Charles Marino Testimony on “Terrorist Entry Through the Southwest Border”

Chairman McClintock, Ranking Member Jayapal, and Members of the Committee. Thank you for the opportunity to appear today to testify.

On the heels of the 22-year anniversary of the horrific attacks against this country on 9/11/2001, we are all reminded of the sacred responsibility that the U.S. government must safeguard the homeland by creating and implementing effective policies to prevent another such act of terrorism. It is in this spirit that I served within the Department of Homeland Security to help protect this country for two decades under both parties and continue my work in national security today as an Adjunct Professor at the University of South Carolina, teaching future generations the important process of developing comprehensive national security strategy.

The Threat Environment

While the current volume of threats against the United States are undoubtedly robust in number, they are also more diverse, and originate from more places than at any other time in our history.

But while the threat environment is constantly evolving, what should remain consistent is the indisputable need for both border security and immigration enforcement as essential strategic elements necessary to prevent bad actors from entering the country to best secure the homeland and ensure the sovereignty of the United States. This is most certainly not happening now!

So it is disappointing that I appear before you today to state the obvious: The border and immigration policies of the Biden Administration have made the country less safe since 9/11 by directly undercutting the very purpose for creating the Department of Homeland Security under the 2002 Homeland Security Act, and by subverting the statutory responsibilities of the Border Patrol, ICE, and practically every other agency tasked with protecting the homeland.

After the U.S. government was criticized for a "failure of imagination" by the 9/11 Commission, our government promised all Americans that "Never Again"---"Never Again"---would the country fall victim to future terrorist attacks on its soil. Despite this promise, it is blatantly obvious that the Biden Administration is suffering from the same "failure of imagination" and foolishly underestimating how easily our adversaries, including terrorist groups, can and will

exploit our open borders with the help of the Mexican cartels to kill innocent Americans. We must do something before it's too late.

We are all aware of the catastrophic amount of fentanyl entering our country, killing approximately 70,000 Americans per year; the unprecedented level of human trafficking—modern day slavery—as well as the unsustainable influx of undocumented immigrants that fleece Americans of their resources without paying back into the system. But we must also start paying attention to the imminent terrorist threat that the cartels pose to the country. After all, if they will work with China to kill thousands of Americans via fentanyl, shouldn't we assume that they will work with other adversaries and terrorists for the right price to facilitate illegal entry into the country and other ways to possibly kill even more? If anyone is not thinking this way I suggest they start, immediately!

According to the U.S. Border Patrol's monthly reports, it nabbed 98 people on the Terrorist Screening Database (TSDB) at the southern border in 2022, an increase from 15 arrested in 2021. And it's only getting worse. So far in 2023, almost 200 on the watchlist have been apprehended while trying to sneak across the border.

Recently more than a dozen Uzbekistan nationals, smuggled in by a suspect with connections to ISIS, were released into the United States. Some are now missing, just as are many of those from the Afghanistan withdrawal debacle who were ushered onto our soil without thorough vetting. While I was in my role at DHS, these types of situations were always top of mind and would have been cause for alarm. However, thanks to more effective policies and programs, like Secure Communities, these instances were lower because we also maintained a semblance of order by allowing law enforcement to do their jobs! Thereby establishing Deterrence through Enforcement!! Under this administration, we have lost all elements of deterrence, a primary causation of this crisis.

In fact, according to a recent DHS OIG report entitled "DHS Does Not Have Assurance That All Migrants Can be Located Once Released into the United States" "... of 981,671 migrant records documented by USBP from March 2021 through August 2022, addresses for more than 177,000 migrant records were either missing, invalid for delivery, or not legitimate residential locations." So now not only do we not know the full backgrounds of many migrants, but we also don't know where they ARE! All because vetting is only as good as the systems we are vetting against. This is a recipe for disaster.

Since the Biden Administration's tenure in office, approximately 8 million immigrants have been encountered on the border with a mind-boggling deportation rate of only 15% overall; what is most concerning are the estimated 2 million "got aways" who have crossed into America without being detained. And then there are the "never seen" - the illegal aliens who *haven't* been detected at all while crossing the border, and who are currently hiding within our communities, doing God knows what. What we do know is *how* the most nefarious of them—from adversarial countries including China, Russia, and Iran—are buying passage into the United States. They're going through Mexico's powerful cartels, whose businesses are booming!

