

**“The Biden Border Crisis: Arizona Perspectives”**

**Submitted to the**

**The Committee of the Judiciary**

**The Honorable Jim Jordan, Chairman**

**By**

**Jim Chilton, Chilton Ranch LLC**

**May 10, 2024**

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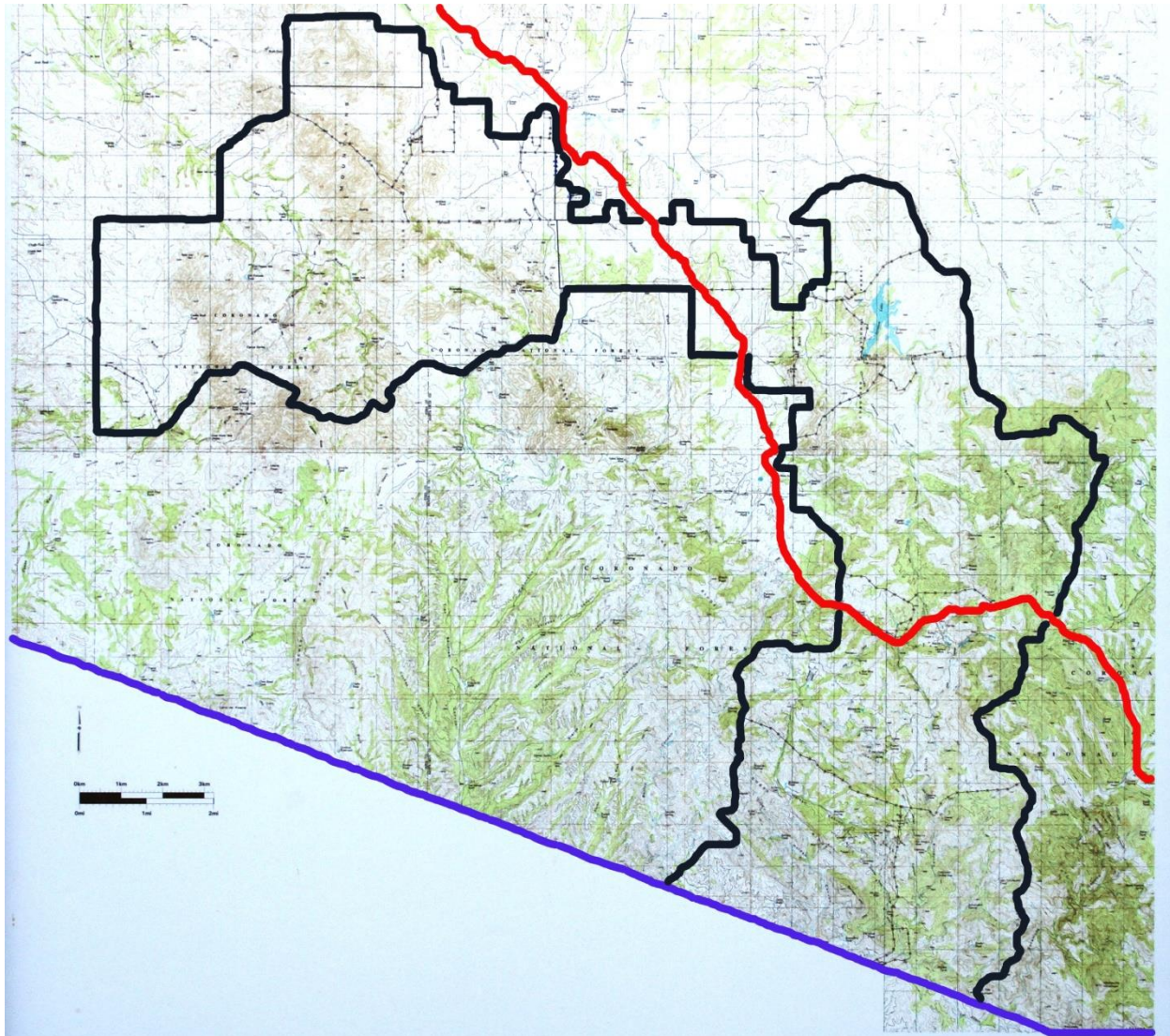
My name is Jim Chilton. I am a 5<sup>th</sup> generation Arizona rancher from Arivaca, Arizona. Arivaca is a small rural town approximately 55 miles southwest of Tucson, Arizona. Our ranch is adjacent to the town and extends south about 19 miles to the international border with Mexico. The ranch includes private property, State School Trust lands and three federal grazing permits in the Coronado National Forest. My wife and I have been married for over 60 years. Our entire extended family is blessed to be able to preserve our western ranching customs, culture, and heritage dating back to our pioneering ancestors who drove cattle from Texas to Arizona Territory in 1885. We have a long-term view of the necessity to be excellent stewards of the grasslands and have been honored to have received various valued awards for resource conservation and wildlife stewardship.

