



## SHAW AIR FORCE BASE INCIDENT REPORT

### **Are Law Investigative Protocols Regarding Attempts by Illegal Aliens to Gain Access to U.S. Military Installations Compromising National Security?**

#### EXECUTIVE SUMMARY

This report relates to the “criminal” investigation of a July 14, 2010 attempt by 25 illegal aliens to gain access to the construction site of the new 3<sup>rd</sup> Army Central Command ([ARCENT](#)), located on Shaw Air Force Base in Sumter, South Carolina. Shaw Air Base is also home to the Air Force Central Command ([AFCENT](#)), which is responsible for Air Force Air Combat operations in Southwest and Central Asia. The 3<sup>rd</sup> Army Central Command Center at Shaw is responsible for planning, logistics, manpower, and other command operations for Army ground forces in Central Asia and the Middle East. This theatre of operations includes the current wars in Iraq and Afghanistan.

The 25 illegal aliens who attempted to gain access to Shaw Air Base were employed by a federal contractor.

It appears that less than a complete “criminal” investigation was conducted in response to the attempted unlawful entry on this strategic military base. Apparently, the FBI was not involved in the investigation, and Immigration Customs Enforcement ([ICE](#)), who handled the matter, released 23 of the illegal aliens on the day of the incident, in the hopes they would return for a future immigration hearing.

In a broader view, research indicates the incidence of attempted unlawful entry by illegal aliens onto military facilities is not a rare occurrence. In the past six years, at least 577 illegal aliens have been arrested who either attempted to, or gained access to sensitive national security installations, and at least 150 additional illegal aliens were not arrested who attempted to gain access through false pretense at 24 installations.

If the protocols applied in the Shaw Air Base incident are typical, it raises serious national security concerns. An additional report based on an investigation by FIRE Coalition and RAIA staff is forthcoming which will address preventative measures that could or should be taken that might have prevented the Shaw Air Base incident from occurring in the first place, and that may prevent future incidents in which a breach of security is prevented.



## BACKGROUND

Most Recent case-in-point as of date of release of this report:

**Thursday, July 15, 2010**

[Company responds after illegal immigrants barred entry to Shaw AFB](#)

By Taylor Kearns - [bio](#) | [email](#) (NBC Affiliate WIS-10)

SAFB: Military Command & Control Center, Sumter, South Carolina

Shaw Air Force Base (SAFB) is currently the Command Center for the Air Forces Central Command (AFCENT) for the Middle East and the home base for the Air Force's largest fighter wing. To satisfy 2005 Base Realignment and Closure (BRAC) mandates, additional facilities are being constructed to house the Third Army Central Command (ARCENT) ("Third Army Headquarters Building"). ARCENT handles war planning and logistics, personnel and equipment for U.S. Army ground forces in Central Asia and the Middle East including for the war theaters of Iraq and Afghanistan.

Numerous federal, state, and local agencies beyond those directly involved in the incident at Shaw have responsibilities and obligations to uphold the law.

While the overlapping jurisdictions might have caused some confusion as to which agency had the authority or responsibility to act, any such confusion did not relieve them of their duty to administer or enforce the law. A complete list of government agencies and/or stakeholders with varying levels of responsibility can be found in the reference section at the end of this report.

Caddell Construction Co.-Prime Contractor

The prime contract for the new Army Central Command facilities was awarded to "federal contractor" [Caddell Construction Company](#) (Caddell) on May 29, 2009. The contract was initially for approximately \$58m and is currently up to \$91.6M.

The ARCENT contract involves the construction of a 330,000 square foot facility. The contractual completion date is February 14, 2011. [USASpending.gov](#) reports that Caddell Construction, (contract number: [N6945009C1756](#), valued at over \$58 million) is building the U.S. 3<sup>rd</sup> Army Headquarters at Shaw Air Force Base in Sumter, South Carolina. The project is being overseen by the Department of the Navy, Contracting Office N69450.

