

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)
)
 v.)
)
ROBERT T. SCHOFIELD)
)
 Defendant.)

CRIMINAL NO. 06-CR-427 (JCC)

MEMORANDUM OPINION

This matter is before the Court on Defendant's motions to strike surplusage from the indictment and motion to suppress evidence seized at his residence. For the following reasons and the reasons stated in open court, the Court will deny Defendant's motion to suppress and grant Defendant's motion to strike surplusage.

I. Background

Robert T. Schofield ("Defendant") is a thirty-year federal employee with the Washington District Office of the Customs and Immigration Service. Defendant served as Assistant Deputy Director of Examinations, where he performed oversight and adjudication of aliens' applications for naturalization as United States citizens. On June 27, 2006 United States Magistrate Judges for the Eastern District of Virginia and the District of Columbia issued arrest and search warrants for Defendant and Qiming Ye. The warrants authorized the search of both Defendant's office and residence. Probable cause was based upon

the sworn affidavit of United States Department of Homeland Security Agent James Izzard, sworn before Magistrate Judge O'Grady on June 27, 2006. The affidavit contained a detailed account of Defendant's alleged criminal activity, including statements made by a witness identifying Defendant by name, phone number and residence as the source of fraudulent immigration papers. The affidavit described tape recorded meetings, phone records, pen registers, and trace devices that showed Defendant working with a broker to provide false immigration stamps for payment. The affidavit also contained information from a cooperating witness working with the broker directly linking Defendant to the alleged conspiracy. After reviewing this affidavit, Magistrate Judge O'Grady found probable cause for search and issued a search warrant for Defendant's residence at 11409 Shirley Gate Court, in Fairfax, VA ("residence"), and office at 2675 Prosperity Avenue, 2nd Floor #5B in Fairfax, VA ("office").

On June 28, 2006 Defendant was arrested at his office in Fairfax, VA, and signed a consent form to search a shed located at his personal residence. During the search agents obtained various forms of evidence, including, *inter alia*, a cellular phone, computer, tax records, cash, lists of foreign names and numbers, registration documents, and various other forms of documents. During the search of Defendant's home and

shed, agents discovered a safety deposit box owned by Defendant as well as videos and computer files containing suspected child pornography. The agents obtained additional search warrants from U.S. Magistrate Judges for each of these items, and searched them.

On October 4, 2006, a grand jury returned a six count indictment of Defendant, charging him with (a) conspiracy to commit immigration fraud; (b) bribery of a public official; (c) fraud and misuse of immigration documents; (d) conspiracy to encourage entry and residence by illegal aliens; (e) encouraging illegal aliens to enter and reside in the United States; and (f) procurement of citizenship and naturalization unlawfully. A thirty-page indictment was returned, which contained eight general allegations, nine manner and means, and twenty-eight overt acts in the two charged conspiracies. The grand jury indictment included a detail of Defendant's alleged sexual conduct in the Philippines and Thailand, as well as reference to a handwritten journal and photographs of Defendant with numerous females. (Grand Jury, General Allegations at ¶8).

On October 23, 2006 Defendant filed a motion to suppress the evidence obtained during the search of his residence and a motion to strike surplusage from the Grand Jury Indictment. These motions are currently before the Court.

II. Analysis

A. Motion to Suppress

Determination of probable cause by a magistrate judge is a practical decision based on an evaluation of "all the circumstances set forth in the affidavit...including the "veracity" and "basis of knowledge" of persons supplying hearsay information." *Illinois v. Gates*, 462 U.S. 213, 238-39 (1983). The determination is made upon an evaluation of the "totality of the circumstances." *Id.* at 231-32. In order to establish probable cause, the facts presented to the magistrate need only "warrant a man of reasonable caution" to believe that evidence of a crime will be found. *United States v. Williams*, 974 F.2d 480, 481 (4th Cir. 1992) (citing *Texas v. Brown*, 460 U.S. 730, 742 (1983) (plurality opinion)). The probable cause standard "does not demand showing that such a belief be correct or more likely true than false." *Id.* A district court reviewing such determination has the duty of ensuring that the magistrate had a substantial basis for concluding that probable cause existed. *Id.* at 238-39. However, great deference is given to the magistrate. *Id.*

i. Nexus Between the Affidavit and Area Searched

Defendant moves this Court to suppress the search of his residence on the grounds that the underlying search warrant was not supported by probable cause, because it was based on an

deficient affidavit. Defendant argues that the affidavit did not establish a sufficient nexus between Defendant's residence and the alleged illegal activity. A sufficient nexus can exist between a defendant's criminal conduct and his residence "even when the affidavit supporting the warrant 'contains no factual assertions directly linking the items sought to the defendant's residence'". *United States v. Grossman*, 400 F.3d 212, 217 (4th Cir. 2005) (quoting *United States v. Servance*, 394 F.3d 222, 230 (4th Cir. 2005)). The nexus between the place to be searched and the items to be seized may be established by the nature of the item and the normal inferences of where one would likely keep such evidence. *United States v. Anderson*, 851 F.2d 727, 729 (4th Cir. 1988).

