



Office of the Attorney General
Washington, D. C. 20530

CENTRAL OFFICE
WASH. D.C.
U.S. OFFICE OF
SPECIAL COUNSEL

2001 MAY 17 PM 12: 01

May 15, 2001

The Honorable Elaine Kaplan
The Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D. C. 20036-4505

Dear Ms. Kaplan:

This is in response to your letter of March 5, 2001, (OSC file No. DI-01-0219), forwarding the referral of a complaint made to your office by Mr. Gregory Golla, former Border Patrol Agent, Immigration and Naturalization Service, Department of Justice (DOJ).

The Office of the Inspector General conducted an investigation into the allegations made by Mr. Golla, and found no evidence of criminal misconduct or violations of policy by any DOJ employee. A copy of the Report of Investigation is enclosed.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

John Ashcroft
Attorney General

Enclosure

Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET

1. FOLDER No: 1145679
2. TRACKING ID No: X01-034009
3. RESERVED
4. DATE OF DOCUMENT: 03/05/2001
5. DATE RECEIVED: 03/08/2001
6. DUE DATE: 05/07/2001

7. FROM: Elaine Kaplan
The Special Counsel
U.S. Office of Special Counsel
Washington, DC 20036-4505

8. TO: AG

9. CATEGORY: SENSITIVE

10. SUBJECT:
Forwarding information from a former INS/U.S. Border Patrol employee regarding allegations of violations of law, rule or regulation, an abuse of authority and a substantial and specific danger to public health and safety by officials at DOJ, INS, U.S. Border Patrol, McAllen, TX. Requests an investigation of the allegations and a report of the findings signed by the AG within 60 days of DOJ's receipt of this ltr (5/7/2001). Encl. (mmh)

11. ACTION/INFORMATION:

Referred To:	Date Assigned:	Action:
ESFILES	05/16/2001	For closing, filing, and dispatching. AG signed letter dated 5/15/2001. E.S. hand carried original letter and enclosure to OIG for handling and dispatch. Copy of report not maintained in E.S. (jw)
OIG	03/21/2001	For appropriate handling. Per JMD and OIG, reassigned to OIG. Advise ES of any action taken. 4/30/2001: ES/Gatons approved dd ext from 4/30 to 5/7/2001. (ch)

Referred To:	Date Assigned:	Action:
INS	03/14/2001	Prepare response for AG signature. Return w/control sheet & incoming letter to ES no later than 4/30/2001 to enable enough time for appropriate reviews and AG sig before 5/7/2001. 3/21/01: Reassigned to OIG.(ch) Limited Distribution.

Referred To:	Date Assigned:	Information:
JMD	03/14/2001	For information. Limited Distribution.
OAG	03/14/2001	For information. Limited Distribution.
ODAG	03/14/2001	For information. Limited Distribution.
OIG	03/14/2001	For information. Limited Distribution.
OPR	03/14/2001	For information. Limited Distribution.

12.RESERVED FOR EXECUTIVE SECRETARIAT USE
 AG FILE: SPECIAL COUNSEL, AG Chron AS-05-15-01
 : allegations of violations of law - abuse of authority

13.EXECUTIVE SECRETARIAT CONTACT: Michele Hamlett-Crayton, 514-5305



U.S. Department of Justice

Office of the Inspector General

The Inspector General

Washington, D.C. 20530

May 8, 2001

Susan:

Per a referral from the Executive Secretariat, the Office of the Inspector General (OIG) has conducted an investigation of a complaint forwarded to the Attorney General by letter dated March 5, 2001, from the Office of the Special Counsel.

Given the subject matter, we thought it best to send this draft response directly to the Attorney General's office. Please contact me at 514-3435 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "PKM", is positioned below the word "Sincerely,".

Paul K. Martin
Counselor to the
Inspector General

Enclosures



LIMITED

OFFICIAL

USE

The attached information must be protected and not released to unauthorized individuals. Use of this sheet is in accordance with the Department of Justice regulation on the control of Limited Official Use information.