*LINK TO SHAW INCIDENT REPORT ONLINE, SEPT 17, 2010:*

<http://firecoalition.com/docs/ShawIncidentReport.pdf>



### Subcontractor Palacios Drywall Inc

In February of 2010 Caddell awarded a drywall subcontract to Palacios Drywall, Inc. (PDI) registered as a North Carolina corporation on September 13, 2004.

The initial registered agent and incorporator was Jose Antonio Palacios Cervantes. The registered address for PDI was 18635 Starcreek Dr. STE F Cornelius, Mecklenburg County, NC 28031. This property was leased on a month to month basis from 2004 until about June 1, 2010. It was leased by a Jose Juan Palacios and a Jose E. Palacios.

## INCIDENT DETAILS AND RESPONSE

At approximately 6:30 a.m. on Wednesday July 14, 2010 some employees of PDI attempted to gain entry on to SAFB. Base security believed that the PDI employees had forged or false identification documents and did not allow them on to the base. The commander of base security indicated to the press that base security called the Sumter Police who subsequently contacted Immigration and Custom Enforcement (ICE).

(The Sumter Police Chief told one of our people he was called to SAFB by ICE, not the other way around as reported by local media.)

ICE did a check on the PDI workers and according to statements made to the press determined 25 of the employees were illegal aliens and two of them had fugitive warrants out on them. Reportedly, after a background check, ICE gave a citation to 23 of the illegal aliens with notices for them to attend an immigration hearing at a later date. The two fugitives were being held at the Charleston County Detention Center for other agencies.

The attempted entry by illegal alien employees of a subcontractor at the Shaw Air Force Base (SAFB) in Sumter County, South Carolina on Wednesday July 14<sup>th</sup>, 2010 poses serious concerns for national security on several levels, including but not limited to the extremely sensitive nature of the operation for which the 3<sup>rd</sup> Army Headquarters Building is being constructed.

What is even more alarming than 25 illegal aliens attempting to gain access to Shaw Air Base is how this situation has been handled since the incident occurred, including but not limited to the fact that two of the illegals were fugitives, the release of 23 Of the 25 illegal aliens on simple immigration law violations, and the lack of disclosure of the identities of those involved.

The names of the 25 illegal aliens were not released at the time of the incident, nor in the two weeks since.

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**REPORTED INCIDENTS AT U.S. MILITARY FACILITIES  
AND NATIONAL SECURITY INSTALLATIONS FROM 2005-2010.**

In the past few years there have been a minimum of 24 incidents reported in which illegal aliens either attempted or were successful at gaining access to U.S. military installations, nuclear power or other facilities of national security interest.



A minimum of 577 illegal aliens were arrested and an additional (minimum) 150 illegal aliens were prevented from obtaining access at the 24 locations listed on the map above.

The 24 locations identified include: 7 Army installations, 3 Navy installations, 1 Marine base, 5 Air Force bases, and 7 installations including manufacturing, airports, nuclear power installations, and other sensitive facilities of national security interests.

Review the Incident Spreadsheet for a breakdown and details of the 24 incidents cited on the map above. <http://firecoalition.com/docs/Incident-Spreadsheet.xls>



## ANALYSIS

Numerous federal laws were violated by these 727 illegal aliens, yet records available suggest that very few were actually charged with crimes other than immigration law violations. ([See spreadsheet](#))

Among the non-immigration violations these illegal aliens committed are numerous misdemeanor and/or felony acts as outlined in USC Title 18, Sections 911: falsely and willfully representing oneself as a Citizen of the United States, 1015: using or attempting to use fraudulent documents related to citizenship, naturalization, or alien registry, 1028A: aggravated identity theft, 1036: entry by false pretense to any real property, vessel, or aircraft of the United States, and possibly others.

There is strong evidence to support the position that illegal aliens who are apprehended for such violations of federal law are not being charged with the aforementioned crimes, and in many cases, are simply released on their own recognizance to appear at immigration violation hearings.