The affidavit issued by Officer Izzard provided, *inter alia*, facts alleging shipment of a package by Defendant to a residence used to make payments for immigration stamps, testimony of an alien that had traveled to the residence in order to obtain false papers, and phone records indicating calls from the residence to suspected co-conspirators. The affidavit also included a determination by the affiant, based on experience of the officer, that evidence related to the crime would likely be found at Defendant's residence. All of this evidence provides an ample nexus between the alleged crimes and the residence to satisfy the criteria of *Anderson* and *Gates*. This Court thereby

confirms the Magistrate Judge's prior ruling that ample probable cause existed to issue a warrant for search of Defendant's residence and office. Accordingly, Defendant's motion to suppress will be denied.

ii. Alternative Motion to Suppress Evidence Outside the Scope of the Warrant

A search warrant must describe with particularity the things to be seized. See *Marron v. United States*, 275 U.S. 192 (1927). The "plain view" exception to this general rule applies when an officer is lawfully present, has lawful access to an object, and the object's incriminating character is immediately apparent. *United States v. Wells*, 98 F.3d 808, 809-10 (4th Cir. 1996).

Defendant argues in the alternative that the search extended the scope of the warrant, and the video tapes seized were outside the scope of search and should be suppressed. The officers were lawfully present in Defendant's home after executing a valid search warrant, but that warrant did not extend to video tapes. However, once lawfully in the residence, the officers observed photographs, in plain view, which they believed to be child pornography. The officers then seized photographs, film, videotapes, and a camera, and obtained an additional warrant from Magistrate Judge Buchanan to review the tapes. The officers reviewed the tapes, but did not charge the Defendant with child pornography-related offenses and do not intend to

introduce such evidence at trial. Accordingly, a motion to suppress is not warranted for the video tapes, and Defendant's motion will be denied.

B. Motion to Strike Surplusage

Federal Rule of Criminal Procedure 7(c)(1) states that the indictment "shall be a plain, concise and definite written statement of the essential facts constituting the offense charged." The Court has discretion to strike surplusage, defined as "any fact or circumstance set forth in the indictment which is not a necessary ingredient of the offense" from the indictment. *United States v. Manginen*, 565 F. Supp. 1024, 1025 (E.D. Va. 1983). The purpose of this rule is to protect a defendant against prejudicial allegations that are neither relevant nor material to the charges made in an indictment, or not essential to the charge." *United States v. Poore*, 594 F.2d 39, 41 (4th Cir. 1979).

The section of the indictment at issue describes Defendant's alleged sexual conduct in the Philippines and Thailand, as well as reference to a handwritten journal and photographs of Defendant with numerous females. (Grand Jury, General Allegations at ¶8). However, Defendant was charged with no child pornography or sex crimes, and the Government's only expressed intent is to proffer evidence supporting Paragraph 8 to show Defendant's motive in committing the alleged crimes and his

connections with Southeast Asia. The language regarding Defendant's sexual activity in Asia is thus not essential to any of the charges against him. The arguments presented by the Government against striking the language as surplusage relate to the ultimate admissibility of evidence supporting the allegations in Paragraph 8, but offer no explanation as to why the language was necessary in the indictment.

Striking the language from the indictment would have no effect on the Government's ability admit related evidence as proof of motive or connection to Southeast Asia, and would thus not prejudice the Government. Furthermore, while the danger of unfair prejudice and confusion is somewhat alleviated, as the matter will be heard for a bench trial rather than a jury trial, it still exists. The Government has shown no legitimate purpose for including the language regarding Defendant's sexual activity in Southeast Asia in the indictment. Accordingly, Paragraph 8 will be stricken from the indictment as surplusage.

III. Conclusion

For the foregoing reasons, and the reasons stated in open court, the Court will deny Defendant's motion to suppress and grant Defendant's motion to strike surplusage. An appropriate Order will issue.

EXHIBIT 2

The Washington Post

June 30, 2006 Friday
Final Edition

Fairfax Man Accused of Illegally Helping Immigrants

BYLINE: Jerry Markon, Washington Post Staff Writer

SECTION: Metro; B01

LENGTH: 681 words

A Department of Homeland Security supervisor has been charged with falsifying immigration documents to help Asian immigrants obtain U.S. citizenship, officials said yesterday.

Robert T. Schofield was arrested Wednesday afternoon at his Fairfax County office, where he is a supervisor for U.S. Citizenship and Immigration Services, which processes immigration applications.

Over the past decade, the government investigated "numerous allegations of bribery involving Schofield and Asian immigration applicants" when he worked at the former Immigration and Naturalization Service, according to court documents unsealed yesterday. Schofield was demoted at one point for "conduct unbecoming a government employee," the documents say, and had an "inappropriate relationship" with a woman connected to an INS criminal probe.

When confronted about that relationship by INS officials, Schofield fled to East Asia, where he made \$36,000 worth of unauthorized purchases on his government-issued credit card, according to court documents.

It was unclear when Schofield returned to the United States, how the previous investigations ended and how Schofield became a supervisor when the new Department of Homeland Security took over INS's functions in 2003. Homeland Security spokesman Jarrod Agen would not comment on Schofield's employment history.

"DHS takes any allegations of fraud or misconduct waged against our employees very seriously," said Agen, who said the department is cooperating with the latest investigation of Schofield.

Schofield, of Fairfax County, appeared briefly yesterday in U.S. District Court in Alexandria, where a judge sent him back to jail and set a bond hearing for today. He said he is trying to retain an attorney. Also charged was Qiming Ye, a Chinese citizen who federal officials said acted as an immigration broker, assisting Schofield with the fraud. Both men face one count of fraudulently issuing documents to immigrants.