Our family ranch is in a corridor identified as among the most active for drug smuggling and human trafficking in the Nation. My comments generally relate specifically to the portion of the border at the southern edge of our ranch south of Arivaca, between Nogales to the east and Sasabe, Arizona to the west. However, my border concerns are similar to those of most ranchers in the Tucson Sector of the Border Patrol regardless of whether their ranch is located adjacent to the international boundary or 100 miles north of the border. Department of Homeland Security policy has made us all essentially border ranchers.

**I advocate that the international border should be secured at the border. The wall between our Nation and Mexico must be finished and secured in order to prevent drug packers, terrorists, criminals and economic migrants who did not follow legal procedures from entering our country. Chilton Ranch border issues could be resolved by securing the border.**

## **Chilton Ranch and the International Border**

The map on the next page is of our 50,000-acre, beef-producing, family ranch. Please notice that the southern end of the eastern part of the ranch is the international boundary for about five-and-one-half miles. Mexico is right across from our ranch boundary.



*Chilton Ranch boundaries- South of Arivaca, Arizona and west of Nogales. Five-and-one half miles of the southern end of the ranch is the United States/Mexico international border. The ranch, like many western ranches, is composed of U. S. Forest Service grazing allotments, State School Trust leases and private land. The blue line is the international border with Mexico and the red line is the Ruby Road that runs through much of the ranch.*

**There are two very distinct types of individuals and groups that cross the international border onto our ranch.** Border crossers who are seeking to evade interdiction by the Border Patrol are wearing camouflaged clothes, carpet shoes and often carry identical backpacks. Almost all are men, in stark contrast to other ranch border crossers along the international

boundary who seek Border Patrol apprehension and wear casual street clothes and include women and/or children.

### **Recommended Solution to Border Crisis**

As a sovereign nation, the United States should have complete control of its borders and therefore **only accept legal immigration**. In my opinion, the following actions need to be considered:

1. Complete the construction of the Wall, including all of the planned fiber optic cable, electronics, cameras, and sensors that alert Border Patrol to approaching persons in Mexico in time to interdict them if they try to climb over, cut through or dig under the wall.
2. Hire and train enough Border Patrol Agents to **secure the border at the border 24/7**, together with, if necessary, National Guard and military assistance back-up.
3. Immediately deport apprehended illegal intruders.
4. Retain sufficient welders and other maintenance personnel 24/7 to immediately repair any successful breaches or cuts in the wall.
5. Staff Ports of Entry on the Mexican border and fully equip them to prevent, to the degree possible, drugs and undocumented individuals from entering our country at the ports.
6. Require true asylum claim seekers to be processed at United States embassies, consulates or other government properties **in foreign nations** utilizing the internet for backup personnel in the United States to assist in the processing.
7. Persons seeking economic opportunity do not qualify under the asylum category and need to return to their countries and submit an application for legal admittance.
8. Double or triple the current number of **legal** immigrants permitted to gain qualified entrance into our nation with effective vetting following the legally prescribed procedures. We welcome LEGAL immigrants in a number that can be assimilated and can contribute their future to this nation; we oppose flooding the United States with completely unvetted persons.

