

**THREATS TO FEDERAL LAW ENFORCEMENT  
OFFICERS**

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**HEARING**

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

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MAY 16, 2000  
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## **THREATS TO FEDERAL LAW ENFORCEMENT OFFICERS**

**TUESDAY, MAY 16, 2000**

U.S. SENATE,  
SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 1:56 p.m., in room SD-226, Dirksen Senate Office Building, Hon. Strom Thurmond (chairman of the subcommittee) presiding.

Also present: Senator Sessions.

### **OPENING STATEMENT OF HON. STROM THURMOND, A U.S. SENATOR FROM THE STATE OF SOUTH CAROLINA**

Senator THURMOND. The subcommittee will come to order.

Only a few blocks from here, a solemn annual ceremony is taking place this week. Local, State and Federal law enforcement officials are gathering at the National Law Enforcement Officers Memorial to pay tribute to 280 individuals who lost their lives in the line of duty since last year's ceremony. In total, there are more than 14,000 names on the memorial, a sad reminder of just how dangerous the law enforcement profession is.

I think it is safe to say that most people associated violence against law enforcement officials as attacks on uniformed personnel of police departments, sheriffs' offices, State police departments, and highway patrols. Unfortunately, I believe that there is a commonly held belief that the risks Federal enforcement personnel face is minimal. This is simply not correct.

To begin with, few realize that the U.S. Government has a significant number of uniformed officers that serve with agencies including the Border Patrol, Park Police, Bureau of Prisons, and Customs Service. These men and women expose themselves to risk day in and day out as they conduct their duties.

I have heard reports that it is considered sporting—I repeat, sporting—to sit on the Juarez side of the Rio Grande River and take pot shots at Border Patrol agents protecting the sovereign boundary of the United States. Earlier this spring, a U.S. Park Police officer was seriously wounded when a routine traffic stop performed in the District of Columbia became a firefight. And Bureau of Prisons officers are routinely assaulted, hardly unexpected given the population with whom they are dealing.

Additionally, Federal agents are facing increasing risks as they become more involved in fighting crimes where violence is just part of a criminal's way of doing business. I doubt that any Federal

agent has forgotten the cold-blooded abduction, torture, and execution of Kiki Camarena by Mexican narcotraffickers. Sadly, the potential for that to happen again today is not beyond the realm of possibility.

Drug dealers have little regard for the lives of anyone other than themselves and willingly use violence as a method of discipline, enforcement, and retribution. Outside the United States, criminal enterprises are forming alliances with terrorist groups, paramilitaries, and outlaw governments, all of which significantly increase the dangers our agents face when they are attempting to battle international crime.

Given that this is Police Week, this hearing on threats against Federal law enforcement officials is especially timely. The men and women who serve in Federal law enforcement have chosen an unsung career path, and it is important that we let the public know the sacrifices and dangers being borne by these dedicated and selfless individuals.

Furthermore, I hope that through actions such as this hearing, those who do serve in federal law enforcement recognize that they have friends and supporters in Congress. Finally, as a matter of oversight, this subcommittee must ensure that agencies are doing all they can to train their personnel in officer safety tactics, as well as to protect these men and women when they are serving in the field.

When attacks against federal enforcement officials do take place, those responsible must be prosecuted by the U.S. attorney's office. We should leave no question in the minds of criminals as to the consequences of committing an act of violence against a Federal agent. To do otherwise is to send a signal that is unacceptable in this era of escalated violence and threats to those who work as enforcement officials.

Now, I am pleased to welcome each of our witnesses: Mr. Andreas Stephens, Section Chief, Violent Crime and Major Offenders Section, Federal Bureau of Investigation; Mr. William E. Ledwith, Chief, Office of International Operations, U.S. Drug Enforcement Administration; Mr. David Saleeba, Special Agent in Charge, Intelligence Division, U.S. Secret Service; and Mr. John C. Varrone, Acting Deputy Assistant Commissioner, Office of Investigations, U.S. Customs Service.

The agencies that these gentlemen represent are involved in fighting crime both domestically and abroad, and are well qualified to paint a picture of the challenges, threats, and dangers that Federal enforcement officers face in discharging their duties.

Gentlemen, we appreciate your taking the time to appear before us this afternoon. As I am eager to get to our rounds of questioning, I ask each of you to please limit your opening statements to as brief as possible. We are, of course, more than happy to enter your entire statement into the record.

Thank you, and we will start with the testimony of Mr. Stephens.

**PANEL CONSISTING OF ANDREAS STEPHENS, SECTION CHIEF, VIOLENT CRIME AND MAJOR OFFENDERS SECTION, FEDERAL BUREAU OF INVESTIGATION, WASHINGTON, DC; WILLIAM E. LEDWITH, CHIEF, OFFICE OF INTERNATIONAL OPERATIONS, U.S. DRUG ENFORCEMENT ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE, WASHINGTON, DC; DAVID A. SALEEBA, SPECIAL AGENT IN CHARGE, INTELLIGENCE DIVISION, U.S. SECRET SERVICE, WASHINGTON, DC; AND JOHN C. VARRONE, ACTING DEPUTY ASSISTANT COMMISSIONER, OFFICE OF INVESTIGATIONS, U.S. CUSTOMS SERVICE, WASHINGTON, DC**

**STATEMENT OF ANDREAS STEPHENS**

Mr. STEPHENS. Good afternoon, Mr. Chairman and members of the subcommittee. I am pleased to appear before you today to discuss the Federal Bureau of Investigation's role in investigating assaults, threats, and the killing of Federal employees.

The men and women who enlist in Federal law enforcement are exceptional and dedicated individuals who bring unique skills and diverse life experiences. Many have foregone the potential benefits of private sector employment in order to pursue the path of public service. They have chosen this career recognizing the inherent risks involved in law enforcement.

We as agencies highly value their commitment and service, and endeavor to adequately prepare them for law enforcement by providing the tools and support they need to do the job and by giving them the skills and training necessary to minimize and manage the risks. Unfortunately, we are not able to eliminate all risks associated with law enforcement, but we will continue to strive for that goal.

The scope of the FBI's investigative responsibility is broad. Historically, the delegation of investigative responsibilities by the Department of Justice has delegated to the FBI the investigative responsibility in the assaults, threats, and killings of all Federal employees and immediate family members, unless the victim is employed by the Department of the Treasury or the U.S. Postal Service.

The safety and security of all Federal employees and their family members is a top priority of the FBI. Each reported incident is aggressively pursued and referred to the Department of Justice for prosecutive consideration. In those instances where the FBI acts as the primary investigative agency, coordination is closely established with the victim employee's agency. The FBI recognizes that each threat creates tremendous strain on the victims and their families, and therefore requires and receives appropriate attention.

The number of assaults against Federal officers has remained relatively constant over the past few years. Between 1994 and 2000, the FBI initiated 4,234 investigations involving threats or assaults of Federal officers and employees. On average, the FBI investigates 650 violations per year regarding the threats. The majority of the threats that are investigated involve law enforcement officers, prosecutors, and judges. Since 1994, the FBI has investigated 916 cases in which a Member of Congress was threatened or assaulted.

According to the Uniform Crime Reports, Federal officers are most likely to be assaulted while encountering crimes in progress, conducting investigations, or making arrests. In the majority of instances, Federal officers are assaulted with personal weapons, such as hands, fists or feet, and in 14 percent of all cases a firearm was used.

When a Federal employee is assaulted or killed, it is imperative that the case be aggressively and expeditiously investigated. Coordination is immediately established with the appropriate Federal, State, or local law enforcement agency, in addition to the U.S. attorney's office. The victim and any witnesses are immediately interviewed for relevant information. Where appropriate, crime scene investigators are dispatched to collect evidence. The FBI employs its full arsenal of investigative techniques, including electronic and physical surveillance, search warrants, and Federal grand jury subpoenas. The case is ultimately presented to the Department of Justice for prosecutive opinion.

When the FBI receives information that a Federal employee has been threatened, the victim is immediately notified of the threat. In instances where the threat is reported by a cooperating defendant or an informant, a polygraph examination is often considered to determine the credibility of the threat. The victim employee's agency is notified, as is any agency having protective responsibility; for example, the U.S. Marshals Service and the U.S. Secret Service. Similarly, any investigation regarding threats against a Member of Congress is closely coordinated with the U.S. Capitol Police.

The FBI does not have protective responsibility, except for the Attorney General and cases where the victim is an FBI employee. Various security measures are taken as the circumstances dictate and a threat assessment is immediately conducted. In order to prepare our people to resolve these threats, we have provided a wide range of training and tactical skills for our agents during their new agent training. These include firearms offensive tactics; interview techniques; arrest, search and raid planning; cultural awareness; and legal issues.

After attending the FBI Academy, in order to increase safety awareness we train agents in techniques designed to avoid assaults, and the FBI has developed the Law Enforcement Training for Safety and Survival Program. It is noted that this training is provided for field investigators, as opposed to the highly specialized training provided to tactical operators, such as our SWAT and Hostage Rescue Team.

The law enforcement training survival program provides an excellent opportunity for us to introduce new safety techniques, as well as to reinforce traditional concepts to experienced investigators, Federal and local alike. The funding for tactical training of street agents is through the Safe Streets and Safe Trails Task Force initiatives. The FBI sponsors 174 Safe Streets and Safe Trails Task Forces in 54 of our 56 field offices. The task forces include approximately 1,000 State and local law enforcement officers, 805 FBI agents, and 251 law enforcement officers from other Federal agencies. All State and local task forces are deputized Federal officers under Title 18 or Title 21 of the United States Code.

This training that I previously mentioned is afforded to violent crimes task force investigators only. During fiscal year 1999, the FBI through this initiative provided survival training to 715 Federal, State, and local law enforcement officers. The FBI encourages aggressive Federal prosecution of those who threaten Federal employees. Generally speaking, these cases are considered on a case-by-case basis, and Federal prosecutors may require actual injury or substantial overt acts before prosecuting a case in which a law enforcement officer is a victim. Agents and officers who carry firearms and possess arrest powers are often viewed as somewhat less vulnerable than prosecutors, judges, and elected officials.

Although the number of investigations has remained relatively constant, the nature of these incidents has changed in recent years. Some of the factors from the FBI's perspective include the expanded role in anti-violence initiatives, international investigations, and the increasing use of the Internet in furtherance of criminal activity.

Regarding international investigations, the FBI's involvement in international investigations has brought credibility to complicated multi-national investigations, with many successes. Unfortunately, these investigative successes, along with world events, have increased the risk of harm to FBI agents by criminal elements.

In order to address these increased risks, the FBI's International Operations Section has designed a briefing program to inform employees about security related to international assignments. One of our responsibilities is to respond to extraterritorial terrorist incidents. Our evidence response teams and rapid deployment teams are dispatched to critical events when directed by the Attorney General in furtherance of that extraterritorial jurisdiction. As these deployments continue, the likelihood and potential of assaults on FBI employees overseas increases.

The same thing happens with the anti-government groups and militia efforts that have been occurring domestically. These incidents reflect the types of threats that are more and more being encountered by agents in our domestic terrorism investigations. The subjects in these cases are clearly motivated by a desire to discourage law enforcement from continuing its investigations.

The FBI's violent crimes program has been closely coordinating with our technical components regarding threats conveyed via the Internet. Although this is a recent initiative and statistical data has not been compiled, our preliminary review of FBI field office statistics revealed a total of 22 investigations initiated in fiscal year 2000.

Senator THURMOND. Could you wrap up your statement, the remainder of which will be put in the record?

Mr. STEPHENS. Yes, sir.

I want to thank the committee for giving me the opportunity to testify here today. The increased risk of assaults on Federal officers is real and growing, and I welcome any questions.

Thank you.

[The prepared statement of Mr. Stephens follows:]

## PREPARED STATEMENT OF ANDREAS STEPHENS

Good afternoon, Mr. Chairman and members of the subcommittee. I am very pleased to appear before you today to discuss the Federal Bureau of Investigation's (FBI's) role in investigating assaults, threats and the killing of federal employees. Through the delegation of investigative responsibilities by the Department of Justice (DOJ), the FBI has primary jurisdiction in all assaults, threats and killings of federal employees, unless the victim is a member of the Department of the Treasury (DOT). Pursuant to an October 2, 1956, agreement, the DOT has investigative jurisdiction over assaults, threats and killings of its personnel. Additionally, pursuant to a Department of Justice (DOJ) policy directive dated 3/5/74, the United States Postal Service (USPS) has primary jurisdiction for assaults, threats, and killings of its employees if the offender is also employed by the USPS.

The FBI investigates assaults, threats and killings of federal employees pursuant to Title 18 U.S.C. Sections 111 (Assaulting, Resisting or Impeding Certain Officers or Employees); 115 (Influencing, impeding, or retaliating against a Federal Official by threatening or injuring a family member); 1111 (Murder); 1112 (Manslaughter); 1114 (Protection of officers and employees of the United States); 1116 (Murder or manslaughter of foreign officials, official guests, or internationally protected persons); 1117 (Conspiracy to murder in violation of Section 1114); 2231 (Assault or resistance); and 1201(a)(5) (Kidnapping in violation of 1114). Additionally, U.S. Supreme Court Justices, members of Congress, and the heads of executive branch departments are afforded protection under Title 18 U.S.C. § 351 (Congressional, Cabinet, and Supreme Court Assassination, Kidnapping, and Assault).

The safety of all federal employees and their family members is a top priority of the FBI. For the purposes of this hearing, the term "federal employee" includes the class of employees defined by Title 18 U.S.C. § 1114, "any officer or employee of the United States or of any agency branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties." Each reported incident is aggressively pursued and referred to the Department of Justice for prosecutive consideration. In those incidents where the FBI as the primary investigative agency, coordination is closely established with the victim employee's agency. Nevertheless, each threat creates tremendous strain on the victims and their families, and therefore requires and receives appropriate attention.

## NUMBER OF ASSAULTS ON FEDERAL OFFICERS INVESTIGATED BY THE FBI

The Uniform Crime Reports (UCR) 1994 through 1998 reflect that federal agencies reported assaults against 3610 employees, resulting in 1033 injuries. During this same period, 24 federal law enforcement officers were slain in the line of duty, as follows:

|   |   |
|---|---|
| INS Agent .....                         | 5 |
| FBI Agents .....                        | 4 |
| Secret Service Agents .....             | 4 |
| Bureau of Indian Affairs Officers ..... | 4 |
| DEA Agents .....                        | 2 |
| U.S. Customs Agents .....               | 2 |
| Capitol Police Officers .....           | 2 |
| National Park Service Ranger .....      | 1 |
| Housing and Urban Development .....     | 1 |

In 1999, the FBI initiated 585 investigations regarding assaults against federal employees. During that year, two officers were slain in the line of duty. These cases involved the 12/9/1999 murder of a Bureau of Indian Affairs Officer, in Whiteriver, Arizona and the 12/12/1999 murder of a Department of the Interior, National Park Service Officer, in Kailua-Kona, Hawaii.