Immigration experts said the charges could undermine public confidence in DHS and its ability to protect the country's borders when debate is swirling in Washington about immigration reform. The agency is cracking down on corruption and fraud, and DHS's inspector general's office, along with the FBI, investigated Schofield on the criminal charges.

"How come they've never tracked this guy down before? And they're supposed to be protecting us from terrorists? Hello!" said Jeanne Butterfield, executive director of the American Immigration Lawyers Association in Washington.

"One would think that if one were a supervisor, he would have an unblemished record and that previous allegations and demotions would send up red flags."

DHS officials would not say how many employees Schofield supervises at the Fairfax-based Washington district office of Citizenship and Immigration Services, where he is responsible for everything from performance reviews to hearing appeals from immigration applicants. Experts on immigration law described him as the equivalent of "middle management."

Court documents said the investigation began last year when an official in Schofield's office filed a complaint about him with the inspector general. The complaint said that Schofield had personally processed and approved an application from an immigrant not entitled to receive citizenship.

The probe expanded when several other immigrants, in San Francisco and New York, tried to gain entry to the United States using stamps on their passports indicating that they had permanent legal residence or held a green card. Investigators traced the stamps, which were fraudulently issued, back to Schofield, according to documents.

Using a cooperating witness and searching immigration application files, authorities determined that Schofield issued hand-typed naturalization certificates to at least 23 immigrants not entitled to receive them, the documents say, adding that Ye, the alleged broker, received nearly \$30,000 from one immigrant the pair helped. The documents do not state whether Schofield made money from the alleged arrangement.

LOAD-DATE: June 30, 2006

LANGUAGE: ENGLISH

PUBLICATION-TYPE: Newspaper

EXHIBIT 3

The Washington Post

December 1, 2006 Friday
Final Edition

Immigration Official Pleads Guilty to Falsifying Documents

BYLINE: Jerry Markon, Washington Post Staff Writer

SECTION: A Section; A16

LENGTH: 576 words

A Department of Homeland Security supervisor pleaded guilty yesterday to pocketing more than \$600,000 in bribes in exchange for falsifying immigration documents to help Asian immigrants obtain U.S. citizenship.

Prosecutors said Robert T. Schofield issued fake documentation for hundreds of immigrants during an eight-year scheme he ran out of his Fairfax County office. Schofield, 57, was a supervisor for U.S. Citizenship and Immigration Services, which processes immigration applications, until he resigned in the past two weeks .

Court documents said Schofield employed a network of brokers who brought him immigrants needing citizenship, a green card or entry into the United States. Earning up to \$10,000 per immigrant, he used some of the money to buy his \$387,000 Fairfax home and to pay down the mortgage, the documents said. When Schofield was arrested in June, federal agents found \$3,900 cash in his jacket pocket in his office.

When he was arrested, Schofield supervised a staff of nine at the agency's Washington District Office. He had been the acting assistant director for examinations from 1998 to 2004, supervising 50 employees.

Schofield was not asked by the judge to explain his actions yesterday in U.S. District Court in Alexandria when he pleaded guilty to bribery and unlawful procurement of citizenship or naturalization. His lawyers declined to comment. He faces up to 25 years in prison when he is sentenced Feb. 23.

"The breadth and scope of Mr. Schofield's fraud and corruption are truly stunning," said U.S. Attorney Chuck Rosenberg. He said Schofield had "undermined our efforts to secure our borders."

Court documents indicate that accusations against the 30-year federal employee were not new. Over the past decade, federal officials investigated numerous bribery allegations involving Schofield and Asian immigration applicants when he worked at the former Immigration and Naturalization Service, according to court documents unsealed when Schofield was charged in June.

Schofield was demoted at one point for "conduct unbecoming a government employee," the documents say, and had an "inappropriate relationship" with a woman connected to an INS criminal probe. When confronted about that relationship by INS officials, Schofield fled to East Asia, where he made \$36,000 worth of unauthorized purchases on his government-issued credit card, according to court documents.

It remains unclear when Schofield returned to the United States, how the previous investigations ended and how

Schofield became a supervisor when the Department of Homeland Security took over INS's functions in 2003.

Assistant U.S. Attorney Ronald L. Walutes said that the evidence against Schofield in the current case was overwhelming and that the government "very strongly opposes" an effort by defense lawyers to get him released on bond before his sentencing. Court documents said the government has identified 184 illegal immigrants who falsely received U.S. citizenship from Schofield, but Walutes said the government believes the actual number is in the hundreds. "We have to go out and arrest these people," Walutes said. "It's a huge endeavor."

Defense lawyer Alan Yamamoto said that Schofield plans to help his old office examine files he handled to show how many false documents were issued and that it would be easier if he was free.

U.S. District Judge James C. Cacheris disagreed and ordered Schofield back to jail after the hearing.

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PUBLICATION-TYPE: Newspaper

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EXHIBIT 4

The Associated Press State & Local Wire

September 18, 2006 Monday 6:38 PM GMT

A look at corruption cases involving immigration officers

BYLINE: By The Associated Press

SECTION: STATE AND REGIONAL

LENGTH: 2199 words

In the past 12 months, dozens of U.S. immigration employees have been accused of corruption-related charges. Some cases, drawn from a review of court records and government announcements, and listed by agency:

U.S. CUSTOMS AND BORDER PROTECTION

David Duque Jr., a Border Patrol agent since the mid-1990s, faces up to 15 years in prison at his November sentencing after pleading guilty to bribery and the unlawful transfer of documents. While being recorded by investigators, Duque sold some 70 identification documents to a source cooperating with law officers including passports, birth certificates, green cards and Social Security cards. He also took a \$5,000 bribe to allow cocaine through a highway checkpoint in Falfurrias, Texas.