### **Need to complete the Wall**

On our ranch, five miles of the Trump wall were well-started, but still under construction, when President Biden was inaugurated on January 20, 2021. One of President Biden's first executive orders was to stop all construction on border security structures. At the end of the Wall on our ranch, there is a "convenient" gap of no effective wall along the international boundary right in a favored entry point for the Cartel drug packers, terrorists, criminals and others sneaking into our nation.

This section of Arizona, including our ranch border, was just described by a Trump-era highly-informed, highly-placed Border Patrol spokesman as leading the entire border in "got-aways"—crossers who are **not** apprehended. In my opinion, President Biden or his successor must finish the wall, including all of the planned fiber optic cable, electronics, sensors and cameras.



*Jim Chilton and cousin Jerry Chilton at the end of Trump wall on our ranch. Large gaps were unfinished and fiber optic cable, electronics, sensors and cameras were not installed when the wall construction “stop order” was given.*



*Large wash crossings like this one on our ranch at the international boundary were left unfinished when wall construction was halted and are currently an open door for Cartel border crossers.*

## **Need to Patrol the Border at the Border**

Most importantly, a completed Wall must be patrolled 24/7 and must include the surveillance technology originally planned. Technology alone is NOT the answer; it is a force multiplier. If Border Patrol agents need further assistance to secure the border, the National Guard and then, if this is insufficient, the military should be deployed. The current extremely dangerous situation will not change until the border is actually secure.

With appropriate personnel numbers, a line is simpler to defend rather than the current strategy of protecting thousands of square miles deep into the country north of the International Boundary.

## **Stop Incentivizing Illegal Crossing**

Immediately deport apprehended illegal intruders. Immediate deportation sends a clear message to all would-be border crossers and to the Cartel.

## **Keep the Wall in Good Repair**

The Border Patrol must retain sufficient welders and other maintenance personnel 24/7 to immediately repair any successful breaches. It is my understanding that it takes 20 to 30 minutes or more to cut a bollard-style wall pillar. If Border Patrol is at the wall and the sensors are working, agents can respond to these efforts and would-be entrants can be arrested. Then the wall can be immediately repaired.

## **North-bound International Border Crossers on Chilton Ranch**

For about ten years, my wife Sue and I and my friends at *Secure Border Intel* have collected motion-activated camera film of drug packers, previously deported persons, possible terrorists and other illegal entrants crossing north up the canyons and ridges through our ranch. These persons are not seeking Border Patrol; on the contrary, they are using every technique to evade capture.

Since January 2021, these cameras on our ranch have recorded **evidence of 3,050 unlawful border crossers. I have cameras on only five of about one hundred trails crossing my ranch; the filmed crossers are probably only a very small percentage of the persons coming north along these numerous trails and evading Border Patrol.** Importantly, my Testimony today includes the film of the 3,050 photographed crossers during this Administration.  
<https://youtu.be/j2pzKHRwmeY?feature=shared>

On their way north through our ranch, illegal border crossers are wearing camouflaged clothes and carpet shoes and are often carrying identical backpacks. **There have never been any women with small children filmed by our cameras during the last decade.** Approximately, only two percent--of these filmed 3,050 intruders—do appear to be women. Why would a woman hike twenty or more miles over this rugged mountainous terrain when other women just walk across the border and look for immediate apprehension, expecting to be released into the

interior of the nation with a court date many years in the future? Are they being trafficked in the sex trade? Are they previously deported for having committed a crime?

