



# NATIONAL BORDER PATROL COUNCIL

BRANDON JUDD / President

2185 West Magee Road, Suite 125 - Tucson, AZ 85742

Phone: (520) 686-1985 / E-Mail: bjudd10@gmail.com

## PROTECTING THOSE WHO PROTECT OUR BORDERS

### PROFESSIONAL BIOGRAPHY

Brandon Judd is a widely known and highly regarded expert on border security and illegal immigration. He has served as a Border Patrol agent for the last 22 years, and President of the National Border Patrol Council since March 2013. His dual roles include protecting America's borders while ensuring that the best interests of all rank-and-file Border Patrol agents across the country are met.

Mr. Judd is an extremely effective communicator. His border security positions have been covered by all forms of media. He has been called upon to testify before the U.S. Congress as an expert witness on border security on numerous occasions, and is often consulted privately by policy makers on Capitol Hill. At the invitation of President Trump, Mr. Judd has participated with the President in multiple roundtables and press conferences both pre- and post-election to discuss measures to effectively secure the border. Mr. Judd has written numerous border security op-eds that have been published by multiple media outlets including, but not limited to, the USA Today, the Hill, Real Clear Politics, the Washington Times, and Fox News National.

Due to Mr. Judd's advocacy, numerous border security policies have been created and law enforcement operations implemented to ensure the safety and security of the United States and its citizens.

#### **Testimony before US House and Senate Committees:**

House of Representatives Committee on Oversight and Government Reform. Hearing on "Central American Immigrants and Border Security." April 12, 2018.

House of Representatives Committee on Homeland Security, Subcommittee on Border and Maritime Security. "Bang for the Border Security Buck: What do we get for \$33 billion?" March 15, 2018

House of Representatives Committee on Natural Resources, Subcommittee on Oversight and Investigations. Hearing on "Challenges Faced by Border Patrol Agents." February 15, 2018

House of Representatives Committee on Homeland Security, Subcommittee on Border and Maritime Security. Hearing on "Border Security from an Agent and Officer Perspective." January 9, 2018.

House of Representatives Committee on Oversight and Government Reform. Hearing on "The Border Wall: Strengthening Our National Security." April 27, 2017.

Senate Homeland Security and Government Affairs Committee. Hearing on "Perspectives from the DHS Frontline: Evaluating Staffing Resources and Requirements." March 22, 2017

Senate Judiciary Committee-Subcommittee on Immigration and the National Interest. Hearing on “Declining Deportations and Increasing Criminal Alien Releases – The Lawless Immigration Policies of the Obama Administration”. May 19, 2016

House Committee on Oversight and Government Reform. Hearing on “National Security: Threats at our Borders”. March 23, 2016

House Judiciary Committee. Hearing on “Another Surge of Illegal Immigrants Along the Southwest Border: Is this the Obama Administration’s New Normal?” February 4, 2016

Senate Homeland Security and Governmental Affairs Committee. Hearing on “America’s Heroin Epidemic at the Border: Local, State, and Federal Law Enforcement Efforts to Combat Illicit Narcotic Trafficking”. November 23, 2015

House Committee on Oversight and Governmental Reform. Hearing on “Violence on the Border: Keeping US Personnel Safe”. September 9, 2015

Senate Committee on Homeland Security and Governmental Affairs. Hearing on “Securing the Southwest Border: Perspectives from Beyond the Beltway”, March 17, 2015

Senate Committee on Homeland Security and Governmental Affairs. Hearing on “Deferred Action on Immigration: Implications and Unanswered Questions”. February 4, 2015

House Homeland Security Committee – Subcommittee on Oversight and Management Efficiency. Hearing on “The Executive Proclamation Designating the Organ Mountains- Desert Peaks a National Monument: Implications for Border Security”. July 10, 2014

House Judiciary Committee. Hearing on “An Administration Made Disaster: The South Texas Border Surge of Unaccompanied Alien Minors” June 25, 2014

Senate Committee on Homeland and Governmental Affairs. Hearing on “Border Security: Examining the Implications of S. 1691, the Border Patrol Agent Pay Reform Act of 2013”. June 9, 2014

Senate Committee on Homeland and Governmental Affairs- Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce. Hearing on “Examining the Use and Abuse of Administratively Uncontrollable Overtime at the Department of Homeland Security”. January 28, 2014