During the first half of fiscal year 2000, the FBI has initiated 286 Assault on a Federal Officer (AFO) investigations. Since 1994, the FBI has initiated 4,234 investigations that involved a federal officer being assaulted, threatened or killed. Federal officers were killed in 26 of these cases. To date, 675 individuals have been convicted as a result of these investigations.

Since 1994, the FBI has investigated 916 cases in which a member of Congress was threatened or assaulted. These investigations have resulted in 25 convictions.

The FBI currently employs 11,583 Special Agents. Since 1997, FBI Agents have occasionally been confronted with circumstances requiring the use of deadly force. Since 1997, FBI Agents discharged their firearms during 52 incidents involving an adversarial contact with a subject. The numbers are set forth below:

| Year       | Number | SA<br>injured/killed | Subject<br>injured/killed |
|------------|--------|----------------------|---------------------------|
| 1997 ..... | 16     | 0                    | 12                        |
| 1998 ..... | 10     | 0                    | 6                         |
| 1999 ..... | 11     | 0                    | 5                         |
| 2000 ..... | 5      | 0                    | 5                         |

Following a shooting, the FBI requires the involved Special Agent to attend a critical incident stress debriefing with a trained Special Agent counselor who has been involved in a similar incident.

#### ACTIVITY RESULTING IN ASSAULTS AGAINST FEDERAL OFFICERS

According to the Uniform Crime Reports, federal officers are most likely to be assaulted while encountering crimes in progress, conducting investigations, or making arrests. In the majority of incidents, federal officers are assaulted with personal weapons such as hands, fist or feet. In fourteen percent of all cases, a firearm was used. Since 1989, 682 state, local and federal law enforcement officers have been killed in the line of duty. Of these officers, 239 were slain during arrest situations, a total of 35 percent. Ninety-two percent were killed with firearms.

#### FBI RESPONSE TO ASSAULTS AGAINST FEDERAL EMPLOYEES

When a federal employee is assaulted or killed, it is imperative that the case be aggressively and expeditiously investigated. Coordination is immediately established with appropriate state, local and federal law enforcement agencies, in addition to the United States Attorney's Office. The victim and any witnesses are immediately interviewed for relevant information. Where appropriate, crime scene investigators are dispatched to collect evidence. The FBI employs its full arsenal of sophisticated investigative techniques, including electronic and physical surveillance, search warrants and Federal Grand Jury Subpoenas. The case is ultimately presented to the Department of Justice for prosecutive opinion. The Department of Justice's general policy, as stated in the United States Attorney's Manual, is to federally prosecute cases in which the victim is an officer or employee with law enforcement duties which regularly exposes him/her to the public. This policy, with respect to assaults and other forms of forcible resistance, provides these employees with a measure of security which helps them in the performance of their duties. By contrast, unless the circumstances are aggravated, offenses against other federal employees are generally referred to a local prosecutor.

When the FBI receives information that a federal employee has been threatened, the victim is immediately notified of the threat. The victim employee's agency is notified as is any agency having protective responsibility. For example, the United States Marshals Service has protective responsibilities with respect to federal judicial officials, while the FBI is responsible for the criminal investigation. Similarly, any investigating regarding threats against a member of Congress is closely coordinated with the U.S. Capitol Police. In order to assist the U.S. Secret Service (USSS) in its statutory protective functions, the FBI notifies the USSS in cases in which federal employees are assaulted or killed.

The FBI does not have protective responsibility, except for the Attorney General and cases in which the victim is an FBI employee. A threat assessment is immediately conducted. The threat assessment includes a comprehensive background investigation regarding the subject or organization that issued the threat. When the identity of the offender is unknown, a review is conducted of cases in which the victim has participated. Additionally, coordination is established with the FBI's National Center for the Analysis of Violent Crime (NCAVC). The FBI closely coordinates these investigations with local, state and federal law enforcement agencies.

In cases in which the victim is an FBI employee, a threat assessment is conducted and a decision is made whether an immediate relocation of the victim is necessary. When necessary, the victim employee is relocated to a temporary covert location, while further investigation is conducted. Other security measures may include installation of security equipment, surveillance, and coordination with local law enforcement. Additionally, the victim and his family are afforded a security awareness briefing and referred to the Employee Assistance Program for necessary support. The FBI submits an Annual Expenditure Report to the Office of the Comptroller, Justice Management Division, regarding expenses paid for threatened employees.

## FBI'S ASSISTANCE IN POLICE KILLINGS

At the request of fellow law enforcement agencies, the FBI investigates felonious or accidental deaths of local, state, and federal law enforcement officers having full arrest powers, who are killed during the performance of their official duties. The FBI initiates an investigation to obtain additional details concerning the circumstances surrounding the incident. Additionally, the FBI furnishes the agency with information concerning two federal programs which provide benefits to survivors of law enforcement officers killed in the line of duty. The two federal programs include the U.S. Department of Labor and the Public Safety Officers' Benefits Program administered by the Department of Justice. The FBI Uniform Crime Reporting Sections publishes statistics regarding police killings.

In 1999, 42 federal, state and local law enforcement officers were feloniously slain in the line of duty. This is a significant decrease from 1998, in which 61 officers were slain, and 1997, in which 70 officers were slain. In 1999, twelve officers lost their lives during arrest situations. Six were serving arrest warrants; three were investigating robberies; two were investigating drug-related incidents; and one involved a burglary suspect. Additionally, eight officers were murdered while enforcing traffic laws, seven were investigating suspicious circumstances, seven were answering disturbance calls, six officers were ambushed, and two were handling prisoners. Forty-one of the 42 officers murdered were slain with firearms.

## TRAINING

In order to increase safety awareness, and train agents in techniques designed to avoid assaults, the FBI Practical Applications Unit, located at the FBI Academy in Quantico, Virginia, has developed the Law Enforcement Training for Safety and Survival (LETSS) program. It is noted that this training is provided for field investigators, as opposed to the highly specialized training provided to tactical elements such as SWAT and the Hostage Rescue Team (HRT). This program is structured on three essential elements:

(1) Concepts in Survival. This element introduces and reinforces the fact that survivability requires a will to survive. In April, 1986, two FBI agents were killed in a shootout with subjects who continued to fight long after receiving fatal injuries. The concept in survival element establishes that law enforcement officers have the same capacity to survive, despite being injured.

(2) Basic Tactics. Agents are trained in techniques to limit the risk of violent encounters. These techniques include methods to recognize and approach high risk areas, as well as approach subjects.

(3) Advanced Techniques. Agents are trained in high risk tactics including felony vehicle stops and diffusing violent encounters.

In addition to presenting schools at the FBI Academy, the Practical Applications Unit has trained 300 tactical instructors from the 56 field offices. These instructors are a crucial resource to the field investigators in preparing for high risk encounters. The LETSS program provides an excellent opportunity to introduce new safety techniques, as well as reinforce traditional concepts to experienced investigators. Although this training is essential to the safety of agents, funding remains a critical issue. Unlike basic training for new agents, and advanced tactical training for SWAT elements, training for street agents is not independently funded. In fact, the only funding for tactical training of street agents is through the Safe Streets and Safe Trails Task Force budgets. The FBI sponsors 174 Safe Streets and Safe Trails Task Forces, in 54 of its 56 field offices. The Task Forces include 1096 state and local law enforcement officers, 805 FBI Special Agents and 251 officers from other federal agencies. All state and local Task Force officers are deputized federal officers under Title 18 and Title 21 of the United States Code. The training is limited to violent crime task force investigators.

## PROSECUTION OF SUBJECTS WHO ASSAULT FEDERAL OFFICERS

The FBI encourages aggressive Federal prosecution of those who threaten federal employees. Generally speaking, Federal prosecutors require actual injury, or substantial overt acts before prosecuting a case in which a law enforcement officer is the victim. Agents and officers who carry firearms and possess arrest powers are viewed as somewhat less vulnerable than prosecutors, judges and elected officials.

Unfortunately there have been instances in which FBI agents were assaulted and prosecution was not authorized. For example, on April 5, 1999, Special Agents of the FBI and other law enforcement officers sought to effect the arrest of a convicted felon. Two marked Indianapolis Police Department cruisers activated their emergency flashers as an FBI SWAT team approached the house. As agents, armed with

a warrant, attempted to enter the house, the subject fired two rounds, nearly striking one of the agents in the head. The United States Attorney's office declined prosecution contending that the government could not disprove the defendant's claim of self-defense because the defendant allegedly did not realize that law enforcement officers were attempting to enter the house. In a letter to the United States Attorney for the Southern District of Indiana, FBI Deputy Director Thomas Pickard described the decision as "a failure to vindicate the principle that criminals may not use deadly force to avoid arrest without facing the severest of consequences."

Although the number of investigations has remained relatively constant, the nature of these incidents has changed in recent years. Some of the apparent factors include the FBI's expanded role in international investigations, the proliferation of anti-government groups, and the increasing use of the Internet in furtherance of criminal activity.

#### FBI'S EXPANDED ROLE IN INTERNATIONAL INVESTIGATIONS

The FBI's involvement in international investigations has brought credibility to complicated multi-national investigations, with many successes. Unfortunately, these investigative successes, along with world events, have increased the risk of harm to FBI Agents by criminal elements. In order to address these increased risks, the FBI's International Operations Section has designed a briefing program to inform employees about security risks related to international assignments. The training includes an intensive one week school at the FBI Academy regarding surveillance detection, cultural awareness, vehicle control, attack recognition, and escape maneuvers. Additionally, employees attend a security awareness school sponsored by the Department of State regarding environmental hazards, evacuation procedures, crisis management, and hostage survival.

The FBI's Critical Incident Response Group (CIRG) has initiated security surveys of the residences and work environment of FBI employees assigned to legal attache posts. These surveys include analysis of the location, construction, and relative security of structures utilized by FBI employees. The CIRG consolidates the FBI's crisis management expertise by combining both the tactical and negotiations components of an FBI rapid response to a critical incident. One of the responsibilities of the CIRG is to respond to terrorist incidents. Evidence Response Teams and Rapid Deployment Teams are dispatched to critical events when directed by the Attorney General, in furtherance of extraterritorial jurisdiction. For example, in 1998, the CIRG responded to the U.S. Embassy bombings in Tanzania and Kenya. In 1999, the CIRG responded to Kosovo to assist with the war crimes investigation by processing alleged mass grave sites for items of evidentiary value. As these deployments continue, the likelihood of assaults on FBI employees overseas increases.

On 11/9/1999, an FBI Supervisory Special Agent and a DEA Special Agent were assaulted in Matamoros, Tamaulipas, Mexico. The Agents were confronted by a group of armed men who pointed weapons at the agents, attempted to remove the agents from their vehicle and threatened to kill them. During this confrontation, both agents displayed their diplomatic passports, and the FBI Agent displayed his FBI credentials. After several minutes, the Agents convinced the subjects to let them leave. The FBI initiated an Assault Against a Federal Officer investigation. The case is being closely coordinated with the DEA, the United States Attorney's Office and Mexican authorities. The FBI is confident that the investigation will be brought to a successful conclusion.

#### INCREASED ACTIVITY OF ANTI-GOVERNMENT GROUPS

On January 30, 1998, Eric Robert Rudolph fled into the wilderness area of Western North Carolina. Rudolph has been charged with four bombings, including the July 27, 1996 Centennial Olympic Park Bombing in Atlanta. The four bombings resulted in three deaths and over 125 injuries. The Southeast Bomb Task Force (SBTF) established a command post to investigate the bombings, and search for Rudolph. On November 11, 1998, Veteran's Day, eight shots were fired at the SBTF Command Post in Andrews, North Carolina. One round went through an interior door and passed over the head of an FBI Agent as he was leaning forward in a chair.

This incident reflects the type of threat confronted by Agents involved in Domestic Terrorism investigations. The subjects in this case were clearly motivated by a desire to discourage law enforcement from continuing its investigation regarding the bombings. In addition to acts of violence, several Domestic terrorist groups have purported to create their own "judicial system" which they use to oppose and circumvent lawfully constituted institutions and authorized processes in the United States. These "Common Law Courts" or "People's courts", are often used mechanism

to impede legitimate law enforcement activity by attaching liens against the property of law enforcement officers.

#### INCREASED USE OF INTERNET IN AFO'S

The FBI's Violent Crime Major Offenders (VCMO) Program investigators have been coordinating closely with the Computer Investigations Unit and National Infrastructure Protection and Computer Intrusion (NIPCI) Squads, regarding threats conveyed via the Internet. Although this is a recent initiative, and statistical data has not been compiled, a preliminary review of FBI Field Office statistics revealed a total of 22 investigations initiated in fiscal year 2000, in which NIPCI Squads are assisting violent crime investigations. The increase in the level of assistance to the (VCMO) Program appears to relate specifically to the transmission of threatening communications over the Internet, which include threats directed toward government officials. This trend has resulted in a barrage of requests from the field offices for additional training in responding to threats communicated over the Internet. The Violent Crimes/Fugitive Unit is coordinating with the FBI Academy to design a training program to train investigators involved not only in AFO investigations, but kidnapping, extortions, and murder for hire investigations in which the Internet is used.

#### CONCLUSION

I want to thank the subcommittee for giving me the opportunity to testify here today. The increased risk of assaults on federal officers is real and growing. The FBI is moving to aggressively meet this challenge by training FBI agents and investigators from other agencies not only on how to investigate these offenses, but also how to avoid becoming a victim. We have already had significant successes in the fight. I look forward to working with Congress to ensure that we continue to be able to meet the threat as it evolves and grows. Thank you.

Senator THURMOND. Mr. Ledwith.

#### STATEMENT OF WILLIAM E. LEDWITH

Mr. LEDWITH. Mr. Chairman, members of the subcommittee, I appreciate the opportunity to appear today to speak briefly on the threats posed to Federal law enforcement officers. I would like first to thank the subcommittee for its continued support of the Drug Enforcement Administration and overall support of drug law enforcement.

Drug enforcement is an extremely hazardous occupation. This is due to the fact that drug traffickers have no regard for civil order, justice, or human life. Their goal is to amass large sums of money in order to maintain their obscene and lavish lifestyle, free from the boundaries and confines of the law. U.S. law enforcement poses the greatest threat to the drug traffickers' ability to operate unabated. We have become the major stumbling block to them and have therefore voluntarily become targets of their criminal violence and ruthlessness.