Who are the 3,050 filmed individuals and why are they being allowed to successfully sneak into our nation? One Border Patrol intelligence officer estimates 20% of these crossers are drug packers while other knowledgeable individuals claim the percentage of drug packers on our video evidence is likely significantly greater than 20%. **Most critically, how many of the 3,050 trespassers are potentially TERRORISTS entering our country to do Americans harm? Securing the border at the border is a national security issue.** There are reports that persons from over one hundred fifty different countries have crossed into the United States during the Biden years including Chinese, Russians, Iranians and persons from Middle Eastern countries.

The aforementioned video documents approximately a five-fold increase, compared with what we were documenting on film prior to January 2021, in the number of totally unknown international entrants seeking to evade detection by choosing this route.

### **West-bound International Border Crossers on Chilton Ranch**

During just 30 days, beginning April 1, 2024, the Tucson Station of the Border Patrol has made approximately **5,460** apprehensions over **142** separate events. These border crossers are generally undocumented migrants dressed in street clothes. **Most all crossed the international boundary at the end of the wall on our ranch or at a major gap in the wall on our ranch.** It appears that these border crossers walking along the United States' side of the wall want to be apprehended, processed by the Border Patrol, transported as necessary, and released into the nation. Those we have personally seen as we were working in our border pastures include mostly young men and women, some with little children. Furthermore, just from looking at these incredible numbers and seeing the people walking west seeking Border Patrol, these migrants appear to come from many different parts of the world.

### **Mexican Cartel Scouts**

What is most outrageous to me, is that Mexican Cartel scouts, occupying some of our ranch mountain tops on US soil, guide these border crossers. The scouts communicate with Cartel operatives through encrypted satellite phones with radio function. Scouts are also equipped with the finest binoculars, night vision and backpack roll-down solar panels to keep their equipment functioning. Their purpose is to know where the Border Patrol is at all times and guide the Cartel drug packers or persons ineligible for asylum to sites where Cartel operatives inside the United States can pick up and then distribute the drugs and people throughout the Nation.

### **Removing Mexican Cattle**

The failure to secure the border is expensive. During the last six months, in cooperation with our Mexican rancher neighbor, I have removed 110 Mexican cattle from our ranch back to Mexico. This work required approximately 129 cowboy-days to get the four-legged "undocumented entrants" out of our southern pastures.

Meanwhile, the Center for Biological Diversity is suing the Forest Service to remove cattle grazing on approximately 150 Forest Service grazing allotments in southern Arizona, including our grazing allotments, on behalf of the Yellow-billed cuckoo. The bird is listed as threatened and if the Center is successful, it would likely cause most of the ranches in southern Arizona to go out of business.

This situation—the failure to secure the border which also results in the uncontrollable entry of Mexican cattle when the Cartel or migrants cuts the fences-- has currently assisted environmental organizations to undertake lawsuits. The open border has interfered with our long-term successful commitment to sustainable resource management of our rangeland. This management system is the product of research at the Santa Rita Research Ranch of the University of Arizona. It is designed for our elevation and for the continued vigor of our plant community. We are strong proponents of this system, called rest-rotation, which means those border pastures that are being directly impacted by the failure to complete the Wall are only grazed by our cattle one quarter of every other year which is 1/8<sup>th</sup> of each two-year grazing cycle. Our cattle are currently in a pasture about four miles north of the border.

The Mexican cattle issue began when wall-road building personnel had removed the old international border four-strand barbed wire fence, during border road construction in advance of wall construction. Several months after the abrupt termination of wall construction, Homeland Security caused what we call Normandy barricades, together with about three-eighths mile of new barbed wire fence, to be placed in the huge gap left open when wall construction was abruptly halted. However, the railroad rails, connecting the end of the border wall to the Normandy barricades, were placed too high off the ground resulting in an easy entry into my ranch by Mexican cattle.

