating a major H1B visa fraud operation which is suspected of illegally bringing in large numbers of illegal aliens from India to ostensibly perform skilled labor in the computer industry. It is**

suspected that few if any of these aliens are qualified for entry into the U.S. and this operation is nothing more than a front for a more sophisticated alien smuggling ring. This ring brings in people not in the dark of night across the borders or in unseaworthy ocean vessels, but right through our nation's front doors by abusing and manipulating the visa system. It attacks the very heart and integrity of our legal, controlled immigration system. If left unchecked, it will break down the system we know today to lawfully control and admit foreign nationals into the United States.

- Atlanta INS has dedicated agents to the FBI Joint Terrorist Task Force. This Task Force which has been in existence since just before the 1996 Olympic Games and continues the important task of working on identifying suspected terrorists and related organizations.
- In February 1998, the Atlanta office began implementation of a pilot program known as the National Criminal Alien Removal Plan (NCARP). This plan was implemented at three metro Atlanta County jails; Cobb, Gwinnett and Dekalb. From February 1998 through February 1999 over 1,035 foreign born nationals from 75 different countries have been identified and removed or detained pending removal from the United States due to serious criminal convictions. Many, if not most, of these individuals would have gone undetected were it not for this program.

Here are just a few examples of the type of individuals encountered:

Felix Ngana, a citizen of Kenya entered the U.S. as a foreign student in 1993 to attend Beulah Heights Bible College. He was encountered at the Cobb County Detention Facility having been arrested for aggravated stalking, carrying a concealed weapon, burglary and obstructing an officer. He had been previously arrested and convicted in 1997 for simple battery. He was subsequently convicted for the above offenses on January 4, 1999.

Kamlesh Patel, a citizen of India, illegally entered the United States across the Mexican border. He was encountered at the Cobb County Detention Facility in August 1998 after having been arrested for child molestation, having committed immoral and indecent acts with two females under the age of 16. He was convicted on two counts of child molestation on February 26, 1999 and sentenced to 10 years imprisonment. INS has ordered Mr. Patel deported and placed a detainer with the Georgia State Department of Corrections to insure swift removal from the United States upon his release from State custody.

Alfredo Paez-Deanda, an illegal alien from Mexico living in Lilburn, Georgia was arrested on the charge of Public Drunkenness. He was encountered at the Dekalb County jail and a check with the National Crime Information Center (NCIC) revealed that Mr. Paez had 55 arrests in California

and Arizona and 26 criminal convictions for such crimes as larceny, burglary, theft and shoplifting. He had been ordered deported from the United States on four previous occasions.

- In the summer of 1998, the INS concluded a case, "Operation Dixie Junction," which involved smuggling activities and worksite violations. Illegal aliens were removed from the worksites and criminal charges were successfully brought against the smugglers and the employers of Atlantic Finishing, a Georgia-based apparel manufacturer. The president and owner of the company was sentenced to a 10-month jail term and fined \$10,000. The company was fined a total of \$84,000.
- In 1992 then Attorney General William Barr directed INS to dedicate a number of INS Special Agents to assist communities in combating ethnic violent gangs. The Atlanta office has dedicated 10 special agents to this effort. Agents are assigned to work with DEA, FBI in High Intensity Drug Trafficking Areas (HIDTA) as well as specific identified communities with known or suspected gang activities. One such community is Gainesville, Georgia, where in addition to a number of illegal aliens working and residing, are also no fewer than six gangs. The murder of a 14 year-old by a known illegal alien gang member on June 1, 1998, INS led an aggressive enforcement effort along with the FBI, Hall County Sheriff's Office, Hall County District Attorney's Office and the Office of the United States Attorney, Northern District of Georgia. Since this effort there has been a diminished influence of these gangs in the Hall County area.
- In addition to the Violent Gang Task Force, INS has three special agents assigned to the Organized Crime Drug Enforcement Task Forces in North Carolina and Georgia. These efforts have led to the disruption of numerous ethnic organized crime groups including Colombian cartel members, Jamaican Posse Gang members and Dominican drug traffickers.
- In addition, Atlanta INS has one special agent exclusively assigned to work with the Organized Crime Strike Force, which has focused recent efforts against Asian organized crime in the metro Atlanta area. In 1995, a raid against a house of prostitution led to the rescue of a 15 year old female illegal alien from Thailand who had been sold into slavery and smuggled into the United States for the purpose of engaging in prostitution. Criminal investigation has conclusively established evidence of continued unlawful activity by Asian organized crime in the metro Atlanta area.
- In May 1998 INS uncovered evidence that over 3,000 illegal aliens were in Central Georgia to harvest the annual Vidalia onion crop. Enforcement actions were suspended at that time to assess and resources were re-directed to focus on the smugglers of these illegal aliens. Just last week in a continuing effort, a major Farm Labor Contractor was identified as having been responsible for

employing large numbers of illegal aliens after 27 such individuals were arrested by INS special agents.

- **In 1995, INS Atlanta undertook a unique concept in concert with the Dalton, Georgia Police Department and initiated the nation's first truly joint immigration task force. The Dalton Immigration Task Force has approached the immigration problem as a community policing effort, designed to educate employers and the public, as well as to enforce federal and state laws specific to the problem of illegal immigration. To date this task force has been responsible for the identification and removal of over 875 illegal aliens; over 168 criminal aliens have been arrested on State or Federal felony charges; six joint worksite enforcement operations and over 60 employer education seminars have been conducted, as well as regular assistance to surrounding law enforcement agencies has on matters involving illegal immigration.**

These are but a few examples of the nature and type of work being conducted by agents of the Atlanta District. The District's authorized investigative strength is 65 positions. A total of 48 Special Agents, five Immigration Enforcement Agents and 11 support personnel are currently on board. The District is responsible for the enforcement of the nation's immigration laws in the four states of North Carolina, South Carolina, Alabama and Georgia. This area represents 372 different counties and covers 188,000 square miles. This area has well over 1,000 separate state and municipal law enforcement agencies, plus other Federal law enforcement entities. Currently the Atlanta office has four locations with enforcement personnel: Atlanta, GA; Charlotte, NC; Charleston, SC; and Birmingham, AL. Birmingham, AL currently has only one special agent assigned to cover the entire state.

INS alone has the statutory authority to arrest an individual for being illegally in the country. Quite simply, when it comes to the arrest of illegal aliens for immigration violations, INS is "*the only game in town*". Unlike other federal law enforcement agencies who often share jurisdictions with state and local law enforcement. INS, if it fails to respond, leaves many jurisdictions with few alternatives.

INS interior enforcement has been hit with increased requests by other Federal, state and local law enforcement to head up or participate in criminal enforcement efforts against foreign-born nationals. This fact coupled with new laws, has required INS special agents to step up its efforts in the area of criminal enforcement and at the same time attempt to address its administrative responsibilities.

While the Border Patrol has deservedly received an increase in its personnel and resources, INS interior enforcement has witnessed little or no growth. From 1994 through 1998 INS' overall enforcement budget grew by about \$1.3 billion and 7,493 positions. Most of the increased enforcement funding was directed at the southwest border, where a buildup of an additional 4,000 Border Patrol personnel was intended to prevent illegal entry. During the same period, INS requested 1,167 positions and \$163.2 million for worksite enforcement initiatives. The Service received 525 positions and

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In an attempt to meet these demands, INS has developed an interior enforcement strategy designed to focus its finite resources at the underpinnings of illegal migration. These efforts should diminish the ability of illegal aliens to gain a foothold in the United States and lessen the impact on local law enforcement throughout the country.

Thank you for your attention and I am please to answer any questions.

Mr. ANDREJKO. Good afternoon, Mr. Chairman and distinguished members of the subcommittee. I am honored to appear before you today to provide oral comments regarding INS' support for local efforts and resource needs.

I am the Special Agent in Charge of DEA's Atlanta Field Division, which consists of the States of Georgia, Tennessee, North Carolina and South Carolina. Within these four States, DEA maintains 20 field offices staffed by 166 DEA special agents and 160 State and local task force officers from surrounding communities.

During the past several years, the Atlanta Field Division has experienced an increase in methamphetamine trafficking and abuse and methamphetamine is increasingly being seen in areas that previously had not been exposed to this most powerful stimulant. Historically, the suppliers of methamphetamine throughout the United States have been outlaw motorcycle gangs and numerous other independent trafficking groups. Although these groups continue to produce and distribute methamphetamine, organized crime, poly-drug trafficking groups operating from Mexico, California and Texas now dominate wholesale methamphetamine trafficking in the United States. These trafficking groups are increasingly moving this product eastward to markets in the Atlanta Field Division and DEA finds itself increasingly investigating Mexico-based trafficking organizations.

DEA has formed partnerships and implemented task force operations with many of the Federal, State and local law enforcement agencies in this division to develop enforcement strategies directed at these trafficking groups. The INS has participated in many of these planning sessions and has offered to provide manpower to these task force groups. Unfortunately, because of their many responsibilities and limited enforcement agent personnel, they have not been able to assign INS agents to all of the initiatives in the offices throughout the Atlanta Division.

DEA welcomes the expertise, investigative skills and cooperative efforts which INS has contributed over the years and the INS plays an integral role in today's drug enforcement mission. So often, many of the methamphetamine traffickers who are arrested in this division are illegal aliens or foreign nationals with ties to Mexico-based organizations. To assist us in our investigations, INS has assigned one agent full time to one of the DEA task force groups in Atlanta and we sincerely appreciate all the outstanding assistance this agent provides. DEA offices in Charlotte, NC, and Charleston, SC, also have received tremendous help by INS enforcement personnel assigned to those areas.

INS enjoys an excellent reputation within the law enforcement community and its agents are recognized for their dedication, hard work and cooperative spirit they bring to their assignments. What INS needs in this area in my view is additional manpower and resources in the area of criminal enforcement to be able to increase its commitment to work with Federal, State and local law enforcement agencies.

This concludes my comments and I would be more than happy to answer any questions you may have.

Mr. MICA. Thank you and we will now recognize Mr. Rick Deane who is the U.S. Attorney in the northern district of Georgia. You are recognized, sir.

Mr. DEANE. Thank you, Mr. Chairman and distinguished members of the subcommittee. I should preface my comments by saying particularly to Mr. Barr that my comments, as I noticed as I was handing them out earlier, do not bear an attribution line and that is of course due to the fact that my secretary and your former secretary is not presently in the office—an oversight that never would have happened had she been there. [Laughter.]

But she sends her regards and she is recovering quite well.

Mr. BARR. Thank you, Rick.

Mr. DEANE. Within the northern district of Georgia, Mr. Chairman, we have launched strategies to reduce crime involving illegal aliens and methamphetamine trafficking, as was just mentioned. We are presently employing those strategies in Gainesville, Cartersville, Dalton, Rome and Calhoun. The strategies focus upon shared intelligence and collaborative law enforcement involving Federal, State and local law enforcement. These collaborative efforts have provided us with intelligence that methamphetamine trafficking is expanding in north Georgia. Although not officially a task force, each participant in the strategies functions as a task force member. One important result of the collaboration is to provide, or rather to avoid, duplication of effort or wasted effort when one agency has part of the puzzle and another some other part. INS is critically important to these strategies.

For example, if an alien is arrested by local authorities, INS is generally immediately notified. INS immediately begins to investigate the alien's background. Should the alien be an illegal alien who has been previously deported, INS may notify our office because the alien may be prosecuted for illegally re-entering the United States after having been deported. Deportation alone has already been proven unsuccessful since the alien has returned at least once, and often more than once.

Of course, not every illegal alien who has re-entered the United States faces a realistic threat of Federal prosecution. The number of illegal re-entry cases prosecuted by our office has doubled in the last 4 years, although our prosecutive guidelines have tightened. In 1995, this office prosecuted 75 defendants for illegally re-entering the country, essentially prosecuting all referred defendants being found in the country after being previously arrested and deported. Because of 1996 changes in the law, in 1997, we began to prosecute only those defendants previously convicted of an aggravated felony in this country prior to being deported. Our 1997 numbers still rose to 103 prosecutions. In 1998, we prosecuted 164 defendants on immigration charges and the number continues to rise. These cases arise from charges that the alien has committed such offenses as aggravated assault, robbery, child molestation and other aggravated felonies.

Currently, INS typically refers to us for prosecution defendants with criminal history levels of three or better under the Federal sentencing guidelines, the defendants having prior convictions for drug trafficking or for other violent felonies. Under these circumstances, the typical defendant faces a Federal guideline range

of roughly 71 to 87 months. Thus, the INS participation is critical in removing aggravated felons and preventing their re-entry into the United States after deportation and being once again arrested.

INS, as a collaborative partner, also contributes in an equally important way by sharing intelligence and by assisting in investigations, even if the investigation results in a Federal charge not involving immigration, or a State charge. Not infrequently, illegal aliens who are arrested will possess false immigration documents for use by themselves and by others. In such cases, the alien may be charged with violations of State forgery statutes. INS involvement is very important to support these State prosecutions.

INS and its investigative resources play an important role in maintaining public safety throughout the northern district of Georgia.

I thank you for this opportunity to speak here.

[The prepared statement of Mr. Deane follows:]

Mr. Chairman and Members of the Subcommittee:

Within the Northern District of Georgia we have launched strategies to reduce crime involving illegal aliens and methamphetamine trafficking. We are presently employing those strategies in Gainesville, Cartersville, Dalton, Rome, and Calhoun. The strategies focus upon shared intelligence and collaborative law enforcement involving federal, state, and local law enforcement. These collaborative efforts have provided us with intelligence that methamphetamine trafficking is expanding in North Georgia. Although not officially a task force, each participant in the strategies functions as a task force member. One important result of the collaboration is to avoid duplication of effort or wasted effort, when one agency has part of the puzzle and another, some other part. INS is critically important to these strategies.

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illegal alien may be prosecuted for illegally re-entering the United States. Deportation alone has already proven unsuccessful since the alien has returned at least once, and often more than once.

Of course, not every illegal alien who has re-entered the United States faces a realistic threat of federal prosecution. The number of illegal re-entry cases prosecuted by our office has doubled in four years, although our prosecutive guidelines have tightened. In 1995, this office prosecuted seventy-seven defendants for illegal re-entry, essentially prosecuting all referred defendants being found again in the country after being previously arrested and deported. Because of 1996 changes in the law, in 1997, we began to prosecute only those defendants previously convicted of an aggravated felony in this country before being deported. Our 1997 numbers still rose to 103 prosecutions. In 1998, we prosecuted 164 defendants on immigration charges and the number continues to rise. These cases arise from charges that

the alien has committed such offenses as aggravated assault, robbery, child molestation, and other aggravated felonies.

Currently, INS typically refers to us for prosecution defendants with criminal history levels of three or better, under the federal sentencing guidelines, the defendants having prior convictions for drug trafficking or for violent felonies. Under these circumstances, the typical defendant faces a federal guideline range of roughly seventy-one to eighty-seven months. Thus, the INS participation is critical to removing aggravated felons re-entering the United States after deportation and being once again arrested, from these North Georgia communities.

