



Blurring Borders:

**Collusion between Anti-Immigrant Groups and
Immigration Enforcement Agents**

**Center for
New Community**

For at least the last decade, some Department of Homeland Security (DHS) union leaders and employees have been colluding with the organized anti-immigrant movement. More recently, these organizations have fought to undermine President Obama's actions on immigration and to support a restrictive immigration agenda in Congress. DHS employees — specifically Border Patrol officers and Immigrations and Customs Enforcement (ICE) agents — are entrusted to carry out the country's immigration policies as instructed by Congress and the Executive branch. Extending from that trust, agency union leaders from the National Border Patrol Council (NBPC) and the National ICE Council have often been called before Congressional hearings and quoted by mainstream media outlets as *credible, neutral* experts on our country's immigration system.

The reality is more troubling.

This report examines how extreme anti-immigrant leaders collude with some union leaders and DHS employees to inject negative biases into the broader immigration debate. Specifically, the anti-immigrant movement is actively engaged in (1) developing sources within these agencies and unions who are willing to leak data directly to them and in (2) cultivating spokespersons from within these unions who are willing to echo their messaging and to advocate for their policy goals. Additionally, these union leaders, by working with these extremists, lend an undeserved credibility to the organized anti-immigrant movement and, dangerously, assist its efforts to advocate for policies that malign immigrant communities and obstruct future immigration.

The organized anti-immigrant movement is guided by three leading, interconnected organizations based in Washington, D.C. The genesis of these three groups can be traced back to white nationalist [John Tanton](#). With his founding of the [Federation for American Immigration Reform \(FAIR\)](#) in 1979, Tanton articulated a mission of drastically reducing, if not altogether halting, all avenues of immigration. Tanton then created the [Center for Immigration Studies \(CIS\)](#) in 1985, envisioning a think tank

that could manufacture research and analysis that further supports FAIR's anti-immigration lobbying and policy agenda. Starting in 1996, Tanton then began assisting his longtime protégé and employee Roy Beck in founding [NumbersUSA](#), a lobbying group that seeks to mobilize grassroots support nationwide behind the agenda shared among these three groups. Despite their proven ties to organized bigotry and roots in the population control movement of the 1970s and 1980s, these three organizations work in close concert — sometimes more quietly, sometimes publicly — with far-right lawmakers, grassroots activists, and more-and-more with immigration enforcement representatives at all levels of government.

For more information, please see the Center for New Community report, [The 21st Century Anti-Immigrant Movement](#).

While the anti-immigrant movement does not appear to work in an official capacity with Department of Homeland Security agencies that oversee immigration enforcement, it has in recent years worked with leaders of the unions representing a majority of CBP and ICE employees: the National Border Patrol Council (NBPC) and National ICE Council, respectively. According to its website, the NBPC represents nearly **18,000** of Border Patrol's total 21,000 agents. The National ICE Council claims to represent **7,600** of ICE's more than 20,000 employees. Instead of fulfilling organized labor's traditional role of advocating for respectable wages and working conditions, leaders of these particular unions appear more focused on coordinating with special interest groups in the Beltway to advance anti-immigrant policy goals.

Immigration and the Southern Border

In the course of the last three decades of immigration policy, no issue has been more at the center of the debate, or hotly contested, than the security of the country's southern border. While members on both sides of the aisle disagree on many aspects of immigration policy, spending

(and rhetoric) on border security has often been a point of compromise and even cohesion. Case in point, since the creation of the Department of Homeland Security in 2003, the budget for Customs and Border Patrol (CBP) has nearly doubled, from six billion dollars in FY 2003 to \$11.7 billion for FY 2012. These increases have occurred under both Republican and Democratic leadership and with little to no controversy in Congress, even while border communities suffer the devastating effects of a militarized border.