I personally placed barbed wire along the lower portions of the Normandy barriers to deter Mexican cattle from trespassing onto my grazing allotment. Unfortunately, the barbed wire was promptly cut allowing Mexican cattle to freely pass through. Hoping I could solve the problem, I then spent another entire day getting metal rebar welded onto each Normandy barrier at great expense in time and materials. Once again, the Cartel crossers broke the welds near the end of the wall and bent the rebar to the south resulting in Mexican cattle having easy entry into my ranch. My third try to prevent the entry of Mexican cattle was to weld heavy-duty steel pipe to the Normandy barricades hoping, once again, I had solved the cattle-crossing problem. However, I soon discovered the pipe had been totally removed, again allowing Mexican cattle easy entry onto the ranch.





We have recently spent two more days traveling to and from the border to weld more metal to close the gap.....until one evil group or another decides to get rid of my efforts to keep Mexican cattle from moving into my border pastures which are supposedly being rested in our carefully managed rotation grazing system. Managing for long-term sustainability has been our objective; until the Border wall is completed and the flood of Cartel traffic is actually stopped, we, the border ranchers and our commitment to rangeland conservation, are the only protection provided to the habitat.

### **Annual Border Costs to Chilton Ranch & Cattle Company LLP**

Compared with beef producers distant from the border, I have estimated that the additional cost to me for working to conserve my border pastures and provide waters and long-term rangeland management is about \$60,000 per year. The extra costs include the following:

1. Fixing 13.5 miles of surface pipelines cut by unlawful aliens seeking water; these water infrastructure improvements are the only reliable source of water for cattle and wildlife on major portions of our ranch.
2. Gathering and removing trash left by border crossers;

3. Cattle dying due to ingesting plastic bags discarded by intruders;
4. Regularly (roughly every 48 hours) inspecting twenty-four different wells by two cowboys rather than one cowboy due to border safety concerns; this requirement doubles the time that used to be required.
5. Regularly checking 32 wildlife, stock water troughs/float valves and human drinking fountains often damaged by crossers and then repairing the frequently-encountered damage.
6. Checking Forest Service and Fish and Wildlife Service exclosures.

### **Lawsuit Relating to a Forest Service Cattle Exclosure near the Border**

The Forest Service created an exclosure during the late 1990s on the southern end of my ranch as a preserve for a threatened species. The recent U.S. Fish and Wildlife Service Biological Opinion requires the Forest Service to attempt to prevent cattle grazing in the exclosure. The problem is that I have found the gate on the road entering the exclosure to be left open about one third of the time when I enter the exclosure to gain my only access to the border wall road. I carefully close it, but it is soon re-opened. It requires hours to get to this site and check it, re-close it, and then it can be opened in minutes by the Cartel or others as soon as we leave. This route is one used by drug packers to move north undetected. This problem is directly a result of the open border.



Mexican cattle can walk into the exclosure through this gate, frequently found open when we check it.

Specifically, the Fish and Wildlife Service requires the Forest Service to exclude cattle from the border enclosure while at the same time Homeland Security fails to secure the border resulting in Mexican cattle having access to the enclosure. The Center for Biological Diversity sues the Forest Service to eliminate cattle grazing because Homeland Security has failed to prevent Mexican cattle from crossing through the border and entering the enclosure. Consequently, if the Center for Biological Diversity is successful in their suit against the Forest Service, the Chiltons and many other border ranch families who work to conserve the grasslands and put water on these lands for wildlife and cattle, pay the price: the termination of their ranch grazing rights on Forest land.

### **Cartel Armed Battles on Our Ranch**

Forest Service and Border Patrol officers have called us and said their Agency does not want them to go check the border enclosure or enter the border area because it is deemed too dangerous. Then, there is the impact on the Forest Service and on us of recent, repeated armed battles between Cartel factions seeking control of the wide-open, un surveilled entrances. We, the border rancher and our cowboys, check these border areas and enclosures because we are trying to conserve the area **in spite of Cartel conflicts**. In addition to factional battles, there have been firefights on our ranch between Cartel drug packers and gangs (“rip crews”) attempting to hijack drug loads.