INS, as a collaborative partner, also contributes in an equally important way by sharing intelligence and by assisting in investigations, even if the investigation results in a federal charge not involving immigration, or a state charge. Not infrequently, illegal aliens who are arrested will possess false immigration documents for use by themselves or by others. In such cases the alien may be charged with violations of state forgery

statutes. INS involvement is very important to support these state prosecutions.

INS, and its investigative resources, play an important part in maintaining public safety throughout the Northern District of Georgia.

Thank you for the opportunity to testify. I welcome any questions you may have.

Mr. MICA. I thank our panelists for their testimony and I would like to start the questioning of our panel, if I may, and our witnesses.

First of all, Mr. Fischer, how long have you been the District Director of INS?

Mr. FISCHER. Since January 1988, Mr. Chairman, a little over 11 years.

Mr. MICA. My recollection is—I came to Congress in 1993—from 1993 to 1998, Congress has more than doubled the INS budget, from \$1.5 to \$3.8 billion. During these years, INS staffing has increased from just over 18,000 to nearly 29,000 permanent positions. If you recall, back in 1993 or 1994, how many personnel did you have in your District?

Mr. FISCHER. If I may answer it this way, when I came to Atlanta in 1988, I had approximately 280 employees for the four States, and this was in the entire INS realm of activity—investigations, detention, deportation, examinations, inspections.

Mr. MICA. What was the number?

Mr. FISCHER. Approximately 280. I had that same number, Mr. Chairman, approximately 9 months to a year ago, only most recently have I received resources that took me over my initial 1988 level.

Mr. MICA. So until about 8 months ago, you still had in the 280 to 300 range?

Mr. FISCHER. Yes, sir.

Mr. MICA. Where has all the money and the staff been going, to your knowledge? Why has this area not been the recipient of the largesse of more than doubling the budget, \$1.5—I am only talking from 1993 to 1998—\$1.3 to \$3.8 billion. You have gone from 18,000 employees to 29,000 permanent positions, and you still do not have the personnel.

I think in your testimony, did you not tell me they are still on the way? One of you all testified.

Mr. FISCHER. The QRTs, the Quick Response Teams, those are now currently being announced.

Mr. MICA. What is your FTE equivalent full time positions now?

Mr. FISCHER. Approximately 300.

Mr. MICA. 300? Right now?

Mr. FISCHER. Yes, sir, for the entire district.

Mr. MICA. So you still do not have the resources at the local level and we have doubled the expenditures and almost doubled the personnel. Amazing.

Now I heard the figure of 1,035 removed, this was illegals. Was that you, Mr. Szafnicki, who gave us those figures?

Mr. SZAFNICKI. Yes, sir, it was—

Mr. MICA. From February 1998 to February 1999, 1,035.

Mr. SZAFNICKI. That was just for the National Criminal Alien Removal Program, the county jail program that we initiated. That was not our total number of removals.

Mr. MICA. And how does that compare to say, 1997 to 1998?

Mr. SZAFNICKI. Well, again, that figure that I was referring to was a program that was only instituted in February 1998, it does not bear—

Mr. MICA. So we would not have any—

Mr. SZAFNICKI. I have nothing to draw upon for previous years.

Mr. MICA. No figures from prior to that.

Were there any other personnel from INS that you used to achieve that number of removals?

Mr. SZAFNICKI. No, I just simply used my investigative resource staff that I had available to me. Now, I was given a few additional positions as immigration enforcement agents to help me initiate that pilot program, but with the few resources that we did receive, we were able to accomplish well over 1,000 individuals that were processed for removal. They have either been removed or detained for removal.

Mr. MICA. Now do you attribute part of the ability, with limited resources, limited dollars and limited personnel, to achieving those numbers of removals by cooperative efforts from other agencies? And if so, can you tell me how you were able to do this?

Mr. SZAFNICKI. Absolutely. We entered into a collaborative agreement with Cobb County, Gwinnett County and DeKalb County to basically process individuals that are encountered at their institutions through the intake system. Those individuals that are encountered that are illegal aliens with substantial criminal histories are immediately identified, processed for removal and set up for deportation hearings, and we try to expedite them through their system to get them into our system basically.

Mr. MICA. Mr. Fischer, you talked about personnel, how about hard dollars? You said that you had basically the same number of personnel, 1988, 1993 and last year. Has your budget doubled at this district level in that period?

Mr. FISCHER. No, sir, it has not.

Mr. MICA. What kind of increases have we seen?

Mr. FISCHER. We have had increases in our inspections program, we have had decreases in our investigations program. Our current budget for this fiscal year for operating, that Mr. Szafnicki and his investigative staff has to utilize, as Congressman Barr gave examples—undercover operations, vehicle maintenance, travel, things of that nature—we are down 50 percent from last year.

Mr. MICA. For what?

Mr. FISCHER. For investigations.

Mr. MICA. Was it Operation South PAW—did I catch that right?

Mr. FISCHER. Yes, sir.

Mr. MICA. Is that purely an INS effort or was that with local and State also?

Mr. FISCHER. It was primarily an INS effort and we utilized cooperative agreements with the State and local where appropriate. For example, the use of National Guard armories for processing areas. We coordinated with the locals for traffic control and security so that people would not be injured when we did an onsite survey of the work force. But it was primarily an INS operation.

Mr. MICA. And let me ask a question as far as the problems relating to the—we passed legislation in 1996 and I think we passed some other legislation giving different mandates to INS as far as enforcement, deportation, et cetera, which I would imagine has increased your workload. I think these figures reflect that you have also handled a significant number of additional cases.

Mr. FISCHER. Yes, sir.

Mr. MICA. If you were in our position to change Federal law or Federal policy, is there something we should be changing? Is the law—are the laws that we passed requiring this expedited additional enforcement emphasis, is it working well? What changes would you recommend?

Mr. FISCHER. I feel the law is very appropriate, it appears to be very responsive to the community, the feedback that I get from, whether it be residents or elected officials or law enforcement officials. One of the difficulties that we have—for example, the mandatory incarceration of criminal aliens, one of the problems that we have at times is the sufficient funding to ensure that this criminal alien is not released from incarceration until the entire process is accomplished, which should amount to removal from this country. And as Mr. Szafnicki testified to, we are getting very, very large numbers of people. I suspect in the State of Georgia, there are over 100,000 illegal workers right now, and that may be a conservative estimate. And many of these individuals will come into the local judicial system in some form or fashion. And the law is responsive, we have difficulty though sometimes ensuring that we can complete the entire mission; by that, the removal, the hearing, the incarceration costs. And that's because of budget and personnel problems.

Mr. MICA. Well, part of the reason for this hearing is to figure out where the dollars have gone. Obviously, they have not gone to the district level. We have increased your workload, increased your areas of responsibility and it also sounds like the detention problem, because of the sheer numbers, and then the process that you must go through, requires some staying power. How are you coping with that and is that becoming a serious problem or reaching a crisis level?

Mr. FISCHER. Well, it does reach a crisis at times with the human factor, the overtime, the stress and strain on the vehicles, the contracting we have to do with local officials for jail space where we have to go out and bid on it.

Mr. MICA. So that is where you were incarcerating these folks until the process is complete.

Mr. FISCHER. Yes, sir. There is no INS detention facility in the Atlanta District. We will either remove individuals to INS facilities in other parts of the United States through the Justice, JPAC system or we will contract with local enforcement entities, sheriffs, whatever, and house our prisoners there until a hearing can be performed before an Immigration judge.

Mr. MICA. Is your budget adequate to sustain the level of your experience?

Mr. FISCHER. Not all the times, sir. Sometimes, we have to ensure that our input matches our budget.

Mr. MICA. Are any of these folks being released?

Mr. FISCHER. No, sir, not in my District.

Mr. MICA. So you are getting by with the cooperation of these local folks?

Mr. FISCHER. Yes, they are doing a very good job for us.

Mr. MICA. Let me, if I may, have a couple of concluding questions to other panelists. The U.S. Attorney, Mr. Deane, you had talked a bit about repeat offenders and the problem of repeat offenders.

You say that has doubled in the last, was it year or two? Could you tell us the situation dealing with those individuals who have been deported and then they are back again on the scene?

Mr. DEANE. What I said, Congressman, was that the number of prosecutions; that is, cases that we have actually prosecuted, I believe over the last 4 years has doubled.

Mr. MICA. OK. What about repeat offenders, these folks that we are deporting and seeing back, is that becoming a problem or is it pretty much the same as it has been?

Mr. DEANE. No, I think it is certainly becoming a problem. The concern for us is figuring out which of the various potential defendants that are out there will we prosecute, the same as it is a problem for Mr. Szafnicki, on the front end of trying to figure out which ones should be referred.

If you merely re-enter the country after having been deported, our focus is on the aggravated underlying felony that got you deported initially.

Mr. MICA. And you testified that since the 1996 law, that your emphasis is prosecution only of aggravated felons—those with aggravated felony charges.

Mr. DEANE. Yes, sir.

Mr. MICA. That is correct?

Mr. DEANE. Yes, sir, that is correct.

Mr. MICA. So what are you doing about the rest of them?

Mr. DEANE. Well, quite a number of the rest of them never get referred to us because we have worked out with the Immigration Service on the front end those cases that they should focus on that we can then progress through the system. So they know on the front end the kinds of defendants that we are looking for that we can get out. We are looking for the worst of the worst.

Mr. MICA. And the others, are they falling through the cracks?

Mr. DEANE. Well, they are falling through the cracks in the sense that they do not come into the criminal justice system, but they are nonetheless being deported and detained.

Mr. MICA. Let me ask you a question. We had a congressional delegation which I chaired, which we took to Central and South America. Of course, when we got to El Salvador, the President of El Salvador hit us with a barrage—we had deported an incredible number of folks to El Salvador. Do you notify the local El Salvadoran authorities when they are deported?

Mr. DEANE. Yes, sir, we do.

Mr. MICA. The country police are notified?

Mr. DEANE. Yes, sir, they are. And as a matter of fact, we have a very regular meeting of all the law enforcement executives here and that was just something we have discussed over the last—

Mr. MICA. They were also telling us that it is sort of a revolving door, because they are there, they have learned criminal techniques in our detention facilities from others, or in prison and they are turning around and going back.

Mr. DEANE. Right.

Mr. MICA. So we do not have a way to stop the revolving door and have almost an open border, a commercial border anyway on the southwest.

Anything we need to do to revise this 1996 law to give you better direction or should we make it more inclusive, exclusive? Any recommendations on changing the Federal statute what we have done?

Mr. DEANE. The 1996 law actually served to expand the definition of those persons that we could end up prosecuting.

Mr. MICA. Right.

Mr. DEANE. And so our situation is that we have got the statute in place. Our problem is much like——

Mr. MICA. The resources to carry out the job.

Mr. DEANE. That is exactly right.

Mr. MICA. How is your budget doing?

Mr. DEANE. Our budget is not adequate to do all that we would like to do, I will leave it at that. But we are absolutely going to focus—we were in meetings this morning talking about the things that we can cut back on in order to better accommodate the INS cases, because some of these cases involve people who are just an absolute danger to the community, so we have to prosecute them. And we will make whatever adjustments we need to, to try to prosecute them.

Mr. MICA. From your standpoint, is there anything we can do to expedite to provide quick passage out of the country—quicker passage out of the country for these folks?

Mr. DEANE. Well, Congressman, for the ones that come to us, we are not interested in providing them with quick passage, we are interested in assuring them of some extended time in Federal custody, in prison, because those are the persons that are a danger. We simply cannot deport them, these are people who should be serving a jail term, an extensive jail term.

Mr. MICA. Well, is there—again, I am looking for any recommendations that would expedite the process so we get rid of those who have to be deported, who may have some minor offenses, so we incarcerate those who are the baddies, and they are taken care of. I understand we now have 27 percent of 113,000 Federal prisoners that are illegal aliens; is that correct?

Mr. SZAFNICKI. Foreign nationals, not necessarily illegal, could be legal permanent residents also.

Mr. MICA. And that is growing?

Mr. SZAFNICKI. I believe it is.

Mr. MICA. Well, thank you, and if you have additional comments or think of things you would like submitted either formally or informally for the panel, as we look at the law, look at how we are spending these limited dollars, but increasing dollars on this extensive effort, I would welcome them.

I am pleased now to yield to the vice chairman of the subcommittee, the gentleman from Georgia.

Mr. BARR. Thank you, Mr. Chairman.

Are all four of you gentlemen familiar with the Immigration and Naturalization Service Interior Enforcement Strategy issued in January 1999?

Mr. FISCHER. Yes.

Mr. SZAFNICKI. Yes.

Mr. DEANE. Yes.

Mr. BARR. OK. Mr. Andrejko, are you familiar with that?

Mr. ANDREJKO. Slightly familiar, yes.

Mr. BARR. What is—in terms—let me start with you, Mr. Fischer, in terms of your ability to carry out your mission, you described it fairly well, I think, how does this Interior Enforcement Strategy affect that? Will this improve your ability to carry out your mission or do you see some problems with it?

Mr. FISCHER. The strategy right now is being formalized in our Washington headquarters office, selected colleagues of mine have been pulled into Washington to expand upon the strategy that you identified, Congressman, and it is my belief that then operating instructions will be presented to myself and my other colleagues throughout the country on how to implement this.

Mr. BARR. I think that is sort of a nice way of saying that there are some problems with the strategy as it was issued in January of this year, in terms of your ability to meet your mission. Would you disagree with that assessment?

Mr. FISCHER. No, sir.

Mr. BARR. One thing that I did notice, and I know this has also been the subject of newspaper articles that have been written in the Washington Post recently, for example, is in terms of worksite enforcement. I know that both you and Mr. Szafnicki and certainly the U.S. Attorney are very familiar with what I have considered to be very, very successful projects over the last several years, including Operation South PAW, yet that part of the overall interior enforcement effort seems to be, shall we say, downplayed in this interior enforcement strategy. Would that be accurate, Mr. Szafnicki?

Mr. SZAFNICKI. I do not know if—it certainly gives the appearance of being downplayed, Congressman. I think it is a different approach and perhaps it could have been explained better in the interior enforcement strategy. It is my understanding that the emphasis will be placed toward who is supplying those illegal aliens to specific worksite locations. And by focusing on the suppliers, hopefully as we are able to prosecute through the assistance of the U.S. Attorney's Office, the actual people responsible for bringing them into the United States, there will be a diminished number of individuals actually coming to a specific area. It certainly does not intend—it is my understanding anyway—to eliminate worksite enforcement, it is just simply the idea of going to a specific worksite location for the express purpose of doing nothing more than picking up the illegals and removing them is not efficient.

