

# Operation FALCON

## From SourceWatch

The "aptly-christened" **Operation FALCON**—the acronym for "Federal and Local Cops Organized Nationally"—was the "massive roundup of 10,000 American citizens" in a "massive clandestine dragnet that involved hundreds of state, federal and local law-enforcement agencies during the week of April 4 to April 10, 2005. It was the largest criminal-sweep in the nation's history and was [the] brainchild of Attorney General Alberto Gonzales and his counterpart," Benigno Reyna, director of the United States Marshals Service (USMS) (a.k.a. Federal Marshals Service<sup>[1]</sup>), Mike Whitney wrote May 18, 2005, for *CounterPunch*.<sup>[2]</sup>

"The details are mind-boggling," Whitney said, with more than "960 agencies (state, local and federal) ... directly involved acting on 13,800 felony warrants and spending nearly \$900,000 on the operation." Whitney cites one report from CNN that "the raids netted '162 accused or convicted of murder, 638 wanted for armed robbery, 553 wanted for rape or sexual assault, 154 gang members and 106 unregistered sex offenders.'" But, Whitney pointed out, that accounts for approximately 10% of the 10,000 apprehended, so what of the other 9,000? As of May 18, 2005, the date of Whitney's report, "the US Marshall's office [had] issued no public statement to the press as to whether the 10,000 people arrested in operation Falcon have been processed or released."<sup>[3]</sup>

For more background, see articles listed here.

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## Some unanswered questions

The data provided by the U.S. Department of Justice and the U.S. Marshals Service for all three roundups carried out under the auspices of the Operation FALCON program does not address the following questions:

- How many of those arrested are illegal immigrants?
- How many were mistakenly arrested and, if so, were they released?
- Since they can do roundups of this magnitude, will they do it to deport illegal aliens?
- How many of the captured fugitives have been prosecuted and how many are still being confined?
- Although Attorney General Gonzales stated<sup>[4]</sup> April 15, 2005, that Operation FALCON was "an excellent example of President Bush's direction and the Justice Department's dedication to deal both with the terrorist threat and traditional violent crime", where is the connection between the Operation FALCON roundups and catching terrorists?<sup>[5]</sup>
- Have any alleged terrorists been captured, apprehended, incarcerated or prosecuted in connection with the roundups?
- Have any alleged terrorists been involved in extraordinary rendition and transported into the global detention system?
- How many of the captured fugitives have been confined in American concentration camps contracted<sup>[6]</sup> in January 2006 by the U.S. Department of Homeland Security's (DHS) U.S. Immigration and Customs Enforcement (ICE) to Halliburton subsidiary Kellogg Brown and Root (KBR)?
- Since Congressional Committees on the Judiciary and Government Oversight are looking into Bush administration hiring and firing practices of U.S. attorneys and other questionable matters linked to the DoJ, will they be looking into Operation FALCON as well?
- Why wait until a roundup before arresting these fugitives? As blogger EAJ pointed out in April 2006 at *Hedge Blogspot*:<sup>[7]</sup>
  - "Question: surely the popo didn't discover where all these fugitives [sic] were hiding in the space of a week. Using that logic, they had to have known where these people were before Operation Falcon II. So why the [xyz] didn't they arrest them sooner? Gee, is it any wonder people don't trust the police?"

## Aggregating the numbers

The *Posse Incitatus* Blog has been tracking the reported statistics<sup>[8]</sup> on all three Operations FALCON to date: "For a grand total of 30,150 fugitives who, between them, had only 586 firearms."

- Falcon I: 10,340 fugitives, 243 firearms
- Falcon II: 9,037 fugitives, 111 firearms
- Falcon III: 10,773 fugitives, 232 firearms

"Now, as we are often reminded, half of American households have firearms in them. So if this was a random sample, we should have produced 15,000 firearms at least (since many households own more than one).

"Yet only 1.9 percent of these criminals had them.

"The counter of course is that these are overwhelmingly non-violent offenders. Even so, non-violent people own guns as well - unless half of the country has bodies buried in the flower garden.

"This is an amazing piece of information, and deserves the widest possible distribution. Criminologists should extensively study these numbers, because the sample size is so massive, over such a long period of time that it simply cannot be ignored," *Posse Incitatus* wrote.