House Committee on Oversight and Governmental Reform- Subcommittee on National Security. Hearing on “Abuse of Overtime at DHS: Padding Paychecks and Pensions at Taxpayer Expense”. November 20, 2013



**Testimony of Brandon Judd**  
**President, National Border Patrol Council**  
**Before the Subcommittee on Oversight, Management and Accountability**  
**House Committee on Homeland Security**  
**Hearing: “Business as Usual? Assessing How DHS Can Resume Operations Safely”**  
**Tuesday, June 16, 2020**

Chairwoman Torres Small and Ranking Member Crenshaw, my name is Brandon Judd and I am the President of the National Border Patrol Council (NBPC). The NBPC represents the 14,500 rank and file field agents in the Border Patrol. On behalf of these men and women, I would like to thank you for both having this important hearing on how we can safely operate in a COVID-19 environment and for being such stalwart supporters of the men and women of the Border Patrol.

During this time of great civil unrest, and because I am a uniformed law enforcement officer, I would be remiss if I did not address the senseless murder of George Floyd.

I was thoroughly disgusted to see the video of Officer Chauvin with his knee on George Floyd’s neck. I was even more disgusted when I watched as Officer Chauvin failed to show the slightest modicum of human decency as Mr. Floyd begged for his life. I was mortified that a person who was supposed to be the “good guy” was worse than the criminals law enforcement officers come in contact with on a daily basis. Officer Chauvin’s actions can never be repeated, but just as important, the men and women in law enforcement must understand and believe that they are not above the law; and we all must believe that racism has no place in society, especially in law enforcement.

I hope you will judge me by my actions and not my words.

Throughout my career, and as the head of the NBPC, I have personally led the charge for accountability in the Border Patrol. Last Congress, I worked with Senator Kamala Harris’ staff on Body Worn Camera legislation. Well before ProPublica exposed the reprehensible Facebook postings by Border Patrol Agents, I notified career Border Patrol managers at the highest levels of the inappropriate and unprofessional content that was being posted. I’ve filed numerous reports of misconduct, including one report of a high-level manager ordering his agents to target individuals of Muslim decent, regardless of whether or not they were U.S. Citizens. Thankfully, not one rank and file agent, that I know of, followed through on the career supervisor’s order. I’ve also helped other Border Patrol Agents file reports of misconduct that they witnessed in the workplace.

I have been entrusted to enforce the immigration laws of the United States. This charge is a great responsibility and it should mean that I am more accountable to the law and certainly not above it. No law enforcement officer is above the law and thankfully, the vast majority of my colleagues believe the same. We believe those officers that would put themselves above the law like Officer Chauvin, have no place in law enforcement and I will re-emphasize that racism has absolutely no place in society, especially in law enforcement.

In light of the aforementioned, I hope you will judge my testimony accordingly.

### **Border Security Uninterrupted**

While the men and women of the Border Patrol are no strangers to dealing with extraordinary circumstances, including communicable diseases, in their everyday jobs, the COVID-19 pandemic has created unique challenges and I am proud to say that Border Patrol Agents across the country have risen to the occasion to protect our borders even in the face of unprecedented circumstances. But we could not do it alone.

After nearly 23-years in the Border Patrol, I can emphatically say that without the support of this Administration we would not succeed, and President Trump's quick action to initiate Title 42 authorities has driven illegal immigration numbers to the lowest levels in my career. This has allowed us to detect and apprehend the vast majority of those that have entered our country illegally over the past few months and it has undoubtedly prevented additional cases of COVID-19 from coming to U.S. communities.

I also want to highlight the dedication to the border security mission exhibited by members of the National Border Patrol Council during this pandemic. For the first two months of the pandemic, members of the National Border Patrol Council who are designated to be on 100% official time, voluntarily took themselves off of official time and returned to their regular duty assignments in the field. To my knowledge, we are the only federal employee union in the nation that took this action.

As you are undoubtedly aware and as I previously stated, since the onset of the COVID-19 pandemic, the Border Patrol has generally fared well along the Southwest border from a border security perspective. Additionally, from a health and safety perspective, we have also generally fared well and have been incredibly fortunate that the number of COVID-19 cases among agents has thus far been low. The men and women of the Border Patrol have been able to continue our border security mission while also protecting our agents with little to no disruptions. With the Border Patrol as an example, I believe the federal government can operate at high levels while also managing the spread of COVID-19.

