

June 8, 2009

Mr. Todd Hoffman
Director of Field Operations
301 E Ocean Street
Long Beach, CA, 90802



Dear Sir,

By way of introduction, I am president of the Baja Bush Pilots who represent over 4,000 private and commercial pilots who cross International Borders on a regular Basis.

Over the past two years, I have been working with DHS and others at almost every level to first oppose the requirements for small aircraft to be subject to the rules of eAPIS and then to assist DHS and others to make eAPIS workable.

I have had meetings in and worked with people at AMOC, Prescott Hub, and CBP in Washington DC. Through positive and honest communication, we have been able to put together workable solutions for eAPIS so that pilots can continue to cross borders with little interruption or problems.

That is until now.

I have had multiple reports of some very ugly actions taken by USCBP agents of which one or more of these actions were in your district. It is easy to discount one or two reports as verbal frustration with the new eAPIS requirements however; these incidents were separate and at different locations at different dates. In addition, I personally know the people involved as well as know much of their flying history.

It must also be reported that on all reported incidents, nothing was found that was illegal nor were any penalty assessed due to the actions of the crew and / or passengers.

The following are excerpts from letters received, complete letters follow.

Pilot: David Perry
N Number: N59046
Date: May 22, 2009
Location: Long Beach California

....I want to tell you about my horrifying experience with the U.S. Customs and Border Patrol (CBP) and the extreme over-reaction from CBP officers on my recent trip to Loreto, Baja California, Mexico that unnecessarily put the lives of my passenger and me in jeopardy....

....I was going through my pre-start checklist when out of nowhere 7 U.S. Customs and Border Patrol (CBP) Cars and Two local Airport Police cars (one County Sheriff and one Long Beach City Officer) came with lights blazing speeding up to in front of my plane, the CBP and Police all jumped out of the cars with weapons drawn and pointing at us (two CBP officers had M-16's the others all had pistols) screaming for us to put our hands on our heads, then ordered us one at a time to get out of the aircraft. My passengers were horrified and frightened....

....the response by the CBP Officer to him was "you are lying"....

....These officers were very nasty and hostile, treating us like criminals. I could not believe I was in the USA!! (I have traveled in many Countries; I am a Vietnam Veteran and have never EVER been treated like this anywhere in the World!!)

....At that time I asked the Senior CBP Officer Arrellano (who appeared to be the one in charge), "what prompted this action", the answer was "It is just a random check". I then asked "do I have this to look forward now under the new eAPIS system every time I go to fly out of Country", his answer was I don't know this is a random check, your tail Number came up and here we are....

....The 7 CBP Officers had to drive down from LAX to KLGB to do this "random search", matter-of-fact, one of the officers later commented that they had to "really hurry leaving LAX because they almost missed us"....

Pilot: Din Vimadala
N Number: N6081Y
Date: June 3, 2009
Location: Tucson AZ

....I am one of the few members who live in Mexico (Hermosillo, Sonora)....

....when I called Ground for taxi clearance I was told that Customs (CBP, Tucson) had instructed that I check in with them....

....were told that they were busy handling another flight and we were to wait outside (in the hundred degree heat)....

....the officers expressed extreme interest in my baggage compartment auxiliary tank, and wanted to remove it....

....for the next hour, screw by screw, he dismantled the entire rear bulkhead of the cabin. As mine is a **pressurized aircraft**, this bulkhead forms part of the airtight seal of the cabin. I tried to tell him this, and also to explain....

...I was told to get the hell away from the plane (so of course, I have no idea of whether he damaged anything or not!!). He played at being a mechanic for over an hour, and only after he replaced the bulkhead did he tell me I could inspect the cabin and complain if anything was damaged!!.....

Pilot: Kevin Savord
N Number: N22GR
Date: June 8, 2009
Location: Santa Ana CA

...we were departing SNA in the company (part 91) Citation Bravo with 4 passengers on board (all us citizens) enroute to LaPaz... (this is a corporate jet aircraft)

...At 7:30am, just as we were closing the door, we were ambushed with multiple squad cars, Sheriff and US Customs. None drew their weapons but were ready....