Nowhere has this violence become more prevalent than along the Southwest border and in Mexico at the hands of Mexican drug trafficking organizations. For decades, a number of threats have been made against U.S. law enforcement personnel stationed in Mexico by Mexican drug traffickers. Some of these threats and assaults resulted in serious injury and death.

One of the most heinous acts of narcoterrorism against DEA was the 1985 kidnapping, torture, and murder of DEA Special Agent Enrique Camarena. On February 7, 1985, Special Agent Camarena and Mexican Captain Alfredo Zavala were kidnapped by Mexican drug traffickers from two separate locations in Guadalajara, Mexico. On March 5, 1985, the bodies of S/A Camarena and Captain

Zavala were found in plastic bags lying in a field adjacent to a busy road.

Tape recordings seized by the Mexican military from a notorious Mexican drug trafficker confirmed that S/A Camarena had been brutally beaten and tortured while being interrogated about his knowledge of Mexican drug traffickers and the identity of DEA sources of information. Special Agent Camarena's brutal murder captured worldwide attention and subsequently sparked an international investigation in order to bring to justice those individuals responsible for his death. The investigation ultimately revealed the involvement of corrupt Mexican law enforcement elements, military, and public officials.

Mexican drug trafficking organizations routinely rely on violence as an essential tool of the trade. Much of the drug-related violence which has become commonplace in Mexico has spilled over into the United States. Many of these acts of violence have been aimed at U.S. law enforcement personnel working along or in close proximity to the Southwest border. Drug traffickers believe that escape into Mexico represents safe refuge from the U.S. law enforcement community, regardless of their crime.

On June 30, 1994, DEA Special Agent Richard Fass of the Phoenix Field Division was killed by Mexican drug traffickers during an undercover operation in Glendale, AZ. The subsequent investigation revealed that Augustin Vasquez-Mendoza, identified as the leader of this drug trafficking group, orchestrated a plan to steal \$160,000 from the undercover agent. During the attempted rip-off, S/A Fass was murdered while attempting to defend his life and the life of a DEA informant. Although four other members of this organization were captured and prosecuted, Vasquez-Mendoza fled to the mountainous regions of Mexico before he could be apprehended.

Although drug-related violence in Mexico has been historically commonplace, within the last year drug-related violence has increased exponentially. Daily newspaper articles have memorialized the recent rash of kidnappings and executions of Government of Mexico officials assigned to investigate narcotics-related crimes.

Since January of this year, numerous Mexican officials assigned to anti-narcotics operations have been murdered and several others have been seriously injured. The trail of violence continues, as evidenced by the recent ambush and subsequent torture and murder of two Mexican law enforcement officials assigned to a border task force just days before this hearing.

DEA remains gravely concerned about the more recent threats and assaults directed against U.S. Government personnel. Of particular concern was an incident occurring in Matamoros, Mexico, on November 9, 1999. A DEA special agent and an FBI special agent were traveling in a vehicle while debriefing a cooperating source in Matamoros, Mexico. They were surrounded and physically threatened by a Mexican drug trafficker and approximately 15 of his bodyguards who were brandishing automatic weapons.

The Tampaulipas State Police commander who was aware of the situation as it was happening did nothing to assist the two agents. The traffickers demanded that the two agents turn over their source, the cooperating source, certainly to face death at their hands. To their credit, the agents refused to turn him over. During

the confrontation, the drug trafficker ordered his henchmen to shoot the agents and the source. However, displaying calm control of an explosive and deadly situation, the two agents were able to talk their way out and made their way safely to the United States with the cooperating source and his family.

Many of the threats or assaults on our personnel have been subsequent to or while executing major enforcement operations. As an example, in January of this year the FBI advised DEA that the Amado Carillo-Fuentes drug trafficking organization had offered a \$200,000 bounty to anyone who murdered a U.S. law enforcement agent in Mexico or on the border.

In addition, in February of this year DEA was again advised that a major drug trafficker threatened retaliation against U.S. law enforcement and/or U.S. facilities located within Mexico and along the U.S. Southwest border. The DEA regards these threats as extremely serious and has taken immediate action to ensure the safety of our personnel.

Mr. Chairman, the safety and security of DEA personnel and their families is a priority within our agency. The DEA has and will continue to utilize every means available to ensure their safety and security. We do, however, remain extremely concerned regarding the Government of Mexico's ability to effectively respond to these incidents in a timely manner.

In addition, in virtually every incident involving a narcoterrorist threat against our agents or personnel in Mexico, Mexican police officials, acting as enforcers for the drug traffickers, were involved. This fact alone speaks to the continued ability of the heads of these criminal drug trafficking organizations to corrupt Mexican law enforcement officials.

However, we are encouraged regarding the recent arrests of key members of the Amado Carillo-Fuentes drug trafficking organization by the Government of Mexico. We are hopeful that the recent events are a sign of renewed commitment of our cooperative counter-drug investigations.

Mr. Chairman, on behalf of the brave men and women of the Drug Enforcement Administration, I would like to thank you for the opportunity to testify before this subcommittee today. At this time, I would be glad to answer any questions you may have.

[The prepared statement of Mr. Ledwith follows:]

PREPARED STATEMENT OF WILLIAM E. LEDWITH

Mr. Chairman, Members of the Subcommittee: I appreciate the opportunity to appear today to speak briefly on the threats posed to federal law enforcement officers. I would first like to thank the Subcommittee for its continued support of the Drug Enforcement Administration and overall support of drug law enforcement.

Because DEA is the only single-mission federal agency dedicated to drug law enforcement, the agency has, over the years, developed the ability to direct resources and manpower to identify, target and dismantle drug organizations headquartered overseas and within the United States. DEA's strategy to successfully accomplish these goals is straightforward, requiring that the agency's resources and manpower be focused on all three levels of the drug trade: the international, national/regional and local levels. Each of these categories represents a critical aspect of the drug continuum, which affects communities across the nation.

The 9,000 dedicated men and women of the DEA are committed to improving the quality of life of the citizens of the United States. The agency directs and supports investigations against the highest levels of the international drug trade, their surrogates operating within the United States, and those traffickers whose violence and

criminal activities destabilize towns and cities across the country. These investigations are intelligence-driven and frequently involve the cooperative efforts of numerous other law enforcement organizations.

Drug enforcement is an extremely hazardous occupation. This is due to the fact that drug traffickers have no regard for civil order, justice or human life. Their goal is to amass large sums of money in order to maintain their obscene and lavish life style, free from the boundaries or confines of the law. U.S. law enforcement poses the greatest threat to the drug traffickers ability to operate unabated. We have become the major stumbling block to them and have therefore, voluntarily, become targets of their criminal violence and ruthlessness. Nowhere has this violence become more prevalent than along the Southwest border and in Mexico at the hands of Mexican drug trafficking organizations.

Mexican drug trafficking organizations pose the greatest challenge to law enforcement agencies in the United States. For years, we have watched with concern as powerful organized crime syndicates based in Mexico began to dominate the distribution of drugs throughout our country. Through the dedicated efforts of Federal, state and local law enforcement agencies, we now have a clear picture of how these drug lords direct the sale of drugs within the U.S., how they collect their billions of dollars in drug profits, and how they arrange for the assassination of witnesses in both Mexico and the United States.

We have not only identified the drug lords themselves, but in most cases, the key members of their command and control structure. The combined investigations of DEA, FBI, the U.S. Customs Service and members of state and local police departments have resulted in the seizure of hundreds of tons of drugs, hundreds of millions of dollars in drug proceeds and the indictment of virtually every one of the leading drug lords. However, despite the evidence against these powerful drug traffickers, they have been able to evade arrest and prosecution. The primary reason they have been able to avoid arrest and continue to ship drugs into the United States is attributable to their ability to intimidate witnesses, assassinate public officials and their ability to corrupt many of the civilian law enforcement agencies in Mexico, often at the command level.

The violence that is an essential part of the operations of these ruthless and powerful organizations, has a deadly effect on innocent citizens and law enforcement officers across the United States as well as those federal law enforcement agents stationed in Mexico. The trafficker's willingness to murder and intimidate witnesses, public officials as well as law enforcement officers has allowed them to develop into the present day threat they have become.

For decades, a number of threats have been made against U.S. law enforcement personnel stationed in Mexico by Mexican drug traffickers. Some of these threats and assaults resulted in serious injury and death. One of the most heinous acts of narco-terrorism against DEA was the 1985 kidnapping, torture and murder of DEA Special Agent Enrique Camarena. On February 7, 1985, Special Agent Enrique Camarena and Mexican Captain Alfredo Zavala, a DEA confidential source of information, were kidnapped by Mexican drug traffickers from two separate locations in Guadalajara, Jalisco, Mexico. On March 5, 1985, the bodies of S/A Camarena and Captain Zavala were found in plastic bags lying in a field adjacent to a busy road. Tape recordings seized by the Mexican military from a notorious Mexican drug trafficker, confirmed that S/A Camarena had been brutally beaten and tortured while being interrogated about his knowledge of Mexican drug traffickers and the identity of DEA sources of information. Special Agent Camarena's brutal murder captured worldwide attention and subsequently sparked an international investigation in order to bring to justice those individuals responsible for his death. The investigation ultimately revealed the involvement of corrupt Mexican law enforcement elements, military and public officials, in the execution of S/A Camarena's murder.

Just over a year later, DEA would again realize the ruthless and bold tactics of Mexican drug traffickers and their corrupt counterparts. In August of 1986, DEA Special Agent Victor Cortez and DEA informant Anton Garate-Bustamante were kidnapped in Guadalajara, Mexico by corrupt Mexican police officers. S/A Cortez and Garate-Bustamante were interrogated, beaten and tortured at a local Mexican police station for four hours. The corrupt police officers, who were obviously acting on behalf of a Mexican drug trafficking organization, attempted to learn the names and locations of other DEA Agents, their families and cooperating individuals who were working with DEA personnel in country. S/A Cortez and Garate-Bustamante were released only after the DEA Resident Agent in Charge arrived at the police station and relentlessly demanded their release. Six individuals were eventually arrested by Mexican authorities and charged with this heinous act of narco-terrorism.

Mexican drug trafficking organizations routinely rely on violence as an essential tool of the trade. Much of the drug-related violence which has become commonplace

in Mexico, has spilled over into the United States. Many of these acts of violence have been aimed at U.S. law enforcement personnel working along or in close proximity to the Southwest Border. Drug traffickers believe that Mexico represents safe refuge from U.S. law enforcement, regardless of their crime.

On June 30, 1994, DEA Special Agent Richard Fass of the Phoenix Field Division, was killed by Mexican drug traffickers during an undercover operation in Glendale, Arizona. The subsequent investigation revealed that Augustin Vasquez-Mendoza, identified as the leader of this drug trafficking group, orchestrated a plan to steal \$160,000.00 from the undercover agent. During the attempted rip-off, S/A Fass was murdered while attempting to defend his life and the life of a DEA informant. Although four other members of this organization were captured and prosecuted, Vasquez-Mendoza fled to the mountainous region of Apatzingan, Michoacan, Mexico before he could be apprehended.

Mexican drug traffickers have adopted a strategy of taking increasingly confrontational and defensive actions when moving drug loads across the U.S./Mexico border. During 1998, a relatively new trend involving armed attacks by Mexican traffickers on U.S. law enforcement officers continued with fatal consequences. These armed encounters always developed during the drug trafficker's attempts to avoid arrest while fleeing back to Mexico. One such attack took place on June 3, 1998, along the Mexican border near Nogales, Arizona. U.S. Border Patrol Agent Alexander Kirpnick and a fellow agent were attempting to arrest five Mexican males who were transporting marijuana north across the border when he was shot and killed.

Although drug related violence in Mexico has been historically commonplace, within the last year, drug related violence has increased exponentially. Daily newspaper articles have memorialized the recent rash of kidnappings and executions of Government of Mexico (GOM) officials assigned to investigate narcotic related crimes. Since January of 2000, numerous Mexican officials assigned to anti narcotics operations have been murdered and several others were seriously injured.

Of note, Tijuana Police Chief, Alfredo de la Torre-Marquez was shot and killed by two carloads of assassins on February 27, 2000. On March 28, 2000, former Director of Investigations for the Organized Crime Unit (OCU), Cuauhtemoc Herrera-Suastegui, was shot in an ambush—one day before he was set to testify before the Mexican Attorney General in an investigation of the Carrillo-Fuentes Organization.

In perhaps the most heinous recent incident, on April 10, 2000 Mexican Attorneys Jose Luis "Pepe" Patiño and Oscar Pompa, and Army Captain Rafael Torres Bernal, who were working closely with DEA and FBI Special Agents assigned to San Diego, were murdered. The three were en route from San Diego to the PGR (Mexican Attorney General's Office) Headquarters in Tijuana, Mexico. The three never arrived as planned. They were apparently intercepted on the way, and brutally beaten to death. Their bodies were discovered two days later. Investigations are underway on both sides of the border to bring to justice the perpetrators of this savage act.

The trail of violence continues as evidenced by the ambush and subsequent torture and murder of two Mexican law enforcement officials assigned to a Border Task Force which occurred just days before this hearing.

DEA remains gravely concerned about the more recent threats and assaults directed against U.S. Government personnel. Of particular concern was an incident occurring in Matamoros, Mexico November 9, 1999. A DEA Special Agent and an FBI Supervisory Special Agent were travelling in a vehicle, while debriefing a Co-operating Source in Matamoros, Mexico. They were surrounded and physically threatened by a Mexican drug trafficker and approximately 15 of his bodyguards, brandishing automatic weapons. The Tampaulipas State Police Commander, who was aware of the situation as it was happening, did nothing to assist the two agents. The traffickers demanded that the two agents turn over the source—certainly to face death at the traffickers hands. To their credit, the agents refused to turn over the source. During the confrontation the trafficker ordered his henchmen to shoot the agents and the source. However, displaying calm control of an explosive and deadly situation, the two were able to talk their way out, and made their way to safety in the United States.

Many of the threats or assaults on our personnel have been subsequent to or while executing major enforcement operations. As an example, in January of this year, the FBI advised DEA that the Amado Carrillo-Fuentes Drug Trafficking organization offered a \$200,000.00 bounty to anyone who murdered any U.S. law enforcement agent in Mexico or the U.S. In addition, in February of this year, DEA was again advised by the FBI, that a major drug trafficker identified as Juan Jose Esparragosa-Moreno, threatened retaliation against U.S. law enforcement and/or facilities located within Mexico and along the U.S. southwest border. The DEA re-

gards these threats as extremely serious and has taken immediate actions to ensure the safety of our personnel.

