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Tucson, Arizona Wednesday, 22 May 2002



Border Patrol agent fired on

Says Mexican soldier was the shooter; ID disputed by officials

By **Tim Steller**
ARIZONA DAILY STAR

Investigators are trying to confirm whether it was a Mexican soldier who shot at a U.S. Border Patrol agent Friday night on the Tohono O'odham Nation.

An agent reported coming across three heavily armed Mexican soldiers riding in a Humvee near Papago Farms, about 90 miles southwest of Tucson.

The agent said he drove away, but a shot ripped through the windows of his Border Patrol vehicle as he fled.

Mexican officials said Tuesday they think the shooter was not a soldier. The local garrisons along the Sonora-Arizona border reported they had nobody in the area, said Roberto Rodriguez Hernandez, the director of protection and consular affairs for the Mexican Ministry of Foreign Relations.

The incident came at a delicate time in U.S.-Mexican relations. Mexican President Vicente Fox warned the Bush administration May 9 that he could not maintain the close relationship he has had with the United States unless there is progress on resolving immigration issues. On Saturday, members of Congress told Mexican lawmakers during a binational meeting not to expect any progress on immigration before the fall elections.

On May 3, following a visit to Arizona, Rep. Tom Tancredo, R-Colo., called on Fox to explain why Mexican law-enforcement and military officials made 23 incursions into U.S. territory in 2001.

Friday's incident may not have been an official incursion, but rather a case of criminals using military uniforms, said Rodriguez Hernandez, the former Mexican consul in Nogales, Ariz. Lawbreakers have used military and police uniforms in recent years along this stretch of border, he said.

But the agent who reported receiving gunfire was certain he saw soldiers, said Edward "Bud" Tuffly, the president of the agents' union in Southern Arizona.

"The agent was able to identify their attire down to a T, and it matched exactly what they (Mexican soldiers) wear," Tuffly said.

Officials of the U.S., Mexican and Tohono O'odham governments released few details of Friday's incident, but it appears the alleged incursion began Friday afternoon. About 4 p.m., a Tohono O'odham police ranger reported being chased by men in a Humvee in the Papago Farms area, Tuffly said. The ranger asked the Border Patrol for assistance, but the encounter ended without incident.

Alexandra Terry, the executive assistant for the Tohono O'odham Nation, would only confirm "there was an incident on the border" involving Tohono O'odham police and Border Patrol agents at about 4 p.m. Friday.

The agent who reported the gunfire knew of this earlier incident when he started work Friday, Tuffly said. It was dark when the agent, stationed on a hill north of the border, saw headlights about four miles away, Tuffly said.

A report on the incident obtained by the Arizona Daily Star describes it this way:

The agent drove closer to the border until he saw headlights coming toward him. The approaching vehicle was within 100 yards of the agent when he recognized it as a military Humvee with three soldiers standing in the back carrying assault rifles.

Seeing the soldiers, the agent made a U-turn and fled the area, only to hear glass shatter and realize a soldier had shot at him. Then he sped off in a panic and became disoriented before arriving on Federal Route 21, north of Papago Farms and meeting up with other agents. It was after 8:30 p.m.

The report says the agent was on the U.S. side of the border, but it does not say where the Mexican Humvee was.

Tuffly said the agent has less than a year's experience and was shaken by the incident. A bullet entered the vehicle through a right rear window, hit the metal prisoner partition in the vehicle, and went out through a driver's-side window, Tuffly said.

Tuffly questioned why the U.S. government was slow to acknowledge the incident publicly and he said in an online message to union members that he expects "the politicians will run like hell to avoid 'offending' anyone."

It took until Tuesday afternoon for the Immigration and Naturalization Service to issue a statement confirming the incident, including the Mexican military's possible involvement.

"Protecting our agents has always been our primary concern," the statement said.

Ron Sanders said incursions by Mexican soldiers and police were common when he was chief of the Border Patrol's Tucson sector, from 1995 to 1999. But he could not recall a Mexican soldier firing shots in Southern Arizona. The last time he could recall soldiers firing shots at agents was in March 2000, when Border Patrol agents in New Mexico received gunfire from soldiers who had crossed the border.

Friday's incident occurred near a smuggling hot spot. In April, U.S. Customs Service agents seized 22,000 pounds of marijuana from an organization using that corridor for smuggling, said Kyle Barnette, the associate special agent in charge of customs' Tucson office. Customs agents also shot a smuggling suspect in that area.

Mexican soldiers have been caught many times corruptly helping drug smugglers. But they have also served as Mexico's top troops in the drug war, scoring important gains such as the arrest in March of the most-wanted kingpin, Benjamin Arrellano Felix.

Mexican officials said the army and other government bodies are conducting an in-depth investigation of the incident.

"It is too premature to say what really happened," said Carlos Gonzalez Magallon, the Mexican consul in Nogales, Ariz.

Sanders and Tuffly said they hope responsible Mexican officials are held to as high a standard as Border Patrol agents. Sanders said he fired three agents for crossing into Mexico during his tenure.

"In my career, I never knew of anyone that Mexican officials punished for coming into the United States," Sanders said.

Said Tuffly: "When we do something, the Mexican government demands total accountability. That's fine, but we should have the same thing."

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