...We had to completely unload the aircraft which was a major ordeal due to the long fishing trip ahead....

...One of the items was a microwave that we were transporting for the owner's yacht (we had brought it back to have repaired on a previous trip). It was packaged, wrapped in bubble wrap and positioned inside the airplane, tied to one of the seats. They not only had us remove it (100lbs) but, began to disassemble it on the ramp....

...An hour later, pissed off and exhausted, we began our taxi....

Pilot: Ed Ploeger
N Number: 732WG
Date: Nov 17, 2008
Location: Long Beach

...we arrived from the Brownsville area in TX with a planeload full of tools, luggage, and 4 of us on board. We were packed in the airplane, and if in fact we had wanted to transport any illegal substance, I'm not sure where we could have put it....

...LGB airport police blocked our 210 after we parked by the hangar, CBP swooped down in their helicopter with their weapons at ready. We were also told that this was just a routine ramp check. They removed everything from the airplane including....

...drug sniffing dog go through all of our stuff including the inside of the airplane, checked our aircraft certificates and citizenship and held us for about 1 hour and 45 minutes. There was nothing routine about that....

...However, the CBP folks involved were from the San Diego area, and they were very polite and courteous. In this instance I believe the CBP folks were just doing their job....

I must point out that in the past; almost all of our concerns have been with officials in foreign countries. We used to think that their scare tactics were out of line however, we understood that we were foreign people in their country and lived with it.

However, this is different. It now seems that the US has adopted Gestapo tactics and are now assuming that because we are crossing a border, we are guilty unless proven innocent. And to use lethal threat with drawn weapons on a “random check” is completely out of line.

I am respectfully requesting a full explanation for the above actions as well as assurance that no pilot or passenger of any nationality be subject to any of the above action without specific information that the pilot and or passenger(s) is suspected of knowingly violating the laws of the United States of America.

And provided by one our members from Amendment IV of our Constitution:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Sincerely
Baja Bush Pilots,

Jack McCormick
President

CC: Janet Napilitano, DHS
Kim Nivera, DHS
Eric Rodriguez, DHS
David Higgerson, CBP, Tucson
Paul Morris, CBP, San Diego

Rick Asper, APG
Greg Rolle, Bahamas
AMOC, Riverside California
Lockheed Martin, Prescott Hub
Members of Baja Bush Pilots
Other Flying Organizations

Full copies of letters referenced above follow:

From David Perry <perry1031@gmail.com>
to Jack McCormick <jack@bajabushpilots.com>
date Thu, Jun 4, 2009 at 2:28 PM
subject Re: Customs

Hi Jack

I want to tell you about a recent incident with the U.S. Customs and Border Patrol (CBP) on my latest trip to Loreto, however, I will first say that as a BBP member I have been flying to Mexico for a few years and never had have any problem or incidents either going, while in Mexico or returning. When the "voluntary" APIS was instituted I began using it voluntary for my 4-5 past trips to Loreto, so I would say that I was well versed in the procedures.

My last trip was on May 22, 2009, with 3 passengers and myself. I filed for my APIS departure approval and immediately received it. My departure airport was Long Beach, Ca (KLGB) which is my home and where I hanger my 210. The flight was direct to Loreto (MMLT).