Mr. Chairman, the safety and security of DEA personnel and their families is a priority within our agency. The DEA has, and will continue to utilize, every means available to ensure their safety and security. We do, however, remain extremely concerned regarding the Government of Mexico's ability to effectively respond to these incidents in a timely manner. In addition, in virtually every incident involving a narcoterroristic threat against our agents or personnel in Mexico, Mexican Police officials, acting as enforcers for drug traffickers, were involved. This fact alone speaks to the continued ability of the heads of these criminal drug trafficking organizations to corrupt Mexican law enforcement. However, we are encouraged regarding the recent arrests of key members of the Amado Carillo-Fuentes drug trafficking organization. We are hopeful that the recent events are a sign of renewed commitment of our cooperative counter-drug investigations.

Mr. Chairman, on behalf of the brave men and women of the Drug Enforcement Administration, I would like to thank you for the opportunity to testify before the Subcommittee today. At this time I will be glad to answer any questions you may have.

Senator THURMOND. Thank you very much.  
We would be glad to hear from you.

#### **STATEMENT OF DAVID A. SALEEBA**

Mr. SALEEBA. Good afternoon, Mr. Chairman and members of the committee. It is a pleasure to testify before you today.

The U.S. Secret Service is not unlike any other local, State or Federal law enforcement agency in that inherent in our mission is an understanding that to effectively fulfill our responsibilities, there exists the real probability of being within harm's way.

Since 1997, there have been 81 assaults against Secret Service special agents or Uniformed Division officers, 4 of which involved a firearm and 14 involved other weapons. During the same time period, there were 55 threats made against our law enforcement personnel by what we refer to as protective intelligence subjects. While some of the assaults and threats directed against Secret Service personnel occurred during non-protective criminal investigations, a significant percentage involved subjects who were investigated due to their interest in our protectees.

The subjects had either made a direct threat against, or shown an inappropriate interest toward one of our protectees. A large and significant percentage of those subjects that threaten the President or others we protect are mentally ill. Consequently, during the course of our interaction with these individuals, they often develop an obsession, animosity, or both, toward the agent or officer.

What makes the aforementioned cases unique is the very thing that makes the Secret Service's mission unique—our duty to protect the President, Vice President, presidential candidates, and foreign heads of state. Our high-profile mandate, as well as the status of those we protect, attracts a variety of people with varying levels of animosity or inappropriate interest directed toward both our protectees and our personnel.

Individual agents, selected field offices, and the Secret Service in general have been the targets of bomb threats, stalking behavior, threatening letters, e-mail, and entire Web sites. With the advent of the Internet, our agents have been intimidated and have had their names, addresses, vehicle descriptions, and even family members' names posted in cyberspace.

Secret Service law enforcement personnel are encouraged to protect their privacy and identities by following basic, common-sense guidelines. Our field offices work with local municipalities to delete agents' names and identifiers from publicly available rosters, tax rolls, or Web sites.

Two defining moments in Secret Service history and procedure occurred in the early 1980's. A mentally ill subject, of record with the Service, appeared at the Denver Field Office, confronted an agent with whom he had become familiar, produced a handgun, and shot and killed Special Agent Perry Watkins in the lobby of our field office. The subject was subsequently shot and killed by another agent. In 1981, John Hinckley was found not guilty by reason of insanity after he shot and wounded President Reagan and others, including a Secret Service agent, in Washington, DC.

As a result of the Watkins case, all Secret Service offices were equipped with secure entrances and bullet-resistant glass barriers, and our policies and procedures were reviewed regarding approaching and dealing with mentally or emotionally unstable subjects.

The Hinckley case highlights how we, as law enforcement professionals, greatly benefit by increasing our understanding of and appreciation for the implications of mental illness on our protective responsibilities. Therefore, the Secret Service initiated an active and working relationship with the mental health community. We also undertook an aggressive program to train our agents to better understand, deal with, and assess the mentally ill, and at the same time develop a cadre of contracted mental health professionals in various regions of the country to assist us in our protective intelligence mission. This has been the genesis of our threat assessment process for identifying, confronting, and managing potential assassins.

Many times, a threat against the President is a cry for help. Often, it is one of several threats made against other public officials or even celebrities. How we as an agency respond can range from arrest and prosecution to finding psychological intervention for the subject.

When a special agent or Uniformed Division officer is the target of a threat, the individual agent or officer is notified, along with their supervisor, and if they are currently assigned to a protective detail, the operational detail is well briefed and alerted to the threat. In view of our agency's mission, the response to a threat made against one of our own is met with serious consideration and is fully investigated.

In those instances wherein the subject's animosity is broader or less focused, our notification process can be expansive. We become responsible for alerting others whose safety is potentially threatened and removing them from harm's way, be they family, co-workers, acquaintances, or even public officials. What is critical in the final analysis is safeguarding our public officials, the men and women tasked with this responsibility, and the public in general.

Mr. Chairman and members of the committee, on behalf of the men and women of the Secret Service, I would like to express my appreciation to you and the committee for the years of support you have given to us and the law enforcement community.

This concludes my statement. I will now be available to answer any questions that you or the committee may have. Thank you.  
 [The prepared statement of Mr. Saleeba follows:]

PREPARED STATEMENT OF DAVID A. SALEEBA

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Individual agents, selected field offices and the Secret Service in general, have been the targets of bomb threats, stalking behavior, threatening letters, e-mail, and entire web sites. With the advent of the Internet, our agents have been intimidated and have had their names, addresses, vehicle descriptions, and even family members' names posted in cyberspace.

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alerted to the threat. In lieu of our agency's mission, the response to a threat made against one of our own, is met with serious consideration and is fully investigated. In those instances wherein the subject's animosity is broader or less focused, our notification process can be expansive. We become responsible for alerting others whose safety is potentially threatened and removing them from harms' way, be they family, co-workers, acquaintances or public officials.

What is critical in the final analysis is safeguarding our public officials, the men and women tasked with this responsibility, and the public in general.

Mr. Chairman, this concludes my statement. I will now be available to answer any questions that you or the committee may have.

#### **STATEMENT OF JOHN C. VARRONE**

Mr. VARRONE. Good afternoon, Mr. Chairman, members of the committee. OMB has not had a chance to review our statement yet. Can I ask that the record remain open until such time?

Senator THURMOND. Yes, we will keep the record open for a reasonable time.

Mr. VARRONE. Thank you, sir.

Good afternoon, Mr. Chairman and members of the committee. On behalf of Commissioner Kelly and the U.S. Customs Service, it is my pleasure to appear before this committee to discuss the law enforcement activities of the Customs Service, and in particular our efforts regarding the critically important subject of assaults and threats against Customs officers in both our domestic and foreign offices.

As the Federal Government's primary law enforcement agency charged with the protection of our land borders and ports of entry, the U.S. Customs Service is responsible for the daily processing of travelers, conveyances, and commercial cargo. On a typical day, U.S. Customs officers process 1.3 million passengers, over 341,000 vehicles, 45,000 trucks and containers, 2,500 aircraft, and 550 vessels. This high volume of activity results in daily interaction with numerous suspects and/or criminal organizations who attempt to violate the laws of the United States.

While the vast majority of commercial activity and law-abiding travelers get processed without incident, there is a small percentage who routinely attempt to violate our laws. On an average day, Customs arrests 67 violators, effects of 115 narcotics and 12 currency seizures, and performs 143 other enforcement actions. This enormous volume results in the daily seizure of 3,925 pounds of narcotics and \$1.2 million in U.S. currency.

Over the past 5 years, our daily law enforcement interaction has led to an increase in physical acts of violence and threats to our officers. The increase in physical assaults and unpredictability of these events is of paramount concern to all Customs officers as well as the collective law enforcement community.

As you are aware, the majority of our officers are both uniformed and armed. Customs officers and agents represent the first line of defense at our Nation's borders, and we should not accept any level of violence directed at them. Together, we must have zero tolerance for those who disregard the laws of the United States.

Our mission requires that we must always be prepared for a wide range of enforcement challenges that may occur at any given moment during the course of our daily operations. The range of activities can be anywhere from physical confrontation pursuant to arrest, to bomb threats, or to the seizure of highly volatile explo-

sives, such as the recent case in Seattle, WA. Customs field officers have reported 38 such bomb threats thus far in fiscal year 2000.

Our officers must always remain vigilant against any person or persons willing to inflict bodily harm in the pursuit of their criminal activity. Our officers face the two-fold challenge of protecting the American public while also protecting themselves.

In addition to our work at the borders and ports of entry, our agents routinely perform thousands of enforcement actions pursuant to our investigative responsibilities, such as drug control deliveries, arrests, and search warrants. Throughout all of our enforcement endeavors, acts of violence against our officers and agents have occurred with such increasing regularity that very few situations are still being viewed as routine.

In recent years, assaults and threats against our officers have increased at an unprecedented rate. Since 1995, the number of assaults against our officers has increased 33 percent, while the number of threats received has increased 38 percent. While these are the recorded events, we believe that that number is even higher because many of our officers accept these threats as part of their duty as law enforcement officers.

Since 1997, there have been more than 200 Federal arrests for assaults on Customs officers. While many prosecutors have vigorously pursued these cases, some have not. In response to this less than 100-percent effort, Commissioner Kelly recently forwarded a letter to the chairman of the U.S. Attorneys Advisory Committee requesting their full cooperation in pursuing Federal prosecution against those who attempt to do physical harm to any Customs personnel. We believe that a more consistent approach and commitment to these cases will also have a deterrent effect.

As recently as March 9 of this year, Customs inspectors shot and killed a drug smuggling suspect who was armed and attempted to run down officers at a truck inspection station at the Otay Mesa border crossing. We were all reminded just a few weeks ago in Oklahoma City of the gravity of physical threat and tragic death of law enforcement officers and innocent civilians who suffered and died in the bombing of the Alfred P. Murrah Federal Building. Among those who sacrificed their lives there were Customs Special Agents Claude Medaris and Paul Ice.

The video which you will be seeing shortly graphically depicts two very serious incidents. The first involves the shooting of two of our inspectors at the Calexico port of entry by an assailant, who in turn was shot and killed. The second involves port runner activity along our Southwest border which clearly places our employees and the traveling public in extreme danger.

In response to this increasing threat, Commissioner Kelly has undertaken proactive measures to ensure the operational safety of all of our officers. Specifically, we have recently transitioned to a lighter, more efficient pistol, have adopted a national body armor policy to direct the procurement of body armor for all our armed officers, have amended internal policy to authorize our inspection officers to carry firearms while off duty, and have recently issued shotguns along the Southwest border where, as you are aware, cross-border violence is escalating.

Lastly, we are currently modifying our in-service firearms and tactical training program to allow for comprehensive scenario-based training to better prepare our armed workforce, as well as developing a 40-hour confrontational safety awareness course for our foreign assigned personnel.

Customs officers know full well that they are very visible along the borders and do stand in harm's way. Our concerns are for the safety of the American public, the millions of people that cross our borders each year, and our employees who are America's front line. On behalf of the men and women of the U.S. Customs Service, I wish to thank you for all your past support and the opportunity to present to this committee a brief overview of the increasing assaults and threats which confront our law enforcement officers on a daily basis.

This concludes my remarks. With your permission, sir, I would like to offer a short video presentation, after which I would be glad to answer questions.

[The prepared statement of Mr. Varrone follows:]

PREPARED STATEMENT OF JOHN C. VARRONE

INTRODUCTION

Good morning, Mr. Chairman and members of the Committee. On behalf of Commissioner Kelly and the United States Customs Service, it is my pleasure to appear before this Committee to discuss the law enforcement activities of the Customs Service, and, in particular, our efforts regarding the critically important subject of assaults and threats against Customs Officers in both our domestic and foreign offices.

As the Federal government's primary law enforcement agency charged with the protection of our land borders and ports of entry, the U.S. Customs Service is responsible for the daily processing of travelers, conveyances and commercial cargo. On a typical day, U.S. Customs officers process 1.3 million passengers, over 341,000 vehicles, 45,000 trucks and containers, 2,500 aircraft, and 550 vessels. This high volume of activity results in the daily interaction with numerous suspects and/or criminal organizations that attempt to violate the laws of the United States. While the vast majority of commercial activity and law abiding travelers get processed without incident there is a small percentage who routinely attempt to violate our laws. On an average day, Customs arrests 67 violators, effects 115 narcotics and 12 currency seizures, and performs 143 other enforcement actions. This enormous volume results in the daily seizure of 3,925 pounds of narcotics, 1.2 million in U.S. Currency, \$368,000 in conveyances, \$24,000 in arms and munitions and \$554,000 in commercial merchandise.

As my testimony today will demonstrate over the past 5 years, our daily law enforcement interaction has led to an increase in physical acts of violence and threats to our officers at an alarming rate. The increase in physical assaults and unpredictability of these events is of paramount concern to all Customs officers, as well as the collective law enforcement community. As you are aware, the majority of our officers are both uniformed and armed. Customs officers and agents represent the first line of defense at our nation's borders and we should not accept any level of violence directed at them. Together, we must have "zero tolerance" for those who disregard the laws of the United States.

U.S. Customs officers understand and accept that violent acts can and do occur while carrying out their sworn duties. We are currently developing a rigorous program aimed at providing our inspectors and agents a high level of proficiency in law enforcement techniques. Such training is critical not only for our Customs officers but also to the men and women passing through our Ports of Entry. We are constantly working on evaluating and improving our national enforcement training programs.

Our mission requires that we must always be prepared for a wide range of enforcement challenges that may occur at any given moment during the course of our daily operations. The range of activities can be from physical confrontation pursuant to arrest, bomb threats, or the seizure of highly volatile explosives. Last December, Customs inspectors in Port Angeles, Washington, seized large quantities of bomb

making materials including nitro glycerin and timing devices being smuggled into the United States from Canada by Ahmed Ressam, an individual with ties to an Algerian organization suspected of planning terrorist attacks on millennium celebrations in the United States. One can only speculate as to how many innocent lives would have been lost. Recent activity indicates the stakes are rising. Customs field offices have reported 38 bomb threats in this fiscal year. Our officers must always remain vigilant against any person or persons willing to inflict bodily harm in the pursuit of their criminal activity. Our officers face the twofold challenge of protecting themselves while they protect the American public.

In addition to our work at the borders and ports of entry, our agents routinely perform thousands of enforcement actions, pursuant to our investigative responsibilities, such as drug controlled deliveries, arrest and search warrants. Throughout all of our enforcement endeavors, acts of violence against our officers and agents have occurred with such increasing regularity that very few situations are still being viewed as routine.

#### ESCALATION OF THREATS OVER THE LAST 5 YEARS

In recent years assaults and threats against our officers have increased at an unprecedented rate. Alarmingly, since 1995, the numbers of assaults against our officers have increased 33%, while the number of threats received has increased 38%. While these are the recorded events, we believe that the number of events is higher, because many officers accept that threats from those who we arrest is part of the criminal culture, and that we are trained to handle any actual occurrence; therefore many officer's may not report casual or routine threats subsequent to arrest.