Mr. BARR. There is though, I presume, some benefit to engaging in projects such as Operation South PAW, is there not, to draw attention in the public arena to the need for interior enforcement and highlighting the fact, for example, that those jobs that are performed by those who are in this country illegally are being performed by illegal aliens and that there are repercussions for employers who do in fact knowingly provide such jobs to illegal aliens—is there some benefit to that?

Mr. SZAFNICKI. Absolutely. As a matter of fact, a lot of our worksite initiatives, the actual criminal investigations we were able to uncover during South PAW were as a result of just going to the location and picking up large numbers of illegals. I am just saying that I think we need to couple that with some of the main focus of our efforts toward the smugglers in looking toward something

beyond just picking up the illegals and removing them, go one step further to identify, if we do go to a location and pick up a large group of illegals, how did they get there, who was responsible for providing them if they have fraudulent identification. We need to look beyond that and I think that is what they are trying to do, to a certain extent in this strategy.

Mr. BARR. OK, and hopefully in the rewrite of it or the supporting documents that come out, that will be made a little bit clearer than it was in that document issued in January.

Mr. SZAFNICKI. Correct, yes.

Mr. BARR. With regard to some of the budgetary problems and detention matters that we have already touched on briefly, if you could please, Mr. Fischer, explain briefly the mandatory incarceration provisions contained in the 1996 act and the point system that is used to determine when somebody is detained and whether they are in fact continued to be detained or released.

Mr. FISCHER. The law is quite clear where someone who qualifies or meets the standard under our definition of a criminal alien, has to be incarcerated. Then of course we will go through the normal procedures of a hearing and eventually a final order of deportation or removal and then removal from this country.

There was a suggestion earlier by our headquarters office on consideration of release of those criminal aliens.

Mr. BARR. There was a memo dated February 1 of this year?

Mr. FISCHER. Yes, sir, and it had a suggested point process where if a person had a conviction of I believe sexual pandering and larceny, perhaps that was 2 points. And if the person did not get over 5 points, that the District Director should consider removing that—releasing that person into society. All the directors nationwide were not comfortable with that at all, for a variety of reasons.

Mr. BARR. As a matter of fact, you went on record, I think very appropriately and professionally, very strongly objecting to that, is that correct?

Mr. FISCHER. Yes, sir, I did. And that has been rescinded, for lack of a better term, where now we are following the letter of the law from our headquarters office down to the direction that the directors are getting.

Mr. BARR. With regard to budgetary matters, I remain very concerned, as the chairman has indicated also, with regard to particularly the fiscal year 1999 budget, you know, we are smack dab in the middle of that right now. What exactly is the nature of the budget cuts that you have been ordered to put into effect? Can you give us some notion of those and how they are affecting your operation?

Mr. FISCHER. When the budget was presented to me, and I will discuss the investigations budget and Mr. Szafnicki obviously can amplify on it if he feels appropriate, our budget in investigations was reduced by approximately 81 cents on the dollar for fiscal year 1999. And after myself and Mr. Szafnicki then prepared some talking points and some justifications that we felt was necessary for us to meet our requirements, whether it be the 1996 law or whether it be just our commitment as immigration officers to the people who we work with, it was I believe elevated up to 43 cents on the

dollar. So we are taking a 57 cent hit or percent hit, however you want to look at it, which does affect our ability to support Mr. Andrejko, the local and State agencies where appropriate. And that is one of my concerns, sir, with these quick response teams. We are very, very grateful that Congress provided us those positions and we think we are going to get a lot of mileage that is going to really help our enforcement effort, but I am concerned about the moneys that maybe go with it or do not go with it. And if they do not go with it and numbers of a good sound professional operational posture, we could have positions there, but we may not be able to get the biggest bang for our buck and that is what concerns me.

Mr. BARR. Are other district directors being directed to sustain similar cuts for the fiscal year 1999 budget?

Mr. FISCHER. I really do not know about the other district directors.

Mr. BARR. Mr. Szafnicki.

Mr. SZAFNICKI. On the investigations program, it has been universal across the board—across the country, the cuts. Now I cannot say they are all at 43 cents on the dollar, but they have all been sizable cuts.

Mr. BARR. When these cuts were mandated earlier this year, what was the explanation given for them?

Mr. SZAFNICKI. I did not receive one, Congressman.

Mr. BARR. Could you give us maybe a couple of specifics in the way that this sort of budget cut will impact your ability to support Mr. Andrejko or other programs with which the U.S. Attorney is involved, or our local law enforcement, and we will be hearing from them later as well?

Mr. FISCHER. Well, a good example is the Rome, GA office, DEA opened up a Rome, GA office; the U.S. Attorney, Mr. Deane, is supportive of that office and that initiative. We would like to participate as a full partner, we just do not have the resources to participate as a full partner and in turn, that affects our ability to provide, as Mr. Andrejko said during his statement, assistance, whether it be language skills, whether it be cultural skills, whether it be the quick use of the INS systems to provide them data, and it could affect perhaps the prosecution in a case that Mr. Deane's office may eventually have. That is an example I can think of.

Mr. SZAFNICKI. What I am facing with, basically a 57 cents on the dollar cut, we have one of the largest geographic areas in the United States to cover as a district office, it is very difficult for me to keep my vehicles on the road. Obviously, our ability to respond to State and local, since we have so few offices within our jurisdiction means we have to jump in a car and drive there and if that is a 4-hour drive, so be it. But the restrictions hamper us greatly because of gas costs, vehicle maintenance costs, things like that. I have got to take that into consideration when I make a decision to respond.

Mr. BARR. Do either of you convey to those folks up in Washington from whom these directives are coming the concern, for example, or at least the obvious fact that even though moneys are being appropriated in significantly increased amounts specifically for interior enforcement, that you are being asked to sustain very, very

deep cuts in your budget? Have you posed those questions to your superiors in Washington? And if so, what is their response?

Mr. FISCHER. We have, this has been done during quarterly district director and chief patrol agent meetings with the Executive Associate Commissioner for Field Operations, as well as the Commissioner of INS. And they note that we gave them that feedback.

Mr. BARR. And that is it. Duly noted for the record, as they say.

Mr. FISCHER. Yes, sir.

Mr. BARR. Well, we will certainly see if we can help.

Mr. Andrejko and Mr. Deane, if you could comment on how the budget cuts that the interior enforcement effort, through DEA, might be affecting your operations and your ability to work cases involving illegal aliens.

Mr. ANDREJKO. With regard to DEA, we are seeing more and more illegal aliens or foreign nationals involved in certain aspects of the drug trade that are affecting the Atlanta Field Division and when we noted that earlier, we had approached INS to see if we can get from them additional manpower and support with regard to their agent personnel assisting our enforcement groups, mainly our task force groups, to widen and expand the investigations and to delve deeply a little bit more into some of the information we have uncovered. And because of the lack of enforcement agent personnel on their part, they were not always able to go ahead and respond to our requests, not able to provide the assistance that we need in many of the strategies that have been designed throughout the Field Division, and that has certainly hampered the investigations by not bringing forth a review and a follow-through on those investigations, which would be possible had they had additional manpower to assign to us.

Mr. BARR. Is one area in particular that you are seeing a particular problem methamphetamine trafficking in this area?

Mr. ANDREJKO. Yes, we are very concerned. If you look at the statistics, for example, in fiscal year 1998, we seized approximately 668 pounds of methamphetamine either in metropolitan Atlanta or on its way to metropolitan Atlanta. And that is about a four time increase of the methamphetamine that was seized in the prior year. And a tremendous number of other investigations that we are proceeding on now also indicate that the methamphetamine trafficking is increasing throughout the division. I am receiving telephone calls from police chiefs and sheriffs in areas, in rural areas, that never called me requiring some additional help and assistance with regard to methamphetamine, which is indicative of the fact that the methamphetamine trade is expanding to those areas to the point of alarm on their level as well.

Mr. BARR. One of the things that I hear consistently from local law enforcement officials as well as county commissioners and city council people is two things—one, tremendous regard for the work that DEA does and tremendous gratitude for the support that DEA does provide for local law enforcement; but the same frustration that I think you just indicated, that with regard to those who are involved in trafficking involving illegal aliens and organizations in support thereof, particularly with regard to methamphetamine, a frustration that the support simply is not there. And I think it goes

back to some of the problems we have highlighted here with lack of proper funding coming from Washington to the district INS.

Mr. ANDREJKO. That is true and I thank you for those kind comments with regard to how DEA is perceived. But I know with all the requests we have gone to Mr. Fischer and Mr. Szafnicki with, the help that they have provided to us has been very, very important to us in following through many of the leads that we had developed. And it has really been an asset to us in the investigations that are ongoing even at this time.

Mr. BARR. Thank you.

Mr. Deane, if you could comment. You have overall responsibility for prosecutions in this area and familiar with all the different agencies involved, could you indicate to us briefly how your responsibility has been impacted negatively perhaps by not being able to prosecute some of these cases because of the INS cutbacks in the interior enforcement budget?

Mr. DEANE. Well, Congressman, as you would know, any time you institute a prosecution, you try as best you can to make the most of what you are going to—the most of the case that you actually do have. You try to build that case and expand that case and to move up from a single stop perhaps on the expressway or someplace, move that up in the investigative chain. And in order to do that, you need to have people who are willing and who are capable of going out and doing the followup work. And that to me is where INS is most critical and most important, because they have intelligence bases and data bases and so forth that can be drawn upon, that can be available to us to do the followup work and coordinate from some of their other files perhaps in other districts, to see just what it is that we are—when we do make a stop like that, just who it is that we are dealing with. It could be that the person has only gotten the one arrest here, but he may have multiple arrests in other places that we would need to coordinate and followup on those investigations as well.

It is very difficult when you have got a key player whose job it is to be involved with foreign nationals that you cannot go to—or you can go to them, but they are limited in what they can do and what they can accomplish to help you to investigate those foreign nationals and their involvement in drug trafficking. Methamphetamine is a prime example of that. The supply channels for methamphetamine, supply channels that we have seen in the northern Georgia area really are—in order for us to interdict those and to be successful in interdicting those, we have to have the involvement of INS. We just cannot accomplish it, in my view, without their full involvement. We will be successful at some level, but we will not make the kind of in-roads that I would hope we would want to see, without their help.

Mr. BARR. If your office, just by way of comparison, if your office sustained a 43 percent budget cut, that would severely hamper your ability to carry out your mission, would it not?

Mr. DEANE. Absolutely, absolutely. We would be totally ineffective in handling our jobs.

Mr. BARR. What would be—Mr. Fischer, what would be the Border Patrol Chiefs and the Immigration District Directors Association's position on the proposed restructuring?

Mr. FISCHER. The Immigration Directors Association, Congressman, has gone on record officially to the Commissioner saying that they cannot support the restructuring plan the way it is currently being formulated. The Chief Patrol Agents, to my knowledge, also have not shown a high degree of any support at all for restructuring.

Mr. BARR. Is that because of the problems that we have been discussing here today, or are there others that are important?

Mr. FISCHER. Well, I think there are some issues; one, it is anticipated that it would be a very costly program, there has never been a price tag put on it. And Mr. Chairman, as you indicated when you were talking about our operating budget to support the people here in our four-State area, it is difficult for us to buy into a restructuring program that does not have a price tag on it when we are watching the soul and the heart of the investigations division be carved out. That is a concern.

Another concern would be the response to State and locals and the full scheme to work with Mr. Deane's office, for example, and other entities, because as Mr. Deane indicated, it is not just an investigations process that is the law enforcement effort of the INS. The file has to go where the person is, there is a detention/deportation aspect, there is a trial attorney involved to present the case before the Immigration judge, that person also may work with Mr. Deane's office. And the way the restructuring is currently proposed, you would set up—it would set up zones and there is a shared services concept built within those zones. And any time you share something, you dilute it and there has been a high degree of concern from the Immigration Directors Association, as I said earlier that has been formalized to the Commissioner, about our concerns and that we could not support it the way she is currently providing it to the Congress.

Mr. BARR. Mr. Chairman, you have been very kind and very patient in letting me run over time here a little bit. If I could just ask one other question. One of the aspects of our work, which is certainly one of the aspects of INS' work both here and in other district offices, is to assist applicants, applicants for citizenship. We have with us Ms. Jeanette Hutchinson, who does tremendous work I know with your office and with a lot of our constituents trying to solve problems of the time delays. I think we can all understand that there are going to be time delays involved in that process, particularly as we have more people seeking to become citizens, which is something very important obviously and we all support that.

But the cutbacks in your budget, would it be accurate to say we have discussed also impact that part of your work as well, because are they not cutting back overtime and denying your folks and maybe Mr. Szafnicki also, use of that overtime that has been available and now is not available to have some of your people assist with the application backlog. So is that now creating problems?

Mr. FISCHER. Mr. Chairman, I am sure you remember the Citizenship USA issue and concerns that the Congress had and still does. In fact, we are being audited right now, our office, by our own Office of Internal Audit as part of the process to build upon what Congress stipulated years ago. For the record, we did not ever naturalize anyone in the Atlanta District that was not eligible and de-

serving of citizenship. But as Congressman Barr indicated, we have gone from a process where when the initial application was filed, if everything when according to the process, that person more than likely was going to be sworn in within an 8–9 month window. Now it is at least 2 years. We have seen a tremendous increase in number of applications. We are concerned about the budget ramifications because we are talking about now user fees and we have seen a fee increase for the application. And INS receives over half a billion dollars a year in the fees that come in and our staff has had some increases, but not to keep up with the number of applications.

I cannot use any of Mr. Szafnicki's or Mr. Compos' or Mr. Anderson's staff because the requirements are so stringent for people who work the naturalization, you have to have certain training, you have to have a certain degree of accountability. But the process has gotten so—has had such a high degree of oversight, I have three adjudicators doing nothing but re-verifying what other adjudicators have done during the interview or the grant process. And that is to me very time consuming and it takes away from productivity that could lead to people having their applications processed quicker.

Mr. BARR. Thank you. Thank you, Mr. Chairman.

Mr. MICA. Thank you.

You have covered, Mr. Fischer, a great deal of ground and answered some questions I would have asked relating to the problem we are now experiencing with the backlog. But it still mystifies me as a Member of Congress, that while we have doubled the amount of—more than doubled the amount of dollars to the agency, almost doubled the number of personnel in less than 5 years, and when you are facing potential cuts in the enforcement area and we still are not accomplishing the mission and only through the grace of some cooperation I think that we have heard testimony to the fact of here today with local agencies and State and others, are you able to accomplish the job that you are doing, at least from the enforcement standpoint.

So it is important that we conduct these field hearings, that we find out what is going on, where the dollars are going, where the problems are, and we get that information back and try to make corrections.

Just one final question since this subcommittee is entitled Criminal Justice, Drug Policy, and Human Resources, and we spend a lot of time on the drug policy; the U.S. Attorney indicated that you are seeing—there appears to be a link or Mexican connection, particularly in methamphetamines. Is that correct and is that documented?