We got to my hanger about 9:30 AM (local time) preflighted and loaded the aircraft with our bags, pulled the plane out of the hanger, called for fuel and boarded the aircraft after fueling was complete, which was about 10:15 AM. I was going through my pre-start checklist when out of nowhere 7 U.S. Customs and Border Patrol (CBP) Cars and Two local Airport Police cars (one County Sheriff and one Long Beach City Officer) came with lights blazing speeding up to in front of my plane, the CBP and Police all jumped out of the cars with weapons drawn and pointing at us (two CBP officers had M-16's the others all had pistols) screaming for us to put our hands on our heads, then ordered us one at a time to get out of the aircraft. My passengers were horrified and frightened to moved, especially to take their hands off their head and unbuckle their seat beats fearing there might be some trigger happy-loose finger behind one of the guns pointing at us. When we got out of the plane they keep screaming for us to keep our hands on our heads, and then directed us to move in separate directions. Having us separated they commenced with body searching and interrogating us. Questions like "have you ever been arrested", one passenger said once, 20 years ago when I came to California I got a DUI the day I arrived", the response by the CBP Officer to him was "you are lying", the passenger said if "I am lying you tell me when and where I was arrested, because that is the only time". They continued more insulting questioning and later asked other questions such as any drug or weapons in the plane, of course we said no and there were none. More questions, on how we knew each other and how long, where we were going and the purpose of the trip, etc.... Then they made us unload the plane and opened everything, to include our wallets in our pockets. These officers were very-very nasty and hostile, treating us like criminals. I could not believe I was in the USA!! (I have traveled in many Countries and have never EVER been treated like this anywhere!!) This all went on for about an hour, and then we were told we could put our things back into the plane and we were free to leave. At that time I asked the Senior CBP Officer Arrellano (who appeared to be the one in charge), "what prompted this action", the answer was "It is just a random check". I then asked "do I have this to look forward now

under the new APIS system every time I go to fly out of Country", his answer was I don't know this is a random check, your tail Number came up and here we are. The 7 CBP Officers had to drive down from LAX to KLGB to do this "random search", matter-of-fact, one of the officers later commented that they had to "really hurry leaving LAX because they almost missed us".

Jack, I was going to let this go, however, I have talked to several Sworn Officers/Law enforcement people from Federal level to local level, all of which have told me, in their opinion if the facts are as mentioned above (which they are), they felt that these officers were totally out of line in drawing weapons and putting us in jeopardy, especially for a "random check". Most told me in order to draw weapons they must have "probable Cause" that they or someone was in danger. Id there was such "probable cause", I would like to know what the hell it was?

I have no problem with the random check, other than being a pain in the ass. The problem I have is that they drew weapons putting our lives at risk unnecessarily, along with the fact they could not deal with us like human beings and Citizens of this Country! I only hope no one else has to go through this BS!!!

We did depart, although a little frazzled, a little over an hour later. At this point, thinking back on this I am getting madder and madder over this and would like to file a complaint. Could you direct me to the person I can file a complaint with?

Regards,

David Perry

BBP Member

FYI:

1. All of my passengers were US Citizens, all of which have flown with me on previous flights from time to time to Mexico.
2. I have never, ever had any problem or incident either with Immigration, Customs or Border Patrol or any problem in Mexico.

From: din vimadalal <palacio85@hotmail.com>

Date: June 6, 2009 11:03:42 AM PDT

To: Baja Bush Pilots <bbp@bajabushpilots.com>

Subject: Customs pain in the ass !!

Dear Jack,

First of all I want to thank you for all you have done for your members in connection with the APIS program, and for the tremendous amount of work you have put in for us. It is really appreciated, and without your efforts I know I for one would still be floundering in the dark. Thank you sincerely.

You might know that I am one of the few members who live in Mexico (Hermosillo, Sonora). On Tuesday 03 Jun/09 I and my wife flew up to Tucson, clearing Customs & Immigration in Nogales. I have cleared in Nogales for over 15 years as the officers there have always been extremely efficient and friendly.....most of them know me by name. I left Tucson the following day, but when I called Ground for taxi clearance I was told that Customs had instructed that I check in with them.

We taxied over to their building, and were told that they were busy handling another flight and we were to wait outside. We stood in the 100-degree sun for over half an hour

before three officers finally came out, and all of us marched to my plane, an Aerostar N6081Y. They took barely a couple of minutes looking through our baggage. Then one of the officers expressed extreme interest in my baggage compartment auxiliary tank, and wanted to remove it !! Luckily, I was able to convince him that this was an integral part of the plane, and that it takes two trained mechanics three to four hours to remove. He gave up on that idea.