Fernando Arango, a Customs officer in Nogales, Ariz., is set for trial in November on bribery and drug charges. Prosecutors allege Arango took \$50,000 to allow a recreational vehicle packed with 440 pounds of cocaine through a border crossing last year. According to court documents, Arango instructed an accomplice to buy an RV and provided details about how to construct a hidden compartment to stow the drugs. He instructed the accomplice to have an elderly couple drive across the border, saying he "controlled" the crossing and that "for \$3,000 per kilogram, he would assure safe passage of the cocaine," a criminal complaint states.

Lizandro Martinez, a Customs officer for 14 years, faces up to life in prison at his scheduled October sentencing for allowing drugs through his inspection lane at the Progreso International Bridge in Texas. Martinez pleaded guilty to drug trafficking conspiracy and money laundering, admitting that starting in 2002 he allowed vehicles loaded with marijuana into the United States. Temporarily disabling the license plate reader at his lane so there would be no record, Martinez allowed in more than 13,000 pounds of drugs, sometimes in pickup trucks "filled to the top," according to court documents and testimony. He got \$10,000 per truck. The drug payments allowed him to make some \$750,000 in cash purchases in 2003-2004, investigators said. Despite several suspensions at least 15 misconduct complaints were filed against him dating back to 1992 Martinez remained on the payroll until his arrest in 2004.

Michael Carlos Gonzalez, an Arizona Border Patrol agent, is scheduled for trial in October on charges of possession with intent to distribute marijuana after allegedly stealing a 23-pound bundle of marijuana following a drug stop. According to court records, an Arizona Department of Public Safety officer stopped a pickup truck with bundles of drugs concealed in the bed. The driver fled, abandoning the truck, and the DPS officer gave chase. Gonzalez then arrived on scene. Video from the DPS officer's car shows Gonzalez, in Border Patrol uniform, walking to the tailgate, removing a bundle of marijuana, rearranging other bales to fill space left by the missing bundle, putting the drugs in his trunk and driving away, court records allege.

Mario Alvarez and Samuel McClaren, California Border Patrol supervisory agents, are scheduled for sentencing Sept. 29 and face up to 18 years in prison on bribery and tax charges. They admitted taking \$186,240 in bribes from a human smuggling organization to release or facilitate the release of immigrants from custody. Based in El Centro, Calif., they at one point smuggled two illegal immigrants across the border themselves in a government vehicle and released them for cash, according to court documents. In some cases, the agents altered the migrants' immigration status so they wouldn't be deported.

Oscar Antonio Ortiz, a Border Patrol agent in El Cajon, Calif., was sentenced in July to five years in prison for conspiring to bring at least 100 illegal immigrants into the United States. Ortiz admitted that he and fellow agent Eric Balderas took money to transport illegal migrants north from the international boundary, sometimes in their Border Patrol vehicles. "They would have an arrangement with the smuggling organization: Meet us at 'x' point at 'x' time. Aliens would run through the fence into the Border Patrol truck. The truck would be driven north," said federal prosecutor Alana Wong. Balderas faces up to five years at his October sentencing. In an odd twist, the investigation revealed that Ortiz was himself an illegal immigrant. Ortiz applied for the Border Patrol with a fake birth certificate listing Chicago as his birthplace, though it was really Tijuana, Mexico.

Mike Gilliland, a Customs employee since 1990, was indicted in June on charges of taking bribes to allow illegal immigrants through his inspection lane at the Otay Mesa Port of Entry in California. Gilliland is accused of conspiring with two female smugglers to permit passage of caravans of cars, each sometimes packed with 10 or more migrants. According to court documents, wiretaps captured Gilliland making arrangements with the smugglers about what time to cross and which lane to use, using coded language. The smugglers allegedly used their deal with the inspector to promise clients "guaranteed" entry. One arrested driver told agents the smugglers who hired her had "a business arrangement" with an inspector who "has a beard, and is probably 45 years or older," an affidavit said. Gilliland is 44 years old with a beard, it added. A trial date is pending.

Richard Elizalda, a Customs officer since 1996, was charged in June with accepting cash bribes and a 2000 Lexus for allowing carloads of illegal immigrants through his lane at the San Ysidro Port of Entry in San Diego. The investigation began in 2004 after a confidential source informed authorities about a corrupt officer there named "Richard." The following year, agents intercepted phone calls between Elizalda and a female smuggler in which they discussed Elizalda's work schedule and, on one occasion, the arrest of one of their drivers saying how he'd almost made it and what bad luck he'd had, according to court documents. A trial date is pending.

Fabian Solis, a Customs officer in Texas, was sentenced in February to three years in prison for conspiring to smuggle undocumented migrants for money. Solis permitted smugglers to transport immigrants from staging points in Mexico through his inspection lanes at the Falcon Heights, Roma and Rio Grande international ports of entry between March 2003 and December 2004. Solis charged \$300 a head, and allowed in at least 219, according to court documents. Solis was captured on video accepting bribe money.

Juan Alfredo Alvarez, a senior Border Patrol agent stationed in Hebronville, Texas, was sentenced in February to 20 years in prison on bribery and drug conspiracy charges. He and his brother, Jose Guadalupe Alvarez, received some \$1.5 million in bribe money from drug traffickers for guaranteeing the safe passage of more than 66,000 pounds of marijuana through Border Patrol checkpoints, prosecutors said. Jose Alvarez, who acted as an intermediary for the smugglers, was sentenced to 17 years.