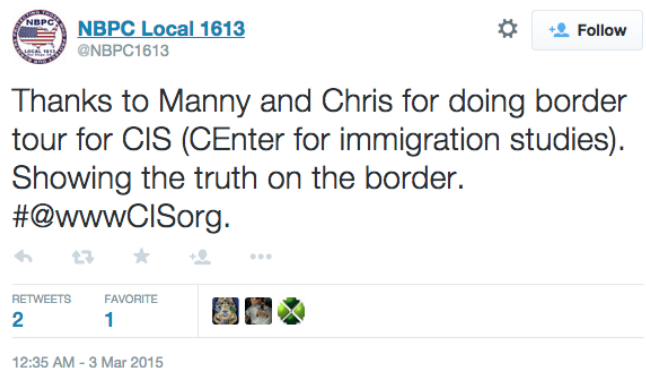
Despite this sustained increase in funding, in the lead up to the passage of Senate Bill 744, the 2013 Senate comprehensive immigration reform bill, a bipartisan compromise amendment was passed that added more than 40 billion dollars in new border security spending, including a near-doubling of the number of border security agents deployed mostly to the southern border. Although S.744 died in the House at the end of the 2014 legislative session, conversations around the security of the southern border endure. In the beginning of 2015, chair of the House Homeland Security Committee and staunch ally of the anti-immigrant movement, Rep. Michael McCaul (R-TX), sought to pass a border bill that would, in his words, “be the most significant and toughest border security bill ever set before Congress.” In truth, McCaul’s bill would’ve seen the border with Mexico (currently the United State’s third largest trade partner) transformed into the most militarized border in the world, dwarfing even the divide between Israel and Palestine.

“We have a border fence, better than we’ve ever had, albeit still not an adequate one. Should there be more of it? Yes. Should more of it be a real, double-layered, Israeli-style obstacle rather than just a low vehicle barrier, as most of it is now? Certainly. Would that help reduce illegal immigration? You bet.”
-Mark Krikorian, CIS (11/09/12)

Read more from Mark Krikorian [“In His Own Words.”](#)

As Congress continues to debate immigration reform, the so-called “security” of the southern border will continue to play an outsized role in any debate, a space that anti-immigrant leaders have long exploited.

Since 2011, the Center for Immigration Studies (CIS) has organized an annual tour of the U.S.–Mexico border for its members without any public acknowledgement or official support from the Border Patrol or its agents. Instead, tour participants were briefed by former border patrol agents and local ranchers and land-owners, who offered their perspectives on security and life along the border. However, that changed in March 2015, when NBPC Local 1613, based in Southern California, thanked two of its current agents — Manny Bayon and Chris Bauder — on [Twitter](#) for “showing the truth on the southern border” during a “border tour for CIS (Center for Immigration Studies) [sic].” In addition to serving as active border patrol agents, Bayon and Bauder also currently serve as elected union representatives. Bauder, in fact, is the current Executive Vice President of the National Border Patrol Council.



The California agents’ willingness to work with CIS was not unexpected.

Evidence suggests that even before the official March 2015 CIS tour, agents in the region had begun leaking information and working alongside known anti-immigrant activists. The most public example of such collusion was the virulently anti-immigrant protests at a Border Patrol

facility in Murrieta, California during the early summer of 2014. Ahead of these protests, which garnered national media attention, San Diego Minutemen founder Jeff Schwilk told supporters he had received information from “a senior border patrol source in San Diego” regarding the scheduled transportation of migrant families to the Murrieta facility.

Jeff Schwilk founded the San Diego Minutemen in 2005. Following the border vigilante group’s founding, Schwilk quickly became recognized as one of the movement’s most extreme players. He has led his group in harassing day laborers and undocumented immigrants in southern California. Most notably, in 2007, ***Voice of San Diego*** obtained video footage of Schwilk and other San Diego activists levelling a migrant workers camp, destroying tents, and electronics while Schwilk derisively proclaims, “they don’t build them like they used to.”

The group has since devolved after several years of in-fighting and legal battles stemming from the numerous alleged instances of vandalism and harassment carried out by Schwilk and his associates. Today, Schwilk leads a new anti-immigrant coalition, San Diegans for Secure Borders. The San Diego Union-Tribune **reported** in 2013 that Peter Nunez, board chairman for the Center for Immigration Studies, is also involved in the coalition.

