

**Statement of Elizabeth A. Whitaker
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**Before the House Committee on Homeland Security
Subcommittee on Investigations
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Chairman McCaul and distinguished Committee Members: My name is Elizabeth Whitaker, and I am the Deputy Assistant Secretary of State for Mexico & Canada, Bureau of Western Hemisphere Affairs, Department of State. It is a pleasure to appear before you to answer questions about recent incidents along our southern border, and specifically to discuss the possible incursion of the Mexican military into Hudspeth County, Texas east of El Paso. I am also pleased to be here with Chief Aguilar of the U.S. Border Patrol, the organization with the primary responsibility for responding to incursions across our borders.

I want to state at the outset that our level of cooperation with Mexican federal law enforcement and diplomatic entities has improved dramatically in the years since the Fox Administration came into power in 2001. In fact, it is safe to say that our working relationship with our partners in Mexico has never been better, and this relationship is a critical one. As you know, we share an almost

2000 mile border with Mexico which we cannot hope to adequately secure without the active cooperation of the Government of Mexico, and I will provide you with examples of this ongoing cooperation. This is not to say that we do not continue to have significant challenges and issues with the Mexican Government related to the border we share.

As you are aware, the primary responsibility for security of our southern border rests with the Department of Homeland Security, but the Department of State plays an important supporting role. That is why I am pleased to appear before you with my colleague from Homeland Security, Chief Aguilar.

The Department of State has five “posts” or diplomatic missions along the almost 2000 mile border between the U.S. and Mexico. Starting from east to west these posts are located in the Mexican border cities of: Matamoros, Nuevo Laredo, Ciudad Juarez (these three are across the border from the state of Texas), Nogales (across the border from Arizona), and Tijuana. These posts each have responsibility for a section of the border on the Mexican side as part of its “consular district.” Generally these posts will learn of border incursions into the U.S. from its consular district from U.S. law enforcement authorities that dealt with or were alerted to the incursion (either at the local, state or federal levels).

Depending on the nature and seriousness of the incursion into the U.S., the post will contact Mexican authorities requesting detailed information on the incident. These contacts could be made at the working level by law enforcement personnel assigned to the post, or at the management level by that post's principal officer or consul general.

The post will also report details of the incident to its higher headquarters -- the U.S. Embassy in Mexico City, and the Department of State in Washington, DC. Again, depending on the nature and seriousness of the incursion, the Embassy may decide to make representations to Government of Mexico (GOM) authorities in Mexico City. This could lead the Embassy to deliver a diplomatic note to the GOM officially expressing its concern over the incident and requesting a GOM investigation into it. The Department of State, through its Office of Mexican Affairs within the Bureau of Western Hemisphere Affairs, may also communicate with the Mexican Embassy in Washington, DC about this incident, and may also deliver a diplomatic note to it. Diplomatic notes are a privileged, formal channel of communications that nations use to express their serious concerns to other governments.

The Department of State also coordinates and communicates with its counterparts at all levels within the Department of Homeland Security when these incursions occur.

I will now explain how the Department of State reacted in the specific case of the Hudspeth County, Texas incident. We found out about this January 23 incursion through law enforcement entities, our Consulate General in Ciudad Juarez (across from El Paso, TX) and media sources. Once enough details of the incident were compiled by the Embassy in Mexico City and in the Department's Office of Mexican Affairs in Washington, it was quickly decided that this was a serious incursion that required investigation. To this end the Department decided on the unusual step of delivering identical diplomatic notes to both the Mexican Secretariat of Foreign Relations in Mexico City and to the Mexican Embassy in Washington, DC., requesting an immediate investigation into this incident. In a cover letter, U.S. Ambassador Garza emphasized the seriousness of this incident and our concern over the elevated level of violence all along the border. The GOM promised us a full investigation into this incident, and on January 31 Mexican authorities visited the site of the January 23 incursion as part of their review of the situation. I would add that before delivering this diplomatic note, it was cleared with the Department of Homeland Security.

Now I want to briefly discuss examples of ongoing cooperation with the Mexican Government. The Department of State has several mechanisms through

which it regularly communicates and coordinates with Mexican authorities at all governmental levels, and in this way seeks to prevent future incursions. The following is a partial list of these mechanisms:

- Border Liaison Mechanism (BLM) meetings -- These meetings are held by each of the Department of State's border posts two to four times a year. They bring together U.S. and Mexican diplomatic, law enforcement and other government personnel from all along both sides of the border to discuss issues requiring operational and policy coordination. These meetings allow our diplomats on the border, as well as U.S. border law enforcement officers, to get to personally know their Mexican counterparts.
- Bi-National Commission (BNC) meetings – These annual meetings between the USG and GOM are co-hosted by the Secretary of State and the Mexican Minister of Foreign Relations. Three working groups related to border security, migration and law enforcement meet as part of the BNC process: The Border Security and Cooperation, Migration and Consular Affairs, and Law Enforcement/Counternarcotics Working Groups. The BNC fosters enhanced government-to-government communication and liaison, and in this way helps to prevent future border incursions.
- The Senior Law Enforcement Plenary (SLEP) meets quarterly to discuss law enforcement issues, including anti-narcotics, organized crime, and

trafficking in persons. SLEP also identifies those issues that are to be raised bilaterally at the cabinet-level through the BNC. This is another forum through which senior federal law enforcement policymakers from both governments get to know each other and improve working relations.

Obviously, both we and U.S. law enforcement agencies also meet with our Mexican counterparts on many specific issues throughout the year.

I will now briefly discuss the extent to which the Department of State coordinates with the Drug Enforcement Administration (DEA) when border incursions occur. The DEA has an office within our Embassy in Mexico City that coordinates its activities throughout Mexico, and it maintains sub-offices at most (but not all) of the Department of State's five border posts. The DEA is under "Chief of Mission" authority like every other USG direct-hire employee within Mexico, meaning they are under the authority of the Ambassador who is the President's representative to the GOM. The DEA offices in border posts are likewise under the authority of that post's consul general or principal officer. In practical terms this means that information developed through DEA sources that has any potential impact on U.S. national security, such as incursions across the border, is generally shared quickly with that post's senior leadership. This information is then communicated up the Department of State chain. At all posts

in Mexico where there is a DEA presence, there is close and productive communication and coordination with Department of State senior leadership.

In conclusion, the Department of State works in close partnership with the Department of Homeland Security in strengthening the security of the United States in cooperation with the Government of Mexico. As I noted at the beginning of my remarks, we cannot hope to adequately secure our shared border without the active cooperation of the Government of Mexico. Thank you.

I would now be happy to attempt to answer any questions you might have.