**Office of the Inspector General
United States Department of Justice**

REPORT OF INVESTIGATION

Case Number: 2001003022

Date: April 20, 2001

Report Provided to:

U.S. Office of Special Counsel



THIS REPORT CONTAINS SENSITIVE LAW ENFORCEMENT MATERIAL. IT MAY NOT BE LOANED OUTSIDE YOUR AGENCY AND, EXCEPT IN CONNECTION WITH OFFICIAL AGENCY ACTION, NO PORTION OF THE REPORT MAY BE COPIED OR DISTRIBUTED WITHOUT THE KNOWLEDGE AND CONSENT OF THE INSPECTOR GENERAL.

ABBREVIATED REPORT OF INVESTIGATION

SUBJECT Robert E. Guerra Supervisory Border Patrol Agent, GS-12 McAllen Border Patrol Station McAllen, Texas	CASE NUMBER 2001003022
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OFFICE CONDUCTING INVESTIGATION McAllen Field Office	DOJ COMPONENT Immigration and Naturalization Service
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DISTRIBUTION <input checked="" type="checkbox"/> Field Office <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component <input type="checkbox"/> USA <input checked="" type="checkbox"/> Other OSC	STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED
	PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
	Date of Previous Report:

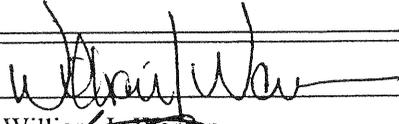
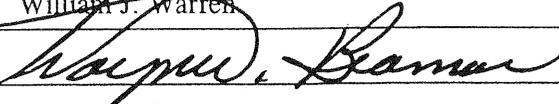
SYNOPSIS

This investigation was predicated upon information supplied by the Office Special Counsel citing suspected violations of law and abuse of authority on behalf of McAllen Sector Supervisory Border Patrol Agent Robert Guerra. The allegations communicated via the United States Department of Justice, Attorney General, specified civil rights violations of apprehended undocumented aliens, violations of the Department's Deadly Force Policy, and abuse of authority relating to the supervision of a probationary Border Patrol Agent assigned to the McAllen Border Patrol Station, McAllen, Texas.

The issues outlined in the DOJ Office of Special Counsel's letter dated March 5, 2001, were reported to have occurred during a two-week training period beginning on August 30, 1998, and concluding on or about September 12, 1998. This training period represented an official conduct and efficiency evaluation of a supervised probationary appointee, Gregory Golla, by then Senior Border Patrol Agent Robert E. Guerra.

The investigation resulted in the interview of fifteen Border Patrol Agents and yielded no evidence of civil rights violations or evidence substantiating violations of the Department of Justice Deadly Force Policy. Allegations relating to abuse of authority revealed that Golla's assertion of policy violations was unfounded. The alleged abuse was discovered to constitute the normal operational function of both probationary and non-probationary Border Patrol Agents. This investigation yielded no information corroborating the allegations relayed to OIG by the Office of Special Counsel.

This investigation did not reveal any information of criminal misconduct or violations of policy by a Department of Justice employee. This investigation is closed and the report will be forwarded to the Office of Special Counsel.

DATE	April 20, 2001	SIGNATURE	
PREPARED BY SPECIAL AGENT		William J. Warren	
DATE	April 20, 2001	SIGNATURE	
APPROVED BY SPECIAL AGENT IN CHARGE		Wayne D. Beaman	

SUBJECT OF INVESTIGATION

Name : Robert E. Guerra

Title & Component : Supervisory Border Patrol Agent
Immigration & Naturalization Service

Grade : GS-12

Series : 1896

EOD : April 29, 1984

Business Address : South Main Street
McAllen, Texas 78501

Business Telephone : (956) 618-8163

Home Address :

Home Telephone :

Date of Birth : May 26, 1954

Height : 5' 8"

Weight : 190

Social Security Number :

Summary of Government Employment ending with Present position : Border Patrol Agent, McAllen USBP Station