Customs enforcement personnel include, Inspectors, Special Agents, Air Interdiction Officers, Marine Enforcement Officers, Customs Patrol Officers, and Canine Enforcement Officers, all of whom have experienced this rise in physical violence and related threat. There has even been an increase in assaults on our contraband-detector dogs.

Since 1997, there have been more than 200 federal arrests for assaults on Customs Officers. While many prosecutors have vigorously pursued these cases, some have not. In response to this less than 100% effort, Commissioner Kelly recently forwarded a letter to the Chairman of the U.S. Attorneys advisory committee requesting their full cooperation in pursuing Federal prosecution against those who attempt to do physical harm to any Customs personnel. We believe that a more consistent approach and commitment to prosecuting these cases is critical to ensure the safety of Customs officers and will have a deterrent effect on future acts of violence against them.

#### VIOLENT ASSAULTS

Our officers have been assaulted while inspecting the holds of commercial vessels, when conducting interviews and interrogations, and in performance of undercover, and drug enforcement operations. Port running, is still a grave threat. As recently, as March 9, 2000 Customs Inspectors shot and killed a drug-smuggling suspect who was armed and attempted to run down officers at a truck inspection area at the Otay Mesa border crossing.

In perhaps the worst example in the history of the United States of violence against law enforcement personnel, two Customs officers were killed. Just a few weeks ago in Oklahoma City, we were all reminded of the tragic death of law enforcement officers and innocent civilians who died in the bombing of the Alfred P. Murrah Federal building. Among those who sacrificed their lives were Customs Special Agents Claude Medaris and Paul Ice.

Mr. Chairman, I would like to provide you with two examples of recent incidents where assaults of our officers took place. In the first example, a routine undercover money laundering operation suddenly went awry when the primary suspects, who were in the process of delivering a large amount of drug money to our undercover agents, orchestrated a robbery attempt of the drug proceeds. A brief gun battle ensued on a busy street corner in New York City, which resulted in our undercover agent getting shot. When it was over, one Customs undercover agent lay wounded, and one of the suspects lay dead in the parking lot.

The second incident occurred at an Inspection Station at a Port of Entry located at Calexico, California. An Inspector brought an individual into the office for what he believed was going to be a routine pat down search. That person, who was in his seventies, suddenly drew a 9mm pistol, and shot one Inspector in the chest and another in the face. Incredibly, our officers who were fired upon without warning were able to return fire, killing the suspect. The subsequent search of the suspect's vehicle disclosed approximately 100 pounds of marijuana.

## EFFORTS TO STEM VIOLENCE

In response to this increasing threat, Customs has under taken proactive measures to ensure the operational safety of our officers. Specifically, we have recently transitioned to a lighter, more efficient pistol, which offers enhanced magazine capacity and reliability. We have adopted a National Body Armor Policy to direct the procurement of body armor for all our armed officers. We have amended internal policy to authorize our inspectional officers to carry firearms while off duty, and have recently issued shotguns along the Southwest Border where as you are aware cross border violence is escalating. Lastly, we are currently modifying our In-Service Firearms and Tactical Training program to allow for comprehensive, scenario-based training to better prepare our armed workforce.

In response to the increasing threat of physical violence to our officers who are based at foreign posts, we are developing a 40-hour Confrontational Safety Awareness course. This training will be provided to our personnel before they depart for their foreign post, to prepare them for the potential threats that they may encounter while overseas.

We have also developed new policy guidelines to coordinate with the respective United States Attorney on each and every incident of assaults on Customs officers.

Please allow me to reiterate, it's a top priority to U.S. Customs to have these assault cases prosecuted to ensure the safety of Custom's officers and the traveling public.

EFFECT OF OVERSEAS ENFORCEMENT ACTION ON ASSAULTS/THREATS ON OUR AGENTS/  
INSPECTORS

Because so many of our officers work and live on our nation's borders, we must be concerned about the alarming number of threats directed against law enforcement as a result of our international efforts to stem the flow of narcotics across our nations borders.

The U. S. Southwest border and by association, U.S. Customs, is being subjected to spillover incidents associated with the violence in Mexico. While many of these incidents are random, we are increasingly concerned that there may be a more concerted, organized and systematic attempt at targeting the U.S. Customs Service and intimidating our officers. Recent anti-terrorism enforcement efforts along the Northern Border create similar concerns there.

We are cognizant that threats directed at U.S. Customs and other law enforcement officers are occurring with increasing frequency and regularity. The United States Customs Service is in continuous contact with other federal law enforcement and intelligence community agencies, maintaining constant communication in an effort to detect any evidence of threats against Custom's officers.

Whenever a suspected threat is made regarding any law enforcement officer—whether it be a Federal, State or local office along the borders of the United States, the information is distributed to all Customs Officers, Inspectors, Special Agents, Canine Officers, and employees. Many times, this information has come from the Drug Enforcement Administration, Immigration and Naturalization Service, Federal Bureau of Investigation, and numerous other intelligence sources. We in turn, notify the rest of the federal law enforcement and intelligence community agencies should we discover any information concerning such threats.

## CLOSING

Our Customs Officers know, that because they are visible along the border, they stand in harms way. Changes we have made to our firearm policy, our use of force continuum, our defensive tactics training, and our equipment, reflect the emphasis we place on officer safety.

On behalf of the men and women of the U.S. Customs Service, I thank you for all your past support, and the opportunity to present to this Committee a brief overview of the increasing assaults and threats which confront our law enforcement officers on a daily basis.

This concludes my remarks. With your permission, I would like to offer a short video presentation, after which I will be glad to answer any questions you may have.

Senator THURMOND. I am going to call on Senator Sessions next, but we have a video first I would like to show.

[Videotape shown.]

Senator THURMOND. Senator Sessions, do you have a statement you want to make?

**STATEMENT OF HON. JEFF SESSIONS, A U.S. SENATOR FROM  
THE STATE OF ALABAMA**

Senator SESSIONS. Well, I just want to say that film was silent, but that was a very, very important video and I thank you for sharing it with us because I believe it shows, Mr. Chairman, how a routine event can turn in a split second into an event in which death can occur. Everyday, our law enforcement officers are out on the scene dealing with people, statistically speaking, who are far more dangerous than the people we go to church with or work with every day. They are out by themselves. They are subjected to the risk of serious, life-threatening injuries and death, and we need to back them up.

I will just say this. The thing that disturbs me most about what I have seen in the hearing so far is the lack of prosecution that sometimes occurs. I was a Federal prosecutor, a U.S. attorney for 12 years, and I took the view that anybody who physically assaulted or threatened a law officer, if they were prosecutable under law, they were prosecuted.

I think we need to send a message to that effect that nobody is going to assault Federal law enforcement officers doing their duty under the law. They are out by themselves frequently, just one or two. They are outnumbered, and we cannot allow that to happen. So I think we need to look at that pretty seriously and maybe demand, Mr. Chairman, ultimately that the Department of Justice do a review of this and report to us, because there are some indications that I have seen here that the Department is not prosecuting them.

Thank you for calling this hearing and for letting these great Federal investigative agents testify about this important subject.

Senator THURMOND. Thank you very much.

Gentlemen, you can answer this starting on this end going down. Are threats and assaults against Federal law enforcement officials on the rise? If so, would you say that criminals are becoming more violent in their actions and more willing to use force against law enforcement officials?

Mr. STEPHENS. The FBI views it that the threats are on the rise and that there is a sense that the criminals are more prone to use violence against our agents and against Federal law enforcement in general.

Senator SESSIONS. Even though general crime is down, the threat against agents—

Mr. STEPHENS. Even though general crime is down. Although crime is down, we are out there responding everyday. Our mission has broadened somewhat. I mentioned earlier about the extraterritoriality, also our anti-violence initiatives, participating with local officers in non-traditional FBI-type investigations, which provides more opportunity for us to confront desperate people who do desperate things.

Mr. LEDWITH. Yes, sir, and DEA would concur with that assessment both in the international area, where we see many countries in which DEA agents serve as increasingly violent, and there is an increase domestically in violence against police. Only last night, in Texas, DEA agents working undercover were confronted by an armed defendant, and the surveillance team entered the room and

shot the defendant to death to protect the other agents. So, yes, we see an increase in violence against Federal law enforcement and against law enforcement in general.

Mr. SALEEBA. Yes, I would concur with my colleagues. We are seeing an increase in assaults and general resistance to arrest against our Federal agents and officers, I think, reflecting an arrogance, if not a lack of respect on the part of the public toward Federal law enforcement.

Mr. VARRONE. Yes, sir, I completely agree with my colleagues here. I believe statistically the numbers are up, but I also believe that there is a large percentage that goes unreported. I believe that there are many instances where, just by being a law enforcement officer, you believe that you will be subjected to some type of resistance from arrestees, and there seems to be some tolerance for that.

Senator THURMOND. Mr. Ledwith, has the rise of violent drug cartel organizations in Mexico led to an increase in threats against Federal law enforcement officials here in the United States?

Mr. LEDWITH. Yes, sir, particularly along the Southwest border. In fairness to the Government of Mexico, it has led to significant threats and violent acts against government officials of Mexico also, sir.

Senator THURMOND. Mr. Ledwith, what sorts of threats and dangers do Federal agents working in foreign countries face and which nations are the most dangerous?

Mr. LEDWITH. Well, sir, we, working alongside our colleagues in these countries, face particularly different threats. Pakistan, Thailand, Turkey come to mind in that part of the world; in this part of the world, particularly, Mexico and Colombia, sir. The brave police officers of those particular countries face threats every day, and DEA agents working alongside of them are equally threatened.

Senator THURMOND. Mr. Ledwith, what, if any, protections are we giving personnel posted overseas and how quickly can we come to their aid should they be threatened?

Mr. LEDWITH. Well, sir, we are in the process of drawing up additional plans to come immediately to their aid, with the assistance of my colleagues, some of whom are at this table. We are in the process of developing better plans to do that.

One of the principal things that governments in which Federal law enforcement personnel work overseas would be to assist with appropriate levels of diplomatic immunity. In Mexico, for instance, only our country attache is given full diplomatic immunity. The rest of our agents who work in the field everyday alongside their Mexican colleagues are only afforded consular protection, which is the lowest level of diplomatic immunity available and does not adequately protect our people.

Senator THURMOND. Mr. Ledwith, I am very concerned about the ability of agents who are posted overseas being able to protect themselves. More specifically, there are nations which are uncooperative when it comes to allowing our agents to carry weapons for protection.

Are your agents given diplomatic immunity and allowed to carry weapons in countries like Mexico?

Mr. LEDWITH. No, sir, they are not. Of particular concern is Mexican diplomatic immunity, in which, as I just previously men-

tioned, Senator, we are afforded only the very least, the minimal protection available under the diplomatic immunity laws.

Senator THURMOND. Senator Sessions.

Senator SESSIONS. Thank you.

I believe, Mr. Varrone, you said there was a 33-percent increase in assaults or threats on your agents last year?

Mr. VARRONE. Yes, sir, 33 percent in assaults, 38 percent in threats.

Senator SESSIONS. And that is 1 year's time?

Mr. VARRONE. Yes, sir, 1 year.

Senator SESSIONS. Mr. Stephens, do you have any numbers overall on the increase of assaults on Federal law officers?

Mr. STEPHENS. No, sir, I do not, not overall.

Senator SESSIONS. What about the FBI? Do you know what they are this year?

Mr. STEPHENS. They have been fairly constant this year. Some of the incidents involving the use of deadly force have increased. Fortunately, in the past 3 or 4 years, of the 52 incidents where we deployed deadly force, no FBI agent were injured. Only the subjects were injured.

Senator SESSIONS. Now, I believe it was Mr. Varrone that indicated, or Mr. Saleeba, that there was a lack of respect for the office of a law enforcement officer; I guess that is State and Federal. Do you think aggressive prosecutions help establish that, and that the word goes out eventually in the criminal community that if you threaten or harm a law officer that you are going to face big time in jail and a serious prosecution? Do you think that is a factor in protecting law officers?

Mr. STEPHENS. Absolutely. I believe also the agency's concern and support for its personnel out there doing the job is equally important.

Senator SESSIONS. What about you, Mr. Ledwith? Do you think aggressive law enforcement is a factor in helping the word get out in the criminal element that one thing you don't do is to harm a law officer?

Mr. LEDWITH. Yes, sir, I enthusiastically endorse that, and in the United States that is a very accurate threat against the crooks who would consider this kind of activity. I am far more concerned with it in the international arena, where our ability to extradite or our ability to effectively prosecute is diminished. And I think that U.S. Government needs to be prepared to speak with as many voices as possible in the international community that we will not condone that kind of violence against our men and women stationed overseas either.

Senator SESSIONS. Well, it seems to me that if the country welcomes these agents and allows them to be there and asks for them to be there, they have an obligation to protect them.

Mr. Saleeba, do you agree on the question of aggressive prosecution?

Mr. SALEEBA. Yes, Senator, I do. I feel that with more aggressive prosecution, you would see a greater respect and less resistance to arrest. I think the expectation of a criminal or a subject that is confronted on the street that he will not ever see the inside of a courtroom is very real, so it lends itself toward that arrogance.

Senator SESSIONS. Mr. Varrone, would you comment on that?

Mr. VARRONE. Yes, sir, I do. The example I would use is that I don't think anywhere in this country you could push a local police officer, put your hands on a local police officer and push him or her and not expect to be arrested. I think that is a pretty fair standard and I think that should be the Federal standard as well.

Senator SESSIONS. I am sure that is true in some areas. I remember one time a Corps of Engineers resource manager who managed a park way away from everybody, a rural area park, and a person got drunk and hit him. It wasn't serious, but I prosecuted that. I wanted them to know. Some people said, oh, he didn't mean that. I said, well, I have these people a hundred miles from the nearest Federal law officer. They are out there by themselves. Nobody is going to push them around that doesn't go to court in my district. I really believe that and I think it does make a difference.

I was interested, Mr. Varrone, in the Commissioner's message. This is what I have, and I believe this was done March 31 of this year. He wrote this: "Since 1997, there have been more than 200 arrests for Federal assaults on Customs officers. In some districts, assaults are vigorously prosecuted. In others, they are not, and prosecutions are routinely declined. Our record of pursuing felony charges against those who have assaulted Customs officers has been uneven. This is unacceptable. Our officers today are striving to enhance the level of professionalism with which they interact with the traveling public. Likewise, the traveling public must respect the authority vested in our officers."