Jorge Reyeros, a supervisory Customs inspector who worked out of Port Elizabeth, N.J., and Newark Liberty International Airport, was sentenced in January to 24 years in prison for conspiring with his brother and Colombian drug traffickers to import cocaine. Trial testimony revealed that 1,100 pounds of cocaine was to be shipped from Ecuador, concealed inside plastic bananas. Reyeros' brother, Juan, was also convicted for acting as a middleman. Another co-defendant, convicted smuggler Hernan "Nacho" Uribe of Medellin, Colombia, testified that Jorge Reyeros' role was to "let the drugs go by."

Four Border Patrol agents who worked together at the Sierra Blanca, Texas, checkpoint were sentenced to prison last fall in a scheme to allow drugs and immigrants into the country. Agent Aldo Manuel Erives worked with his brother to smuggle cocaine and 750 illegal migrants through the checkpoint. Erives enlisted fellow agents and coordinated safe passage by calling his cohorts to tell them what vehicles to wave through at what time. One co-defendant, agent Jesus Delgado, told investigators he thought Erives was joking when he first approached Delgado about allowing vehicles to pass without inspection. Erives' brother, Jose Lehi Erives, acted as a middleman, negotiating dates, shipments and payment with smugglers; he was sentenced to 10 years in prison. Aldo Erives received 10 1/2 years. Other Border Patrol agents and their sentences were: Robert Espino, eight years; David Garcia, two years; and Delgado, one year.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

Santiago Efrain Valle, an agent with Immigration and Customs Enforcement in El Paso, Texas, was charged in March with trying to extort \$20,000 from an immigration detainee at the El Paso Service Processing Center. Federal agents arrested Valle after he allegedly accepted \$20,000 from undercover officers. According to court documents, Valle agreed to accept the money in exchange for dismissing pending immigration charges against the detainee and also changing his risk classification. If convicted, he faces up to three years in prison.

Rafael Francisco Pacheco, an ICE agent in Tampa, Fla., who previously worked as a special agent with the U.S. Customs Service, was sentenced in March to seven years in prison for taking almost \$18,000 in bribes from a drug trafficker. Between December 1999 and June 2001, Pacheco accessed government databases to obtain restricted information about the drug trafficker, Fidencio Estrada, then passed it on to him, prosecutors said. He also wrote a letter to request visas for Estrada's wife and daughter, falsely claiming that Estrada was assisting the government in criminal investigations.

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Robert Schofield, a USCIS district office supervisor in Fairfax, Va., was arrested in June, accused of illegally granting residency and issuing naturalization certificates to more than 100 unqualified immigrants. Qiming Ye, a Chinese citizen, also was charged for allegedly brokering deals between Schofield and Asian immigrants. One unqualified immigrant was granted residency status after meeting Schofield's wife in the Philippines, and then living with Schofield and baby-sitting his stepchild for a year, a court affidavit alleges. When stopped by Customs officials at an airport, the immigrant provided Schofield's name, cell phone and home telephone number from memory, the affidavit said. Passports seized from Ye's residence included green card stamps bearing Schofield's ID, and phone traces showed dozens of calls between Ye and Schofield's home number and his Department of Homeland Security cell phone, the court documents allege. "Numerous" allegations of bribery involving Schofield have been reported in the last decade, an investigator said in an affidavit. A trial date is pending.

Phillip Browne, a district adjudication officer for USCIS in Manhattan, was indicted in May on charges of visa fraud and money laundering. Prosecutors contend he conspired with his sister and others to provide hundreds of residency papers, or green cards, in a sham marriage scheme that netted more than \$1 million. The operation allegedly ran for at least 4 1/2 years. According to prosecutors, Browne's sister ran a business that claimed to offer customers financial and legal help. Instead, prosecutors allege, the business provided fraudulent green cards for fees ranging from \$8,000 to \$16,000. Browne's sister allegedly paid U.S. citizens to enter into sham marriages with her clients, or produced phony documentation indicating a marriage to an American had already occurred. Based upon the sham marriages, immigrant clients then submitted green card applications, which were allegedly approved by Browne. In all, 30 people were charged. A trial date is pending.

Robert Walton, an immigration employee for 20 years, was sentenced in April to a year in prison for approving citizenship and residency for immigrants who did not meet requirements. Prosecutors alleged that Walton accepted gifts a diamond earring, a gold and diamond bracelet, and \$5,000 for approving applications. Walton said in a letter to the judge that the money was a loan and the jewelry pieces were not bribes but thank-you gifts. Walton, who previously

worked as a border inspector, intelligence officer and supervisory inspector, said he sought the immigration adjudicator's position because he was "burned out" and wanted a regular Monday-Friday job. He insisted his actions were due to lack of training.

"The job ... had no Standard Operating Procedures, written or verbal," he wrote.

"I worked for my government for 18 years before I was given any direction in ethics," wrote Walton, a church deacon, who added he eventually received a book on the subject.

One person who provided jewelry to Walton was convicted in a separate case of bribing another Detroit-area immigration officer for help in illegally bringing immigrants to America from Lebanon. That officer, Janice Halstead, was sentenced in 2004 to two years in prison for supplying documents that allowed some 130 migrants from Yemen and Lebanon into the country.