Criminal Record : None

LIST OF EXHIBITS

1. Office of Special Counsel Letter of Inquiry, dated March 5, 2001.
2. Memorandum of Investigation, dated March 26, 2001, regarding the interview of Gregory Golla.
3. Memorandum of Investigation, dated April 13, 2001, regarding the interview of Senior Border Patrol Agent Jesse Rivera.
4. Memorandum of Investigation, dated April 18, 2001, regarding the interview of Border Patrol Agent Mike Garza.
5. Memorandum of Investigation, regarding the August 20, 1998, Conduct and Efficiency Evaluation completed by Mike Garza.
6. Memorandum of Investigation, dated April 13, 2001, regarding the interview of Supervisory Border Patrol Agent Paul Hornaday.
7. Memorandum of Investigation, regarding the September 22, 1998, Conduct and Efficiency Evaluation completed by Supervisory Border Patrol Agent Paul Hornaday.
8. Memorandum of Investigation, dated April 13, 2001, regarding the interview of Senior Border Patrol Agent Adrian Lara.

Memorandum of Investigation, regarding the September 18, 1998, Conduct and Efficiency Evaluation completed by Senior Border Patrol Agent Adrian Lara.
10. Memorandum of Investigation, dated April 13, 2001, of Supervisory Border Patrol Agent John Clough Jr.
11. Memorandum of Investigation, regarding the September 21, 1998, Conduct and Efficiency Evaluation completed by Supervisory Border Patrol Agent John Clough Jr.
12. August 21, 1998, Memorandum for File drafted by Supervisory Border Patrol Agent John Clough Jr.
13. Memorandum of Investigation, dated April 18, 2001, regarding interview of Border Patrol Agent Richard Johnson.
14. Memorandum of Investigation, dated April 13, 2001, regarding interview of Border Patrol Agent Brian Terry.
15. Memorandum of Investigation, dated April 16, 2001, regarding interview of Border Patrol Agent Carlos Cespedes.
16. Memorandum of Investigation, dated April 18, 2001, regarding interview of Border Patrol Agent Anthony Graham.

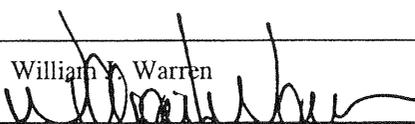
7. Memorandum of Investigation, dated April 16, 2001, regarding interview of Supervisory Border Patrol Agent Robert Guerra.
18. Memorandum of Investigation, regarding the September 15, 1998, Conduct and Efficiency Evaluation completed by Supervisory Border Patrol Agent Robert Guerra.
19. Memorandum of Investigation, regarding the September 15, 1998, Memorandum for File completed by Supervisory Border Patrol Agent Robert Guerra.
20. Memorandum of Investigation, regarding the September 18, 1998, Memorandum to Chief Border Patrol Agent Jose E. Garza, completed by then Border Patrol Agent Gregory Golla.
21. Memorandum of Investigation, regarding the September 30, 1998, Letter of Proposed Termination of Gregory Golla.
22. Memorandum of Investigation, regarding the October 7, 1998, Memorandum of Resignation completed by Gregory Golla.
23. Memorandum of Investigation, regarding the January 25, 1999, Notification of EEO action.

Exhibit 1

Number: 2001003022.012	Reporting Office: McAllen Field Office
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RE: Office of Special Counsel Inquiry dated March 5, 2001

Attached is a copy of an Office of Special Counsel letter dated March 5, 2001, requesting inquiry into allegations set forth by former Border Patrol Agent Trainee Gregory Golla.

Special Agent Name and Signature: William V. Warren 	Date: April 13, 2001 4/13/01 WOB
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1145679

U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505



The Special Counsel

March 5, 2001

The Honorable John Ashcroft
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, Room 4545
Washington, D.C. 20530-0001

Re: OSC File No. DI-01-0219

Dear Attorney General Ashcroft:

I am forwarding the following information for your attention pursuant to 5 U.S.C. § 1213. The information demonstrates a substantial likelihood of violations of law, rule or regulation, an abuse of authority and a substantial and specific danger to public health and safety by officials at the Department of Justice, Immigration and Naturalization Service, U.S. Border Patrol (Border Patrol), McAllen, Texas.