He goes on to say, "I recently sent a letter to the chairman of the U.S. Attorney General's Advisory Committee." That is 94 U.S. attorneys and they have a committee they elect called the Advisory committee. So he sent a letter to the chairman of that committee, and he said, "asking for their cooperation in pursuing prosecution against those who attempt to do physical harm to our personnel. I requested that the Attorney General's office join with us in sending a strong message that violence against Customs officers will not be tolerated."

Are you aware, Mr. Varrone, of what action may have been taken to date on that?

Mr. VARRONE. I am generally aware that our prosecutions are up. I don't know case by case, but I know internally we have created a tracking system to track each and every case, even if it gets referred for State prosecution, to ensure that if we are dissatisfied with any of those lack-of-action type activities that the Commissioner will go on record.

I also have a copy with me of the letter that the Commissioner has sent to the Honorable Mark T. Calloway, who is the chairman of the U.S. attorneys, sir.

Senator SESSIONS. Would you offer that for the record?

Mr. VARRONE. Yes, sir, I would be glad to.

[The letter referred to follows:]

U.S. CUSTOMS SERVICE,  
Washington, DC, March 29, 2000.

Hon. MARK T. CALLOWAY,  
U.S. Attorney, Western District of North Carolina,  
Charlotte, NC.

DEAR MR. CALLOWAY: Customs Inspectors and Special Agents constitute law enforcement's frontline at the Nation's borders. Their hard work in investigating and interdicting the flow of illegal drugs makes them daily targets for smugglers, and potential smugglers, at every one of our 301 air, sea, and land ports.

Since 1997, there have been more than 200 federal arrests for assaults on Customs employees. In some districts, assaults on Customs officers are vigorously prosecuted. Unfortunately, other districts attach little importance to these cases; and prosecutions are routinely declined.

I appreciate the wide discretion traditionally given to the United States Attorneys in establishing prosecution guidelines. I also understand that busy districts may hesitate to use scarce prosecutive resources on such assault cases. In districts where assault cases are accepted or declined by the duty Assistant United States Attorney, moreover, the decision may be made without clear guidelines or a full understanding of a adverse impact the declination will have on the Customs workforce.

I ask that you place the issue of prosecuting assaults on Customs officers on the agenda of the Attorney General's Advisory Committee and bring this matter to the Attorney General's attention at your earliest opportunity. In our view, there should be uniform treatment of these cases: an assault on a Customs Inspector in Blaine, Washington, should be prosecuted by the same standard as an assault in Miami, Florida. Moreover, we believe that the decision to accept or decline prosecution should be made by the criminal chief or first assistant, not the duty assistant. Adopting these measures will go far towards supporting the Customs workforce in its difficult and dangerous job.

Thank you for your attention to this matter. My staff and I stand ready to provide you with any information or assistance you may need.

Yours truly,

RAYMOND W. KELLY,  
Commissioner.

Senator SESSIONS. What about the Attorney General? Do you know if there has been a response received from the Attorney General yet on that?

Mr. VARRONE. I believe there have been discussions. There were discussions and the Commissioner has let it be known of his position on these issues. I don't know the specific response, sir.

Senator SESSIONS. Well, isn't it true with regard to Customs officers particularly, and INS officers, Border Patrol, that they are particularly vulnerable? They are on ships or docks one or two at a time and could easily be overwhelmed by numbers and are pretty vulnerable. Would you agree with that?

Mr. VARRONE. Yes, sir, very much.

Senator SESSIONS. And would you agree that it would be a very bad thing if we ever were to leave the impression that violence against Federal officers would be treated anything other than with the most vigorous prosecution?

Mr. VARRONE. Yes, sir.

Senator SESSIONS. I think, Mr. Chairman, we need to work on that. Maybe some of these U.S. attorneys just are not experienced in law enforcement, and I know a lot of them aren't, as a matter of fact, and don't understand this principle very well. I think we need to make sure the Attorney General is exerting her leadership to ensure that these cases are prosecuted. I am very troubled by that.

I have to mention one more, if you will give me 1 second. I was late coming in, Mr. Stephens. Did you read the example in your

written remarks of the assault on the FBI agent that did not get prosecuted? It is on page 10, I believe, or 11.

Mr. STEPHENS. The Indianapolis incident?

Senator SESSIONS. Yes.

Mr. STEPHENS. Yes, sir.

Senator SESSIONS. That is a troubling thing to me. Has anything happened to date since you have written this about that case?

Mr. STEPHENS. We issued a strong letter to the U.S. attorney regarding his opinion as to whether he could sustain a prosecution for assault. I don't think we prevailed on that.

Senator SESSIONS. So they still have declined to prosecute a case in which agents armed with a warrant—two rounds were fired at them, almost striking one of them in the head.

Mr. STEPHENS. Well, the U.S. attorney's opinion was that the subject was acting in self-defense, protecting his home from unknown people.

Senator SESSIONS. Well, the FBI announces what it is doing before it enters.

Mr. STEPHENS. Yes, sir.

Senator SESSIONS. That is standard procedure. I don't believe there is any FBI agent or any other Federal or State officer that would enter without announcing who they are on a search warrant.

Mr. Chairman, thank you.

Senator THURMOND. Gentlemen, can any of you think of a nation where the danger posed to the safety of an agent outweighs the benefits of having them posted there?

Mr. STEPHENS. No, sir.

Mr. LEDWITH. No, sir, I would not say that.

Mr. SALEEBA. No, sir.

Mr. VARRONE. No, sir.

Senator THURMOND. You have all answered no.

Gentlemen, I have heard reports of bounties being offered for Federal agents serving on the Southwest border. I have also heard reports of bounties being offered for canines that are particularly effective in detecting narcotics. Are these allegations true, and do bounties offered for canines include a bounty for the dog's handler?

Mr. STEPHENS. From the FBI's perspective, I have heard, and we have collected intelligence, that there are bounties or incentives offered to people. To date, nobody has acted on it. We have taken some very strong preemptive measures to prevent that, but we are concerned that the Southwest border escalation of violence internally in the northern portion of Mexico against their own law enforcement people bodes ill for potential ramifications for our personnel working hand-in-hand with these people.

Mr. LEDWITH. Sir, from DEA's perspective, the answer is yes, there have been bounties offered for Federal law enforcement people. But as my colleague just stated, it is particularly germane to the Southwest border area, and we are increasingly concerned about the boldness of the traffickers and the violence and the fact that they are able to so successfully utilize this violence to intimidate Mexican federal law enforcement officials and kill those who are not cooperative. So, yes, sir, we are generally concerned.

Mr. SALEEBA. Yes, sir, I agree with that. The Secret Service and the intelligence community in general has been aware for some

time of an existing bounty directed against Federal law enforcement officers doing work along the Southwest border and in Mexico. And that information has been passed along to all our agents and other agencies.

Mr. VARRONE. Yes, sir, we routinely share the information if it is threats against Federal officers or State and local on the Southwest border. And by virtue of having a large workforce on the Southwest border, Customs officers and canine officers—and, in fact, in one case they put a bounty on one of our canines, named Crowbar, who had much success in identifying shipments of marijuana that were coming through San Ysidro, CA.

So, yes, we do experience it and we do respond to each one of these threats seriously. Some of the counter-measures, if you will—the shotguns, the pistol changes, and the internal policies—are some of the measures which the Commissioner has implemented to address them.

Senator THURMOND. Mr. Varrone, would a law criminalizing the injuring or killing of police animals be helpful in protecting your canines?

Mr. VARRONE. Well, I don't think at this time it is necessary because we haven't had one instance of it. I can say that we take all those threats seriously, whether it be against our officers or canines, and when it is proven, substantiated, we either move them to another area or provide them additional protection. I don't know that we necessarily need a law to protect the dogs.

Senator THURMOND. Now, I have a question for all of you. How does your agency keep track of assaults and threats made against your personnel, and is any part of the Government responsible for keeping statistics concerning assaults against Federal law enforcement personnel?

Mr. STEPHENS. We don't do an adequate job of keeping track of assaults on our own personnel. We have had some internal reorganization regarding privacy issues and the employee assistance program which in the short term has kind of prevented our ability to specifically track assaults on our personnel. But we do track serious assaults, use of deadly force, armed confrontations, and we track those for training purposes to adjust the techniques we use and the tools we use and to make modifications and changes along those lines.

Mr. LEDWITH. Yes, sir, DEA does track assaults against its agents or any other personnel employed by DEA. Our Inspections Service does that, and we also track assaults against our cooperating sources, our informants.

Senator THURMOND. Senator Sessions, I am in full agreement with your active interest in this hearing, and thank you for it. U.S. attorney should prosecute assaults against Federal officers, and I intend to write a letter to Attorney General Reno regarding this matter.

Senator SESSIONS. Thank you. I think that would be a good idea, Mr. Chairman.

Senator THURMOND. And thank you for your fine participation.

Senator SESSIONS. Thank you. Mr. Chairman, I would like to ask one more question. Could I do that before we finish?

Senator THURMOND. Sure.

Senator SESSIONS. I appreciate the comments about police officers, Mr. Ledwith, in Mexico and Colombia. Do you have the numbers of how many of those have been killed in recent years, any numbers in Mexico and Colombia, out trying to enforce drug laws in those countries?

Mr. LEDWITH. Well, sir, during the 3 years that I spent in Colombia from 1992 to 1995 during the Pablo Escobar-Cali cartel time, the Colombian National Police lost in excess of 300 men and women per year, many of whom were hunted down and actually assassinated. The government of Mexico is suffering terrible losses at this time with their federal officials being assassinated and murdered.

There is a difference that I should point out. In the United States, many times we do lose police officers and we do lose agents, usually in an armed confrontation, very seldom in a cold, calculated assassination, and this is what we see occurring in Mexico, Colombia, and many other nations throughout the world.

Senator SESSIONS. Well said. Have you seen anything that would indicate to you that that might be spreading across the border?

Mr. LEDWITH. Sir, there is intelligence indicating that that may very well spread across the border from Mexico.

Senator SESSIONS. I guess the bounties, in a way, are similar to that kind of circumstance.

Mr. LEDWITH. Yes, sir, and the increasing boldness with which the traffickers in that part of Mexico are operating, the frequency with which they are assassinating police officers who are attempting to investigate them—I am deeply concerned that this may spread across the border.

Senator SESSIONS. Well, I believe that a number of things have been done that have been effective. I know the violent crime task forces, Mr. Stephens—the FBI, with DEA and Customs and the Secret Service in Mobile, AL, has participated in those. I believe those help break up violent gangs. I believe the tough Federal drug laws have allowed us to prosecute and collapse whole organizations.

Would you agree, Mr. Ledwith, based on your experience, that if you allow a drug-dealing gang to continue unmolested for years, it gets bigger, wealthier, and more violent and more dangerous?

Mr. LEDWITH. There is absolutely no question. If allowed to operate with impunity, they become exceptionally dangerous, powerful, and are something we have to prevent no matter how we do it.

Senator SESSIONS. I was reading an article recently about an individual involved in 14 murders as part of a gang. That was here in Washington, was it not?

Mr. LEDWITH. Yes, sir.

Senator SESSIONS. I remember a major cocaine distribution ring that was arrested in Mobile, AL, and I believe six or more had been involved previously in murders and were out on parole or had served their time. DEA is confronting that pretty directly on a daily basis. The people that are serious, big-time drug dealers often have a history of violent crime, wouldn't you agree, Mr. Ledwith?

Mr. LEDWITH. Absolutely. This is my 32nd year in this business. In the old days, the method of violence was a beating. Today, the method of violence is murder. We have seen a significant escalation and we have seen many, many criminal enterprises, both within

the United States and external to the United States, utilize murder, cold-blooded assassinations, as a method of enforcing their will.

Senator SESSIONS. Would you agree that, for example, when Miami had gotten so out of control and they were using the MAC-11's and automatic weapons, that intensive and aggressive investigation and prosecution of that violence in Miami and making it clear that any kind of shooting like that was going to be aggressively prosecuted—people would receive life without parole type sentences—that that helped break the back of the violence in Miami?

Mr. LEDWITH. Absolutely, sir. There is no question that effective law enforcement and swift and severe prosecutions are the best way to deal with that kind of violence.

Senator SESSIONS. I say that because sometimes people don't think that what we do in law enforcement makes any difference, but there are examples after examples after examples where effective teamwork of Federal, State and local agencies have changed the climate of criminality in a community.

I believe, Mr. Chairman, that the fact that we have got twice as many people in jail today as we did in 1990 is a major factor in the declining murder rate. If you allow these people that are out shooting people to continue to be on the street, they are going to continue to shoot people. I think every State in America is toughening up their laws with regard to violent crime, and we certainly need to be particularly vigilant in protecting our law enforcement officers.

I know you respect them. There is no Senator in this body who has done more—as a matter of fact, you have done more to protect and enforce the laws in these United States than any Senator I know.

The chairman was the leading spokesman for the Sentencing Guidelines and the mandatory sentences. Senator Thurmond led the battle for that and helped that commission get started. He was a leader in the tough Federal bail laws which makes the Federal system in many ways superior to others. The ability to deny bail to dangerous felons who are a risk of flight and the tough Federal gun laws and the mandatory sentences for people who use firearms all came during the years that the chairman led this committee and chaired it.

So thank you, Mr. Chairman. Thank you for having this hearing.

Senator THURMOND. Senator Sessions, I want to thank you for your effective participation in this hearing. You are always very helpful in what you do and we appreciate your good work.

Now, I would like to place a statement by Senator Leahy and a statement by Senator Schumer in the record, if there is no objection.

[The prepared statements of Senators Leahy and Schumer follow:]

PREPARED STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM THE STATE OF VERMONT

I welcome all the witnesses to this hearing. We need to do a better job of supporting our Federal law enforcement officers and our State and local law enforcement officers and recognizing the conditions under which they serve. This is Na-

tional Police Week. Yesterday marked the National Peace Officers' Memorial Service in which we remembered another 139 Federal, State and local officers who died in the line of duty. I thank Senator Thurmond and Senator Schumer for proceeding with this hearing and offer these thoughts on a number of matters of importance to law enforcement.

POLITICAL LEADERS SHOULD NOT USE EXTREME RHETORIC AGAINST OUR FEDERAL LAW ENFORCEMENT OFFICERS

As someone who served in law enforcement for eight years as the Chittenden County State's Attorney, I empathize with, respect and admire those who devote their careers to public safety. I took issue with the extreme rhetoric that some have used recently to attack our Federal law enforcement officers who helped return Elian Gonzalez to his father.

For example, one of the Republican leaders in the House of Representatives was quoted as calling the officers of the U.S. Immigration and Naturalization Service, the U.S. Border Patrol, and the U.S. Marshals Service "jack-booted thugs." And the Mayor of New York City called these dedicated public servants "storm troopers." This extreme rhetoric only serves to degrade Federal law enforcement officers in the eyes of the public.