LOAD-DATE: September 19, 2006

LANGUAGE: ENGLISH

PUBLICATION-TYPE: Newswire

EXHIBIT 5

PTI - The Press Trust of India Ltd.

December 1, 2006

US official pleads guilty of accepting bribes from Asians.

LENGTH: 284 words

US official pleads guilty of accepting bribes from Asians

Washington, Dec 1 (PTI) A senior US official has pleaded guilty to accepting over USD 600,000 in bribes for providing fake documents to help Asian immigrants obtain American citizenship.

Robert Schofield of Department of Homeland Security has pleaded guilty in a Virginia Court of issuing fake documents for hundreds of immigrants during an eight-year-old scam that he ran out of his Fairfax office.

The nationalities of the Asian immigrants believed to be in hundreds has not been disclosed but when Schofield was busted a Chinese citizen was also charged for brokering deals between senior Immigration office and his Asian clients.

At the time of the federal action Schofield, 57, was a supervisor for US Citizenship and Immigration Services and is alleged to have taken as much as USD 10,000 from each immigrant and had used some of the money to buy a home and pay down mortgage.

When arrested nearly USD 4,000 was recovered from him.

Schofield, who is currently behind bars as the presiding judge has refused to grant him bail, will face up to 25 years in jail when he will be sentenced in February next year.

"This agency has zero tolerance for anyone who might betray the confidence of the American people by compromising the integrity of our immigration system," Emilio Gonzalez, Director of US Citizenship and Immigration Services said.

Investigating officers are still trying to solve many unresolved questions about Schofield who had been in service for 30 years and was investigated several times previously involving Asian immigration applicants.

So far the government has identified only 184 illegal immigrants who have received US citizenship from him.

LOAD-DATE: December 5, 2006

LANGUAGE: ENGLISH

ACC-NO: 155311018

PUBLICATION-TYPE: Newswire

JOURNAL-CODE: 00QJ ASAP

EXHIBIT 6

CNN.com

December 1, 2006 Friday 4:46 PM EST

DHS official admits taking **bribes to fake documents**

SECTION: U.S.

LENGTH: 249 words

DATELINE: WASHINGTON

A federal immigration official pleaded guilty Thursday to receiving more than \$600,000 in **bribes** for falsifying documents for illegal immigrants.

Robert Schofield, 57, could face 25 years in federal prison when he is sentenced in February.

He pleaded guilty in U.S. District Court in Alexandria, Virginia, to issuing fraudulent documents to at least 184 illegal immigrants who falsely received U.S. citizenship.

Schofield, a former supervisor for the U.S. Citizenship and Immigration Service, was arrested in June.

He had served as a supervisory district adjudications officer at the Washington district office of agency, part of the Department of Homeland Security.

According to court documents, Schofield illegally helped Asian immigrants obtain U.S. citizenship in return for payments of \$30,000 or more.

Under terms of the plea agreement Schofield has agreed to surrender his home, his bank accounts and his government retirement account.

"The breadth and scope of Mr. Schofield's fraud and corruption are truly stunning," said U.S. Attorney Chuck Rosenberg.

"Those who compromise the integrity of our national immigration system betray the confidence of the American people, and their actions are shameful."

Prosecutors said Schofield employed a network of brokers to bring aliens to him who were willing to pay for the phony documents.

The government says it has identified a number of these brokers.

One of them, Qiming Ye of Washington, has already pleaded guilty and will be sentenced December 21.

LOAD-DATE: December 2, 2006

LANGUAGE: ENGLISH

EXHIBIT 7

The Associated Press State & Local Wire

September 23, 2006 Saturday 1:07 PM GMT

How to secure homeland if some guarding borders have turned?

BYLINE: By PAULINE ARRILLAGA, AP National Writer

SECTION: STATE AND REGIONAL

LENGTH: 1545 words

DATELINE: OTAY MESA Calif.

Under the glare of the port lights, federal agents watched as the GMC Yukon approached the immigration booth. Aurora Torres, the suspected smuggler, was behind the wheel.

Weeks earlier, agents had heard her on the telephone with her contact.

"Are you going to invite me to the movies tonight?" she asked. "It's going to be four tickets."

"Right at 12," a man responded. "If I can't make it, I'll send you a 9-1-1."

He hadn't made it on that particular day, but tonight everything was going as planned.

Just after 4 a.m., the Yukon eased to a stop at inspection Lane 8 at the Otay Mesa Port of Entry, a byway for travelers heading from Mexico into California. An immigration officer approached, and then admitted the Yukon into the United States.

Nothing unusual but for the 11 illegal immigrants sitting inside.

Torres was arrested. Then agents moved in to take their final suspect into custody.

"Tickets," investigators had concluded, was code for vehicles loaded with undocumented migrants. "Right at 12" was a reference to a work schedule, the midnight to 8 a.m. shift. The clues, they believed, pointed to the secret of Torres' success.

The inspector from Lane 8 was on break when a half-dozen agents approached.

Mike Gilliland was an ex-Marine and a veteran Customs officer, but Torres allegedly knew him as something else. Her contact. The one she referred to as "una cosa segura." Translation: A sure thing.

A dilemma confronts the nation's immigration work force, one that goes far beyond sealing borders to would-be terrorists, drug smugglers and undocumented migrants. How do you secure the homeland if some of those guarding the gates are dishonest?

Consider: On the California border, at least nine immigration officers have been arrested or sentenced on

How to secure homeland if some guarding borders have turned? The Associated Press State & Local Wire September 23, 2006 Saturday 1:07 PM GMT

corruption-related charges in the past 12 months. One of those officers turned out to be an illegal immigrant himself.