## Operation FALCON III

Operation FALCON III was carried out in a week-long swing from October 22 to 28, 2006, involving "3,000-plus officers and agents" on the East Coast in "24 states east of the Mississippi River", the Department of Justice reported.<sup>[9]</sup>

"Nearly 11,000 sex offenders, gang members and other fugitives were swept up" in what the Justice Department "called a sting targeting the 'worst of the worst' criminals on the run," the Associated Press reported.<sup>[10]</sup>

Attorney General Alberto R. Gonzales said "officials caught 10,733 fugitives — including 1,659 sex offenders, 364 gang members and thousands of others sought on kidnapping, robbery, burglary, carjacking and weapons charges. More than 230 weapons were seized.

"Those totals represent a fraction of doors knocked on, liquor store drive-bys, construction site surveillances and tips chased down by agents during the weeklong sweep. Finding the fugitives — even at their homes in the early-morning hours — proved to be a hit-or-miss mission for the federal, state and local authorities," the AP wrote.<sup>[11]</sup>

"Of the sex offenders nabbed, 971 had failed to register with authorities as required by law — what Gonzales called the largest number ever captured in a single law enforcement effort.

"Gonzales said prosecutors likely would seek to charge some of them under the 2006 Adam Walsh Act", which was "named for 6-year-old Adam Walsh, who was abducted from a Florida shopping mall and

murdered in 1981," the AP wrote. The law, approved by Congress on July 25, 2006, "created federal penalties for sex offenders who fail [to] register with communities."<sup>[12][13]</sup>

The Adam Walsh Child Protection and Safety Act of 2006 (H.R.4472) can be read here (<http://www.govtrack.us/congress/billtext.xpd?bill=h109-4472>) .

## **October Surprise?**

NBC's Pete Williams raised<sup>[14]</sup> the matter of timing in the Justice Department's November 2, 2006, "announcement of a multi-state fugitive sweep" which came "five days before the midterm elections."

Although "officials insist[ed] there was no political motive", the "two earlier roundups, in 2005 and 2006, were conducted in the spring. And this one concentrated on mainly eastern states, where many competitive political races are hotly contested. But the Marshals Service says the timing of this year's operation was based on the budget and the weather," Williams said: Money had been "earmarked in the budget", opposed to "derived from existing programs" as before. The operation was timed early in the fiscal year, had been "planned several months ago", and needed to be executed "before it begins snowing."<sup>[15]</sup>

According to a Justice Department official, "the Marshals Service decided the timing, including the date for the announcement, and that DOJ headquarters had no role in the scheduling of the operation or today's announcement," Williams reported.<sup>[16]</sup>

## **Statistics**

For example, in eastern North Carolina, personnel "from 21 different law enforcement agencies" worked in conjunction with the U.S. Marshals Service to "arrest 367 people, including 20 convicted sex offenders, and serve 415 warrants."<sup>[17]</sup>

Tex Lindsey, the U.S. Marshal Fugitive Task Force commander for Eastern North Carolina, cited the "national average for a round up of this type" as 13 percent. This roundup "far exceeded our expectations with an arrest average close to 40 percent," Lindsey said.<sup>[18]</sup>

"Nationally, 10,773 fugitives were arrested and 13,333 felony warrants were cleared, including 365 documented gang members and 1,659 sexual offenders, of which 971 were unregistered sex offenders."<sup>[19]</sup>

## **Hidden within the data**

"A press release from Arizona related to Operation Falcon II highlighted the number of sex offenders and violent criminals apprehended, however hidden in the statistics is the fact that there were nearly twice as many people arrested for immigration related offences than any other offense," BlackPacker reported November 3, 2006.<sup>[20]</sup> (See below.)