We received this disclosure from Mr. Gregory Golla, a former employee of the Border Patrol, who consented to the release of his name.¹ Mr. Golla alleges violations of law, rule or regulation, an abuse of authority and a substantial and specific danger to public safety by an official of the Border Patrol through the unauthorized use of firearms, excessive use of force against unarmed aliens, and violation of agency regulations regarding training of Border Patrol agents. The allegations are detailed below.

Mr. Golla was employed with the Border Patrol for approximately seven months from April to October of 1998. After completing five months of training in South Carolina, he served as a Border Patrol Agent in McAllen, Texas for two months. During the time he was stationed at McAllen, Mr. Golla spent two weeks doing a ride-along with Senior Patrol Agent Robert Guerra as part of his on-site training.

According to Mr. Golla, Patrol Agent Guerra proudly stated that he had opened fire on a flatbed boat carrying aliens as it crossed the Rio Grande. The gunfire caused the operator of the boat and the passengers to jump into the water in order to avoid being shot. They then swam back to the Mexican border. The operator of the boat had serious difficulty swimming, but apparently neither he nor any of the passengers were shot or drowned in the incident. Another Border Patrol Agent corroborated Agent

¹Mr. Golla presently resides at 6187 Birch Lane, Stewartstown, PA 17363; telephone (717) 993-6301.

The Special Counsel.

The Honorable John Ashcroft

Page 2

Guerra's statements. Mr. Golla does not believe that this discharge of a firearm was ever reported to the agency as required.

Mr. Golla also reported that during the ride-along period he witnessed Agent Guerra use excessive force when apprehending individuals that were suspected to be undocumented aliens. For example, on one occasion when Mr. Golla and Agent Guerra were apprehending individuals they encountered walking along the road, Agent Guerra reportedly kicked the individual he was arresting in the legs, slammed him into the hood of the car, and shoved his body into the side of the Border Patrol vehicle even though no resistance was offered by either individual. Mr. Golla stated that he was able to promptly handcuff the other alien without the use of force and that Agent Guerra's use of force was unnecessary. Mr. Golla saw Agent Guerra use excessive force on other occasions and believes that Agent Guerra routinely uses such force. Finally, Mr. Golla stated that Agent Guerra himself implied that he has, on occasion, beaten aliens.

Mr. Golla states that, in general, Agent Guerra violates agency rules and procedures, that his conduct is inappropriate, and that he engages in intimidation and harassment. During his ride-along period Agent Guerra violated agency procedures regarding the training of new agents. According to Mr. Golla, trainees are not supposed to be more than one-arm's length away from an agent, nor are they to pursue aliens unaccompanied. Mr. Golla stated that Agent Guerra instructed him to follow an alien into a sugar cane field unaccompanied thereby subjecting him to injury and potential danger. In addition, in response to Mr. Golla's questions about the boat incident, Agent Guerra reacted in an intimidating and threatening manner, unholstering his firearm and keeping it unholstered on his lap for the duration of the conversation.

The Special Counsel is authorized by law to receive information about alleged violations of law, rule or regulation, gross mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety in federal agencies. 5 U.S.C. §§ 1213(a) and (b). If I find that the information demonstrates a substantial likelihood one of these conditions exists, I am then required to send that information to the appropriate agency had for investigation or report. 5 U.S.C. §§ 1213(c) and (g). Accordingly, I am referring this information to you for an investigation of the allegations described above and a report of your findings within 60 days of your receipt of this letter.

The report must be reviewed and signed by you personally. Should you decide to delegate authority to another official to review and sign the report, your delegation must be specifically stated. The requirements of the report are set forth at 5 U.S.C. § 1213(d), a summary of which is enclosed.