Meanwhile, media outlets, including National Review and Breitbart News, identified Ron Zermeno, the health and safety director for NBPC Local 1613 (the same union chapter claiming credit for assisting the Center for Immigration Studies border tour), as a source of leaked details regarding the transportation of Central American migrants to-and-from the Border Patrol facility near Murrieta. Additionally, while Zermeno was **publicly ex-**

pressing his grievances about transporting the migrants, he was also privately coordinating and assisting far-right, anti-government activists in organizing a nine-day “Border Convoy” event along the U.S.-Mexico border from Murrieta, California to McAllen, Texas.



Promotional materials created for the Border Convoy included calls to “stop the invasion,” and its mission statement affirmed its ties to the Murrieta demonstrations: “Our core group of organizers are a part of the Murrieta Border Patrol blockade who now seek to positively impact the immigration dialogue by supporting local communities taking a stand against the federal government.”

Zermeno participated in a 47-minute **July 23, 2014 conference call** with organizers of the convoy, including Liberty News’ Eric Odom and far-right radio host Pete Santilli. Zermeno told organizers, “[I am] here to help you guys.” He even offered to reach out personally to Border Patrol agents in order to coordinate routes and possibly arrange tours of various portions of the border on behalf of the convoy members. Zermeno also promised to reach out to NBPC’s national leadership, offering to facilitate contact between the convoy and other union representatives and agents. “Tell me what you want, what you want to see, and where you want to see, and I’ll try to make it happen,” Zermeno said.

During the call, Pete Santilli went as far as to boast that he was “intimately involved” in the spring 2014 standoff at Cliven Bundy’s ranch in Nevada.

The Bundy Ranch standoff in southern Nevada began in April 2014 following rancher Cliven Bundy’s 20 year refusal to pay grazing fees to the federal government. When Bureau of Land Management officials began rounding up Bundy’s trespassing cattle, he garnered the support of armed far-right activists who shared his views and saw an opportunity to resist the so-called tyrannical actions of the federal government. Employing rhetoric reminiscent of the 1990s militia movement that birthed Timothy McVeigh – “I abide by all Nevada state laws. But I don’t recognize the United States government as even existing” – Bundy and his supporters from known militia and anti-government groups like the Oath Keepers engaged in an armed standoff with federal agents. Law enforcement officials were eventually able to de-escalate the stand-off.

Later in the summer of 2014, the Federation for American Immigration Reform (FAIR) organized a “fact-finding trip” in July for seven sheriffs from states as far away from the U.S.-Mexico border as Massachusetts and Oregon. Despite its well-documented status as an organization with ties to extremism, including being labeled as a ***hate group*** by the Southern Poverty Law Center, Border Patrol officials accommodated FAIR and the sheriffs during their time in McAllen, TX. In a travelogue of sorts ***published*** on its official blog, FAIR’s National Field Director Susan Tully wrote, “I am writing from the Border Patrol Station.” The group also published photographs to its website and social media accounts of the sheriffs speaking with official border patrol agents while patrolling the Rio Grande River by boat.



Border Patrol meets with sheriffs during July 2014 ‘fact-finding trip’ organized by FAIR.

Around the same time, Breitbart News’ Brandon Darby began publishing leaked photographs of overcrowded border patrol facilities detaining children and families. Darby continued to publish photos and internal documents, reportedly obtained from a ***“trusted federal agent in the CBP [U.S. Customs and Border Protection],”*** in the months following the Murrieta protests.

Brandon Darby, Managing Editor, Breitbart Texas: A former left-leaning activist based in Austin, Texas, Darby became a hero to many on the far-right after working as an informant for the FBI. Over the course of more than a year, Darby worked to manufacture a terrorist plot resulting in the arrest of two activists during the 2008 Republican National Convention. Darby’s work with the federal government attracted the attention of the late conservative firebrand Andrew Breitbart who introduced Darby to a new world of influence within conservative and far-right circles.

