

Border Patrol conflict widens

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The National Border Patrol Council has filed an unfair labor practices complaint against U.S. Border Patrol Chief David V. Aguilar, saying he sought to "intimidate" field agents in an effort to discredit a "no-confidence" vote by the union's leadership.

The Federal Labor Relations Authority complaint, brought by NBPC Vice President George E. McCubbin III, said Chief Aguilar "willfully and blatantly" violated federal guidelines when he sent a top aide to seek a "show of hands" among field agents for those who supported the chief in the wake of the no-confidence vote.

Representing all 11,000 of the Border Patrol's nonsupervisory personnel, the NBPC said rank-and-file agents were targeted at the beginning-of-shift "musters" in stations throughout the Tucson, Ariz., Border Patrol sector and asked whether they had confidence in Chief Aguilar's leadership abilities.

The complaint said some agents also were approached by field managers and asked the same question in what it described as an effort "designed to intimidate employees."

The NBPC said appearances by Senior Associate Border Patrol Chief Jeff Self at the meetings was a public relations ploy aimed at discrediting the no-confidence vote -- which unanimously was approved by all 100 members of the council leadership in February -- since he knew the rank-and-file members would not risk retaliation by publicly opposing Chief Aguilar.

The vote accused the chief of "shamelessly promoting" Bush administration proposals for a guest-worker program that would "reward illegal aliens and endanger field agents," and noted a "growing frustration among front-line employees with the misguided policies and politics" of the agency and the refusal of its top managers -- including the chief -- to speak out against them.

It also accused Chief Aguilar of turning his back on Border Patrol agents who have been targeted by federal prosecutors in criminal civil rights cases -- including Agents Ignacio Ramos and Jose Alonso Compean, who were sentenced to 11- and 12-year prison terms, respectively, for shooting a drug-smuggling suspect as he fled into Mexico.

Chief Aguilar has not commented publicly on the vote and did not respond to questions and e-mails concerning the meetings.

The NBPC complaint said the Tucson sector meetings began May 1, following the April 23 public release of the no-confidence vote and that union officials received just one notice concerning a single session, which was "provided two minutes prior to its start, notwithstanding the fact that the [NBPC] office and representatives were 60 miles away."

It said that on May 3, Chief Aguilar issued a message to all employees concerning the "staff field visits," saying they were aimed at obtaining feedback from employees concerning "how effective communication has been between the field and headquarters" and ways to improve it and to obtain information from employees on "operational

initiatives and how they can be improved."

The notice also said the meetings would "answer questions as to what [the agency is] doing and [has] done, as well as the reasons behind those decisions."

"It is noteworthy that Chief Patrol Agent David Aguilar, the same management official who orchestrated the instant violations, was found guilty of similar misconduct by the authority on numerous occasions when he served as the chief patrol agent of the Tucson Border Patrol sector," the complaint said.

"By these and other actions, the charged party has willfully and blatantly violated" the law, it said.

U.S. Customs and Border Protection Commissioner W. Ralph Basham, who oversees the Border Patrol, has endorsed Chief Aguilar and called the no-confidence vote "derisive, detrimental and blatantly unfair." He said he did not think rank-and-file agents had lost confidence in the chief.

The Washington-based Federal Labor Relations Authority adjudicates disputes under the Civil Service Reform Act of 1978, which allows federal employees to organize, bargain collectively and participate in labor organizations