"With the contracts awarded<sup>[21]</sup> [in January 2006] to Halliburton subsidiary Kellogg Brown and Root to

construct an unknown number of incarceration facilities to hold detainees in the event of an immigration emergency, one must question where will these eleven thousand new prisoners be held and how will an allegedly strained justice system be able to assure the basic rights granted to Americans, such as the right to a fair and speedy trial."<sup>[22]</sup>

## Operation FALCON II

Operation FALCON II, carried out the week of April 17-23, 2006, was a "nationwide dragnet" "conducted in 27 states mostly west of the Mississippi River, and the territories of Guam and Northern Mariana Islands" "timed to coincide with National Victims Rights Week", with the focus on sex offenders. Of the individuals arrested, 1,102 were of people wanted for violent sex crimes "by federal, state and local authorities, the largest number ever captured in a single law enforcement operation," according to a Justice Department news release.<sup>[23]</sup>

The Department of Justice reported<sup>[24]</sup> that a total of 9,037 individuals were arrested nationwide. "High-priority targets for arrest were fugitives wanted for committing sexual offenses and crimes of violence against women, children and the elderly, as well as unregistered convicted sex offenders. Other priority targets were fugitive gang members and violent offenders wanted for homicide, kidnapping, robbery, burglary, carjacking, weapons offenses and major narcotics distribution."

"For this seven-day nationwide operation, the Marshals coordinated officers from 120 state agencies, 330 county agencies, 312 police departments, six foreign law enforcement agencies, and 24 other federal agencies," the DOJ said.<sup>[25]</sup>

### Statistics

The Associated Press reported<sup>[26]</sup> April 27, 2006, that the "sweep netted more than 10,000 fugitives, 10 times the average in a week, but just 1% of the 1 million fugitives in the FBI's national database. ... Marshals arrested 35,500 federal fugitives for all of the government budget year that ended Sept. 30 [2005]. They worked with state and local authorities to nab another 44,000 people, according to the Marshals' website."

"A total of 793 different agencies participated - 25 federal, 120 state, 330 county sheriffs, 312 police departments, and 6 foreign agencies. Within the Marshals Service, 46 districts participated, including the Districts of Guam and Northern Marianas. In all, each day more than 2,100 law enforcement officers worked together tirelessly during this record setting operation," the U.S. Marshal's Service reported.<sup>[27]</sup>

Although the stated "focus" of the roundup was purported to be sex offenders—only 1,102 of the 9,037 apprehended were wanted for violent sex crimes, slightly more than 12% of the total, the Associated Press reported.<sup>[28]</sup>

Nationally, law enforcement officials cleared more than 10,419 felony warrants, arrested 462 "fugitives wanted for a variety of violent sex offenses, 311 fugitives for other felony sex crimes, 783 unregistered sex offenders, 73 homicide arrests with 87 warrants cleared, and 163 documented gang members. They also cleared 2,941 drug cases, and seized 111 guns, more than \$120,265.00 in cash, and more than 91

kilograms of narcotics."<sup>[29]</sup>

The largest number of arrests were made in Bakersfield, California, where "300 warrants were issued and 86 arrests were made. Sixty-five arrests were made in Fresno, 20 in Madera and 4 in Merced. ... A total of 256 fugitives were arrested between Bakersfield and Redding. Of the 86 in Bakersfield, more than half were for drug offenses. One person was arrested for manslaughter charges and five for sexual offenses."<sup>[30]</sup>

Of the total 1,102 reported to be sex offenders, a quick scan of news reports shows:

- Washington: 104<sup>[31]</sup>
- Nevada: 101<sup>[32]</sup> (Southern Nevada: 35<sup>[33]</sup>)
- Lubbock, Texas: 82<sup>[34]</sup>
- Washington County, Oregon: 32<sup>[35]</sup>
- Colorado: 15<sup>[36]</sup>
- San Diego and Imperial counties, California: 11<sup>[37]</sup>
- Kansas City, Kansas: 10
- Milwaukee, Racine and Kenosha counties in Wisconsin: 10<sup>[38][39]</sup>
- Bakersfield, California: 5<sup>[40]</sup>
- Tucson and Southern Arizona: 5<sup>[41]</sup>

## **Federal immigration-related cases**

"Forty-six people wanted for federal immigration offenses, including smuggling illegal aliens were among 117 fugitives arrested in Tucson and Southern Arizona during the nationwide Operation Falcon II," John W. Slagle reported<sup>[42]</sup> April 30, 2006, in the *American Chronicle* (based on information reported in the *Arizona Daily Star*). "A total of 247 people were arrested across Arizona, with officers in Chandler, Douglas, Flagstaff, Lake Havasu City, Mesa, Oro Valley, Parker and Tucson involved."