Let none of us in the Congress, or those seeking to serve in Congress, contribute to an atmosphere of disrespect for law enforcement officers. No matter what your opinion of the law enforcement action in South Florida, we should all agree that these law enforcement officers were following orders and putting their lives on the line, which they do everyday. Let us treat law enforcement officers with the respect that enables officers to preserve the peace and protect the public.

This harsh rhetoric by Republican public officials reminds me of similar harsh rhetoric used by the National Rifle Association. In April 1995, Wayne La Pierre, Vice President of the NRA, sent a fund-raising letter to NRA members calling Federal law enforcement officers "jack-booted thugs" who wear "Nazi bucket helmets and black storm trooper uniforms." Mr. La Pierre was apparently referring to Federal Bureau of Investigation and Bureau of Alcohol, Tobacco and Firearms agents involved in law enforcement actions in Ruby Ridge, Idaho, and at the Branch Davidian compound in Waco, Texas.

President George Bush, who was correctly outraged by this NRA rhetoric, promptly resigned from the NRA in protest. At the time in 1995, President Bush wrote to the NRA: "Your broadside against Federal agents deeply offends my own sense of decency and honor. \* \* \* It indirectly slanders a wide array of government law enforcement officials, who are out there, day and night, laying their lives on the line for all of us." I praised President Bush for his actions in 1995 and again recently.

President Bush was right. This harsh rhetoric of calling Federal law enforcement officers "jack-booted thugs" and "storm troopers" should offend our sense of decency and honor. It is highly offensive and did not belong in any public debate on the reunion of Elian Gonzalez with his father, either. We are fortunate to have dedicated women and men throughout Federal law enforcement in this country who do a tremendous job in the most difficult of circumstances. They are examples of the hard-working public servants that make up the Federal government, who are too often maligned and unfairly disparaged. These are people with children and parents and friends. They deserve our respect, not personal insults.

In countless incidents across the country everyday, Federal law enforcement officers, who are sworn to protect the public and enforce the law, are in danger. These law enforcement officers deserve our thanks and our respect. They do not deserve to be called "jack-booted thugs" and "storm troopers."

I went to the Senate floor in the wake of those comments to join the Federal Law Enforcement Officers Association in condemning these insults against our nation's law enforcement officers. Any public official who used this harsh rhetoric owes our Federal law enforcement officers an apology. I regret that members of the majority party have not followed President Bush's example and condemned this extreme rhetoric.

S. 2413, BULLETPROOF VEST GRANT PARTNERSHIP ACT

This week is an annual occasion in which we pause to remember the Federal, State and local officers who gave their lives in the line of duty over the past year. It is a difficult week and an important week. It should be a productive week, as well.

I said last week at the Judiciary Committee Business Meeting that the committee should be taking up and reporting S. 2413, the bill that I introduced with Senator Campbell and Senator Hatch to improve our Bulletproof Vest Grant Partnership Act

by reauthorizing the program for another three years, raising the annual appropriation to \$50 million and guaranteeing to jurisdictions with populations less than 100,000 a fair share of these resources. This program has been very helpful in offering Federal assistance to help protect State and local officers in concrete ways. It is an extraordinarily successful program and it should be extended and expanded. I thank President Clinton for his support and for calling for enactment of this measure during his remarks at the National Peace Officers' Memorial Service yesterday. I hope that when the Committee meets later this week, Senator Hatch will see fit to include this measure on the agenda and that the Committee will act favorably on it.

In addition, I look forward to enacting additional measures that protect and assist State and local law enforcement. In particular, I was extremely disappointed last year when an anonymous Republican objection prevented S. 521, my bill to improve the Bulletproof Vest Grant Partnership Act, from passing. This bill would allow the Attorney General to waive or reduce the matching fund requirement for assisting poor and rural law enforcement units to provide this life-saving equipment to officers and prevent injury and death. I cannot understand why anyone would want to oppose that effort.

#### S. 1360, SECRET SERVICE PROTECTIVE PRIVILEGE ACT

Despite their statements a couple of years ago, bemoaning the misguided efforts of Independent Counsel Kenneth Starr to compel Secret Service agents to answer questions about what may have observed or overheard while protecting the life of the President, the majority has taken no action to correct this situation.

Few national interests are more compelling than protecting the life of the President of the United States. The Supreme Court has said that the nation has "an overwhelming interest in protecting the safety of its Chief Executive and in allowing him to perform his duties without interference from threats of physical violence." [Watts v. United States, 394 U.S. 705, 707 (1969).] What is at stake is not merely the safety of one person—it is the ability of the executive branch to function in an effective and orderly fashion, and the capacity of the United States to respond to threats and crises. Think of the shock waves that rocked the world in November 1963 when President Kennedy was assassinated. The assassination of a president has international repercussions and threatens the security and future of the entire nation.

The threat to our national security and to our democracy extends beyond the life of the president to those in direct line of the office of the president—the Vice President, the president-elect, and the Vice President elect. By Act of Congress, these officials are required to accept the protection of the Secret Service—they may not turn it down. This statutory mandate reflects the critical importance that Congress has attached to the physical safety of these officials.

Congress has also charged the Secret Service with responsibility for protecting visiting heads of foreign states and foreign governments. The assassination of a foreign head of state on American soil could be catastrophic from a foreign relations standpoint and could seriously threaten national security.

That is why I introduced the Secret Service Protective Privilege Act (S. 1360) last year to enhance the Secret Service's ability to protect these officials, and the nation, from the risk of assassination. It would do this by facilitating the relationship of trust between these officials and their Secret Service protectors that is essential to the Service's protective strategy. I am disappointed that the majority has paid no attention to this matter of national security.

#### S. 39, PUBLIC SAFETY MEDAL OF VALOR ACT

Finally, I am disappointed that the Congress has not taken final action on the Public Safety Medal of Valor Act (S. 39) championed by Senator Stevens. The awarding of a medal for extraordinary valor shown by law enforcement officers every year would be a good way to draw attention to the service provided every day by officers all across this country. That bill passed the Senate a year ago by unanimous consent. I cosponsored the bill along with 28 others. For the past year, the House has not found the time to pass it. Yesterday, the President announced that he will explore ways to proceed to honor valor by our public safety officers through executive action if Congress continues to stall action on this bill. I hope that Congress will finally act on S. 39 this week and send it to the President for his signature.

## S. 1638, EDUCATIONAL BENEFITS TO DEPENDENTS OF LAW ENFORCEMENT OFFICERS

I had urged the Senate, at long last, to take action on S. 1638, a bill this Committee reported last February to extend educational benefits retroactively to the families of law enforcement officers killed in the line of duty before 1992. The effort on that bill has been led by Senators Ashcroft and Robb. I support extending educational assistance benefits to the families of public safety officers who died in the line of duty. I supported those efforts when we acted for Federal officers' families back in 1996 and when we extended those benefits to State and local officers' families in 1998.

A number of us joined with Senator Specter and Senator Kohl back in 1996 to pass the Federal Law Enforcement Dependents Assistance Act. I recall that Senator Kennedy, Senator Biden, Senator Feinstein, Senator Thurmond, Senator Grassley, Senator Simpson and Senator Hatch cosponsored that effort, as well. Our efforts grew out of the Ruby Ridge investigation that was led by Senators Specter and Kohl and our common concern to help the family of U.S. Marshal Bill Degan and the families of other Federal officers killed in the line of duty.

At that time we were unable to gain the consensus needed to authorize these education benefits to State and local law enforcement officers. Some thought that would cost too much.

We came back in 1997 and 1998 and were able to pass the Public Safety Officers Educational Benefits Assistance Act to extend those benefits to State and local public safety officers. We were led in this effort by Senators Specter and Biden and, again, a number of members of this Committee cosponsored that effort—I recall in particular, Senator Kennedy, Senator Durbin and Senator Abraham.

We were told in February that the estimated cost of this expansion would be \$125 million. Since then we have received a significantly revised estimate from the CBO greatly diminishing the estimated costs. I do not know whether CBO was wrong in February or is wrong now, but I commend Senator Ashcroft and all the sponsors of this measure for their willingness to make this investment and authorize these payments.

I have asked whether we would do better if instead of moving the eligibility dates back approximately between 14 and 19 years, we remove them altogether. I do not want some to be penalized by the arbitrary selection of the eligibility date. In this regard, I have urged an amendment to take the eligibility dates back to at least January 1978, in order to cover at least one, and possibly more, Vermont families who suffered the loss of a family member who was a public safety officer earlier that year. The family of Arnold Magoon, a Vermont Game Warden, should not be penalized again because he died on April 27 and not after May 1 or October 1 of 1978.

I said in February when the Committee considered this measure that I would work to speed its passage and to help achieve its goal of making these assistance payments as comprehensive as possible. As soon as the majority got around to suggesting consideration of this matter on Wednesday, May 10, I cleared it for consideration so that we could proceed. I am glad to be able to report that the Senate passed the measure yesterday with an amendment I proposed to set the eligibility date so as to include the Magoon family.

## CONCLUSION

These are some of the important legislative matters that the Congress should address to help our Federal and State law enforcement officers. I am glad that we finally passed S. 1638 on Monday. I urge the Senate and the House to continue to work on all those issues so that we can enact the reauthorization of the Bulletproof Vest Grant Partnership Act and the Public Safety Medal of Valor Act before the end of this week, as well as make progress on the issue of restoring the Secret Service privilege. We should strive for constructive action rather than half-baked rhetoric.

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PREPARED STATEMENT OF HON. CHARLES E. SCHUMER, A U.S. SENATOR FROM THE STATE OF NEW YORK

This is National Police Week and I join my colleagues in honoring law enforcement officers and the job they do under the most difficult of circumstances. Our nation has no greater heroes than those willing to put their lives on the line to serve and protect.

Given the importance of the job accomplished by those in law enforcement, it is incumbent on us in Congress both to fully inform ourselves about the dangers that confront federal officers and to do what we can to eliminate them. Those threats have evolved and only become more deadly over the years.

Of course, the gravest and most immediate hazard facing police is the epidemic of gun violence ravaging communities across America. The surest way to protect those who protect us is to enact common sense gun reforms that will begin to take weapons out of the hands of criminals who use them to terrorize our streets and our homes and our schools.

There are no firmer supporters of reforming our nation's gun laws than the police we honor this week, and I join with them in striving to rid our society of senseless gun-related violence that is first and foremost aimed at officers. Police organizations of every stripe have come out in support of gun reform legislation, including the Federal Law Enforcement Officers Association, the National Sheriff's Association, the Major Cities Chiefs Organization, the Police Foundation, and many others.

It is also true that criminals today can call upon ever more sophisticated and wide-ranging networks of technology and supporters in other countries. This capacity, which was minimal even a few years ago, enhances the threat posed by law-breakers to all of us, and in particular to the law enforcement personnel attempting to track and apprehend criminals worldwide. I have in mind international terrorists like Osama Bin Laden, who direct attacks against Americans from the farthest reaches of the globe; narco-terrorists in Mexico and elsewhere, who have killed and wounded DEA agents and use the global financial system to launder their ill-gotten gains; and home-grown networks in America, which use new methods of communication to foster hate and incite people to commit violence against government workers.

So, Mr. Chairman, I look forward to hearing the testimony and taking this opportunity to listen and learn from the men and women who know firsthand what threats law enforcement officers face and how we here can help defuse them.

Senator THURMOND. We will leave the record open for one week for any follow-up questions anyone has.

I want to take this opportunity to thank you gentlemen who have participated in this hearing for being here today and presenting such effective testimony.

Unless there is anything further to come up, we now stand adjourned.

[Whereupon, at 3:04 p.m., the subcommittee was adjourned.]



## APPENDIX

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### ADDITIONAL SUBMISSIONS FOR THE RECORD

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U.S. DEPARTMENT OF JUSTICE,  
OFFICE OF THE ASSISTANT ATTORNEY GENERAL,  
*Washington, DC, August 15, 2000.*

Hon. STROM THURMOND,  
*Chairman, Subcommittee on Criminal Justice Oversight, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter to the Attorney General, signed with Senator Sessions, requesting information concerning prosecutions for assaults on federal officers. I am writing separately to Senator Sessions. I apologize for our delay in responding.

You requested statistics reflecting the number of cases involving assaults on federal officers that have been referred to United States Attorneys for prosecution during the past 10 years, by agency name and year, and the number of such cases that were prosecuted. Enclosed is a statistical report from the United States Attorneys' central case management system that displays national data on referred and filed criminal cases, by referring agency and fiscal years 1999–2000, under any of the following statutes:

18 U.S.C. § 111—assaulting, resisting, or impeding certain officers or employees;  
18 U.S.C. § 115—influencing, impeding, or retaliating against a federal official by threatening or injuring a family member;

18 U.S.C. § 1114—protection of officers and employees of the United States (murder, manslaughter, attempted murder);

18 U.S.C. § 2231—assault or resistance (against any person authorized to serve or execute search warrants or to make searches and seizures).

You should be aware that the enclosed statistics do not necessarily reflect the totality of cases in which an assault on a federal officer occurred. It is not uncommon for a defendant who may have committed such an assault as part of a larger offense to be charged with the crime for which a greater sentence can be imposed under federal guidelines. In addition, assaults not charged are often considered at sentencing, and can result in upward departures in defendants' sentences.

For your information, I am also enclosing a copy of a letter from United States Attorney Mark T. Calloway, who chairs the Attorney General's Advisory Committee (AGAC), to Commissioner Raymond W. Kelly, United States Customs Service. As you know, Commissioner Kelly expressed his concerns about the prosecution of assault cases involving federal officers in a March 29, 2000, letter to United States Attorney Calloway. The enclosed letter invited Mr. Kelly to discuss his concerns at the AGAC's May meeting, which, unfortunately, he was unable to attend. However, Acting Assistant Commissioner John Varrone and Associate Chief Counsel Seve Basha of the Customs Service met with the AGAC on July 25 to discuss the issues Mr. Kelly has raised.

I hope the enclosed information is helpful to you. If you have questions or wish to discuss this matter further, please do not hesitate to contact this office.

Sincerely,

ROBERT RABEN,  
*Office of Legislative Affairs.*

Enclosures.