### **Forest Fires Started by Cartel Operatives**

Arizona borderland residents, ranchers and farmers have suffered hundreds of millions of dollars in property damage due to major **forest fires** set intentionally as decoy operations or accidentally by illegal crossers. On average, border crossers start two forest fires each year on our ranch. These fires cost the Forest Service tax-payer dollars to battle and put fire-fighters and ranch property in danger.

The human and property costs of these fires, like the Monument Fire, the Murphy Complex Fire, Chiricahua Fire and the Horseshoe Fires and many other fires, must also be figured into the cost of NOT securing the border at the border. We have estimated that U. S. Forest Service costs in one year to fight fires caused by border crossers just in Arizona borderlands, including on our ranch, were about \$600 million. We understand that border area Forest Service fires, even when it is known they are started by illegal crossers who are apprehended, are accounted for on the **Forest Service books** rather than more honestly charged to Homeland Security. As a consequence, **the basic failure to enforce homeland security**, the real reason for these recurring costs to the American taxpayer, is obscured from Congress and from the American people.

## **Drug Crisis and Impact of Cartel Drug Activities on Local Ranchers**

Our family ranch is in a corridor identified as among the most active for drug smuggling and human trafficking in the Nation.

From my perspective, it is impossible to separate the drug crisis from the immigration issue. Some border crossers are repeat professionals who work for the Cartel and walk back to Mexico after each fentanyl, heroin, methamphetamine or cocaine delivery. They will look for opportunities to steal items they can carry back. In addition, the Cartel forces other undocumented persons to either pay in cash or at a discounted rate if they pack drugs.

We have been burglarized twice by south-bound drug packers who, after depositing their drug load at GPS sites or safe houses, stole laptops, cameras, firearms, including historic pieces, and other valuable items they carry off on their return to Mexico. This is a typical situation for those of us near the border all across the Tucson Sector. Ranchers in the border area often feel they cannot leave their homes unguarded, even for a few hours, since their homes and ranch buildings are often broken into if someone is not on guard duty. It can be hours before law enforcement can respond to rural calls.

Some would-be immigrant groups, after paying the Cartel to cross, are unaware that they are to be used as decoys and led into probable detection to distract the Border Patrol while the Cartel is running drugs into the United States up another canyon.

Government reports indicate a massive increase in fentanyl traffic through the Arizona border. John R. Modlin, Chief Patrol Agent, Tucson Sector testified on February 7, 2024 at a Congressional Hearing “last year we seized about 700 pounds of fentanyl in my sector between ports of entry...” We wonder how many pounds of fentanyl were packed through our ranch.

The precursors of this drug arrive from **China**, are off-loaded at Mexican seaports to be processed in Mexican labs, packaged and hidden for transport. This is ***chemical warfare***. Many Border Patrol officers, who were formerly trying to put a dent in this border disaster, have been dispatched to help handle the diversionary tactic of floods of undocumented immigrants crossing the border in the Tucson Sector. This tactic clearly opens the between-ports rural ranching trails with unfinished border wall openings to nearly unimpeded passage. President Biden has signed a bill to hire 87,000 new IRS agents to “**patrol**” **Americans** and few new agents to patrol illegal immigration and drug packing.

## **Border Crosser Human Tragedies**

There are terrible human tragedies and abuses faced by border crossers, especially women. Crossers currently have no feasible option but to cross in the hands of the Cartel. I estimate that about thirty-five crossers have died on my ranch which include three during 2023. It is reported by Alvaro Enciso, a Tucson citizen who puts crosses out to mark death sites, that about 4,100 border crossers have died just in Southern Arizona since 1990. Huge numbers of near-fatal experiences are common along with innumerable serious injuries. Women are often abused and raped. The Border Patrol, which is a first-class search and rescue team, together with

humanitarian organizations like the Samaritans, spend much of their time saving mostly lost and abandoned crossers in distress. These human tragedies could be avoided by securing the border at the border.