But these are not solely one-way relationships. Union leaders often seem to be speaking from the same script of talking points and policy prescriptions as the anti-immigrant movement when appearing before Congress or

in the media. Leadership of the NCBP, including President Brandon Judd and Vice Presidents Shawn Moran and Chris Cabrera, have been invited to testify before Congress seven times since April 2013 (when the comprehensive Senate bill was first introduced). In his [testimony](#) before the House Judiciary Committee on June 25, 2014, Judd presented several policy proposals identical to those advocated for by the anti-immigrant movement. Judd focused particularly on two themes: (1) ending prosecutorial discretion and (2) denying certain civil rights to Central American migrants. In the months before he testified, the Center for Immigration Studies released two lengthy reports criticizing prosecutorial discretion, i.e. “catch and release,” the preferred pejorative of anti-immigrant leaders and spokespersons. The second theme seemed to come straight from the mouth of FAIR President Dan Stein. Judd testified: “We need to be crystal clear that unaccompanied minors and their families will not be rewarded for breaking the law through special or legal status after being arrested.” Nineteen days prior, Stein was quoted in a [FAIR press release](#), stating, “The message being sent to Mexico and throughout Central America is that illegal entry is rewarded.” Stein concluded by imploring President Obama to “send a strong message throughout Mexico and Central America that the United States will enforce its laws and [that] he needs to discourage parents from sending their children on a dangerous journey north.”

Interior Enforcement

Both individuals who have headed the Department of Homeland Security (DHS) during the Obama Administration, Janet Napolitano (2009–13) and Jeh Johnson (2013–current), have overseen the implementation of significant changes to how Immigration and Customs Enforcement (ICE) approaches interior enforcement. Unlike border security, interior enforcement is generally focused on the undocumented immigrant population already living in the United States, whether by targeting immigrants who commit crimes or employers who knowingly hire undocumented workers, for example. ICE agents across the

country are therefore responsible for implementing the policies set forth by DHS and ICE headquarters to identify immigrants for deportation. Simply put, ICE agents make life-altering decisions regarding an immigrant’s eligibility to remain in the country.

Presently, such decisions are supposed to be shaped by three important memos outlining a new set of enforcement priorities dictated by headquarters in the last five years, including Deferred Action for Childhood Arrivals (DACA) and the President’s executive action announced in November 2014. Although these priorities were mandated by headquarters, practitioners and immigrants alike have documented that implementation by some ICE agents in the field has not always followed suit. That reticence to follow orders has had a profound effect on the actual experiences of immigrants living in the country, many of whom, therefore, have not benefited from the changes championed by the President and DHS heads.

Additionally, in response to those memos, Congressional Republicans have increasingly focused on policies and politics that target the 11 million undocumented people already in the United States, conflating rhetoric regarding the economy and our national security with “enforcement-first” policy proposals. In doing so, Republican leadership has often relied on the testimonials and expertise of ICE agents in the field, among others, to help justify their arguments for historical levels of interior enforcement.

In August 2012, shortly after the Deferred Action for Childhood Arrivals program (DACA) was announced, but before it was enacted, ten ICE agents filed a lawsuit against then DHS Secretary Janet Napolitano and the directors of ICE and United States Citizenship and Immigration Services (USCIS). The lead plaintiff in the lawsuit was Christopher Crane, President of the National ICE Council.

In anticipation of President Obama announcing the DACA program, the leaders of the anti-immigrant movement began exploring ways to counter the program by falsely

arguing that DACA represented an unconstitutional act of executive overreach. In order to mount a legal challenge against the program, however, the leaders of that movement needed to recruit a plaintiff who could credibly claim injury and be granted legal standing in a court of law.

Chris Crane was their man.

Crane v. Napolitano was initially dismissed on a legal technicality, and then in a separate ruling on **April 7, 2015** the Fifth U.S. Circuit Court of Appeals once again dismissed Crane and his colleagues' case. Despite this, the lawsuit allowed anti-immigrant groups like NumbersUSA to construct a platform from which Crane could act as a prominent spokesperson, helping to advance the anti-immigrant movement's targeting of DACA. NumbersUSA announced that it would cover all legal fees incurred for the duration of the suit, and the anti-immigrant movement's most prominent attorney, Kris Kobach, was recruited to represent Crane and his colleagues. While known to most as Kansas' Secretary of State, Kobach is also an attorney for the ***Immigration Reform Law Institute (IRLI)***, FAIR's legal project. In the past, Kobach has worked through FAIR to help draft some of the most negatively biased — and largely unconstitutional — state bills. The most notable example was Arizona's anti-immigrant SB 1070, which Kobach and other IRLI attorneys worked to help draft. Costing millions to defend, the bill was shepherded by Kobach all the way to the U.S. Supreme Court, where it was largely gutted after costing the state hundreds of millions in business and consumer boycotts.