### **Preparing for the Worst**

While the border security and public health picture amongst agents is *currently* positive overall, I want to implore the Subcommittee not to assume that everything will be 'just fine' going forward. I am hopeful that the situation along the Southwest border will remain as it is but I am deeply concerned that due to the uncertain and complex nature of COVID-19, the situation along the border could spiral out of control and turn dangerous and deadly soon; and it could happen with little to no warning. The evolving and ever-changing scientific, public health and economic landscape of this pandemic has made forecasting what comes next nearly impossible – even for our nation's top experts. This uncertainty leaves the Border Patrol with only one option – to hope for the best and prepare for the worst. Now is the time to plan and prepare for the worst-case scenarios.

Unfortunately, there is a long history of Border Patrol leadership not leading and not preparing for what lies ahead. In fact, whether it was the 2014 Unaccompanied Alien Children (UAC) crisis or the 2019 surge that we just experienced this past summer, recent history has shown that the agency rarely has contingencies for worst-case scenarios and is ill-prepared to deal with crises along the border.

I am deeply concerned that Border Patrol leadership is again not taking adequate steps now to prepare for what could very likely come our way in the near future. Whether it's the draw of our economic recovery or the downturn of the Mexican economy; an overwhelmed healthcare system in Mexico due to a COVID-19 outbreak among Mexican communities or the draw of excess hospital capacity in the U.S.; there are many plausible scenarios that could lead to a massive surge in illegal immigration and a resulting crisis along our Southwest border.

As I just stated, now is the time to plan and prepare for the worst-case scenarios. If we keep operating under the same model, I am afraid that we will sadly once again fail to protect our citizens, employees and individuals crossing our border. And with the grim realities of COVID-19, the consequences of not planning and preparing could be catastrophic and heartbreaking.

The NBPC is eager to begin preparations immediately and in that spirit, I am pleased to share with the Subcommittee the below recommendations that we believe will make a significant difference in Border Patrol operations, the health and safety of our agents and the individuals that we encounter, if implemented. We welcome your feedback and would greatly appreciate your support for these measures.

### **Steps We Need to be Taking Now**

**Additional detention capacity** – The need for additional space is going to be critical even if Border Patrol continues to expel illegal immigrants under Title 42. The size of a potential surge, the country of origin of the illegal immigrants, the willingness of countries to take back their own citizens, and the health status of the individuals we apprehend are all factors that are going to drive the need for more capacity. Catch and release in a pandemic is simply not an option.

**In-field processing** – We have had good success processing detainees in the field. This is one of the reasons that I believe we have kept our COVID-19 infections low. By processing in the field we are not exposing an entire Border Patrol station to a potentially infected individual. One limiting factor is internet connection. Without proper connection we cannot conduct criminal background checks and enter biometric data on the detainees. As you know, internet connectivity is spotty at best along the border. However, there is military technology available that could give us this connection and it is my understanding that it can be done at a minimal cost.

**Testing** – Border Patrol currently does not have any testing capability for agents. Instead, we must rely on local medical facilities which in border communities are already overstretched. Given that COVID-19 will remain a threat until a vaccine is developed, Border Patrol leadership needs to either develop this capability in-house or contract out the function.

**Temperature screening** – The most effective method available to quickly determine whether an individual may be symptomatic is body temperature screening. There are numerous vendors that make thermal cameras that can determine, at a safe distance, whether an individual is running a fever. We need to acquire this capability to both protect the agents and ensure that detainees who are sick are properly segregated from other detainees and treated.

**Preparing OFO Officers to back up Border Patrol** – The Border Patrol has a long history of sending agents to assist at ports of entry when the Office of Field Operations is overwhelmed. Apart from the 2019 crisis and only in the Rio Grande Valley, OFO has rarely been deployed to assist the Border Patrol. We need to be prepared to redeploy OFO officers to deal with a potential surge of illegal immigration. OFO officers have the same legal authorities that I have as a Border Patrol Agent. They are terrific partners that can be helpful with detainee processing, transportation, and detention while the port traffic remains at low levels.

I hope you will take these suggestions into consideration, some of which come at no cost to the taxpayer.

Again, I would like to thank you for the opportunity to testify on behalf of rank and file Border Patrol Agents and I am happy to answer any questions that you might have.