### **Border Patrol**

We want to emphasize that we support and deeply appreciate the Border Patrol. The agents are polite, well-trained and there is a sincere effort by top officials in the Tucson and Nogales Stations to listen to and try to address ranchers' border issues in our area. Currently, agents struggle with the impossible requirement to deal with large numbers of economic migrants, self-identifying as asylum seekers, whom current Biden policy requires be released into the Nation.

During the last few months, as I was out on our place working, checking cattle, waters and fences, I have not seen a single agent patrolling known drug trails within our approximately fifty square miles of ranch pasture lands just north of the border since most agents have been reassigned and pinned down at totally overwhelmed, immigrant-flooded locations. One agent told me that he was tired of being removed from his border security responsibility to serve as a taxi driver repeatedly transporting unvetted, undocumented, persons to processing locations.

Furthermore, we are incredibly concerned that due to the massive invasion of persons claiming to be asylum seekers, Border Patrol checkpoints along Arivaca Road, Sasabe Road and along other roads heavily used by drug packers have been **closed for months** since agents are focused on processing these individuals and no staff is available to man these checkpoints.

### **Rancher Family Emotional Costs**

The emotional cost to our families is summarized by noting we are all very much aware of what happened to rancher Larry Link the day after he reported a load of drugs on his ranch and was then murdered and to Sue Krentz's husband Rob when he went out to check his ranch waters and was killed (including his dog) by an illegal who then escaped into Mexico. Myself and others in our area have been called during the Biden Administration by Border Patrol and told NOT to go to our border pastures because competing factions of drug cartels were, at that point, conducting armed warfare ON U.S. PROPERTY in our border pastures, or just immediately south of the border in shooting range, over control of these valuable drug trails.

### **Environmental Costs**

Much of the border area includes national forests, (like the Coronado on which we have pastures), conservation areas, national monuments, Indian reservations and wildernesses. These federally designated areas are open, little-patrolled routes, often with uncompleted wall sections most favored by the cartel-led operations. The Border Patrol reported at a meeting we attended that undocumented crossers have left a reported average of 8.5 pounds of trash apiece on these lands. It is estimated that over 25,000 **tons** of garbage have been dropped by crossers in the Tucson Sector alone since 1992. Additionally, thousands of miles of wildcat roads and trails

resulting from Cartel operations have had severe adverse environmental impacts on border conservation areas.

**In conclusion, the entire list of impacts on lives, property and conservation management can only be stopped by actually securing our border at the border.**

## ***JAMES K. CHILTON, JR.***

***5-10-24***

Born in 1939, Jim Chilton, a fifth generation Arizona rancher, was raised on farms and ranches. In 1979, Mr. Chilton, together with his father and brother, founded Chilton Ranch & Cattle Company. In 1987, Mr. Chilton and his wife Sue purchased a 78-square-mile ranch south of Arivaca, Arizona.

A graduate of Arizona State University, he earned a Bachelor of Science, a Master of Science in Economics, and a Master of Arts in Political Science. Prior to forming his own municipal investment banking firms, Mr. Chilton was Senior Vice President and Manager of the Shearson/American Express Public Finance Division for the western United States. Prior to his municipal finance career, Mr. Chilton served U.S. Senator Carl Hayden of Arizona for three years as a Special Assistant.

Mr. Chilton was honored as Rancher of the Year by the Arizona Cattle Growers' Association (2002) and by the Arizona Farm Bureau (2005). In 2005, Mr. Chilton received the True Grit Award from the Arizona Cattle Growers' Association and the Individual of the Year Award from the Arizona/New Mexico Coalition of Counties. In 2005, he and his wife received The Arizona Farm Bureau Environmental Stewardship Award. In 2018, Mr. and Mrs. Chilton received the Arizona Association of Natural Resource Conservation Districts Arizona Conservation Leadership Award.