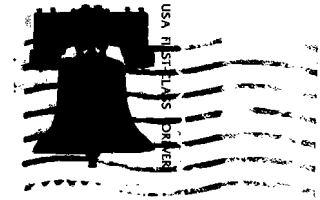


U.S. Border Patrol
2430 S. Swan Road
Tucson, AZ 85711



U.S. Border Patrol
Laredo Sector Headquarters
ATTN: ACPA John Esquivel
207 West Del Mar Blvd.
Laredo, TX 78041

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David,

We have considered writing this letter for some time. We were prompted to get it done when we learned of your \$50,000.00 payoff bonus this year. It is important that the record be set straight regarding your "legacy" and the long-term negative impacts you have had on our organization.

Project 28 – The tens of millions of taxpayer dollars spent thus far have not produced a working system. The system has not been fully functional for a single day since we were forced to accept delivery by your office. Even though Project 28 was supposed to provide a blueprint for effective border security, you are on record admitting that agents on the ground had no input during the development of the system. From the very beginning of this initiative, you were kept advised that Project 28 had no chance to live up to expectations and that major concerns of field personnel were being ignored. The Department of Homeland Security and CBP went overboard hyping this project and you avoided political risk by remaining silent while we were being force-fed inadequate equipment.

Here in Tucson, we wondered how the contractor who put the least effort into the project bid, Boeing, managed to secure the contract. Then we learned that ex-CBP Commissioner Robert Bonner, the man who promoted you into your position, was a member of the Boeing team. What a coincidence. Some of your staff members who were involved in the development and installation of the Project 28 system have since retired and now have lucrative jobs with the contractor. The obvious conflicts of interest surrounding this failed initiative should be investigated by the Office of the Inspector General. Where was your voice of advocacy to make sure we got what we needed to successfully carry out our mission?

The "Aguilar legacy" will include an unprecedented show of unity by the union officers who represent some 17,000 Border Patrol employees. Their vote of *no confidence* in your leadership is the first time such a dramatic display of scorn has ever been aimed at the Chief of the Border Patrol. This historic vote should have sent an unambiguous message to your political bosses that agents across the country have no faith in your administration. Instead of taking steps to understand why such a drastic action was taken by the men and women you are charged with leading, your political bosses labeled the *no confidence* vote "unfair." The lack of alarm demonstrated by the political appointees you work for was a clear sign that you had compromised your advocacy responsibilities for personal political gain.

There is increasing discussion regarding revitalizing the Chief's Association. As you know, members of the Chief's Association include supervisory personnel from Field Operations Supervisors through Chief Patrol Agents. We believe that if a vote amongst these members was held today, a vote of *no confidence* would be delivered as it was with the bargaining unit.

You have repeatedly made politically expedient decisions that are not necessarily in the best interest of the Border Patrol. One aspect of the "Aguilar legacy" will include the radical changes you permitted in our Border Patrol Academy. When you first proposed the idea of an altered

academy at a Chief's conference, the Chief Patrol Agents in attendance were unanimously opposed. Rather than heed the substantive misgivings expressed by your senior field leaders, you simply went ahead with the ill-advised changes without further consultation. You supported the transformation of one of the best law enforcement academies in the country into a diploma mill.

An academy that had been painstakingly developed over several decades to produce the most professional, capable law enforcement officers in the nation has been drastically shortened and altered for the purpose of producing more agents, not better agents. You would have been supported by the field if changing the academy was designed to enhance agent skills or to address training shortfalls. Instead, your changes were designed to meet a political goal of adding 6,000 agents. Your new academy, restructured to permit maximum flow, relegated the influence upon agent development to a minor consideration. It is hard to imagine that any other law enforcement agency would permit this sort of politically mandated training degradation without a fight. You went along willingly in spite of the protests and well-defined objections of the most senior members of our management team. Qualifications and standards have been diminished to a point where failures at the academy are nearly unheard of. Your goal of churning out as many warm bodies as possible is being met for now, but the harmful effects will unquestionably be felt far into the future.

Your aggressive marketing campaign to "sell" the new academy is demonstrative of the way the appalling changes were rammed down our throats. Any expression of disagreement by those given a tour of the new academy is met with ridicule and open hostility. A survey of the agents who are now forced to work with your brand of trainee would reveal dissatisfaction and anxiety regarding the direction our agency is taking.

In another display of weak leadership, you permitted hundreds of trainees to enter the academy before a background investigation could be completed. Criminals gained access to the organizational component that we rely upon to accentuate honor, integrity and professionalism to those joining our ranks. We have been unable to identify any other Federal law enforcement agency that has ever permitted such a dangerous practice. Many criminals were able to enter on duty here in Tucson because of the sloppy hiring practices implemented by your office as you strived to meet the political goal of hiring thousands of agents. Again, advocacy took a back seat to political appeasement. We are unsure to this day if we have successfully weeded out all the criminals you permitted to infiltrate our organization.

One aspect of the "Aguilar legacy" that is already well established is your propensity to promote and support friends and loyalists, regardless of qualifications or leadership abilities. A few noteworthy examples include:

Jeff Self – Until a few short years ago, he was a GS-13 Assistant Patrol Agent in Charge of a station that was widely regarded as dysfunctional. He was unable to have a positive influence on this unremarkable station, yet you brought him to Washington, made him a member of the senior executive service, and gave him oversight responsibilities for the entire Southern border.