Were American citizens found to have committed similar acts of identity theft/fraud, and/or attempts to gain access to national security sensitive installations, it is doubtful they would receive similar treatment.

Illegal aliens who are apprehended either on, or in the act of attempting to gain access to sensitive government installations who are subsequently released for only immigration law violations pose a flight risk, and hamper other investigative agencies from properly accessing the threat-risk of these individuals. Many illegal aliens released back into the population pending an immigration hearing, flee to areas outside U.S. law enforcement jurisdiction.

A Congressional review of the failure or refusal of various U.S. government agencies to enforce the law, and into how current immigration policies are adversely affecting the national security needs these agencies are entrusted with providing is urgently needed. The information below is the result of research and investigation conducted by the FIRE Coalition (Federal Immigration Reform & Enforcement) and other concerned citizens.

In the 2006 [House Subcommittee on Homeland Security Report, "A Line in the Sand: Confronting the Threat on our Southwest Border,"](#) Chairman Michael McCall reports:

*"On January 28, 2006, Border Patrol Chief David Aguilar was asked by a reporter from KGNS television station in Laredo, Texas, about the outcome of the investigation of the jacket. Chief Aguilar responded that the patches were not from al Qaeda but from countries in which al Qaeda was known to operate.*

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Military patches found along the Texas border.

(Photos from [“A Line in the Sand:” Page 30](#))

*Investigative efforts revealed that the aliens were smuggled from the Middle East to staging areas in Central and South America. Once in these staging areas, the conspirators would arrange to smuggle the aliens from these sites into the U.S. or its territories.*

*Members of Hezbollah, the Lebanon-based terrorist organization, have already entered to the United States across our Southwest border. On March 1, 2005, Mahmoud Youssef Kourani pleaded guilty to providing material support to Hezbollah.<sup>111</sup> He is the brother of the Hezbollah chief of military operations in southern Lebanon.”* [\(Pp 29-30\)](#)

*“Federal Bureau of Investigation Director Robert Mueller has confirmed in testimony “that there are individuals from countries with known al-Qa’ida connections who are changing their Islamic surnames to Hispanic-sounding names and obtaining false Hispanic identities, learning to speak Spanish and pretending to be Hispanic immigrants.”* [\(Page 31\)](#)

## CONCLUSIONS

**When illegal aliens are intercepted attempting to enter U.S. military installations, the very least of the crimes they should be investigated for are immigration violations.**

**The House Subcommittee on Homeland Security report [“A Line in the Sand”](#) could not be clearer about the urgent need for border security and immigration law enforcement as a fundamental part of our national security strategies.**

*“General James Hill, commander of U.S. Southern Command, has warned the United States faces a growing risk from both Middle Eastern terrorists relocating to Latin America and terror groups originating in the region. General Hill said groups such as Hezbollah had established bases in Latin America. These groups*

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*are taking advantage of smuggling hotspots, such as the tri-border area of Brazil, Argentina and Paraguay, and Venezuela's Margarita Island, to channel funds to terrorist groups around the world."* ([Page 32](#))

*"The bottom line," according to a U.S. intelligence official, when it comes to terrorism so close to U.S. shores, "we don't even know what we don't know."* ([Pages 32-33](#))

The *Line in the Sand* report concludes with the following serious observations about potential terrorists among illegal alien populations:

*"One thing, however, is known for certain – hundreds of people from countries known to harbor terrorists or promote terrorism are caught trying to enter the United States illegally along the land border, and the massive flow of immigrants and our porous border create various and abundant opportunities for concealment. Given the ever-present threat posed by al-Qa'ida and other terrorist organizations – a threat that has been underscored by the recent events in London and the vulnerability of our borders – the need for immediate action to enforce our borders could not be more apparent."* ([Page 33](#))

On July 14, 2009, one year to the day prior to the Shaw Air Force Base incident, the Congressional Research Service released "[Latin America: Terrorism Issues](#)," in which Latin American Affairs specialist Mark P. Sullivan explains:

*"In recent years, U.S. concerns have increased over activities of the radical Lebanon-based Islamic group Hezbollah and the Sunni Muslim Palestinian group Hamas in the tri-border area of Argentina, Brazil, and Paraguay. The State Department terrorism report maintains that the United States remains concerned that Hezbollah and Hamas sympathizers are raising funds among the sizable Middle Eastern communities in the region, but stated that there was no corroborated information that these or other Islamic extremist groups had an operational presence in the area."* –Mark P. Sullivan, CRS

The fact that twenty three (23) foreign nationals were released within hours after they attempted to fraudulently enter a highly sensitive Military Command and

Control Center (MCCC), which crucial to the U.S. war effort in Iraqi and Afghanistan is deeply concerning. Each of these foreign nationals violated both serious state and federal laws such that they could have and should have been retained by state or federal officials until a more complete and thorough investigation could have been made as to who they were and what their motives were for entering the MCCC.



We know that in the best of scenarios only about 40% of those illegal aliens released on their own to return at a later date for an immigration hearing actually return. If one or more of these illegal aliens was a player in a more sinister plot, unwittingly or otherwise, it is most likely that the opportunity to investigate that involvement will be lost.

In essence the policy of ignoring criminal violations of illegal aliens to only pursue immigration issues is unsupportable from a public safety, rule of law and community safety perspective; it is also unacceptable from a military and national security perspective.

Kudos are certainly due to the Shaw Air Force Base security forces who intercepted the 25 illegal aliens, but there is much that should be learned from this by all stakeholders, and several unanswered questions, many of which the public has a right to know.

In the case of the July 14, 2010 Shaw Air Force Base incident, it is virtually impossible that a thorough investigation could have been conducted prior to 23 of the 25 illegal aliens being released with merely a summons to appear for immigration law violations.

Illegal aliens gaining access to U.S. military and other facilities are a national security threat. Serious questions need to be asked, such as:

1. Did the agencies involved perform proper investigations of the Shaw Air Base incident of July 14, 2010?
2. Was the FBI's National Security Branch informed of the Shaw Air Base incident prior to the release of 23 out of 25 illegal aliens detained?
3. If the FBI was notified, could they have given due diligence to an investigation and cleared 23 illegal aliens prior to their release with a summons to appear at an immigration hearing?
4. Considering the numerous federal laws that were broken by the 25 illegal aliens who attempted to gain access to the 3<sup>rd</sup> Army Central Command facility at Shaw, why were no such charges filed? Who made that decision, and under what authority?
5. How did a sub-contractor, who himself is alleged to have been deported in 2008, gain a government contract for the 3<sup>rd</sup> Army Central Command Center?



## **A Prospective on the Shaw Incident**

After the September 11<sup>th</sup> tragedy U.S. intelligence and investigative agencies said they had simply failed to connect the dots which might have allowed them to avert the worse foreign attack on U.S. soil. Red flags have been popping for several years and once again it seems the U.S. intelligence and investigative services are failing to examine the dots.

### **A Base is not a Base**

The attempt by illegal aliens to gain entry to SAFB was not a simple case of illegal aliens roofing a civilian's house or even of doing the janitorial work in a city hall in some obscure town. It was an attempt to enter what many would consider to be **one of the top three military targets for Islamic jihadist inside the United States**, only behind the Whitehouse and Pentagon. SAFB is the very spot from which the "Great Satan" conducts its air "war" against Islam. And soon the Command and Control for its ground forces will be at the base as well. What a very juicy target, the operational brain for the "Great Satan" would be.

### **A Hispanic Illegal is not a Hispanic Illegal**

We have declared war on radical Islamists who are exemplified by Osama Bin Laden and the 12 9-11 terrorists. In fact it's a worldwide war where the enemy does not claim sovereignty of any particular spot of ground or allegiance to any foreign government, at least openly. They have gone to extreme and igneous means to strike a blow to the evil Western World. Their primary weapon is the suicide bomber and their preferred delivery system is the sleeper cell, a roving land mine that stalks its victims at its leisure.