Kris Kobach currently serves as “Of Counsel” to the Immigration Reform Law Institute, the legal arm of the Federation for American Immigration Reform (FAIR). Over the last decade, Kobach has become one of the most important minds behind the anti-immigrant movement's efforts to pass discriminatory policies. In addition to authoring and defending notorious legislation like SB 1070, Kobach has also worked to implement anti-immigrant housing ordinances that have cost local municipalities millions to defend in court. Kobach claims he conducts his anti-immigrant advocacy on his own time while also fulfilling his duties as Kansas Secretary of State. When Kansas immigrant rights activists peacefully protested Kobach's anti-immigrant efforts, he disclosed his true disdain for immigrants calling the protesters a “mob” whose actions evidence “a reason we have the Second Amendment.”

Center for Immigration Studies (CIS) staff have admitted that allies such as Crane are indispensable to its work. In a July 2014 appearance on the internet radio show Cotto & Company, CIS Senior Policy Analyst Stephen Steinlight admitted that a recent CIS publication that inspired multiple Congressional inquiries could not have been done “without our ongoing good connections with whistleblowers in agencies like Immigration and Customs Enforcement.” As recently as March 31, 2015, CIS's Jessica Vaughan published **analysis** based on, as she opaquely phrased it, “DHS statistics, which have not been released to the public, but were obtained by the Center.” Taking Steinlight and Vaughan at their word, CIS apparently has been able to cultivate relationships with individuals within the DHS who are willing to leak information to the organization in strategic moments. CIS depends on such access when authoring their disingenuous and misleading publications based largely on data sets and internal DHS reports that no one other than CIS's

researchers ever have the opportunity to examine closely.

Such a lack of transparency says much about the veracity of CIS's research; essentially, when source documents are concealed in this way, the resulting reports become impossible to fact-check.

Stephen Steinlight, Senior Policy Analyst for the Center for Immigration Studies, travels the country cautioning Tea Party activists of the threat immigrants pose. During such events, Steinlight claims increased numbers of immigrant voters will be “a disaster” and bring about “the unmaking of America.” Steinlight has also expressed support for a moratorium on Muslim immigration through legislation like the McCarran Act of the 1950s because, in his words, “Muslims believe in things that are subversive to the Constitution.” In July 2014, Steinlight told a group in Sebring, Florida that he would support the lynching of President Obama. “We all know, if there ever was a president that deserved to be impeached, it’s this guy. All right? And I wouldn’t stop. I would think being hung, drawn, and quartered is probably too good for him.” CIS Executive Director Mark Krikorian dismissed Steinlight’s comments as “impolitic” to [***The Huffington Post***](#) and merely put a “reprimand in his personal file.”

Crane has used his role as spokesperson to expand the anti-immigrant movement’s outreach to local law enforcement across the country. He gathered signatures of sheriffs for a [***May 9, 2013 letter***](#) addressed to members of Congress in opposition to the comprehensive immigration reform bill S. 744. While testifying before the House Judiciary Committee on June 24, 2013, Crane boasted that his letter was eventually signed by 140 sheriffs. Although this is only a slim majority of sheriffs nationwide (LA County has over 9,000 sheriffs alone, for example), and

many others are actually enacting immigrant-inclusive policies designed to enhance public safety, the anti-immigrant movement’s collusion with Crane only becomes more troubling as they attempt to reach out and to recruit local law enforcement to their cause.