Slagle's report is supported by information provided by the United States Marshals Service Tucson office which services Tucson and Southern Arizona. Only five individuals were arrested for sex offenses.<sup>[43]</sup>

## **Operation FALCON I**

### **Fugitives arrested (Operation FALCON I)**

See Operation FALCON: Statistics for information.

### **Gonzales's report to Congress**

The following excerpt was taken from an April 14, 2005, U.S. Marshals Service news release:<sup>[44]</sup>

"Attorney General Alberto R. Gonzales and Ben Reyna, Director of the U.S. Marshals Service (USMS), today announced that the USMS, working closely with its federal, state and local partners, has successfully completed **the largest fugitive apprehension operation in American history**. Through Operation FALCON ('Federal And Local Cops Organized Nationally'), which was conducted April 4–10, 2005, Deputy U.S. Marshals and their law enforcement partners arrested a total of 10,340 fugitives and cleared more than 13,800 felony warrants.

"Operation FALCON is an excellent example of President Bush's direction and the Justice Department's dedication to deal both with the terrorist threat and traditional violent crime,' said Attorney General Gonzales. 'This joint effort shows the commitment of our federal, state, and local partners to make our neighborhoods safer, and it has led to the highest number of arrests ever recorded for a single initiative of its kind. We will use all of our Nation's law enforcement resources to serve the people, to pursue justice, and to make our streets and Nation safer.'"

### "Round-up" or "Dry Run"?

Mike Whitney concluded<sup>[45]</sup> that the true purpose of the raids was not merely to round up thousands of petty criminals but, rather, that the "Bush administration is sharpening its talons for the inevitable difficulties it expects to face as a result of its disastrous policies. With each regressive initiative, the governing cabal seems to get increasingly paranoid, anticipating an outburst of public rage. Now, they're orchestrating massive round-ups of minor crooks to make sure that every cog and gear in the apparatus of state repression is lubricated and ready to go.

"Rest assured that Attorney General Gonzales has absolutely no interest in the petty offenders that were netted in this extraordinary crackdown. His action is just another indication that the noose is tightening around the neck of the American public and that the Bush team is fully prepared for any unpleasant eventualities. They want to make sure that everyone knows that they're ready when its time to thin out the ranks of mutinous citizens."<sup>[46]</sup>

*The Wertz Generation* blogspot spoke along similar lines in a May 13, 2005, posting<sup>[47]</sup>:

"But perhaps Gonzales was telling us more than we may have realized. As law enforcement officials have privately acknowledged that most of those arrested in the nationwide raids would have been picked up in the course of normal police work anyway, there was clearly more to this Operation than simply a photo op for what has proved to be a stupendously inept Justice Department. ... The operation involved more than 3000 law enforcement officials with as many as 10,000 assisting part-time during the week long sweep. The Operation included officers from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the FBI, the Secret Service, and even the US Department of Housing and Urban Development - in addition to eighty-three district and local agencies like sheriff's offices.

"To me, this looks like nothing so much as a dry run for massive round-ups in the event of widespread dissent once the White House's disastrous policies start bearing their toxic fruit. Should the need arise to intern tens of thousands of 'traitors' (as defined by the likes of Ann Coulter), the mechanism is not only in place, it has been shown to work. If you are reading this, you could already be on such a hit list. Be afraid, people - but be prepared. If you haven't stocked

up on those semi-automatics yet, this could be the time."

After pointing out that the raids were carried out during Crime Victims Rights Week, blogspot *Winter Patriot* asked<sup>[48]</sup> April 15, 2005, "what's it gonna be next time? Prosecuting Attorney Week? And when that happens, will we see another propaganda campaign? Will it be yet another attempt 'to prompt publicity and help highlight the mission'? And will it involve the arrests of another ten thousand people? Or will they pick up twenty [or thirty] [or fifty] thousand this time?," which made it tempting to make the prediction "we will soon become accustomed to nationwide police operations involving the arrests of thousands of people."