Criminal Caseload Statistics  
 Title 18 U.S.C. 111, 115, 1114, 2231 Tolated by Referring Agency\*

| AGENCY         | FY 1992          |             | FY 1993          |             | FY 1994          |             | FY 1995          |             | FY 1996          |             | FY 1997          |             | FY 1998          |             | FY 1999          |             | Matter: Roadside |
|----------------|------------------|-------------|------------------|-------------|------------------|-------------|------------------|-------------|------------------|-------------|------------------|-------------|------------------|-------------|------------------|-------------|------------------|
|                | Matters Received | Cases Filed |                  |
| Agriculture    | 18               | 8           | 14               | 7           | 6                | 1           | 8                | 5           | 10               | 6           | 7                | 4           | 11               | 6           | 13               | 6           |                  |
| Commerce       | 0                | 1           | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           |                  |
| Air Force      | 4                | 2           | 2                | 1           | 3                | 1           | 1                | 1           | 3                | 2           | 5                | 2           | 5                | 2           | 15               | 6           |                  |
| Army           | 0                | 0           | 4                | 3           | 0                | 0           | 0                | 4           | 2                | 1           | 1                | 6           | 0                | 6           | 1                | 1           |                  |
| Marine Corps   | 0                | 0           | 2                | 0           | 1                | 0           | 0                | 0           | 0                | 0           | 0                | 0           | 1                | 1           | 1                | 0           |                  |
| Navy           | 1                | 1           | 2                | 0           | 1                | 0           | 5                | 6           | 2                | 1           | 4                | 2           | 0                | 1           | 2                | 0           |                  |
| Oh. Defense    | 1                | 0           | 2                | 0           | 1                | 1           | 0                | 0           | 0                | 0           | 2                | 0           | 1                | 2           | 1                | 0           |                  |
| Energy         | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           | 1                | 0           | 0                | 0           | 0                | 0           | 0                | 0           |                  |
| FHS            | 1                | 0           | 1                | 1           | 1                | 1           | 1                | 1           | 1                | 1           | 2                | 1           | 1                | 1           | 0                | 1           |                  |
| HUJO           | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           |                  |
| Interior       | 23               | 16          | 20               | 16          | 30               | 14          | 28               | 18          | 33               | 24          | 36               | 23          | 62               | 37          | 36               | 21          |                  |
| OEA            | 32               | 27          | 24               | 24          | 15               | 16          | 19               | 15          | 19               | 21          | 27               | 20          | 25               | 19          | 19               | 13          |                  |
| FBI            | 163              | 91          | 177              | 92          | 222              | 122         | 229              | 143         | 224              | 133         | 227              | 141         | 246              | 123         | 250              | 158         | 6                |
| INS            | 49               | 27          | 53               | 26          | 42               | 17          | 58               | 37          | 56               | 38          | 51               | 37          | 48               | 34          | 34               | 28          |                  |
| Marshals       | 37               | 19          | 43               | 27          | 32               | 21          | 44               | 19          | 27               | 11          | 27               | 12          | 48               | 23          | 34               | 14          |                  |
| Oh. Justice    | 8                | 3           | 9                | 5           | 9                | 6           | 4                | 2           | 8                | 2           | 8                | 3           | 6                | 5           | 7                | 3           |                  |
| Labor          | 0                | 0           | 2                | 0           | 1                | 0           | 2                | 4           | 4                | 2           | 1                | 1           | 0                | 0           | 0                | 0           |                  |
| Postal         | 75               | 37          | 66               | 42          | 74               | 33          | 78               | 45          | 81               | 53          | 60               | 42          | 63               | 39          | 51               | 29          |                  |
| State          | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           | 1                | 0           | 0                | 0           | 0                | 1           | 0                | 0           |                  |
| Transpotion    | 7                | 6           | 3                | 2           | 4                | 0           | 2                | 3           | 3                | 1           | 5                | 6           | 2                | 0           | 4                | 2           |                  |
| ATF            | 20               | 12          | 25               | 19          | 18               | 13          | 16               | 12          | 12               | 9           | 9                | 6           | 4                | 8           | 8                | 8           |                  |
| Customs        | 19               | 12          | 32               | 29          | 23               | 13          | 32               | 22          | 34               | 23          | 21               | 17          | 31               | 24          | 32               | 27          |                  |
| IRS            | 27               | 13          | 24               | 6           | 24               | 12          | 23               | 8           | 21               | 6           | 29               | 10          | 8                | 6           | 3                | 2           |                  |
| Secret. Svc    | 8                | 9           | 12               | 9           | 8                | 6           | 15               | 8           | 7                | 7           | 11               | 8           | 14               | 8           | 17               | 11          |                  |
| Oh. Treasury   | 0                | 0           | 0                | 0           | 1                | 0           | 2                | 0           | 0                | 0           | 1                | 0           | 0                | 0           | 1                | 0           |                  |
| Veterans Adm   | 16               | 9           | 12               | 8           | 12               | 10          | 11               | 7           | 13               | 10          | 17               | 11          | 16               | 15          | 21               | 9           |                  |
| EPA            | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           |                  |
| GSA            | 3                | 1           | 7                | 4           | 12               | 6           | 11               | 5           | 4                | 3           | 7                | 7           | 5                | 3           | 8                | 1           |                  |
| Small Business | 0                | 0           | 1                | 0           | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           | 0                | 0           |                  |
| All Other      | 9                | 4           | 9                | 2           | 9                | 3           | 11               | 6           | 14               | 8           | 24               | 10          | 22               | 12          | 23               | 10          |                  |
| TOTAL          | 541              | 298         | 552              | 313         | 547              | 284         | 600              | 395         | 581              | 392         | 582              | 387         | 618              | 389         | 593              | 347         | 11               |

\*This chart includes data for cases where 18 U.S.C. 111, 115, 1114 or 2231 is any change in the case.  
 \*\*FY 2000 numbers are actual data through the end of December 1999.  
 Caseload data extracted from the United States Attorneys Case Management System.

U.S. DEPARTMENT OF JUSTICE,  
U.S. ATTORNEY,  
WESTERN DISTRICT OF NORTH CAROLINA,  
Charlotte, NC, April 26, 2000.

*Re your letter of March 29, 2000.*

Mr. RAYMOND W. KELLY,  
Commissioner, U.S. Customs Service,  
Washington, DC.

DEAR COMMISSIONER KELLY: Thank you for your letter of March 29, 2000, concerning the prosecution of assaults on U.S. Customs agents. I have placed the matter on the May 2000 agenda for the Attorney General's Advisory Committee. We would welcome the opportunity to meet with you to talk about the concerns expressed in your letter, as well as other topics such as how the new Customs' search policy is working. I will ask Judy Beeman, AGAC Liaison, to get in touch with your office concerning the scheduling of this matter at the May AGAC meeting.

As a practical matter, I have found that solutions to concerns, such as the ones raised in your letter, are best worked out at the local level. If the prosecution of assaults on federal agents is important to a SAC or RAC in my district, it becomes important to me for I want to go to bat for the agents who investigate our cases. To that end, I would suggest that one avenue the Customs Service may want to consider is having the SAC or RAC in each district meet with the U.S. Attorney and/or the Criminal Chief to talk about the prosecution of such assaults, and how those decisions are made. I believe you will have much more success working it out on the local level, than by trying to implement a national policy that does not take into account the particular characteristics and workload of the district, as well as the discretion granted to United States Attorneys.

As always, please feel free to give me a call if I can be of assistance to you. My direct line is (704) 338-3101. I hope you will be able to join us at our May AGAC meeting.

Sincerely,

MARK T. CALLOWAY,  
*Chair, Attorney General's Advisory Committee.*

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, May 17, 2000.

Hon. JANET RENO,  
Attorney General, Department of Justice,  
Washington, DC.

DEAR MADAM ATTORNEY GENERAL: The "Police Week" ceremonies taking place at various locations around Washington this week are a solemn reminder of the dangers those who serve in law enforcement face on a day to day basis. To help highlight the fact that federal agents face equally high risks as local, county, and state officers, a hearing was held today before the Senate Subcommittee on Criminal Justice Oversight regarding threats to federal law enforcement officers.

We were very concerned to discover that there was a consensus expressed by representatives of the agencies testifying that the contemporary criminal is more prone toward violence, that assaults against federal agents is on the rise, and that the Department of Justice should be doing more to aggressively prosecute cases of those accused of assaulting a federal officer. It was the third revelation that was most shocking, disheartening, and worrisome. An assault against a federal officer is more than a physical attack against an individual, it is an assault against our system of laws.

As an exercise of our subcommittee's oversight responsibility, we request that you provide us with statistics on how many cases each federal law enforcement agency has referred to the United States Attorney for prosecution over the past ten years and how many of these referred cases were prosecuted. Please separate the statistics by agency and year.

We know that you are a supporter of law enforcement and we are certain that you share our concern that we do all we can for those who work in this very demanding profession. The job our agents and officers do is dangerous enough, sending a signal that using force against a federal agent may go unpunished is an impediment that they need not face. We urge you to direct your United States Attorneys to make prosecuting assaults against federal law enforcement officials one of their top priorities, and that you also implement a way to monitor how frequently they actually bring such prosecutions.

Thank you for your attention to this matter.

With kindest regards and best wishes,

Sincerely,

JEFF SESSIONS,  
STROM THURMOND,  
*Chairman, Subcommittee on Criminal Justice Oversight.*


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## DEA Agents & Employees Killed in the Line of Duty

\*Click on name for biography and photograph

|   |  |  |
|---|--|--|
| <a href="#">Agent Charles Archie Wood</a><br>March 22, 1921       | <a href="#">Secretary Mary Keehan</a><br>August 5, 1974                | <a href="#">Special Agent George M. Montoya</a><br>February 5, 1988    |
| <a href="#">Agent Stafford E. Beckett</a><br>March 22, 1921       | <a href="#">Secretary Anna Mounger</a><br>August 5, 1974               | <a href="#">Special Agent Paul S. Seema</a><br>February 6, 1988        |
| <a href="#">Agent Joseph W. Floyd</a><br>May 17, 1922             | <a href="#">Fiscal Assistant Anna Pope</a><br>August 5, 1974           | <a href="#">Special Agent Everett E. Hatcher</a><br>February 28, 1989  |
| <a href="#">Agent Bert S. Gregory</a><br>October 25, 1922         | <a href="#">Spvr Clerk-Typist Martha Skeels</a><br>August 5, 1974      | <a href="#">Special Agent Rickie C. Finley</a><br>May 20, 1989         |
| <a href="#">Agent James T. Williams</a><br>October 16, 1924       | <a href="#">Clerk-Typist Mary Sullivan</a><br>August 5, 1974           | <a href="#">Investigator Joseph T. Aversa</a><br>March 5, 1990         |
| <a href="#">Agent Louis L. Marks</a><br>October 24, 1924          | <a href="#">Special Agent Larry D. Wallace</a><br>December 19, 1975    | <a href="#">Investigator Wallie Howard Jr.</a><br>October 30, 1990     |
| <a href="#">Agent James E. Brown</a><br>June 7, 1928              | <a href="#">Special Agent Ralph N. Shaw</a><br>May 14, 1976            | <a href="#">Special Agent Eugene T. McCarthy</a><br>February 2, 1991   |
| <a href="#">Agent John W. Crozier</a><br>November 16, 1934        | <a href="#">Special Agent James T. Lunn</a><br>May 14, 1976            | <a href="#">Special Agent Alan H. Winn</a><br>August 13, 1991          |
| <a href="#">Agent Spencer Stafford</a><br>February 7, 1935        | <a href="#">Special Agent Octavio Gonzalez</a><br>December 13, 1976    | <a href="#">Special Agent George D. Althouse</a><br>May 28, 1992       |
| <a href="#">Agent Andrew P. Sanderson</a><br>September 23, 1944   | <a href="#">Special Agent Francis J. Miller</a><br>March 5, 1977       | <a href="#">Special Agent Becky L. Dwojeski</a><br>October 21, 1993    |
| <a href="#">Agent Anker M. Bangs</a><br>September 24, 1950        | <a href="#">Special Agent Robert C. Lightfoot</a><br>November 23, 1977 | <a href="#">Detective Stephen J. Strehl</a><br>November 19, 1993       |
| <a href="#">Agent Wilson M. Shee</a><br>December 12, 1957         | <a href="#">Special Agent Thomas J. Devine</a><br>September 25, 1982   | <a href="#">Special Agent Richard E. Fass</a><br>June 30, 1994         |
| <a href="#">Agent Mansel R. Burrell</a><br>December 19, 1967      | <a href="#">Special Agent Larry N. Carwell</a><br>January 9, 1984      | <a href="#">Special Agent Frank S. Wallace, Jr.</a><br>August 27, 1994 |
| <a href="#">Agent Hector Jordan</a><br>October 14, 1970           | <a href="#">Detective Marcellus Ward</a><br>December 3, 1984           | <a href="#">Special Agent Juan C. Vars</a><br>August 27, 1994          |
| <a href="#">Officer Gene A. Clifton</a><br>November 19, 1971      | <a href="#">Special Agent Enrique S. Camarena</a><br>March 5, 1985     | <a href="#">Special Agent Jav W. Seale</a><br>August 27, 1994          |
| <a href="#">Special Agent Frank Tummillo</a><br>October 12, 1972  | <a href="#">Investigator Kevin L. Brosch</a><br>July 24, 1986          | <a href="#">Special Agent Meredith Thompson</a><br>August 27, 1994     |
| <a href="#">Special Agent Richard Heath, Jr.</a><br>April 1, 1973 | <a href="#">Deputy Sheriff James A. Avant</a><br>July 24, 1986         | <a href="#">Special Agent Frank Fernandez, Jr.</a><br>August 27, 1994  |

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| <p><u>Special Agent George F. White</u><br/>March 25, 1973</p> <p><u>Special Agent Emir Benitez</u><br/>August 9, 1973</p> <p><u>Detective Gerald Sawyer</u><br/>November 6, 1973</p> <p><u>Investigator Leslie S. Grosso</u><br/>May 21, 1974</p> <p><u>Special Agent Nickolas Fragos</u><br/>August 5, 1974</p> <p><u>Special Agent Charles H. Mann</u><br/>August 5, 1974</p> | <p><u>Investigator Charles M. Bassing</u><br/>July 24, 1986</p> <p><u>Office Assistant Susan Hoefler</u><br/>August 16, 1986</p> <p><u>Special Agent William Ramos</u><br/>December 31, 1986</p> <p><u>Special Agent Raymond J. Stastny</u><br/>January 26, 1987</p> <p><u>Special Agent Arthur L. Cash</u><br/>August 25, 1987</p> <p><u>Detective Terry W. McNett</u><br/>February 2, 1988</p> | <p><u>Special Agent Kenneth G. McCullough</u><br/>April 19, 1995</p> <p><u>Office Assistant Carrol J. Fields</u><br/>April 19, 1995</p> <p><u>Shelly D. Bland</u><br/>April 19, 1995</p> <p><u>Carrie A. Lenz</u><br/>April 19, 1995</p> <p><u>Rona L. Chafey</u><br/>April 19, 1995</p> <p><u>Special Agent Shaun E. Curl</u><br/>December 12, 1997</p> |
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