The Special Counsel

The Honorable John Ashcroft
Page 3

In the event it is not possible to report on the matter within the 60-day time limit, as the statutes requires, you may request in writing an extension of time not to exceed 60 days. Please be advised that an extension of time will not be granted automatically, but only upon a showing of good cause. Accordingly, in the written request for an extension of time, please state specifically the reasons the additional time is needed.

After making the determinations required by 5 U.S.C. §1213(e)(2), copies of the report, along with any comments on the report from the person making the disclosure and any comments or recommendations by me will be sent to the President and the appropriate oversight committees in the Senate and House of Representatives. 5 U.S.C. § 1213(e)(3).

A copy of the report and any comments will be placed in a public file in accordance with 5 U.S.C. §1219(a).

Please refer to our file number in any correspondence on this matter. If you need further information, please contact Catherine A. McMullen, Chief, Disclosure Unit, at (202) 653-6005. I am also available to you for any questions you may have.

Sincerely,



Elaine Kaplan

Enclosure

Enclosure

Requirements of 5 U.S.C. § 1213(d)

Any report required under subsection (c) shall be reviewed and signed by the head of the agency and shall include:

- (1) a summary of the information with respect to which the investigation was initiated;
- (2) a description of the conduct of the investigation;
- (3) a summary of any evidence obtained from the investigation;
- (4) a listing of any violation or apparent violation of law, rule or regulation; and
- (5) a description of any action taken or planned as a result of the investigation, such as:
 - (A) changes in agency rules, regulations or practices
 - (B) the restoration of any aggrieved employee;
 - (C) disciplinary action against any employee; and
 - (D) referral to the Attorney General of any evidence of a criminal violation.

In addition, we are interested in learning of any dollar savings, or projected savings, and any management initiatives that may result from this review.

Exhibit 2

MEMORANDUM OF INVESTIGATION

Number: 2001003022.001	Reporting Office: McAllen Field Office
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RE: Telephonic Interview of Gregory Golla
Private Security Supervisor
Telephone: (717) 790-0407

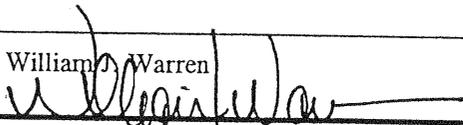
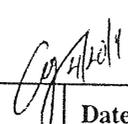
On March 22, 2001, Special Agent William J. Warren contacted Gregory Golla at the above referenced telephone number. Golla was advised of the identity of the interviewing agent and asked to provide details of the circumstances and events he observed during his tenure as a Border Patrol Agent assigned to the McAllen Border Patrol Station, McAllen, Texas.

Golla explained he entered into duty as a Border Patrol Agent in McAllen, Texas, on March 9, 1998. He was then assigned to a Border Patrol Academy training class for approximately four months, and returned to his official duty station in McAllen, Texas, in July of 1998. Upon his return, Golla was assigned to work with senior agents responsible for Golla's continued field training and supervision.

Golla described his initial assignments to senior training agents as routine and otherwise uneventful. The majority of the field training Golla received was comparable to that of his peers. The training was conducted one-on-one, for a period of two weeks and memorialized in a critique completed by the senior training agent. Golla advised that a form recognized as a "Conduct and Evaluation Report" was submitted by the senior training agent to Golla's supervisor who reviewed the report to evaluate Golla's performance.

Golla stated his initial "Conduct and Evaluation Reports" reflected his eagerness to establish himself among his peers as a resourceful and competent member of the team. Golla said he had difficulty mastering the use of the Spanish language but felt it was an obstacle he would eventually overcome. Golla recalled that his post academy Spanish instructor, Border Patrol Agent Adrian Lara, had worked with Golla and recommended Golla for retention in initial "Conduct and Evaluation Reports" documenting Golla's use and understanding of the language.

Golla explained that his initial experience as a Border Patrol Agent Trainee met his expectations and were similar in nature to those of his classmates. Golla commented he had been warned that Senior Border Patrol Agent Robert Guerra was someone to avoid. Golla could not recall who had warned him about Guerra's demeanor, but did commit the advice to memory.