On the Texas border, at least 10 officers have been charged or sentenced in corruption schemes over the past year, including four Border Patrol agents who admitted taking money to let both drugs and migrants pass.

The numbers are a snapshot, but the picture is clear. There's no shortage of "sure things" among U.S. immigration workers.

More than 600 criminal probes have been launched this fiscal year of immigration employees nationwide, according to internal affairs investigators at the Department of Homeland Security and Immigration and Customs Enforcement.

Complaints range from smuggling and bribery to sexual misconduct, assault and theft of government property. The accused manned border crossings, airports. Others sat behind desks in places like Fairfax, Va., charged with taking bribes to provide naturalization papers to ineligible applicants.

The cases leave some questioning whether the government is doing enough to root out corruption in the ranks.

"After the next attack, when they find out that an employee was bribed by a terrorist or bribed by a spy, it's going to be too late," said Michael Maxwell, who headed up internal affairs at U.S. Citizenship and Immigration Services (USCIS), the agency that adjudicates immigration applications.

In February, Maxwell resigned his job and sought whistleblower protection after he began complaining to Congress about what he describes as rampant corruption that's going unprobed.

After Maxwell's office was established in 2004, he compiled a stack of 2,771 pending complaints involving USCIS workers. One-fifth were criminal allegations, he said, including more than 100 accusations of bribery.

Declining to publicly provide details, Maxwell told Congress about the case of an Iraqi-born U.S. citizen whose background indicated he'd been trained by "multiple foreign intelligence agencies" but nevertheless was hired by USCIS to review asylum applications. The employee has since resigned.

"Remember, one officer can grant citizenship at the time of his choosing at the place of his choosing to the person of his choosing with impunity. So if he wants to give Osama bin Laden U.S. citizenship, he can," Maxwell said. "I can't tell you how many times I heard senior management say ... 'Every allegation will be investigated.' Well, guess what, it's not being investigated."

Although the agency disputes that claim, some cases suggest laxness.

Take the case of Robert Schofield, a USCIS district office supervisor in Fairfax, Va. Schofield was arrested in June, accused of illegally granting residency and issuing naturalization certificates to more than 100 unqualified immigrants.

However, over the last 10 years, "numerous" allegations of bribery involving Schofield have been reported, an investigator said in a court affidavit. The agent didn't provide specifics, but said Schofield was once demoted for "conduct unbecoming a government employee" and also accused of making \$36,000 in unauthorized purchases on his government-issued credit card.

Schofield has been placed on indefinite suspension without pay, said USCIS spokesman Chris Bentley, who declined further comment because of the pending criminal case. Schofield's lawyer did not return messages.

Then there's Lizandro Martinez, a Customs officer who admitted that for 2 1/2 years he took bribes to allow vehicles crammed with marijuana through his lane at the Progreso International Bridge in Texas. Martinez faces up to life in prison at his scheduled October sentencing.

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Martinez had a host of disciplinary problems during his 14-year career, an internal affairs official testified during the case.

Investigations brought disciplinary actions. At one point, according to testimony, Martinez was fired but then reinstated after the union stepped in on his behalf. Still another proposed removal was mitigated to a 30-day suspension.

Jim Tomscheck, assistant commissioner for internal affairs at Customs and Border Protection, declined to discuss the Martinez case but said legal battles can hinder the dismissal of problem employees who are not charged criminally.

He added that managers are examining ways to ensure that those officers are dealt with administratively, "removed from the front line ... and can't continue to contaminate the work force."

Part of the problem is a lack of resources.

The Department of Homeland Security's Office of Inspector General and the Office of Professional Responsibility at ICE share responsibility for investigating criminal misconduct among 72,000 immigration employees with 309 investigators.

"Their plates are constantly full," DHS Inspector General Richard Skinner said. "We have cases that we opened three years ago that we're still pursuing."

It's a muggy day at the Otay Mesa port near San Diego. Eleven lanes are clogged with cars.

Weaving in and out of the smog jam is a Customs officer, leading a shepherd mix to sniff out contraband as automated scanners register license plates in a computer. Other Customs officers ask for identification, pop trunks, inspect spare-tire compartments. If anything seems out of place, vehicles are sent for a more thorough examination.

This is what port director James Hynes calls "layered screening," intended to catch smugglers but also make it more difficult for a corrupt officer to operate.

"We want lots of eyes and ears out here to layer our capability and be random, flexible and unpredictable," Hynes said, standing not far from Lane 8, the one Mike Gilliland was working the morning he was arrested.

Immigration brass insist corruption is a priority but combating it is a challenge. Smugglers post lookouts with binoculars to zero in on inspectors with perceived vulnerabilities. Are they tired? Lazy? Flirtatious with women?

Greed is an obvious motivator. Migrants paid upward of \$4,000 each to pass through Gilliland's lane, investigators said. Gilliland's cut was alleged to be \$1,500 a head. With as many as four vehicles allegedly coming through a night, each one sometimes packed with 10 people or more, that could have added up to a \$60,000 profit in a single shift about the equivalent of an entire year's salary.

There are other reasons seemingly good agents go bad: the influence of family or friends, discontent with the job, and the relative ease with which a dirty employee can operate.

"We don't do anything, just clear the way, and we get 300 (dollars) per head," ex-Border Patrol agent Eric Balderas said in a wiretapped phone call last year. He's awaiting sentencing in a California corruption case.