It cannot be assumed that the 25 illegal aliens who tried to gain unlawful entry with forged and phony documents are simply ill educated low class peons who have secreted themselves across our border illegally to improve their lot in the world.

The seriousness cannot be fully appreciated without considering that the 3<sup>rd</sup> Army Central Command headquarters in question provides logistic, personnel, supplies, and U.S. Army ground forces in Central Asia and the Middle East.

Policies of the Department of Homeland Security as they relate to immigration law enforcement are undermining national security and encouraging future attempts by illegal aliens to gain access to sensitive national security installations with little concern for serious repercussions, should they be caught.



Lastly, there are ongoing national security risks that are not being treated seriously. What happened at Shaw was NOT an isolated incident. The fundamental obligations of the various stakeholders to protect national security interests in a time of war have not been satisfactorily addressed to date. Congressional investigations should be launched into the systemic refusal of our public servants to uphold their oaths of office. They are required by that oath to secure our ports of entry, to protect us against invasion, and to maintain Constitutional governance.

Another 9/11 is just one tongue-in-cheek omission of enforcement away from becoming a reality. Connect the dots ladies and gentlemen.

Respectively,

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<http://operationbodycount.com>  
<http://operationfireanddice.com>

<http://sendthetaxman.com>  
<http://blog.firecoalition.com>  
<http://twitter.com/patriotwatchdog>  
<http://youtube.com/firecoalition>  
<http://youtube.com/patriotwatchdog>  
<http://freedomactionconference.com>



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## **REFERENCE MATERIAL**

**Thursday, July 15, 2010**

[Company responds after illegal immigrants barred entry to Shaw AFB](#)

By Taylor Kearns - [bio](#) | [email](#) (NBC Affiliate WIS-10)

**Saturday, Jul. 17, 2010**

[First of 3rd Army troops hit Shaw](#)

**Thousand troops and their families will boost Sumter's economy**

By JEFF WILKINSON - [jwilkinson@thestate.com](mailto:jwilkinson@thestate.com) (The State, South Carolina's Homepage)

### GOVERNMENT AGENCIES AND/OR STAKEHOLDERS WITH VARYING LEVELS OF RESPONSIBILITY IN SHAW CASE

- [Federal Bureau of Investigation \(FBI\)](#)
- [Department of Defense \(DOD\)](#)
- [Defense Contract Management Agency \(DCMA\)](#)
- [Department of the Navy \(USN\)](#)
- [Department of the Air Force \(USAF\)](#)
- [Department of Homeland Security \(DHS\)](#)
- [Immigration Customs Enforcement \(ICE\)](#)
- [South Carolina State Law Enforcement Division \(SLED\)](#)
- [South Carolina Department of Labor, Licensing and Regulation  
Office of Immigrant Worker Compliance](#)
- [North Carolina Licensing Board for General Contractors](#)
- [North Carolina State Bureau of Investigation \(NC-SBI\)](#)
- [Sumter Police Department \(SPD\)](#)
- [Caddell Construction Co, Inc. \(prime contractor\)](#)
- [Palacios Drywall Company, Inc. \(sub-contractor\)](#)

### FEDERAL LAWS POTENTIALLY VIOLATED BY ILLEGAL ALIENS AT SHAW AIR BASE

[TITLE 18](#) > [PART I](#) > [CHAPTER 43](#) >

**§ 911: Citizen of the United States**

Whoever falsely and willfully represents himself to be a citizen of the United States shall be fined under this title or imprisoned not more than three years, or both.