Mr. DEANE. Well, yes, sir, it is, it is documented certainly by the cases that we are prosecuting. Consistently we are seeing trafficking patterns that involve Mexican nationals.

Mr. MICA. DEA, you are seeing meth that you trace back to Mexico in new and significant quantities?

Mr. ANDREJKO. That is correct. The ties lead directly to Mexico or they lead to trafficking groups in California and in Texas that have ties to Mexican organizations.

Mr. MICA. You did mention cocaine I think one of you briefly. What about heroin, are you seeing any increase in heroin here?

Mr. ANDREJKO. Not in the Atlanta Field Division. We are seeing still a consistent use of heroin but no great increase. We have seen over the past year and a half at times some large seizures, but when you look at it overall and put it in the perspective of not looking at it by a quarterly basis, by comparing it to a year or two process so to speak, the figures still indicate that it is consistent, no special increase or specific increase.

Mr. MICA. But you are both seeing significant increases in activities among illegal aliens involved with this trafficking, is that correct, Mr. Deane?

Mr. DEANE. Yes, sir, that is correct.

Mr. ANDREJKO. Yes, sir, that is also correct, yes.

Mr. MICA. Well, I do not have any additional questions at this time. Mr. Barr.

Mr. BARR. No. I appreciate these four gentlemen staying perhaps a little bit longer than we had anticipated, I think their testimony and response to the questions has been very, very enlightening and I appreciate their attendance very much. Again, if you would reiterate, Mr. Chairman, that any additional material that they might have, we would be more than happy to receive it.

Mr. MICA. Yes, and additionally, the minority has asked to submit questions, which we will be doing. Those questions, without objection, and others submitted to you will be made part of the record.

There being no further questions of this panel, I will excuse the panel at this time. Thank you.

Mr. BARR. Thank you very much.

Mr. MICA. I would like to call our second panel this afternoon and that panel consists of Mr. Mark Johnson, chief of police of Chamblee, GA; Captain Terry Neal of the Dalton Police Department; Mr. Bill Hutson, who is the sheriff of Cobb County, GA. We are pleased to welcome these three individuals to testify before our subcommittee this afternoon.

I would like to welcome the witnesses this afternoon. Also, as I informed the first panel, I will just provide you with a few of the ground rules for our subcommittee and our hearing today. We are an investigations and oversight subcommittee of Congress and in just a minute, I will ask you to be sworn in. We do swear in all of our witnesses.

We also ask that you limit your oral, verbal testimony this afternoon to 5 minutes, try to stay in that time parameter. We will, without objection, allow for the record the introduction of additional material, information, data for the hearing record upon request.

So with those comments, I am pleased to welcome you. Gentlemen, if you could please stand and be sworn.

[Witnesses sworn.]

Mr. MICA. Thank you for joining us today and providing us with your insight. You know, we hear a lot of it in Washington from folks, but I think one of the best things we ever do in Congress is to get out and hear from local officials, particularly individuals in your capacity. Here we have local law enforcement representatives. We are proud of the job you do, and we have heard of your cooperative effort already from some of the previous panelists, but we

think it is most important that you give us your candid observations as to how we from the Federal level can work with you at the local level to do an even better job. So with those comments, I am pleased to recognize Mr. Mark Johnson, who is the chief of police of Chamblee, GA. Welcome, sir, and you are recognized.

STATEMENTS OF MARK JOHNSON, CHIEF OF POLICE, CHAMBLEE, GA; CAPTAIN TERRY NEAL, CITY OF DALTON POLICE DEPARTMENT, DALTON, GA; AND BILL HUTSON, SHERIFF, COBB COUNTY, GA

Mr. JOHNSON. Thank you, Mr. Chairman.

Mr. MICA. If you can, speak up as loud as you can. The acoustics are a little bit dull.

Mr. JOHNSON. Thank you, Mr. Chairman and the rest of the members of the committee.

Just for some background, the city of Chamblee is a small city located here in metro Atlanta. It covers approximately 3 square miles and has a population of 8,000, of which approximately 41 percent are believed to be Latino. Chamblee also contains one of the most ethnically diverse census tracts in the State of Georgia. This diversity began growing in the middle 1980's with an influx of southeast Asian refugees.

While the demographics of the city was changing slowly, a culture clash began to develop with the heavy influx of Hispanics that began in the early 1990's. At the same time, the crime rate in the city was increasing rapidly, drugs, gang activity and continuous graffiti problems were among the top concerns of our community. While it is not fair for us to blame all these problems on the influx of Hispanics, it is not unreasonable for the mainstream community to do so. It is also not surprising that this community demanded something be done about the problems.

While most Hispanics are generally good people trying to provide for their families, many have entered this country illegally in hopes of finding jobs and a better life. This problem must be dealt with appropriately at the national level; however, failure to do so is clearly felt at the local level. While the city of Chamblee has become accustomed to its diversity and in fact is proud of it, the large number of Hispanics that enter the country illegally present a significant problem for us.

Hispanic workers are culturally accustomed to looking for day labor type jobs. They generally stand in large groups, wait for contractors and others to come looking for the workers. Unless they are able to locate a company willing to violate the law regarding employing undocumented aliens without proper paperwork, that is their only option. These large groups of men standing around would usually start with numbers of 125 or more. Just the sight of an unusually large group of people standing on a corner can cause concern on the part of local residents. When combined with language and cultural barriers and the increasing crime rates, this concern can easily become fear. The large groups of day laborers also provide a background and cover for drug dealers to hide amongst.

The Police Department in Chamblee believes strongly in community policing and in developing partnerships with the community to

solve problems. Accomplishing this with a culturally diverse population is difficult enough, without a part of that population being in this country illegally.

While we can work to overcome cultural barriers that are obstacles to effective law enforcement, we cannot overcome this undocumented status and the fear of law enforcement that comes with it. Rather than reporting crimes and working with law enforcement, most of these undocumented aliens run just at the sight of an approaching police officer. They are repeatedly the victims of street robberies and other crimes resulting in several having been murdered in the city of Chamblee.

As I said earlier, I believe that the problem of illegal entry into this country must be dealt with at the national level, but I also firmly believe that much more needs to be done about undocumented aliens when they are found at the local communities. The city of Chamblee has been very proactive in dealing with its crime problems and community concerns. Several ordinances were passed to deal with specific problems such as day labor pools, loitering and vagrancy.

Apartment complexes were inspected and required to come into compliance with all building and life safety codes. Many of these complexes were dangerous and unfit for habitation; however, they were primarily occupied by Hispanics that could not or would not complain because of their undocumented status. It is very difficult to work with these Hispanic communities and gain their cooperation because of their fear of law enforcement. Even the local non-profit organizations are afraid to work with them for fear of jeopardizing their own tax-exempt status.

The Police Department has focused its efforts on the criminal and offending actions of individuals and not where they are from or whether they are in the country illegally. I believe that one very important tool is missing from this concept though. While the local INS office has been very supportive of our efforts, they have been hampered severely by limited resources. They have worked with us in the past to round up known criminal aliens and this has had a great effect at the time that it occurred. It is, however, too far and few between.

As part of community policing, we encourage apartment complex managers and owners to take more individual responsibility for the quality of the persons they rent to and to evict those that are found to be undesirable. It is a sad state of affairs that the local INS office does not have the resources to deal with such things as evicting an undocumented alien who has illegally entered this country, even after he has been arrested for a local crime. Many of those that we have arrested have been arrested repeatedly. Most have no identification and change their name regularly. Those that have identification, the identification is still suspect because of the amount of counterfeit identification being sold in our community.

I would like to thank the District Director, Mr. Fischer, and his assistant Bart Szafnicki, for all the assistance they have given us in the past. But I would also like to thank the committee for the opportunity to make this statement and answer any questions, and I would encourage the committee to use whatever means are avail-

able to increase the resources that are available to deal with this problem.

Mr. MICA. Thank you for your testimony. I will call next on Mr. Bill Hutson, who is the sheriff of Cobb County, for his statement.

Mr. HUTSON. Thank you, Mr. Chairman, for the opportunity to present testimony to the subcommittee. I certainly appreciate and want to thank Congressman Barr.

For more than 20 years, I have had the privilege of serving the citizens of Cobb County as the County Sheriff. Throughout the years, I have seen our county change from basically a rural community with a population of less than 200,000 people to an urban county that has a population of more than half a million people today.

During that period of time over my years as sheriff, we had a jail population of less than 200 inmates; today, many days our jail population exceeds 2,000 inmates. We routinely process in to our facility more than 30,000 individuals each year. Recent statistics show that more than 5 percent of the inmate population at the Cobb County Adult Detention Center is comprised of illegal aliens. The number of inmates is a significant cost to the taxpayers of Cobb County.

More than a year ago, in February 1998, the Sheriff's Office was asked to participate in a pilot program with INS. Through a cooperative effort, the Sheriff's Office and INS were able to identify and deport illegal aliens who had committed felony criminal acts in Cobb County. When the program first began, the Immigration and Naturalization Service had one full time agent at our jail. However, as the illegal population grew, two full time agents were required to handle this interviewing process and all the documentation and paperwork that accompanied it. In order to keep up with the increasing number, it was necessary for INS to create a command center at our jail. In November 1998, INS began a video-teleconference of interviews with illegals from the jail. They provided the equipment and training to the Sheriff's Office staff. Currently, interviews are held at the jail Monday through Friday at a specific time. A substantial savings in INS personnel resources is realized by agents being able to interview from their office in downtown. This cooperative effort between the Sheriff's Office and INS Services has been a very positive endeavor between the local and Federal Government.

Over the past year, 926 foreign-born inmates have been interviewed with more than 350 illegal aliens, that were previously housed at the Cobb County Jail, having been deported.

I would strongly recommend to this subcommittee and to you gentlemen as Members of Congress that you consider additional appropriations to INS, not only in the other areas, and services like the program that we are operating today, I think should be expanded into jails all across the State of Georgia and possibly across this country. But this is an area that I think Congress should direct some—seriously direct some resources.

I am going to tell you, it is not in my prepared remarks, but we are not going to deal with this problem of illegals in this country until the United States gets serious about it. And when they get serious about it, they will appropriate the money to do the job with.

Thank you, gentlemen, I will be available for any questions you may have.

Mr. MICA. Thank you for your comments and testimony. I would like to recognize Captain Terry Neal with the Dalton Police Department. You are recognized, sir.

Mr. NEAL. Mr. Chairman and other members of this committee, I appreciate the opportunity to come and speak with you today.

To give you a little background of our city, the city of Dalton is a small community located 90 miles north of Atlanta, GA, on Interstate 75. We are a community of approximately 30,000 residents in the city and a total of 100,000 residents county-wide. This was as of the last census. We are known as the carpet capital of the world. All the major carpet manufacturers are home-based in Dalton, GA. We have an estimated 77,000 jobs in our community and because of this, we have attracted a large Hispanic population to Dalton to fill these jobs, the majority of which are illegal aliens.

We started seeing an influx of these workers in the early 1990's and it has steadily increased until today we estimate the population at 40,000 people. Our schools are now 45 percent Hispanic, some of which are 90 percent Hispanic. The government-funded housing is almost all Hispanic. Along with these workers and their families comes a large element of crimes that we as a small law enforcement agency of 74 sworn officers, are unable to deal with. We started seeing gang activity, large drug smuggling shipments, graffiti on buildings and an increase of crime, which we attribute mainly back to the Hispanic community. While we welcome the legal Hispanic community to Dalton, GA, we cannot tolerate the crimes being committed by illegal aliens.

Because of the crimes and the outcry from the citizens in the community, the mayor and Council, along with the County Commissioners came to local law enforcement and asked what we could do to alleviate this problem. The Dalton Police Department's Chief James Chadwick contacted Bart Szafnicki with Immigration and Naturalization Service. He set up a meeting with local government to deal with the problems, from this was born a local task force which addresses just these problems.

The task force was set up to address criminal aliens involved in drug smuggling, alien smuggling and other crimes involving illegal aliens in our community. Currently, we have two Dalton police officers assigned to the unit and two INS officers and a secretary. This unit was established in September 1995 and has performed remarkably with the small resources allocated to it. We have approximately 25,000 to 30,000 illegals in the Dalton-Whitfield County and surrounding area and the number is increasing every day. This task force is doing everything it can to combat the problem, but they are overwhelmed by the number of aliens.

We feel as a small community, as I am sure other small communities do, that we all need the help at the Federal level to combat these problems. We as local law enforcement cannot deal with the large volumes of illegal aliens smuggled into the community and along with them drug smuggling and the gang crimes associated with these aliens. We need more interior enforcement of these problems. Just Dalton alone could keep 10 to 15 INS agents busy all the time.

We are grateful and we commend the efforts of Bart Szafnicki and his INS agents in support of our problem. When I say our problem, I mean local, State, Federal problem.

We ask the subcommittee to expand the efforts already underway and to commit more resources to this problem.

Thank you, sir.

[The prepared statement of Mr. Neal follows:]

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DALTON POLICE DEPARTMENT
301 Jones Street, Dalton, Georgia 30720

JAMES D. CHADWICK, CHIEF OF POLICE

STATEMENT TO SUBCOMMITTEE ON GOVERNMENT REFORM

Prepared by Captain Terry Neal, City of Dalton Police Department

The City of Dalton is a small community located ninety miles north of Atlanta, Georgia along Interstate I-75. We are a community of approximately 30,000 residents in the city and a total of 100,000 residents county-wide. We are known as the Carpet Capital of the World. All of the major carpet manufacturers in the nation are home-based in Dalton, Georgia. We have an estimated 77,000 jobs in our community and because of this, we have attracted a large Hispanic population to Dalton to fill these jobs, the majority of which are illegal aliens.

We started seeing an influx of these workers in the early 1990s and it has steadily increased until today, when we estimate the Hispanic population at 40,000 people. Our schools are now 45% Hispanic, some of which are 90% Hispanic. The government funded housing is almost all Hispanic. Along with these workers and their families comes along a large element of crimes we were not prepared to deal with as a small law enforcement agency of 74 sworn officers. We started seeing gang activity, large drug smuggling shipments, graffiti on buildings all around our city, and an increase in crimes, which were all attributed directly back to the Hispanic community. While we welcome the legal Hispanic community to Dalton, we can not tolerate the crimes being committed by illegal aliens.

Because of the crimes and the out-cry from citizens in the community, the Mayor and City Council, along with the County Commissioners came to local law enforcement and asked us

Equal Opportunity Employer

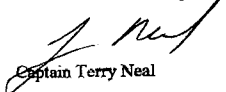
to see what we could get to combat the problem. The Dalton Police Department Chief, James Chadwick, contacted Bart Szafnicki with the Immigration and Naturalization Service. They set up a meeting with the local government and the problems were discussed; from that was born a local task force which would address just these problems.