Balderas admitted conspiring with fellow agent Oscar Ortiz to allow immigrants into the country. Ortiz was sentenced in July to five years in prison for smuggling at least 100 immigrants, at times using his Border Patrol truck.

A Mexican citizen, Ortiz used a fake U.S. birth certificate to get hired by the Border Patrol. His attorney, Stephen White, said Ortiz was disenchanted with a job akin to "putting a Band-Aid on an open wound." At sentencing, Ortiz told the judge: "I was blind."

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Port director Hynes said what separates a good agent from a bad one is "what integrity you carry when you get up in the morning."

FBI agents and prosecutors declined to go on record with theories of why Gilliland supposedly turned.

He maintains his innocence, telling The Associated Press: "I've got nothing to hide."

For now, Gilliland is under house arrest, an electronic monitor clasped to his ankle.

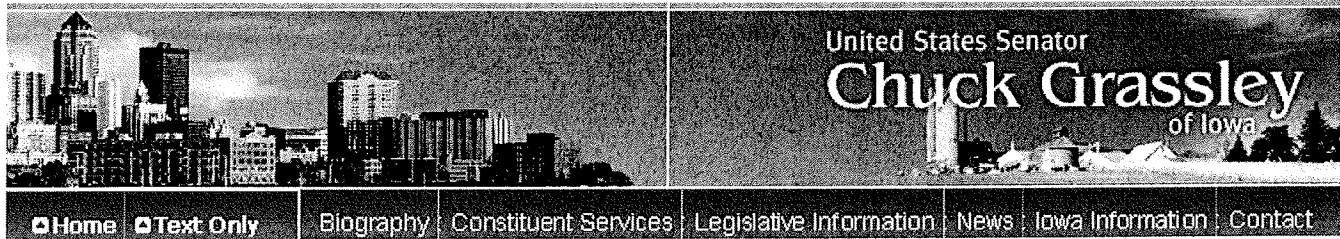
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EXHIBIT 8

**Sen. Chuck Grassley**

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July 5th, 2006

GRASSLEY DEMANDS ANSWERS FROM CIS ABOUT CONTINUED INTERNAL CORRUPTION

WASHINGTON – The arrest of a U.S. Citizenship and Immigration Services employee for allegedly illegally selling naturalization certificates has sparked further questions from Senator Chuck Grassley about internal corruption within the agency.

Grassley demanded further answers after press reports that a CIS employee was arrested for selling naturalization certificates and other immigration benefits.

“I’ve heard from whistleblowers, seen GAO reports and now read the newspaper about fraud and corruption within Citizenship and Immigration Services. I don’t know what more it’s going to take for this agency to clean up its act. It’s simply unacceptable for an agency that is supposed to be at the front line of keeping out the bad guys to be giving free passes to enter the United States to the highest bidder,” Grassley said.

In February, Grassley expressed concerns that CIS had not sufficiently dealt with internal corruption and benefit fraud especially as they relate to suspected terrorists and associates of terrorists exploiting the immigration system. A Government Accountability Office report reiterated Grassley’s concerns. Since then, CIS announced an office reorganization. At the time, Grassley questioned whether just rearranging boxes on an organizational chart would change the culture at CIS.

Here is a copy of Grassley’s letter.

July 5, 2006

The Honorable Emilio T. Gonzalez
Director
U.S. Citizenship and Immigration Service Department of Homeland Security 20
Massachusetts Avenue, NW Washington, D.C. 20529

Dear Director Gonzalez:

As you know, for months, I have been trying to determine the scope and severity of the internal corruption at USCIS. I began asking questions and seeking documents last year in response to the information provided to my office by Mike Maxwell, the former Director of the USCIS internal affairs office. Recent media reports of the arrest of Robert Schofield, a USCIS supervisory adjudicator for selling naturalization certificates and other immigration benefits appear to confirm my worst fears about the integrity of our immigration process.

Some of the details reported about Schofield’s history of misconduct are staggering. He had reportedly been demoted for “unbecoming” conduct, had an “inappropriate relationship” with the subject of a criminal probe, and fled to Asia when confronted.

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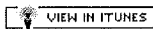
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Senator Grassley is the Ranking Member of the Committee on Finance. Click here to view the website.



▶ WHAT IS A PODCAST?

As if that weren't enough, while in Asia he made \$36,000 in unauthorized purchases on a government credit card. All of this allegedly occurred before DHS was created and the immigration function moved to USCIS. How is it possible a man with this history was in a supervisory position in your organization, where he could exploit his position of trust to sell U.S. citizenship to the highest bidder? How much damage was he able to do to our nation's security before he was caught? What steps are you taking to assess how many ineligible aliens received benefits from him which should be revoked? What is the nature and extent of the involvement of the Office of Security and Investigations in this matter?

In order to answer these and many more questions, I request a staff briefing as soon as possible. My staff will be contacting your staff later today to find a mutually agreeable time. Moreover, I now believe it is necessary to revisit my earlier request for access to all the OSI files, including those that have not been administratively closed. Without full access, it is impossible for Congress to get a clear, independent picture of how serious and pervasive this problem may be.

Thank your for your prompt attention to this request. Please ensure that all replies are faxed to the attention of Jason Foster at (202) 228-0554.

Sincerely,

Charles E. Grassley
Chairman

cc: Inspector General Richard L. Skinner
Department of Homeland Security

-30-

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