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## Issa wants more smugglers prosecuted

By: EDWARD SIFUENTES - Staff Writer

**NORTH COUNTY** ---- U.S. Rep. Darrell Issa blasted the local U.S. attorney's office in a letter Wednesday for not prosecuting more smugglers of illegal immigrants.

The letter follows an unofficial report released earlier this month alleging that only a handful of cases in which suspected smugglers were caught near San Diego were prosecuted by federal authorities in fiscal year 2003-04.

U.S. Attorney Carol Lam in San Diego said last week that she gives highest priority to the most serious cases, including those involving suspects with violent criminal histories and those who endanger people's lives. She said the report reflects an individual's opinion and was not approved for release by U.S. Border Patrol management.

Issa's spokesman, Frederick Hill, said the report was written in November by a Border Patrol employee, whom he declined to name, and was given to Issa's office by an employee of the Department of Homeland Security, whom he also declined to identify. It claims government attorneys prosecuted only 6 percent of 251 cases involving illegal immigrant smugglers, who are sometimes called "coyotes."

The report was unsubstantiated by the Border Patrol. The numbers in it were neither disputed nor confirmed by authorities.

Issa, R-Vista, has waged a two-year campaign for more prosecutions of immigrant smugglers. In Wednesday's letter, he wrote that the U.S. attorney's office has thus far "failed to address the substantive issues raised in the memo," and "disregarded (his) requests for information that can help (him) understand the extent of the problem."

"She doesn't say that she is going to prosecute more cases; she doesn't say that she is going to do more," Issa said in a phone interview. "I'm just asking her to do her highest and very best."

Lam responded with a short statement read by Debra Hartman, a spokeswoman with the U.S. attorney's office.

"The fact that our office has prosecuted over 10,000 felony immigration cases in the last five years speaks for itself," she said.

The report, which appears to cull information from official databases, includes commentary from an individual or group of individuals within the agency. It states strict prosecution guidelines have demoralized field agents, who see repeat offenders released again and again.

"I think it's extremely accurate," said Chris Bauder, president of the National Border Patrol Council, Local 1613, the union that represents Border Patrol agents in San Diego. "I know for years we've had a problem with the U.S. attorney's prosecuting guidelines."

Kurstan Rosenberg, a spokesman for the Border Patrol in San Diego, said the agency did not know who wrote the memo and could not verify its accuracy.

"We do not know who gave out the report. We are looking into it," Rosenberg said. "We have not seen the report, so I can't tell you if the numbers are accurate."

The report says suspected smugglers are rarely charged unless they were involved in dangerous or violent activity or have transported more than a dozen illegal immigrants. Human smuggling is less risky and almost as financially rewarding as drug smuggling, according to the report.

The numbers in the report paint a grim picture of the situation at the Border Patrol station in El Cajon, which is responsible for guarding 13 miles of rugged mountainous terrain in East County. It estimated that the 1,531 illegal immigrants arrested in the 251 cases paid a total of \$2,140,338 to be smuggled.

Issa's office provided a copy of the report to the North County Times. Hill said Issa has been trying unsuccessfully to gather information about the lack of resources to help increase funding.

"In the entire time that (Issa) has looked into this issue, he has not been able to get his hands around the problem until this memo," Hill said. "He wants to be somebody in Washington who can explain the problem to his colleagues to find more funding."

Issa began calling attention to the issue in February 2004, when he wrote a letter to Lam inquiring why a smuggler with a criminal history had not been prosecuted. He later joined other representatives to write a letter to then-Attorney General John Ashcroft calling on his department to prosecute all suspected illegal immigrant smugglers.

Assistant Attorney General William Moschella responded in a January 2005 letter that due to limited resources and a large volume of cases, local offices adopt guidelines to rank priority cases.

The guidelines focus "first and foremost on cases that (a) present a potential threat to national security; (b) present the greatest threat to the health and safety of the community; and (c) demonstrate a willful reckless disregard for human life," Moschella wrote.

Issa asked for a meeting with Lam and immigration enforcement officials to discuss what resources are need to increase prosecutions of smugglers.

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