The task force was set up to address criminal aliens involved in drug smuggling, alien smuggling, and other crimes involving illegal aliens in our community. Currently, we have two Dalton Police officers assigned to the unit along with two INS officers and a secretary. This unit was established in September of 1995 and has performed remarkably with the small resources allocated to it. We have approximately 25,000 to 30,000 illegals in Dalton, Georgia with the number increasing every day. This task force is doing everything it can to combat the problem, but they are overwhelmed by the number of aliens.

We feel, as a small community, as I'm sure other small communities do—that we all need help at the federal level to combat these problems. We, as local law enforcement, can not deal with the large volumes of illegal aliens being smuggled into our community and along with them, the drugs being smuggled in and the gang crimes associated with the aliens. We need more interior enforcement of these problems. Just in Dalton, Georgia alone, we could keep ten to fifteen INS agents busy all the time.

We are grateful for and commend the efforts of Bart Szafnicki and his agents from INS for their support of our problem. When I say "our problem," I mean local, state, and federal.

We would ask the subcommittee to expand the efforts already underway and to commit more resources to this problem.



Captain Terry Neal

JOINT IMMIGRATION TASK FORCE

US INS - Dalton City - Whitfield County

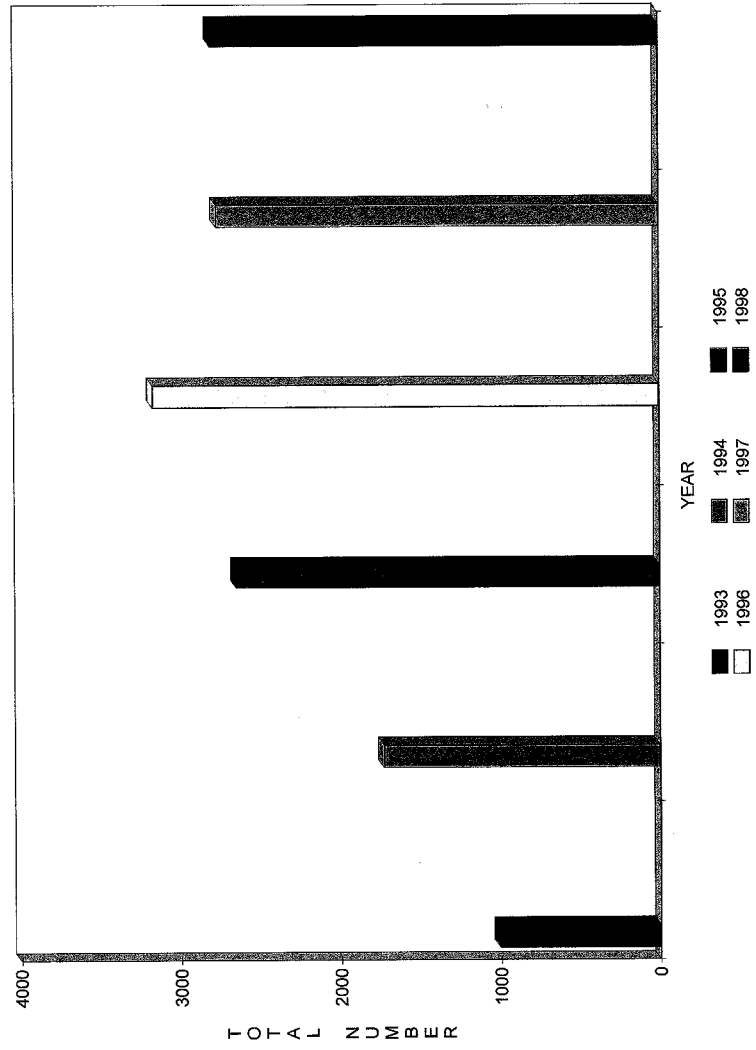
Telephone (706) 272-3075
Fax (706) 272-3078301 Jones Street
Dalton, Georgia 30720

ACCOMPLISHMENTS: SEPTEMBER 1995—MARCH 1999

- 233 Criminal aliens have been arrested under charges such as Forgery and False Statements, Violation of the Georgia Controlled Substances Act, Weapons Violations, Transporting Illegal Aliens, Prostitution and Keeping a House of Prostitution.
- Approximately 975 illegal aliens have been placed into deportation proceedings.
- 950 Intelligence files have been created with assistance from concerned citizens, law enforcement officers, and employers with information regarding illegal aliens and criminal alien activity.
- The following search warrants and consensual searches were initiated and successfully executed by the ITF:
 - November 1995: storefront document vending operation. Seven aliens arrested and deported.
 - December 1995: weapons search. Three aliens arrested.
 - February 1996: drug raid. Three aliens arrested.
 - February 1996: narcotics and weapons search. One arrested.
 - March 1996: residential document vending operation. Two arrested.
 - March 1996: house of prostitution raid. Five arrested.
 - May 1996: narcotics search. Three arrested.
 - September 1996: counterfeit document search. One arrested.
 - October 1996: counterfeit document search. Two arrested.
 - November 1996: document vending operation. One arrested.
 - November 1996: document vending operation. Two arrested.
 - March 1998: document vending operation. Two arrested.
 - March 1998: document vending operation. One arrested.
 - April 1998: document vending operation. Two arrested.
- 6 Business raids have been executed in association with the INS:
 - September 1995: approximately 114 illegal employees were apprehended from a local carpet mill.
 - March 1996: 46 illegal employees were apprehended from a local carpet mill.
 - June 1996: 16 illegal aliens were apprehended from a local plant and four restaurants (14 employees, 2 customers).
 - February 1997: 69 illegal aliens were apprehended from a local carpet mill.
 - September 1997: 5 raids in one week resulted in 151 illegal employees being apprehended.

- *September 1997: 5 raids in one week resulted in 151 illegal employees being apprehended.*
- *October 1997: 8 illegal employees were apprehended from a local linen business as the result of an unrelated criminal investigation.*
- The ITF assisted the US Department of Labor with an inspection of a local business in July 1996.
- The ITF has assisted the Narcotics Unit of the Dalton Police Department and the Whitfield County Sheriffs Office on numerous search warrants involving illegal aliens.
- In November 1995, members of the ITF joined the INS and Social Security Administration in conducting a free seminar for about 300 employers on identifying valid documents for hiring aliens and filling out the form I-9.
- Over 50 I-9 and fraudulent document classes have been conducted for individual businesses in the Dalton area.
- The ITF regularly verifies immigration documents for the Social Security Administration and Georgia Drivers License Examiners offices.
- The ITF also regularly assists law enforcement agencies across all of Northwest Georgia as well as federal agencies such as the FBI and the Secret Service.
- Multiple alien smuggling loads are responded to by the ITF each year, resulting in over 100 illegal aliens being removed yearly.
- In February 1997, the ITF assisted the INS, US Border Patrol, Department of Transportation, and Catoosa County authorities in an Interstate 75 check point, netting approximately 300 illegal aliens and 8 seized vans in just one weekend.
- In March 1998, the ITF assisted the INS and Las Cruces Border Patrol with investigating an organized smuggling operation. Operation "Dixie Junction" resulted in the arrest of a factory owner and two plant raids in which multiple illegals were apprehended.
- In June 1998, an ITF investigation into a Los Angeles-to-Atlanta counterfeit document vending operation led to the seizure of approximately \$149,204.00, two vehicles, and 70 Mexican passports.
- In September 1998, the ITF, the INS, and the Dalton Probation Office participated in Operation "Outlaw", which targeted both legal and illegal aliens with criminal convictions, making them "aggravated felons." 43 aliens were apprehended and immediately placed into deportation proceedings.
- In March 1999, a marriage fraud case, "Family Affair," was concluded, resulting in the discovery of over 20 fraudulent marriages and the prosecution of 10 people.

INCIDENTS INVOLVING HISPANICS



Mr. MICA. I thank each of our panelists for their testimony and I would like to start off with a few questions, if I may.

There have been some proposals, I think you heard one of them, about to come from Washington, to start a point system that would let some of these folks out. I guess for a sexual offense, you get 2 points but you can get out if you have less than 5. How would you all like that rating system to deal with the problem? Mr. Johnson.

Mr. JOHNSON. In a perfect world, I would not like that.

Mr. MICA. Sheriff Hutson.

Mr. HUTSON. I would be very much opposed to that. That proposal, if I understand it, comes from an administrative proposal inside a Federal agency, is that right?

Mr. MICA. Well, it has been withdrawn but it was proposed.

Mr. HUTSON. Did they propose that to you or—

Mr. MICA. Well, it was proposed to deal with the problem because we are getting more and more folks—

Mr. HUTSON. I would have a serious problem with that and if I were a Congressman, I would also have a problem if they were trying to circumvent the laws of the United States by some administrative procedure. I would have a serious problem with that.

If you are going to do that, then Congress should say these people should be allowed to stay. You know, that is another way of—and we all know this is happening today—INS has a limited amount of dollars to remove illegals from this country, to deport them. And we all know that people are not deported simply because of lack of funds. That is real.

Mr. MICA. Mr. Neal, you do not favor letting these folks out as a solution?

Mr. NEAL. Well, I do not think you can put a point system to criminals and I do not think that is a solution. I think the solution is going to be adding more resources and dealing with the criminals.

Mr. MICA. Well, one of the problems we have and one of the purposes of this hearing is that we have put double the amount of money into this agency. I think I cited the figures of \$1.5 billion to \$3.8 billion in less than a 5-year period. That is a significant amount of our tax dollars. We have increased the personnel positions from 18,000 to 29,000 and you heard the enforcement branch here is not only facing proposals to let folks out on the street who have committed criminal acts or are here illegally but also proposals to dramatically cut their budgets for enforcement. So part of the purpose is to find out where the dollars are going, why we are in this situation and how it is affecting you as a local community and law enforcement officers.

Sheriff, you told me about 5 percent of your population is illegals. Are you also participating—are those folks that are housed there being paid for by the Federal Government from INS funds?

Mr. HUTSON. No, sir.

Mr. MICA. These are just your folks?

Mr. HUTSON. Those are the folks that we identified.

Mr. MICA. You picked up for some criminal act.

Mr. HUTSON. Right, they are charged with a State offense.

Mr. MICA. What kind of cost impact does this have to your community?

Mr. HUTSON. It is substantial. The average cost of housing inmates is more than \$30 per day and that does not include any capital outlay for construction of facilities.

Mr. MICA. And the local taxpayers pick this up, there is no reimbursement from the feds for any of that cost?

Mr. HUTSON. That is correct.

Mr. MICA. Did I hear you, Mr. Neal, say that you have—what was the population you cited, estimated, of illegals in this area?

Mr. NEAL. The estimated in the Dalton-Whitfield area, which would be a surrounding area, Murray County also, which is adjacent to us, it is probably going to be in the area of 40,000.

Mr. MICA. How many?

Mr. NEAL. 40,000 Hispanics.

Mr. MICA. Four-zero, 40,000?

Mr. NEAL. Yes.

Mr. MICA. That is astounding.

Mr. NEAL. We have probably 25,000 illegals, of that.

Mr. MICA. Absolutely astounding. Now, I do not want anyone to think too that this panel is in any way here in any manner to not support legal immigration.

Mr. NEAL. Right.

Mr. MICA. You are looking at somebody whose grandparents on both sides were legal immigrants to this country. I have seen their papers from Immigration and Naturalization, and I could not be a stronger supporter. I think that is what has made this country great, the diversity it has provided and still provides. I still support legal immigration, we all got here, except for Native Americans, by the process of immigration, but illegal immigration has completely distorted what this country is about and the problems it is now bringing.

The offenses that these folks are coming in on, we heard drug offenses have been increasing; is that correct? What are you seeing, Mr. Johnson? Narcotics?

Mr. JOHNSON. Narcotics, drugs and then for us a lot of it was just—it started with regular quality of life offenses. As I said, it was a cultural issue and it started there. I would like to re-emphasize what the chairman said. We are proud of the diversity in Chamblee, but the undocumented or illegal aliens basically create almost a separate class of people that are not protected and cannot avail themselves of the services, are victimized. So it is not just the crime problem, it is the whole effect on the community.

Mr. MICA. Again, my question, Mr. Neal, dealt with the kinds of crimes you are seeing being committed by the illegals.

Mr. NEAL. The major crime right now is methamphetamine drug smuggling. Basically the same networks that were set up in the early 1990's to smuggle the aliens into our community, they are being used, those networks are being used to smuggle methamphetamines, marijuana.

Mr. MICA. Going from crack and marijuana to meth?

Mr. NEAL. Yeah. Well, we still have a large amount of marijuana coming in also with the meth, but it's Mexican marijuana and also the Mexican connection to methamphetamine.

Mr. MICA. Sheriff, if I was to inventory your 926 folks who were interviewed, what were they there for last year?

Mr. HUTSON. Many of them for illicit drugs, illegal drug activities. I am sorry I do not have it broken down by classes of crime, but it runs all across.

Mr. MICA. You testified that 350 of the 926 were deported?

Mr. HUTSON. Yes, sir.

Mr. MICA. Where did the rest go?

Mr. HUTSON. Back on the street.

Mr. MICA. Basically back on the street?

Mr. HUTSON. Yes. Something you said earlier—excuse me for interrupting—I think everybody in the law enforcement community, certainly we in the Sheriff's Office, respect the fact that there is a legal means for people to come into this country from foreign countries. We do not have a problem with that. When we talk about the problems—

Mr. MICA. I am glad to hear that because I would be in trouble.

Mr. HUTSON. I probably would too, but—

Mr. MICA. No, but we do want people to know the light in which we conduct this hearing and the purpose of it is to look at the problems created by illegal aliens and also the resources that are provided from the Federal level to deal with this problem. And when they are not getting into the community such as Atlanta—when you cite the numbers that you cite that are absolutely astounding, there is something gone askew with the whole system. And certainly if that is not a Federal responsibility, protecting the borders and those that transit across those borders, I do not know what is.

The programs that we heard described here, the cooperative programs, I think the Sheriff had indicated that there is no reimbursement, there are no resources provided—or if you do have any programs with resources provided or reimbursement, could you convey those to me, Mr. Johnson? Is there anything where you get Federal assistance, cash resources, personnel, equipment?

Mr. JOHNSON. To our agency, no, sir.

Mr. MICA. So what you are doing is purely a cooperative effort assisting a Federal agency?

Mr. JOHNSON. That is correct.

Mr. MICA. And Mr. Neal, the same?

Mr. NEAL. It is the same situation with us, they provide the agents and we provide the office secretary and all the makeup of the unit.

Mr. MICA. So all the projects are voluntary, no reimbursement, no resources from the Federal level?

Mr. NEAL. Right.

Mr. MICA. Even an education, I think, would provide some impact where we have problems. That is interesting that you are impacted by Federal policy, but have no reimbursement, no assistance coming from the Federal level.

What would you view as the Federal Government's strength in dealing with this problem versus your agency's? And then what are the weaknesses? If you could describe for the panel what tools or what abilities we have to deal with this problem that you do not, and then what do you think we could do with those resources to better deal with the problem? Mr. Johnson.

