

NORM DICKS

6TH DISTRICT, WASHINGTON

2467 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-4706  
(202) 225-5916

<http://www.house.gov/dicks/>

COMMITTEES:

APPROPRIATIONS

SUBCOMMITTEES:

INTERIOR AND ENVIRONMENT

CHAIRMAN

DEFENSE

VICE CHAIRMAN

MILITARY CONSTRUCTION

AND VETERANS AFFAIRS

HOMELAND SECURITY



## Congress of the United States House of Representatives

February 9, 2009

DISTRICT OFFICES:

SUITE 806

1019 PACIFIC AVENUE

TACOMA, WA 98402

(253) 593-6536

NORM DICKS GOVERNMENT CENTER

SUITE 500

345 SIXTH STREET

BREMERTON, WA 98337

(360) 479-4011

332 E FIFTH STREET

PORT ANGELES, WA 98362

(360) 452-3370

RECYCLED PAPER

The Honorable Janet Napolitano  
Secretary  
Department of Homeland Security  
Washington, DC 20528

Dear Secretary Napolitano:

I appreciate your willingness to lead the Department of Homeland Security at this critical time and I am writing to applaud your immediate decision to conduct a high-level departmental review of the Northern Border Strategy.

As a Member from the border state of Washington, and having served on the House Homeland Security Committee in the last three Congresses, I have been particularly concerned about our unique vulnerabilities and about what appeared to be a disproportionate distribution of resources dedicated to our southern versus northern borders. I am encouraged that recently there has been greater attention to Canadian border issues, especially because we will confront a larger series of border security challenges as we prepare for the 2010 Winter Olympics in Vancouver, British Columbia. So I look forward with interest to the findings that result from your review, and I stand ready in the House of Representatives to assist you and the department in addressing any deficiencies that are discovered.

At this time I would also seek your personal attention on a related matter of great concern in the northernmost portion of my district. As we have increased the staffing and resources for the Border Patrol in the Clallam and Jefferson County area of Washington State, I am concerned that these resources may not be utilized in ways that best respond to the more serious threats that exist at the northern border, in particular the prevention of terrorists from entering the United States. In recent months, the Border Patrol has increased its use of vehicle checkpoints along the main highways (US 101 and WA 104) on the Olympic Peninsula. As a result there have been several arrests of individuals, largely from Central and South America, who were not legal residents of the United States, in addition to arrests for drug possession. The national security value of this checkpoint strategy on public roads, inconveniencing hundreds of (legitimate U.S. citizen) motorists during each instance, is unclear to me and to my constituents. In addition, I received numerous reports from constituents of abrasive and insensitive treatment by Border Patrol agents, and a general view that some degree of ethnic profiling has been occurring. When I met with Border Patrol Chief David Aguilar in October, he assured me that he and his staff would personally review these concerns and seek to address them.

Since that meeting, I have now received reports that CBP agents have adopted an even more aggressive strategy of performing ad hoc traffic stops, making individual arrests. While I understand that the Border Patrol mission includes coordination with local law enforcement on border control issues, I have serious questions about the agency's direct authority to stop individual automobiles and detain, in some cases, legal residents of the United States until they are able to prove their status. Again, the suggestion of profiling is hard to avoid when reviewing public accounts of these actions. The most recent account is even more disturbing: Border Patrol agents boarding public and private buses operating in regular domestic service around the Olympic Peninsula, lacking any apparent probable cause, primarily questioning riders about their citizenship.

My concern, Madam Secretary, is about the legality and propriety of these tactics as well as about the priority of resource utilization in a department that struggles to prevent terrorists from gaining access to our nation. I was extremely proud of the alert actions of a well-trained Customs agent in Port Angeles in December 1999 who recognized and apprehended the "millennium bomber," Ahmed Ressam. While I concede that there may be instances in which reliable sources indicate that a suspected terrorist may be traveling on a local bus, requiring quick response from Border Patrol agents, it is difficult now to continue to defend the actions of our federal government when my constituents continually witness what appear to be rogue actions by agents with questionable jurisdiction largely resulting in arrests for routine immigration violations.

This is a serious concern, Madam Secretary, for me and for my constituents in the State of Washington. I would appreciate your personal attention to the question of whether these activities are the appropriate and best use of the limited resources available to your department as it confronts the myriad of serious threats to the security of our homeland.

Thank you very much for your service and for your attention to this issue.

Sincerely,



NORM DICKS  
Member of Congress