## Fake news?

- "The Justice Department, meanwhile, supplied the television networks **government-shot action videotape of Marshals and local cops raiding homes and breaking down doors**. The footage was aired on news programs, accompanied by commentary that uncritically parroted the claims made by the department. ... The department produced a mind-numbing array of statistics on the raids, resulting in cookie-cutter articles appearing in local papers and on local television throughout the country, highlighting the number of arrests made in each area."<sup>[49]</sup>

- Upstate New York Democrat Congressman Maurice Hinchey said that, because "newscasts are 'increasingly being corrupted' by the government, which is providing material like video news releases, TV stations "should have identified government-provided video used in reporting last week's nationwide federal sweep rounding up fugitives" as "supplied by the Justice Department." ... Some "stations and networks did identify the source of the Operation Falcon video but many did not. The Justice Department distributed a five-minute video package to T-V stations by satellite."<sup>[50]</sup>

- *The Wertz Generation* blogspot posed the following question:<sup>[51]</sup>

"This raises a couple of questions. Most obviously, if Federal Marshals or other law enforcement agencies knew about, say, 162 murder suspects at large, why did they wait for Operation FALCON to arrest them? Were our policing agencies allowing over 600 sex offenders to remain at large for several weeks or months in order to give Alberto Gonzales the opportunity for a flashy press conference?"

## Facts checked

Steve at *The Modulator*, April 16, 2005<sup>[52]</sup>, "did some [fact] checking via "The Sourcebook of Criminal Justice Statistics, 2002"<sup>[53]</sup> and found some interesting numbers:

- *Arrests for Violent Crime*: 620,510, or an average of 11,933 per week; Operation Falcon 10,000 including some non-violent crimes
- *Arrests for Murder*: 14,158, or an average of 272 per week; Operation Falcon 162

"No drug arrests [were included] in the above [statistics] but apparently [were] included in Operation



Falcon!"

Steve wrote that he suspected "that they simply reported business as usual (in some cases less than usual) and by giving it one of those magic labels, Operation Falcon, and publicizing it they have tried to make us think something new and wonderful is happening. Well, welcome to the world of marketing and government BS. ... Oh," he added, "and if this really was a real coordinated effort, then we did not get our money's worth (surprise) as they appear to have failed to meet even average arrest rates."

*The Wertz Generation* blogspot added<sup>[54]</sup> May 13, 2005, that:

"The stats cited by the Justice Department above account for a total of 1613 arrests. What of the other 8727 people picked up? With a bit of digging, we can find that 'narcotics violations' accounted for 4300 (and the only specific charges mentioned are two people picked up for operating methamphetamine labs). I'm assuming that the rest of those were people with outstanding warrants for cannabis possession (otherwise we would definitely have had a 'Major Battle Won in the War on Drugs' type press conference). That still leaves 4427 arrests unaccounted for - and in the month since Operation FALCON, there have been no follow-up reports letting us know if any convictions arose from the 10,000 people pulled off the street."

## Googling for Headlines

- On April 15, 2005, the *Winter Patriot* blogspot reported that "Google News" carried nearly 600 news stories on "Operation Falcon."<sup>[55]</sup>
- A similar "google" on May 24, 2005, found only 45 items listed within a 0.06-second search, 20 of which were all for the same May 20, 2005, news story "National Missing & Exploited Children Honors Law Enforcement"<sup>[56]</sup>, and only two linked to Whitney's May 18, 2005, article.

## Low priority on fugitives

"Criminal-justice experts said that by apprehending thousands of fugitives in a matter of days, the operation underscored the low priority that law enforcement agencies often give to locating people who have jumped bail, violated parole or otherwise evaded state and federal courts.

"'The dirty little secret is that there usually is not enough effort and manpower put into apprehension of fugitives,' said David A. Harris, a law professor at the University of Toledo who studies criminal-justice issues. 'Most fugitives are aware of this, and it makes the system a joke. . . . It's never been a top priority.'"<sup>[57]</sup>

## Operation FALCON-related press releases

## Contact information

- Operation FALCON (<http://www.usmarshals.gov/falcon/index.html>) , U.S. Marshals Office website.

## Resources and articles

### Related SourceWatch articles

- American concentration camps
- civil liberties
- enemy combatant
- fake news/manufactured journalism/video news releases
- homeland security
- illegal immigration
- immigration raids (U.S.)
- Military Commissions Act of 2006
- Operation FALCON: Statistics
- Patriot Act I
- Patriot Act abuses
- prison-industrial complex
- Total Information Awareness
- war on terrorism

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Needs review

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