Mr. JOHNSON. The biggest resource that comes to mind is the manpower and the money, the financial backing to do something.

Mr. MICA. What about the laws? Are the Federal laws adequate to deal with it? We have passed, and you have heard maybe a description either by the witnesses or in other discussions here, the laws that we have passed the last few years. Now we at the Federal level have been very concerned about this problem and we may have—well, we had a program in effect a couple of years ago where they were just wholesale naturalizing folks and thousands of criminals got naturalized. Congress stepped in and put the brakes on some of that. Now it sounds like there is a bit of over-management to the program and the thing has sort of ground to a halt, but we also have the problem of the influx of vast numbers of illegals.

How are we dealing with it, how should we be dealing with it? This is your chance to tell us what you think, Mr. Johnson, and then we will get to the other two.

Mr. JOHNSON. From—Mr. Chairman, from my perspective, with a small city, in order to deal with our community problems, we have had to take the stance that the influx of undocumented or illegal aliens is something that has to be solved on a much larger scale, and we have tried to deal with the actions, the offenses that they may commit while they are here. The problem that I see or that we have had is that the resources are not there from the INS and at the national level to deal with even the offending illegal aliens. As I understand the Federal laws that you are referring to, they all amount to instructions about prosecuting people for illegally entering a second time or multiple times. I am referring even more so, as I compared it to an apartment complex, a first time person that came in here that may have been working and then violates our laws. Those people, as the Sheriff said, are just put back on the street.

Mr. MICA. So we do not have a way to deal with them.

Mr. JOHNSON. We do not even ask any more.

Mr. MICA. The U.S. Attorney said the same thing, that he is dealing with those that committed an aggravated felony, and the numbers are so huge that you are not able to deal with it.

Is that what you are seeing, Mr. Neal?

Mr. NEAL. I would say so, it is the same problem. We need some laws that will deal with just the illegal aliens being in here that may be carrying a bad card. The way we are combating this is on the State level, charging them with forgery by possession of a forged document. And at that point, INS will either incorporate it up on a State level, or they will not. If they do not incorporate it up, then we actively prosecute that on a State level and we send them to prison, either that or they will flee. And when they come back out, they also are deportable as a criminal alien because of the statute that we charged them on.

The Federal laws could be a little more strict and give some teeth into what you do with just an illegal being on the street, if you pick him up. But that is an overwhelming task, especially in my city, because I can load busload after busload of just illegal aliens. We deal strictly with criminal aliens that have committed a crime. But really you need to have more resources down to the street level. If their budget has doubled, I have not seen it since my dealings with INS, it has not come down. There are rumors that they car pool to get to work, they are short on gas money, all

resources are short. I do not know how extensive this is, but I think that money needs to be allocated down and cut out the bureaucracy.

Mr. MICA. If it is frustrating for you, imagine how frustrating it is for us. We passed those laws in 1996, we passed the budget increases and Mr. Fischer still has 290 to 300 personnel.

Sheriff, did you want to comment?

Mr. HUTSON. Yes, sir. I have had a chance to observe entry points in the southwestern part of this country and what goes on there, the flow of illegal drugs across that southwest border. We all know that the majority of the illegal drugs in this country are moving across the southwest border now, also the illegal aliens. And the same principle applies to that, when a truckload or trunk of a car filled with illegal cocaine comes across that border into the United States and that comes to Cobb County, GA and it is divided up in small amounts to go out to the street level, do you realize how much it costs the taxpayers of this county to try to remove those illegal drugs then? I really think that Congress should look at doing a better job with the Border Patrol. Those people have an almost impossible job and I am sure you have probably seen some of the same things I saw last summer on the southwest border. But they have a very difficult job.

If the U.S. Government is going to be serious about dealing with this problem of drugs and illegal aliens, they have got to make a commitment to protect those borders before it comes in. You get a lot more accomplished for your dollars by dealing with those border points.

At the same time, I think we are going to have to deal with it here locally and I think you heard these gentlemen talk about it today, there is a lack of personnel and resources, monetary resources of INS, to do their job properly. Now you are talking about the increase in dollars that the Congress appropriated, look at the amount of illegal activity that has increased, I assume with that.

Mr. MICA. Thank you, Sheriff. You will be pleased to know that we have tried to turn around some of the past mistakes of the 1993 to 1995 Congress and administration when they dismantled a lot of the interdiction and eradication programs. I think it is our first responsibility to stop the drugs at their source, where they are grown, where they are produced, and then catch them along the way before they get to the borders through interdiction, through use of whatever means, including the military. We are getting back to that. This subcommittee actually is in existence and entitled Criminal Justice, Drug Policy, and Human Resources really at the suggestion of this Speaker, Mr. Hastert. Mr. Barr, myself and others worked with him in the past trying to put this effort back together. We put almost \$1 billion into this last year, some of it we are trying to get out there, to restart those source country programs and stop them. We know it is very difficult when the illegal narcotics get to your streets, as you said, and are divided up, it becomes almost an impossible task to catch all of those drugs, the criminal activity at the street and community level, that is involved with the trafficking and distribution. So we are also working on that problem getting additional resources there.

This hearing is going to find out why and make corrective changes as to why this community and this area and this district is not getting the resources it needs, even though we are appropriating the positions and the dollars to deal with the problem relating to illegal aliens. So we will work on both of those issues. I just wanted to provide that as a commentary.

I would like to yield now to the vice chairman of our subcommittee, Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman, and I would like to personally welcome the three very distinguished witnesses we have before us today, each of whom has tremendous experience in public service as police chief, deputy chief and as the sheriff here in Cobb County.

I believe, if I am not mistaken, all three of you listened in on the previous panel?

Mr. JOHNSON. Yes.

Mr. HUTSON. I heard some of it. My other Congressman was bending my ear a little bit.

Mr. NEAL. Yes.

Mr. BARR. Well, that has been known to happen, Congressmen are like that. But we appreciated very much Congressman Isakson being with us for a short period of time today, even though he is not on this particular panel. He is a tremendously important asset to us because he understands these problems as well and is working to solve these problems.

But did all of you get a feel—and I think also from Chairman Mica's remarks—that we are trying at the national level to put our money where our mouth is and put the money where the Federal law is? Immigration is a Federal responsibility. Certainly addressing the problem of illegal aliens, because it impacts local communities, is best addressed by having joint task forces and a joint approach. And from that standpoint, its enforcement is a joint responsibility, but ultimately, as you have indicated, Sheriff, in your opening remarks, this is a Federal problem. And until the Federal Government gets serious about it, it is not going to be solved.

We have been trying over the last 4 years to solve the problem at least from the standpoint of providing significantly enhanced resources to the INS and, in particular, for interior enforcement. They have received very significant increases for border enforcement as well, and I know your experience there is very accurate, as you described it.

But as Chairman Mica said, we share your frustration because the problem is increasing out there. We have been appropriating what we have believed to be, if not sufficient resources to solve the problem, at least sufficient resources by more than doubling them over just the last few years, to much better address the problem. Yet, as we have heard from the previous panel, those resources are not getting from Washington down to the district where they could really help you all. And I must say that with the limited resources that you all have to work with with INS, as was indicated with INS and DEA previously, they all are doing remarkable things and I commend you for that.

With regard, Sheriff Hutson, to your particular program that you mentioned, and you were kind enough to show me this particular

portion of the work in your county jail, the video-teleconference interview system; does that take the place of the two INS agents that had been full time?

Mr. HUTSON. Yes, sir, that takes the place of them physically being there at the jail. We can do everything with that video-teleconferencing that we could do when they were physically there in the facility.

Mr. BARR. Do you find that it works out actually better, and that it is more efficient to do it that way, or was it better to have the two agents there?

Mr. HUTSON. Well, we get a lot more for our money with the teleconference.

Mr. BARR. Do you know the cost of that system?

Mr. HUTSON. No, I am sorry, I do not, Congressman. INS paid for the equipment, I think we put the cable in, but they paid for the equipment and I am sorry, I do not know the cost of that equipment.

Mr. BARR. OK. District Director Fischer or Bart, do you know the cost of that particular system?

Mr. FISCHER. About \$24,000, sir.

Mr. BARR. So \$24,000, significantly less than having one or certainly two agents.

Mr. MICA. We may need to let the record reflect that it was a response from Mr. Fischer and the answer was \$24,000.

Mr. BARR. \$24,000, which is significantly—at least I hope it is significantly less than it would cost to have one or two agents out there. That is very interesting and that might be something, Mr. Chairman, that we could look into, to provide more programs like that. They seem to be very cost-effective.

With regard, Captain Neal, to the local task force you addressed, who all participates in that? Is it just your department and the INS or are there other jurisdictions also?

Mr. NEAL. It is actually funded by the city of Dalton and by the Whitfield County Commissioners, it is joint funding, 50 percent by each. I have a budget of \$200,000. From that, I operate an office with two Dalton investigators and a secretary. The INS has two agents assigned to it and they have some computer equipment assigned so they can check and verify aliens.

Mr. BARR. And this task force, is it just to handle the problems in the city of Dalton?

Mr. NEAL. Well, in actuality it is really north Georgia. We respond to Calhoun, we have gone to Cartersville, Rome, Murray County, Walker County, Catoosa County. And we have responded out to the interstate on interstate interdictions by the GSP. They are sworn deputies and the task force actually responds to all of northwest Georgia. But it is funded by the city and the county.

Mr. BARR. OK, and the figures that you provided, both in your written testimony as well as a response to questions from Mr. Mica, you say you have approximately 25,000 to 30,000 illegals in Dalton, is that just in the city?

Mr. NEAL. Not just in the city, no, sir, that is within the hub of the carpet industry there and it would also encompass Murray County. Those figures in actuality come from Central Latino. Central Latino is a Hispanic outreach group that is based in Dalton,

GA. And that and our enforcement is how we get our numbers. They estimate that they have about 40,000 there and from our enforcement efforts and going in on these industries and doing inspections, we estimate that probably 25,000 are illegal.

Mr. BARR. Sheriff, do you have any figures that you could provide to us for comparison purposes in your jurisdiction, which is all of Cobb County, encompassing I guess five municipalities including Smyrna where we are here today, what the nature of the illegal immigration problem is, how many illegals do you estimate you have in the county?

Mr. HUTSON. I am sorry, Mr. Congressman, it is real difficult to get a handle on the numbers, and I would be reluctant in this large area because there is constant movement, the day laborers, it is real difficult.

You know, one thing that I did not point out in all this and I probably could speak for the law enforcement community at the local and State level, Tom Fischer and John Andrejko, the guys we work with, people in the U.S. Attorney's Office, we have a good working relationship, those people are real cooperative to deal with. I do not want anything I have said today or probably anyone else to imply anything otherwise. I think they are great people to work with and I commend them for the job they do.

Mr. BARR. I do too, and I think we all are unanimous in that the problems we are pointing out are simply problems with funding from Washington.

Mr. HUTSON. Right.

Mr. BARR. Not getting the resources that we have been trying to direct to the District so that Mr. Andrejko and INS Director Fischer and Bart Szafnicki and the U.S. Attorney can do a better job pursuant to what we in Congress would like them to do. But they are doing a tremendous job with the resources that they have and I am very glad to hear of the cooperative spirit between your office and the Federal officials, which was my experience when I served as U.S. Attorney.

Chief Johnson, with regard to your work in Chamblee, you made some very interesting points with regard to the nature of dealing with the immigration problem involving illegals, even to the extent that it hampers a lot of the social services agencies, I think you talked about, and even the nonprofits, you mentioned the nonprofit organizations that try and work with illegals.

Do you find that the best approach is to try and work with all different agencies in the community, not just law enforcement, but the different social services agencies to try and get a handle on the problem?

Mr. JOHNSON. That is absolutely correct, Mr. Congressman. You use everybody that you can and that was one of the problems that we faced early on when we first tried to do something with the problem, we tried to recruit a lot of the nonprofits. They were working with the communities, providing job services, advice, but they were clearly doing it and said so, that they could only do that to documented citizens for fear of losing their tax-exempt status or repercussions.

But yet those would be the same people that would point the finger at law enforcement and say we were being too aggressive or

too—picking on one ethnic group over the other. And I kind of basically say it is a little unfair, if they are not able to get in the trenches with us and do something, they can sit back and take pot shots.

Mr. BARR. It's politics too.

Mr. JOHNSON. It is not just the crime, it creates a whole group of people in the community that are just—cannot avail themselves of the services and they are victimized by their own. And again, where do we draw the line? I think Sheriff Hutson said what I say all the time, that it is obvious to us that at the Federal level, even though we are putting more resources to it, or Congress is, enough is not being done. And while the people are freely able to come into the country illegally, the least that we can do is take action against those that while they are here illegally break laws other than as has been mentioned two times for child molestation or one of this or one of that. That is hard to explain to my community that well, I know they are illegal and they are not here legally, but they have not broken enough laws to be evicted or removed from the country.

Mr. BARR. Well, that is why we spent some time talking with Mr. Fischer about that and hopefully that proposal will not see the light of day. I know that it had been a problem because it was proposed earlier this year by some folks in Washington apparently.

I know you, Chief Johnson, had mentioned the problem with day labor pools. Is that a problem, Mr. Neal, in your area or is the nature of the illegal employment problem different up there because of the carpet business?

Mr. NEAL. No, it is a little different. The nature of the carpet industry, we have 77,000 jobs in Dalton-Whitfield area and they are all going in and either through temp services, going into the carpet industry or they are hiring directly into the carpet industry. It is not day labor.

Mr. BARR. Sheriff, what is the nature, if you can summarize it, of the illegal employment problem in Cobb County? Do you see both the problem that Chief Johnson has with day labor and whatever disruptions there might be with that, or is it a different problem?

Mr. HUTSON. No, there are areas of the county where there is a large congregation of people and we just assume that some of these are illegally here, where they congregate, construction does pick them up off the street.

Mr. BARR. Do you have any particular problems associated with that in your experience?

Mr. HUTSON. Yes, there are problems. We get constant complaints from businesses about them loitering in a particular area in the mornings, primarily in the mornings, up until maybe mid-day.

Mr. BARR. Is part of the problem—and I direct this to all three of you—is part of the problem the fact that there are employers ready and willing and able to hire illegals and is the Federal Government not doing enough to stop that, or to enforce the existing laws, or are the existing laws not sufficient to enforce it, to stop it?

Mr. NEAL. I would think that the resources are not sufficient to stop it. We do educational seminars with our employers all the

time about spotting illegal documents, spotting illegal aliens. The overall majority is they want to do that, they want to do it correct, and we have focused on them stating that we are not trying to take your work force, we are just trying to make your work force legal. They want to do it and they want to do a good job and we do that through educational programs with them, but there are unscrupulous people there that would rather hire the illegals than hire legal people. And we have targeted those and been successful on taking out a few of the targets there with employers. We have charged employers for knowingly hiring. That is not a large majority, but the majority of them really want to do the right thing. They are confused by Federal law and what it takes and what requirements they have to have to fill out the I-9s. We try to establish that, but really it is going to take a lot more resources to get inside and target from that end than what they have allocated to them.