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[TITLE 18](#) > [PART I](#) > [CHAPTER 47](#) >

**§ 1015: Naturalization, citizenship or alien registry**

(a) Whoever knowingly makes any false statement under oath, in any case, proceeding, or matter relating to, or under, or by virtue of any law of the United States relating to naturalization, citizenship, or registry of aliens; or

(b) Whoever knowingly, with intent to avoid any duty or liability imposed or required by law, denies that he has been naturalized or admitted to be a citizen, after having been so naturalized or admitted; or

(c) Whoever uses or attempts to use any certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship or other documentary evidence of naturalization or of citizenship, or any duplicate or copy thereof, knowing the same to have been procured by fraud or false evidence or without required appearance or hearing of the applicant in court or otherwise unlawfully obtained; or

(d) Whoever knowingly makes any false certificate, acknowledgment or statement concerning the appearance before him or the taking of an oath or affirmation or the signature, attestation or execution by any person with respect to any application, declaration, petition, affidavit, deposition, certificate of naturalization, certificate of citizenship or other paper or writing required or authorized by the laws relating to immigration, naturalization, citizenship, or registry of aliens; or

(e) Whoever knowingly makes any false statement or claim that he is, or at any time has been, a citizen or national of the United States, with the intent to obtain on behalf of himself, or any other person, any Federal or State benefit or service, or to engage unlawfully in employment in the United States; or

(f) Whoever knowingly makes any false statement or claim that he is a citizen of the United States in order to register to vote or to vote in any Federal, State, or local election (including an initiative, recall, or referendum)—

**Shall be fined under this title or imprisoned not more than five years, or both.**

Subsection (f) does not apply to an alien if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of making the false statement or claim that he or she was a citizen of the United States.



[TITLE 18](#) > [PART I](#) > [CHAPTER 47](#) >

**§ 1028A: Aggravated identity theft**

(a) **Offenses.**—

(1) **In general.**— Whoever, during and in relation to any felony violation enumerated in subsection (c), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 2 years.

(2) **Terrorism offense.**— Whoever, during and in relation to any felony violation enumerated in section [2332b \(g\)\(5\)\(B\)](#), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person or a false identification document shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 5 years.

(b) **Consecutive Sentence.**— Notwithstanding any other provision of law—

(1) a court shall not place on probation any person convicted of a violation of this section;

(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony during which the means of identification was transferred, possessed, or used;

(3) in determining any term of imprisonment to be imposed for the felony during which the means of identification was transferred, possessed, or used, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the Sentencing Commission pursuant to section [994](#) of title [28](#).

(c) **Definition.**— For purposes of this section, the term “felony violation enumerated in subsection (c)” means any offense that is a felony violation of—

(1) section [641](#) (relating to theft of public money, property, or rewards <sup>(1)</sup>), section [656](#) (relating to theft, embezzlement, or misapplication by bank officer or employee), or section [664](#) (relating to theft from employee benefit plans);

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- (2) [section 911](#) (relating to false personation of citizenship);
- (3) [section 922 \(a\)\(6\)](#) (relating to false statements in connection with the acquisition of a firearm);
- (4) any provision contained in this chapter (relating to fraud and false statements), other than this section or [section 1028 \(a\)\(7\)](#);
- (5) any provision contained in chapter 63 (relating to mail, bank, and wire fraud);
- (6) any provision contained in chapter 69 (relating to nationality and citizenship);
- (7) any provision contained in chapter 75 (relating to passports and visas);
- (8) [section 523](#) of the Gramm-Leach-Bliley Act ([15 U.S.C. 6823](#)) (relating to obtaining customer information by false pretenses);
- (9) [section 243](#) or [266](#) of the Immigration and Nationality Act ([8 U.S.C. 1253](#) and [1306](#)) (relating to willfully failing to leave the United States after deportation and creating a counterfeit alien registration card);
- (10) any provision contained in chapter 8 of title II of the Immigration and Nationality Act ([8 U.S.C. 1321](#) et seq.) (relating to various immigration offenses); or
- (11) [section 208](#), [811](#), [1107\(b\)](#), [1128B\(a\)](#), or [1632](#) of the Social Security Act ([42 U.S.C. 408](#), [1011](#), [1307 \(b\)](#), [1320a-7b \(a\)](#), and [1383a](#)) (relating to false statements relating to programs under the Act).