He then went into the cabin armed with a couple of screwdrivers, and for the next hour, screw by screw, he dismantled the entire rear bulkhead of the cabin. As mine is a pressurized aircraft, this bulkhead forms part of the airtight seal of the cabin. I tried to tell him this, and also to explain that behind the bulkhead were a zillion very sensitive electrical connections that regulate the hydraulics, pressurization, air conditioning, etc., and that a single broken wire could render the aircraft in harm's way. I was told to get the hell away from the plane (so of course, I have no idea of whether he damaged anything or not!!). He played at being a mechanic for over an hour, and only after he replaced the bulkhead did he tell me I could inspect the cabin and complain if anything was damaged!!

Unlike the cases of abuse that you have reported, there was no abuse in my case. It's just that it took a total of nearly two hours of needless harassment of a couple of honest tax-paying citizens, leaving us with a terrible taste in our mouths, and feeling very glad we had decided to live in Mexico !! I can understand, albeit not condone, a thorough search of someone flying into the country, but what is the sense of doing all this to a couple leaving the country to go home.

From now on we have decided to leave the plane after clearing in Nogales, rent a car and drive to Tucson. It's really tragic when my own country treats me like a criminal, instead of extending their hand and saying "Welcome back to the U.S.A."

Once again my heartiest thanks for all you do for us. Happy flying.

Very sincerely,

DIN VIMADALAL

BBP #1403 b

From: G. Kevin Savord <gksavord@gmail.com>

Date: Thu, Jun 4, 2009 at 10:43 AM

Subject: Customs

To: perry1031@gmail.com

David,

Your story is not unusual as it happened to us too. We too have been using eAPIS and in our case, we were departing SNA in the company (part 91) Citation Bravo with 4 passengers on board (all us citizens) enroute to LaPaz. At 7:30am, just as we were closing the door, we were ambushed with multiple squad cars, Sheriff and US Customs. None drew their weapons but were ready. They asked for all of our paperwork and individual identifications. We had to completely unload the aircraft which was a major ordeal due to the long fishing trip ahead of the group so, we had everything on board including the galley sink. One of the items was a microwave that we were transporting for the owner's yacht (we had brought it back to have repaired on a previous trip). It was packaged, wrapped in bubble wrap and positioned inside the airplane, tied to one of the

seats. They not only had us remove it (100lbs) but, began to disassemble it on the ramp. It was unbelievable. An hour later, pissed off and exhausted, we began our taxi.

G. Kevin Savord, Owner
Long Beach Marine Electronics, LLC
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Long Beach, CA 90803
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kevin@longbeachmarine.com

From: Ed Ploeger <ed@floortechgroup.com>
Date: Fri, Jun 5, 2009 at 7:36 AM
Subject: Re: Customs Horror Story
To: David Perry <perry1031@gmail.com>, Skip Taylor <skip.taylor1@gmail.com>
Cc: edploeger@gmail.com

Hi Dave,

I'm sorry to hear you had such an ugly experience with our federal servants. Did they suspect that you were possibly going to smuggle drugs into Mexico? Maybe there should be an IQ check in the process before they are hired to serve in this capacity. We had a similar incident with the CBP when we arrived from the Brownsville area in TX with a planeload full of tools, luggage, and 4 of us on board. We were packed in the airplane, and if in fact we had wanted to transport any illegal substance, I'm not sure where we could have put it. LGB airport police blocked our 210 after we parked by the hangar, CBP swooped down in their helicopter with their weapons at ready. We were also told that this was just a routine ramp check. They removed everything from the airplane including the engine cowling, had the drug sniffing dog go through all of our stuff including the inside of the airplane, checked our aircraft certificates and citizenship and held us for about 1 hour and 45 minutes. There was nothing routine about that.

However, the CBP folks involved were from the San Diego area, and they were very polite and courteous. In this instance I believe the CBP folks were just doing their job. I only had two complaints. When they saw four men and all of our stuff in the 210, they had to know within a few minutes that we weren't smuggling anything, so holding us for so long was a little extreme. My other complaint was that the sergeant with the LGB airport police had a nasty attitude towards us as if we were guilty until proven innocent. I'm sorry I can't add a lot of fuel to the fire, but it is good that you are pursuing the abuse of power as this is a concern to all of us who fly in SoCal.

Best Regards,
Ed Ploeger