The Administration's inept policies, combined with the growing power of the cartels, Mexico's poverty and corruption, and the ability of terrorist cells to infiltrate our weak borders have culminated to create a perfect storm; If we don't take drastic action now, our nation's days of prosperity—the very reason people by the millions risk their lives to come here—will come to an end.

The Origin of a Crisis

Let's remember how this all began:

"We are not saying, 'Don't come.' We are saying, 'Don't come *now* ….'" With these calculated words from DHS Secretary Alejandro Mayorkas during an official White House Press Corps address on March 1, 2021, the message was sent to the world that America's Southwest border would soon be wide open to anyone wishing to enter.

Just think about the global messaging for a moment: First immigrants heard Biden would be tearing down the border wall; then they heard "we *should* come." To most anyone, the message was tantamount to laying out a welcome mat.

There is no doubt that this crisis is by design and intentional, no matter how the administration attempts to "spin" it. The border is most definitely NOT secure. To say otherwise is an outright insult to the intellect of the American people. The real question isn't, "is there an immigration crisis?" but rather, "Why would the Administration say there is not a crisis?"

Sadly, ladies and gentlemen of Congress, we don't have time to explore the motive for this administration's outright dereliction of its duty to secure the border. Rather, we must take steps to fix it immediately.

The good news is the solution isn't really all that complicated … if the goal is narrowly focused on protecting Americans. What we cannot be lured into doing, however, is to install policies that prioritize any other group over the safety and security of American citizens.

Solutions

First and foremost, we must gain the will of Congress to use every asset, resource, capability, technology, and diplomatic strategy to secure our southern border. If this means bringing in the military to stand shoulder to shoulder, so be it. After all, our troops' first priority is to protect America's homeland.

We must reinstate the dismantled Remain in Mexico Policy as potential immigrants are vetted. To allow everyone into the United States while they wait years for immigration hearings—all based on the honor system to show up—is flat out dangerous.

We must also remember that "asylum," as the U.S. immigration law currently defines it, doesn't mean "an escape from poverty." Sadly, there are billions of innocent people around the globe suffering from abject poverty, and we simply don't have the capability to save them all. Rather, "asylum" means to provide special safe haven for those people who are fleeing dire government persecution due to race, religion or other political reasons. America is a nation of laws, and our leaders' policies must follow the law, even if they do not personally agree with them.

Second, we must combat the cartels, even if Mexico won't help us. For years the cartels have officially been classified as Transnational Criminal Organizations, or TCOs. But considering glaring evidence transpiring daily on our unsecured borders, it is evident that the cartels have greatly increased their overall capabilities and tactics. While reclassifying them as Foreign Terrorist Organizations, or FTOs is not entirely necessary, we do need to change our strategy and go after them as such. This will give us more options for mitigating the national security dangers they clearly present. We should use law enforcement, intelligence, and the military if we must and take the fight to the cartels; we should consider placing both economic and diplomatic pressure on Mexico if it chooses not to help us diminish the cartels. Either Mexico's government is with us or against us; it can no longer play both sides of the fence.

Third, we must prosecute those found guilty of breaking our laws, from those who attempt to cross the border illegally to those importing deadly fentanyl and those on the terror watch list. We must end sanctuary cities that encourage illegal immigration; meanwhile the American people must elect judges, DAs and officials who put criminals behind bars.

Finally, a country cannot be considered sovereign or safe without secure borders; and immigration reform is certainly not possible without secure borders, first. That's why the Senate should immediately pass HR 2, the Secure the Border Act of 2023. This commonsense approach of restoring border security and immigration enforcement through a layered approach of physical barriers, technology, and overall enforcement of the law will restore order and security to our country through deterrence and accountability.

I'd hope we can all agree on this so that we may implement effective policies and security measures moving forward. For if we fail, history is destined to repeat itself, even after Americans were promised "Never Again."