[TITLE 18](#) > [PART I](#) > [CHAPTER 47](#) >

**§ 1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport**

(a) Whoever, by any fraud or false pretense, enters or attempts to enter—

- (1) any real property belonging in whole or in part to, or leased by, the United States;
  - (2) any vessel or aircraft belonging in whole or in part to, or leased by, the United States;
  - (3) any secure or restricted area of any seaport, designated as secure in an approved security plan, as required under [section 70103](#) of title [46](#), United States Code, and the rules and regulations promulgated under that section; or
  - (4) any secure area of any airport,
- shall be punished as provided in subsection (b) of this section.

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- (b) The punishment for an offense under subsection (a) of this section is—
- (1) a fine under this title or imprisonment for not more than 10 years, or both, if the offense is committed with the intent to commit a felony; or
  - (2) a fine under this title or imprisonment for not more than 6 months, or both, in any other case.
- (c) As used in this section—
- (1) the term “secure area” means an area access to which is restricted by the airport authority, captain of the seaport, or a public agency; and
  - (2) the term “airport” has the meaning given such term in section [47102](#) of title [49](#).

## OTHER REFERENCES

Frank Main, FBI Details Threat From Gangs In The Military, Chicago Sun-Times (1-24-7)

“One of the most violent gangs -- the MS-13 -- is increasing its presence on or near U.S. military installations, the FBI said.

Some gang members use their military positions to steal weapons and other equipment. Last year, an Army soldier who is a gang member identified 60 to 70 gang-affiliated military personnel in his unit allegedly involved in the theft and sale of military weapons and supplies, the report said. The soldier said many of them were sergeants in charge of ammunition and grenade distribution and that commanders were aware of their actions.”

National Alliance of Gang Investigators' Associations National Gang News ( MAY 17, 2007)

(Since 2004, the FBI and El Paso Police Department have identified more than 40 military affiliated gang members stationed at Fort Bliss in Texas.

- Officials at Fort Hood, Texas have identified nearly 40 gang members on base since 2003.
- And nearly 130 gang and extremist groups have been identified at Fort Lewis in Washington in the past 24 months.)



Jim Martin A Cross National Study of Criminal Gangs: A National Security Threat? - *University of Nebraska-Omaha October 6-8, 2005*

There are also reports of collusion amongst the Middle Eastern and Eastern European gangs and terrorist groups that are active in Europe. (Home Office, 2004)

In the United States, the sources of funding for gangs vary. The Bloods, Crips, and Gangster Disciples largely deal in petty crime and crack cocaine sales. MS-13 and M18 deal drugs as well, primarily marijuana and heroin. MS-13 and M18 also control large segments of the lucrative human trafficking marketing in the southern United States (Arana, 2005).

Gang-Related Activity in the US Armed Forces Increasing, National Gang Intelligence Center (12 January 2007)

Although most prevalent in the Army, the Army Reserves, and the National Guard, gang activity is pervasive throughout all branches of the military and across most ranks, but is most common among the junior enlisted ranks.

Also of concern is the possible role that peripheral groups with a significant presence in the U.S. may play if called upon by members of al-Qa'ida to assist them with attack planning or logistical support.

The potential recruitment of radicalized American Muslim converts continues to be a concern and poses an increasingly challenging issue for the FBI because the process of recruitment is subtle and many times, self initiated and radicalization tends to occur over a long period of time and under many different circumstances.

Heather MacDonald, Testimony before:

THE SUBCOMMITTEE ON IMMIGRATION: BORDER SECURITY AND CLAIMS, IMMIGRATION AND THE ALIEN GANG EPIDEMIC: PROBLEMS AND SOLUTIONS. APRIL 13, 2005

(They catch them and they release them. They say, Please, Mr. Illegal Alien, show up in 6 months for your deportation hearing. We all know what happens. Eighty-five percent never show up again, and people from terrorist-sponsoring countries have about a 96-percent no-show rate.)