He has never been a staff officer, made key personnel selections, or managed anything other than a medium-sized station from the number two position. He openly boasts about his authority to review sector personnel selections and he noticeably enjoys telling SES Chief Patrol Agents how to manage their sectors. He has never held a position of consequence in a field component, but his headquarters tour has somehow provided him with the wisdom, experience and judgment to readily provide guidance and oversight to the largest, most complex sectors in the country.

Rowdy Adams – Mr. Adams has had experience managing a Border Patrol Station, but you were forced to remove him due to several dozen EEO complaints and widespread loathing of his management style. An official inquiry later cited “gross mismanagement” during his tenure. You made him an Assistant Chief while you were in Tucson, then took him to Washington with you. Although he had no experience managing a sector and a negative experience managing a station, you gave him oversight responsibilities for the entire Northern border. It is widely believed that his assignments at headquarters were designed to give SES grade to one of your friends rather than to provide competent oversight for the field.

Carlos Carrillo – For many years you have concealed his inappropriate relationships with subordinate personnel and support staff. In spite of his well known integrity problems, you took him to Washington with you, then made him the Chief Patrol Agent in Laredo. He promptly made public statements regarding our mission that embarrassed agents across the country and severely diminished local support for our operations. His irresponsible public comments would have brought your wrath down hard on any other person in his position, but your close relationship benefitted him once again. The staff in Laredo at all levels holds him in contempt and is at a loss to understand what leadership characteristics he possesses that qualify him for a CPA position. Your staff indicates that he has again exhibited unbecoming conduct that would prompt removal if he was anyone other than your best friend. Your decision to let him retire at his leisure rather than fulfill your responsibility to impose timely disciplinary action is yet another unjustifiable choice. Even though he will leave in shame and dishonor, he will once again escape discipline because you have decided to misuse your authority to cover up impropriety by one of your friends.

Joe Giuliano – This is a person you have supported, touted as a leader and encouraged your headquarters staff to champion. You even assigned him to participate in leadership training that you mandated for the field. His recent arrest for child rape should give you pause regarding your evaluation abilities when it comes to identifying a leader.

Kevin Stevens – A friend of yours who had only gained the rank of Assistant Chief in the field (your promotion) before you took him to Washington. You made him the Deputy Chief of the Border Patrol in spite of his limited field management experience and he had oversight of all Border Patrol operations. When he was unable to sell his home while planning for retirement, you provided him with a high-paying rehired annuitant job. These positions were created to provide more agents for field duty, not augment retirement annuities for your friends. He has retired from the Border Patrol, yet he supervises active duty headquarters Border Patrol staff

and provides direction to the field as if he was still the Deputy Chief. His refusal to move on and his belief that he still occupies a position of authority, even though retired, have raised the ire of field personnel in every sector. The rehired annuitant positions were never intended to be used as you are using them at headquarters.

You publicly admonish managers not to promote people based on personal relationships, yet you have taken this objectionable practice to a whole new level. The list of unqualified friends you have placed in important positions goes on and on and is deeply resented by the field.

We were discouraged early in your tenure when we heard that you directed Sector Chiefs to promote President Bush's comprehensive immigration reform package. It was entirely inappropriate for you to support any of the pending legislation due to your fundamental duty to remain apolitical. When line agents learned that you were supporting President Bush's proposal, which included amnesty, the hostile response was immediate and widespread. Your damage control field trip served only to expose your inclination to lie when confronted with your own improper behavior. Your demonstrated willingness to compromise agency principles and ethics is unparalleled.

The "Aguilar legacy" will include many lingering questions and unresolved difficulties that prompt distrust in the field. Why, given the fact that we have twice the number of pilots and aircraft than we used to have, do we now only get half the air support hours that we used to get? Why do you have more security personnel than Cabinet Members and Congressmen when you visit the field? A review of SRT personnel assignments during your field visits would interest OIG investigators. Why have you added several layers of ineffectual management between you and your field leaders? The questionable exploits of your administration are too lengthy to list here.

Previous Chiefs in your position have experienced difficulties. In fact, there have been many times in our past that the person in your position has come under fire. However, there has never been a time when our Chief has been so out of touch with the field, or a time when our Chief has become a politician and lost sight of his most important responsibility; to be an advocate for the agency and its mission. You clearly see yourself as an agent of change for political bosses rather than a person who has been entrusted to ensure that the Border Patrol remains a top-notch law enforcement agency, ready and able to carry out its critical function.

We are sure you will dismiss this anonymous letter as an unmerited hit piece. Unfortunately, we feel we have to communicate in this way because you have surrounded yourself with people who choose not to give you information or advice that is contrary to your thinking. You also have a well-established track record of destroying the careers of anyone who disagrees with you, regardless of how sincere their disagreements may be. The unprecedented number of non-mandatory retirements that took place shortly after your ascension to the Office of the Chief should have been an indicator to all who were paying attention that you intended to purge the leadership who provided diverse advice and counsel. The good news is that many of us intend to remain long enough to help pick up the pieces after you leave.