Mr. BARR. Chief.

Mr. JOHNSON. Again, as we were saying earlier, the experience in Dalton versus Chamblee is completely different because of the type of business. With us, it is primarily day labor and it is unscrupulous employers. We have an ordinance that we passed 18 months ago that dealt with assembling for day labor purposes and it basically says that you cannot do it on private property, you cannot either hire yourself as day labor or hire—for a contractor to pick somebody up, without the owner's permission. So we have been able to cite a lot of contractors for doing that. They knowingly are coming into these places to these day labor pools and picking up people and they could care less about their legal status, about filling out an I-9, and it is a daily basis. We have several locations that have 100 plus people waiting for work every morning—landscapers, construction people, that whole trade in the Atlanta area is very heavily involved with hiring undocumented people.

Mr. BARR. Are any of the three of you familiar with the Operation South PAW that we talked briefly about previously? Chief, Deputy Chief Neal, are you familiar with that, were you involved in that?

Mr. NEAL. We participated in it, yes, sir.

Mr. BARR. And Sheriff?

Mr. HUTSON. [Nods head.]

Mr. BARR. Would all of you agree that that was a very positive operation?

Mr. HUTSON. Yes.

Mr. NEAL. Without a doubt.

Mr. BARR. And it probably would be worthwhile to do more of that?

Mr. NEAL. Yes, sir.

Mr. JOHNSON. That was what I was referring to when I talked about some of these operations were too few and too far between. If anything, until the borders can be protected properly, that helped at least keep it a little bit honest. In the process, my biggest concern is the backlash from the community when you try to take the stance that we cannot solve the national immigration problems so we are going to deal with actions. Somewhere there is a line that that word can get out that in Chamblee it is kind of open season, they are not going to worry about immigration, so where do

you draw that line. Things like South PAW and some of the other operations that have been done at least give the message that it is not just a free ride that you can go unchecked whatsoever.

Mr. BARR. So it would be fair to say that in your judgment, work-site enforcement is an important part of the overall interior enforcement effort by INS, it ought to continue and ought to be expanded.

Mr. JOHNSON. Absolutely.

Mr. NEAL. Yes, sir.

Mr. BARR. Thank you. And I presume that Mr. Fischer and Mr. Szafnicki would agree with that. That is one reason why we are holding this hearing today, to identify those aspects of the effort that have worked in the past in trying to encourage through the appropriations process perhaps more of that in the future.

Thank you, Mr. Chairman, and chief and Deputy Chief Neal and Sheriff Hutson, we very much appreciate your law enforcement work generally on behalf of our citizens and your taking time to be with us today to share your very valuable insights.

Mr. MICA. Before we move to the next panel, I just wanted to see if any of our witnesses had any final comments, anything we may have missed. This is your chance. We have got Mr. Barr in a captive situation.

Mr. BARR. The Sheriff always has me in a captive situation, I am one of his constituents.

Mr. MICA. This panel is open to your recommendations. Anything else you would like to add at this point, Mr. Johnson, Mr. Neal?

Mr. JOHNSON. No, sir.

Mr. NEAL. No, sir.

Mr. MICA. I have never seen a more cooperative group in my life, Mr. Barr.

Mr. BARR. You are in Georgia.

Mr. MICA. Yes.

Mr. BARR. We aim to please.

Mr. MICA. Thank you. We do sincerely appreciate your participation. Believe it or not, all the answers are not in Washington and we do struggle to try to be responsive and make these programs and agencies work to everyone's benefit, but it will not work unless we have dedicated public servants like you come out who are willing to participate and let us know how we can improve the system.

So I thank each of you for your participation today and your work on the local level.

We have a request for a 5-minute recess, which we will make into 7 minutes and then we will call our third panel forward. So we will stand in recess until 25 minutes before the hour.

[Recess.]

Mr. MICA. I would like to call the subcommittee back to order and ask, if we could, our two witnesses to be seated.

Our third panel this afternoon consists of Ms. Cassie Cole who is with the Parole Office in Smyrna, GA. Our other panelist this afternoon is a local business owner, Mr. Dan Bowles. I would like to welcome both of you this afternoon and thank you for providing testimony.

As I mentioned to the other panelists, this is an investigations and oversight subcommittee of Congress and for that purpose, we

do swear in all of our witnesses. I do not want this to be too intimidating and we do appreciate citizens coming forward and volunteering their testimony and also I did mention that we do try to limit the verbal or oral testimony before the subcommittee to 5 minutes and you are welcome to submit additional documentation or information or lengthy written statements to the subcommittee.

So with those comments, if you could please, would you stand and raise your right hands.

[Witnesses sworn.]

Mr. MICA. The witnesses answered in the affirmative, and again, we are pleased to have you both come and give testimony to our subcommittee this afternoon. As you have heard, the title of this hearing is INS support for local efforts, are there sufficient Federal resources; and we have heard some perspective from the Federal agencies, both INS, DEA, other Federal agencies, U.S. Attorney's Office, and then we heard some from our local enforcement officials, the sheriff and police and local officials. Now we would like to hear your comments as to how you view the situation and any recommendations you may have in regard to the subject at hand today.

With that, I will recognize first Ms. Cassie Cole, who is with the Parole Office of Smyrna, GA. You are recognized, and welcome.

**STATEMENT OF CASSIE COLE, PAROLE OFFICE, SMYRNA, GA;
AND DAN BOWLES, LOCAL BUSINESS OWNER**

Ms. COLE. Thank you, sir; thank you, Bob Barr, for the invitation.

Mr. MICA. As loud as you can speak.

Ms. COLE. Sorry. Thank you for the invitation. I am very honored to be here to testify before Congress.

Some of the things that I would like to present are the things that we deal with on the probation level. These are issues that I deal with on a day-to-day basis.

We have had several—I carry a caseload of about 250, I would say that about 65 percent of my caseload is Hispanic. I am of Hispanic descent, so therefore, I am able to tap into some resources that most people probably would not be able to. And what I have done is pretty much done a presentation, just highlighted some of the issues that I deal with in the law enforcement area to also support what the other agency has actually addressed here.

One of the main issues that I have in my department is actually—or actually in all of the probation or parole department, is actually immigrants who are providing false or fictitious names to agencies. This makes it very, very difficult for us to determine who that person is. When we are running criminal histories and putting in that name, we are not sure who actually is—who that person is, which makes it very, very difficult to arrest, if we have to make an arrest.

Other things that the probation and parole department deals with is falsifying Social Security cards from alternative unauthorized establishments or others possessing Social Security cards that are borrowed from other people. Once again, this poses a problem when we are doing criminal history background checks because if we run—if we put the Social Security number into the GCIC or

NCIC data base, what happens is that particular Social Security may go with another name.

Issuing licenses to immigrants without passing qualifications is another issue that is a very big concern to probation and parole for the fact that we are not sure how they are obtaining these licenses. Some of the things that I have been able to tap into, the sources that I have been able to tap into, is that according to some of these immigrants—and once again, I can pretty much visit with them and find out some things that I need to know—is that there are several States within the United States which do not ask for any type of ID like Social Security or a photo ID and they can go ahead and pick up these licenses. Then they come into our State, commit the infractions here and once they have met the conditions of probation or parole, they fix their information here and they go back to those States to go get licenses again.

Also the DUI and risk reduction programs are issuing certificates to immigrants who have not properly met their criteria requirements. I do not understand how someone can go and sit in an English speaking DUI class and obtain a certificate when they do not speak English themselves. That is very, very difficult, but we do have agencies who actually are doing that. And I do not know if it is for the money or what reason they are doing it for other than the money, but the immigrants are getting ahold of DUI certificates and going and getting licenses as well.

The main—one of the main things that concerns a lot of the citizens, and this has been brought to my attention—

Mr. BARR. Excuse me, Mr. Chairman, could I go out of order and just ask one quick question just on that one point that Ms. Cole mentioned?

Mr. MICA. The gentleman is recognized. If you do not mind, we will interrupt.

Ms. COLE. No.

Mr. BARR. What happens when they go back into court, does this raise a question in the judge's mind?

Ms. COLE. Yes, it does, sir, it does. And I am able to actually, in my department—and I hate to use the word manipulate, but manipulate the situation into being able to get the answers that I need in order for these individuals to tell me where they are getting their driver's license at, how they are getting their driver's license or fake Social Security cards, and why they continue to keep producing a new license every time they come through this court.

Mr. BARR. Thank you, Mr. Chairman.

Mr. MICA. If the witness would continue.

Ms. COLE. Another issue that—there are several others, but this is one that I feel is very, very critical is how an illegal alien is able to buy a vehicle without any type of insurance or proof of driver's license. And this is not from the big dealerships that I am actually addressing, these are from the small dealerships that are actually out there on the corner of certain streets that they are able to purchase vehicles and drive them off the parking lot with no type of identification whatsoever.

Those are some of the issues that I have pretty much confronted in the department of probation and parole and I know that those are issues that we deal with. I deal with the recidivism of the His-

panics when they do come in. They come in with one name at first, turn around and they come in with another name the second time around, come with another name and then we are having—and if you have a probation officer that is able to identify that person on those occasions, then you have to take all that information and consolidate it so that we can build a criminal history on that particular person. Now the question is, who is that person.

Mr. MICA. Thank you. I guess that concludes your testimony?

Ms. COLE. Yes, sir.

Mr. MICA. I would like to now recognize Mr. Dan Bowles, a local business owner.

Mr. BOWLES. Thank you very much for the opportunity here today. I own the Texaco Express Lube at Powder Springs and Garrison Road, it is about half a mile off the square in Marietta, I have been there approximately 11 years and I just opened a brake and tire center directly behind it for about 2½ years.

We have got a terrible problem with day laborers loitering and hanging out in front of our business. And in a two block area in front of about 8 to 10 businesses, we have at least 100 to 200 day laborers on a daily basis out there. In front of our business, it is not uncommon to have 15 to 30 at one time on a given day and some of the effects of this are it is a decrease in our car count, which is what our business operates on basically. It is not what one desires when you are starting a new business as well. We have had no increase in our sales in the last year because the problem has gotten a lot worse, especially in the last 6 to 9 months. We feel like we are probably losing \$3,000 to \$6,000 in revenue, you know, just on a monthly basis, just in sales.

Our landscaping has been trampled and destroyed in front of our business, trash and litter is a constant problem, we have to police it on a daily basis. We deal with a lot of customer complaints regarding the situation. We have had well over 500 complaints from our customers where men and women both tell us they were afraid to pull in the location, they saw a group of people out front, they didn't want to pull in our business. We call the police one to two times a day, 6 days a week; 10 minutes after the police leave, basically the people are right back out front looking for work.

It appears to me that the police do not have any authority to do anything about this situation, especially with the current loitering and trespassing laws in the city of Marietta, where my business is located. So I guess that is where it is applicable there.

We have had some of the same individuals, especially the ones that do not get picked up for work it seems like, they tend to want to congregate in the rear of the business. So usually 8 to 10 is when most of them get picked up. If they do not get picked up, they tend to go to the gas station next door and pick up beer or whatever and they sit up on the hill behind our business and they drink most of the day and they litter. We have had a lot of problems with that as well. We have even been cited by the City for trash, rubbish and debris on the vacant lot behind our business, which none of it was our doing, but we are responsible for picking up and paying to keep this clean.

Some of the preventive steps we have taken, you know, just to combat the problem, is that we have put up barbed wire on the

back of the property line. I would like to make a note, there is an apartment complex directly behind us where a lot of these people are residing and they are walking, you know, down in front of our business location for work. We have posted it with no trespassing signs. After replacing the signs three to four times and replacing the barbed wire where it has been cut, it is a bit frustrating. We have talked with the local police and they have their bike patrol back there now. They have put new signs in Spanish and English and they are patrolling back of the property basically.

We have made sure that our pay phones had no incoming calls, we have had Cobb County Transit, after about 6 or 8 months of fighting and talking with them, remove the bus stop in front of our location. We have also discussed hiring security guards amongst some of the local businesses there to have somebody patrol in front of our business locations, you know, in the 8 to 10 a.m. hours of the day I guess. We formed a committee called Clean Up Powder Springs Streets, that consists primarily of homeowners, business associates, residents, attorneys and so forth. And we have contacted our local police department, the city planning and zoning department, councilmen, mayors and commissioners and we have discussed all this with them and I have got a sheet I will be glad to give you on basically what we have done with our committee there.

We have discussed strengthening the loitering laws and the trespass laws. They also have a law allowing sting operations on the city square in Marietta but we are trying to get them to expand that for the whole city, maybe to help combat the problem somewhat there.

Just a few incidents here. There is an insurance agent that was there when I started my business, Ward Proctor, he moved just recently, he said he had had enough with the situation. Fortunately for him, he just leased his location, so he was able to up and move across town.

Operama Pools has been there 40 years, it is a family owned business, Karen Scherer is the operator. They had never had any break-ins their first 39 years in business, they have had five to six in the last year alone.

My Express Lube, I told you I have been there 11 years. In the fall of 1997, us as well as the gas station beside us were both vandalized, just our location alone had over \$20,000 worth of vandalism in the area there.

There are several other incidents that I do not have a whole lot of details on, but there has been increase in traffic accidents in the area. Several pedestrians especially have been hit. One of the biggest problems is they are darting across five lanes of traffic trying to get to a contractor to get work.

Also, one other note I would like to make, based on Marietta Police records, 600 Powder Springs Street, which is the area from 596 to 600 Powder Springs Street, that is their No. 1 call-in zone in the city of Marietta for crime, and basically it has been because of the loitering incidents and so forth, just the things going on in front there.

That is just basically what we are having to deal with there at our location.

Mr. MICA. I thank you both for your testimony.

Ms. Cole, let me ask you a few questions if I may. Tell me your agency again, you are part of the State parole?

Ms. COLE. I work for the city of Smyrna Probation, it is the Smyrna Probation Department, sir.

Mr. MICA. Only with jurisdiction within the city?

Ms. COLE. Yes, sir.

Mr. MICA. So you are dealing with parole cases for the city only, not State or Federal?

Ms. COLE. That is correct and all of them are misdemeanor traffic offenses, DUIs, VGCSAs and city ordinances.

Mr. MICA. And what estimate of your problems or your cases deal with illegal aliens?

Ms. COLE. The majority of them are no proof of insurance, DUIs, invalid licenses and no license.

Mr. MICA. But are they illegals or are they—

Ms. COLE. Yes—well, no, they are—it is everyone, but I would say there are so many, DUIs are very high with Hispanics. No proof of insurance and no license are other high, but as far as illegals, no; we deal with anyone who comes through the city of Smyrna.

Mr. MICA. Can you estimate for us how many may fall into the illegal realm?

Ms. COLE. I am not familiar with Smyrna other than what I deal with in my department, so I really could not answer that, sir.