The anti-immigrant movement has also invited Crane to speak at rallies and at FAIR’s annual media and citizen lobbying event, “Hold Their Feet to the Fire.” That event brings together radio hosts, law enforcement officers, elected officials, and anti-immigrant activists from across the country for a two-day event in Washington, D.C.

Via his relationships with the leaders of the organized anti-immigrant movement, Crane has also garnered attention and support from the country’s most prominent anti-immigrant members of Congress. Since filing *Crane v. Napolitano* in August 2012, he has been invited to testify before Congressional committees on eight separate occasions, more than any other spokesperson or staff member representing this movement during that same period. Crane testified alongside Border Patrol union president Brandon Judd during a June 2014 Judiciary committee hearing on unaccompanied minors apprehended at the U.S.-Mexico border. There, he echoed Judd and the anti-immigrant movement’s calls for increased enforcement measures. “The answer of course is that we aggressively enforce our immigration laws and quickly remove those who enter the country illegally,” [***Crane’s testimony***](#) reads, “And in doing so we send a message to the world that these types of tactics will not be successful.”

In June 2013, [***The New York Times***](#) characterized yet another occasion of Crane’s testimony as containing “critical and dire” warnings about S.744, the comprehensive immigration reform bill that passed the Senate with bipartisan support. *The Times* also verified that with his testimony that day Crane had secured a “record as the most frequent witness on Capitol Hill during this year’s immigration debate,” earning him the superlative of “the favorite expert of conservative critics of the Senate measure.”

Additionally, *The Times* reported that Crane’s testimonies are not representative of the majority of ICE employees:

“Mr. Crane is in a minority in the immigration agency. Nearly 9,000 investigating agents in ICE are represented by a different organization, the Federal Law Enforcement Officers Association, and they do not agree with his approach.

“The union has a tendency to fire Scud missiles at the administration,” said Andrew Rakowsky, the association’s representative at ICE. “We work to find common ground.”

One Congress member, in particular, who has ardently supported Crane is Sen. Jeff Sessions (R-AL). Sessions himself has been lauded by the anti-immigrant movement for his efforts to obstruct reform legislation. Sessions has reciprocated the movement’s admiration by speaking at anti-immigrant events, promoting the organizations’ work in press releases, and even commending NumberUSA’s on their 15th anniversary during a 2012 **Senate floor speech**. Sessions formalized his working relationship with the organized anti-immigrant movement in 2013 by **hiring Janice Kephart** as Special Counsel. At the time Kephart was also the Director of National Security Policy for the Center for Immigration Studies.

Sessions has regularly extolled Crane and other enforcement agents in his frequent press releases and speeches on the Senate floor. The senator from Alabama has **previously described** Crane as “a great American” and has **urged the Obama Administration** to “meet with Chris Crane.” In January of this year, Sessions was named chairman of the Senate Judiciary subcommittee on immigration. In a **statement** following that announcement, Sessions declared that, under his leadership, “this committee will give voice to those whose voice has been

shut out” including “the dedicated immigration officers who have been blocked from doing their jobs.”

Clearly, the likes of Crane and Judd will continue to find audience in Congress.

Closing

Worryingly, collusion between anti-immigrant groups and DHS union leaders is perhaps encouraging leaders of non-enforcement related immigration unions to adopt their rhetoric. In March 2015, NumbersUSA **cross-posted** a press release from Kenneth Palinkas, the President of the National Citizenship and Immigration Services Council (USCIS union). In his piece, Palinkas attacks the President’s immigration policy and argues that “by not scrutinizing each and every applicant to the fullest extent possible to ensure America’s security, we invite an even more catastrophic event than what occurred on 09/11/2001.”

Border patrol officers and ICE agents are often the public’s first contact with America’s immigration system, and they shoulder the responsibility of upholding a system of complex and disjointed policies and laws. That’s why the collusion between these leaders in the ICE and Border Patrol unions and the organized anti-immigrant network demonstrated in this report is deeply troubling. Fundamentally, it calls into question the ability of some to uphold their responsibility as stewards of the country’s immigration system. Congress and the media each have a duty to seriously question the expertise and biases of these leaders and spokespeople and what they offer to any serious debate on this country’s immigration policy.