Mr. MICA. Well, in your department.

Ms. COLE. I would say that probably maybe 40 percent—and I may be underestimating—are, the majority of those caseloads are illegal aliens.

Mr. MICA. Forty to fifty percent?

Ms. COLE. I am sorry?

Mr. MICA. Forty to fifty percent?

Ms. COLE. Yes, sir.

Mr. MICA. Is there anything at the Federal level you think we can do that would help resolve this problem?

Ms. COLE. I know that there is a lot that Congress is doing, and as I heard testimony earlier from the Immigration Department, that they do ship and deport a lot of felonies, people that are felony offenses, but there is not anything being done for the misdemeanor cases.

Mr. MICA. So the aggravated felonies which the U.S. Attorney testified to and which the law I guess specifically addresses are the focus of attention, but there are a lot of other people falling through the cracks and you are dealing with misdemeanors and other local ordinance violations to the tune of 40–50 percent that may be committed by those illegals; would that be a fair statement?

Ms. COLE. Yes, sir, that is correct.

Mr. MICA. And my question was the Federal Government, you said they are doing some things, but there is nothing under Smyrna's jurisdiction to deport these folks or handle the situation, no reimbursement for costs; is that correct?

Ms. COLE. That is correct, not that I am aware of at this time.

Mr. MICA. These are not felony cases, but lower level crimes, are there any Federal assistance programs, to your knowledge, or any

reimbursement for the costs incurred by the local community for these expenses?

Ms. COLE. Not that I am aware of, sir.

Mr. MICA. And tell the panel, if you will, is this something that—how long have you been with the agency?

Ms. COLE. I have been here for almost 9 months, but I have been in probation for over 4 years.

Mr. MICA. For 4 years.

Ms. COLE. Yes, sir.

Mr. MICA. Was it this severe 4 years ago? I mean are we seeing the same level of problem or is there an increase? Describe for the panel what you have seen over the 4-years you have observed this problem.

Ms. COLE. The problem has increased. I was in Floyd County before and I dealt with probation in Floyd County and from the time that I began back in 1995 up to the current, I have seen that this problem is getting progressively worse instead of better.

Mr. MICA. I appreciate that.

Mr. Bowles, you have certainly described the impact on your business, I guess you are the owner of the business?

Mr. BOWLES. That is correct.

Mr. MICA. And you have been in business 11 years.

Mr. BOWLES. Right.

Mr. MICA. How would you describe the evolution of this problem, has it been all 11 years or you have seen most of the increase over what period of time?

Mr. BOWLES. The problems really just started in the last 2 years, in the last year it has probably tripled. Like I say, there are 8 to 10 businesses in the location that are impacted.

Mr. MICA. Are there other areas of the community that are impacted? Is there some reason why you have been picked out for this particular—

Mr. BOWLES. Several years ago, the problem persisted on the square in Marietta and like I say, they created a task force having sting operations and they have basically moved the crowd, dispersed them and they have filtered down and over the course of a couple of years, now they are congregating in front of our six to eight businesses there.

Mr. MICA. And you have seen a dramatic increase in crime, you said, not only—

Mr. BOWLES. Right, mainly in the last year.

Mr. MICA. In the last year.

Mr. BOWLES. Year, year and a half.

Mr. MICA. Is there any program you are aware of that the locals or Federal or States have undertaken to deal with this problem?

Mr. BOWLES. Based on my experience, I do not really feel that, you know, there is anything on the books that gives the law enforcement the authority to do anything. We have met with this committee I mentioned and, you know, basically they have mentioned, you know, putting a security guard out front, taking a warrant out on each individual but that is very time-consuming and costly for a business owner. It is hard to identify when they are in such large groups and they disperse and come back. It is really—

I do not know that there is, you know, anything on the books right now that gives them the power to do something like that.

Mr. MICA. What recommendation do you have to this Federal panel to deal with the problem?

Mr. BOWLES. Well, basically I feel that the INS is lacking support because on one incident we called—I had a cousin come in from Hiram/Dallas area, 15 to 20 miles away. I asked him what he was doing, he is in the construction business. He said we heard this is where you pick up day laborers. I said well, you heard right. He had a Hispanic working with him that had been employed for him 2 years, he is legal. They went out and talked to about 30 people, 20 minutes later he comes back and says we just talked to 30 people out front and only 2 of them had their green cards. So, you know, out of that percentage, a large number of them were illegal. Now this has been probably 6 months or so ago. We contacted the INS and basically we were told they did not have the manpower to deal with our problem.

Mr. MICA. You contacted them how long ago, 6 months?

Mr. BOWLES. Roughly, yes, sir.

Mr. MICA. And they have not sent any enforcement people out?

Mr. BOWLES. Not to my knowledge.

Mr. MICA. So I guess your recommendation would be to provide the resources so you can stay in business.

Mr. BOWLES. Right. Locally, I am interested in some of the laws that the other police officers have proposed in like the Chamblee area and so forth. We have talked to the police officers on a daily basis when they come out and one of the things we proposed, you know, amongst ourselves with them is if we could put a law on the books basically stating it is illegal to pick up day laborers unless it is a specified location. We feel this would give the police officers some authority to make arrests, we feel it would centralize the location for them to be picked up and——

Mr. MICA. You are in Marietta.

Mr. BOWLES. That is correct.

Mr. MICA. And did I hear, I think one of the gentlemen, the representative from Dalton, did they not enact a law similar to what you are talking about?

Mr. BOWLES. They had a day labor law I think he mentioned in Chamblee.

Mr. MICA. In Chamblee. So you are recommending the locals enact something like that?

Mr. BOWLES. I think it would be beneficial.

Mr. MICA. Well, I appreciate both of your testimonies this afternoon. I yield now to Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

Mr. Bowles, followup on the last point that the chairman asked about, have you had the opportunity to speak directly with the city attorney about the possibility of drafting such an ordinance?

Mr. BOWLES. We have met with the zoning and planning department, Judy Garrett is her name, and she is working as the liaison between all the city department heads—we talked with our representatives out at my location, the mayor has been invited to our meetings, she has not shown. We have talked to, like I say, the

councilmen and just some of the local people there. We have not gotten any results as of yet.

Mr. BARR. Which councilman has your area?

Mr. BOWLES. Johnny Sinclair is the one that we have spoken with. I spoke with him again today and, you know, just followed up on our meeting 2 or 3 weeks ago to see if he had made any progress and of course he did not have anything for me at this time.

Mr. BARR. Have you contacted our office in Marietta, spoken with anybody there?

Mr. BOWLES. I believe Fred Akin was present at one of our meetings.

Mr. BARR. The gentleman back there?

Mr. BOWLES. That is correct, yeah.

Mr. BARR. Let the record reflect it is the distinguished gentleman in the gray jacket, gray hair and the gold rimmed glasses.

Mr. BOWLES. But he was present at one of our meetings. And like I say, it is mainly just a concerned group of citizens in the area, they are worried about their property values going down and mainly the south side of Marietta is just getting really run down and a lot of people tend to want to avoid the area. And you know, you hate to see it happen because it just came about so quick and I feel like, basically, that if there was some type of law enforcement or something that the police officers could do, that we could deter the problem. Centralizing them would make it a lot easier to—you know, that would make the ones that are legal want to go there and if you wanted to set up any communication or what-not with this group, you know, it would make it possible. The ones that would be left out would probably be the ones that are illegal. And you know, those are the ones that I guess we need to be dealing with.

Mr. BARR. Also, Moore, could you identify yourself? This is Mr. Moore Hallmark, who is our legislative director for the district. If you would contact him, we would be glad to assist in any way we can.

What is there—and I am very familiar with the area, I drive by it virtually every day that I am in the district because it is between our district office and other parts of the district and our house and so forth. Is it your area that sort of became the magnet for a lot of these folks because it is the first area as you are coming from the square past the conference center resort that has some open area where they can sort of hang out and there is room for trucks to drive into?

Mr. BOWLES. Like I say, the problem existed on the square, there is an apartment complex behind us and the zoning and planning department has been back there checking code enforcement and so forth. They keep the premises very neat. There is also a lot of rental houses on the opposite side of the street in that particular area and that seems to be where a majority of them are residing. Also before they moved the bus stop, I mean it was not uncommon to see them on the buses unloading at our location. How they picked it, I do not know, but we would love to have something done about it if possible.

Mr. BARR. Well, I think there should be some solutions and I know it is a difficult balance that local governments have to deal with because of certain court rulings, but there have been jurisdictions such as perhaps Chamblee that might be able to provide some guidance for us.

I was also interested, I was not aware of the fact that the city has authority or has given itself authority to conduct sting operations on the square but not in other parts of the city?

Mr. BOWLES. That was our understanding. We have had several representatives from the police department at some of our meetings and basically they said that that was on the books in the city limits on the square there—excuse me, on the square only, but not for the entire city. And I have talked to Mr. Sinclair, our councilman, about maybe expanding that zone. And like I say, that is one of the things I have asked him to work on for us.

Mr. BARR. OK. I know Mr. Szafnicki is still here, we appreciate Mr. Szafnicki sticking around the hearing today and I know he is very concerned about these things. With INS generally though, it is just a matter of getting the resources to them. And that is why this hearing today, including your testimony, is very, very valuable to us. And if you would, contact Mr. Hallmark and we will be glad to do whatever we can to assist in the effort. Ultimately, it is going to have to be something at least on the local level that the city can do, but we can certainly help out whatever way we can and we will certainly help out in what we are doing today in following up on this. I know this is a concern to the chairman as well.

Ms. Cole, I know that, as you indicated previously and as I know, you have extensive background in a lot of these matters dealing with the problems of immigration and the impact of illegal immigration on individual communities, whether it is our court system, schools, businesses and so forth. And your background prior to the time when you have been down here in Smyrna has been up in Floyd County, Rome, Floyd County area.

Ms. COLE. That is correct.

Mr. BARR. Are the problems that you are seeing pretty much the same, they just seem to keep getting worse because there is no handle we can get on them, or is the nature of the problem changing?

Ms. COLE. The problem is getting worse. I know when I was in Floyd, I was very isolated from this area. When I came out here, I could see that the problem, you know, here is much bigger than it is in Floyd County because we are dealing with the—Cobb seems to be the central and then we are dealing with all the outer counties or other areas around there. So I do see that it is getting progressively bigger at this time.

Mr. BARR. Do you deal at all with INS directly yourself?

Ms. COLE. No, sir, I do—well, I take that back, I do on occasion if one of the offenders actually ends up getting a felony charge or receiving a felony charge. At that point in time, I normally will submit a modification to the judge after I receive all the paperwork from whatever county is submitting it to my agency or department and then basically terminate the case and suspend everything that is with this particular department. And then I just make a telephone call to INS, if there is a contact person; 9 times out of 10,

I just submit it back to that agency and tell them that everything is terminated here and they can proceed with whatever they need to do at that time, at that local agency.

Mr. BARR. Would it be fair to say that of course your primary concern is, as a probation officer, fulfilling the mandates of your job, fulfilling your job? Would it also be fair to say that your primary concern has nothing to do with being anti-immigrant because obviously you are not, none of us are, but the public safety?

Ms. COLE. That is correct.

Mr. BARR. Where you have people who are driving cars, getting DUIs, getting their licenses back, using false identification to get cars without having proved safe to drive in the community. Is this a major concern of yours?

Ms. COLE. Yes, it is. Not to stress any kind of negativity toward any immigrants because of course my family did come in legally once again, and then became natural citizens. But my primary concern is the safety of the community. Anyone who receives a DUI and goes and has an accident, a person is injured in the other vehicle or possibly killed, now we have got a different situation to deal with and I am seeing that more and more—well, on the level that I am in, I am seeing that we are having a lot of people coming in here who are driving with no proof of insurance or license and they cannot be held accountable to rectify the problem to the other person, the victim who is actually involved, because they leave the country or we do not know who they are, they change their name about midway and they disappear off the face of the Earth. And now we have got a victim here who has no compensation to do the repairs on their vehicle or if there is any type of injury, to reciprocate those funds in order for them to go ahead and take care of that as well.

Mr. BARR. Mr. Bowles, you indicated earlier that during these past couple of years since this problem has manifested itself, you have incurred some degree of expense.

Mr. BOWLES. Right.

Mr. BARR. Lost income, lost profits as well as damage to your property. Has there been any injuries that anybody has suffered yet on your property as a result of this?

Mr. BOWLES. Not necessarily on our property, but like I say, there have been several reports of, you know, pedestrians being hit primarily from the traffic where there is a lot of people out in the area and so forth. We have seen several fights break out in the parking lot, you know, amongst themselves. I do not know what they are scrapping over, but you know, the police have had to come in and break it out. That used to be not a common thing around there.

Mr. BARR. Is the problem in the morning that the employers, let us call them, who are seeking these day laborers, do they come onto your property to solicit and pick up?

Mr. BOWLES. We are a Texaco Express Lube and right beside us there used to be a Texaco gas station, they just sold out to Exxon, but there is a food store and a gas station. And basically that is where the majority of these people are coming, they are waiting on the contractors to pull in there to get their coffee and gas in the mornings and if you pull up in a truck, you know, it is not uncom-

mon to have three or four guys jump in the back of your truck and not even say anything, they just try to get in, like you are in a truck and they want you to go do some work for them.

So it is a growing problem and it is very intimidating, especially to young ladies.

Mr. BARR. Thank you both very much for your work and for being with us today. Thank you, Mr. Chairman.

Mr. MICA. I would like to thank both of you for your testimony and again, as I relayed to the other panels, we particularly appreciate those at the local level and particularly the private citizens or those with local agencies testifying before our subcommittee to provide us with some insight and also recommendations and personal experiences to how we can do a better job in enforcing and applying the laws at the Federal level and also changing the administration and execution of the Federal policy that evolves from our Federal laws.

So we again thank both of you for coming, being part of this subcommittee and providing us with your testimony this afternoon.

Now, as I did say—and we will excuse you at this time.

As I did say, we will leave the record open for 5 days for additional questions that will be submitted to some of our panelists. Anyone who would like to make comments can address them to the subcommittee or contact us and we will make certain that they are made a part of the record.

There being no further business—excuse me, Mr. Barr?

Mr. BARR. If I could once again thank you and Ms. Lee Smith here with us today and Mike that came with you today, very much for the time and preparation for and conducting these hearings. I would also like to especially commend you, Mr. Chairman, for properly pronouncing the name of our city here, it is Smyrna. We have a lot of visitors that need to be corrected when they come here and say they are very happy to be in Smyrna. [Laughter.]

Mr. MICA. Well, I have New Smyrna Beach in Florida, which is part of my district, so I feel very much at home.

We do thank the local officials for the use of their beautiful city hall facility, and again, for the cooperation of all those who have participated in our subcommittee hearing this afternoon.

There being no further business to come before the subcommittee, this meeting is adjourned.

[Whereupon, at 4:16 p.m., the subcommittee was adjourned.]