Special Agent Name and Signature: William J. Warren 	Date: March 26, 2001 
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Golla recalled having been assigned to an evening shift in late August or September of 1998 and ordered to report to Supervisory Border Patrol Agent John Clough. Clough was responsible for the assignment of Border Patrol Agent trainees under his supervision to senior training agents. Golla advised that the normal procedure of assignment involved assignment of trainees to senior training agents under the direction of the same supervisor. This had been Golla's experience since his return from the academy and at the start of his post academy training.

During a formal meeting of all Border Patrol personnel assigned to Golla's shift, Clough announced the upcoming assignments of trainees and senior training agents within his unit. Golla recalled that BPA Guerra interrupted Clough. Guerra complained that he was to be Golla's senior training agent for the next training period. Golla suspects Clough amended his initial assignments to placate Guerra's hostile demeanor.

Golla described his assignment to Guerra as stressful and further reported that Guerra spent a disproportionate amount of time trying to find fault in Golla's personal history. Golla advised he remained dutiful and cognizant of the fact that Guerra was a senior training agent, responsible for both his training and well being. Sometime after having begun working together, Guerra confided in Golla about a shooting incident, which Guerra claimed took place along the international border between the United States and Mexico. Guerra recounted to Golla how he (Guerra) had encountered a group of undocumented aliens crossing the Rio Grande River in a boat. Guerra, evidently acting alone, fired his weapon at the vessel as it crossed the river in the direction of the United States. Guerra described to Golla how the occupants of the vessel leapt from the boat and began swimming to the opposite shore. Golla explained that Guerra spoke with authority in recounting the incident and remains convinced that the event occurred. Golla does not believe the incident was ever reported through official channels to management. Golla acknowledged that he failed to report Guerra's admission of suspected misconduct for fear that he (Golla) would be "blackballed" and considered by the other agents as untrustworthy.

Golla was able to recall at least one incident when BPA Guerra sent him into a sugarcane field in search of aliens who were not evidently present in the field. Golla felt that his personal safety was at risk due to the dense foliage obscuring his visual contact with Guerra. Golla did advise that his search of the sugarcane field occurred in daylight hours and resulted in no contact with undocumented aliens. Golla believes that Guerra violated Border Patrol policy by allowing a trainee under his supervision to venture into an area that presented an unnecessary degree of risk.

Memorandum of Investigation

Date: March 26, 2001
Case Number: 2001003022
Item Number: 001

Golla also believes that Guerra was habitually violating the civil rights of detained aliens. On numerous occasions Golla observed Guerra using excessive force to effect arrests. Golla believes the arrest procedure used by Guerra went beyond necessary force. Golla stated that he had demonstrated this to Guerra by simply handcuffing an alien without incident in Guerra's presence.

Upon the conclusion of Golla's assignment to BPA Guerra, Golla received a copy of the "Conduct and Evaluation Report" completed by Guerra, evaluating Golla's performance. The report indicated that Golla was not recommended for retention. SBPA Clough directed Golla to draft and submit a rebuttal to Guerra's evaluation. Golla did as directed and subsequently submitted a response to the poor evaluation.

Golla commented that he was then served with an evaluation from BPA Lara, who documented his continued difficulties in mastering the Spanish language and indicated that Golla not be retained. Golla stated that he was surprised to learn that Border Patrol Agent Robert Rodriguez, who he had worked with prior to Guerra, had also submitted a belated recommendation that Golla not be retained. Golla described the event as having been fostered by Guerra in response to his rebuttal of Guerra's evaluation.

Golla identified Border Patrol Agents Mike Garza, Steve Layman, and Barry Songer as possible witnesses to statements made by Guerra relating the alleged shooting incident.

Golla recalled that he spoke with Border Patrol Agent Paul Hornaday concerning the events that transpired between he and Guerra. Hornaday declined comment and Golla refrained from further discussion.

Golla resigned from the Border Patrol on October 7, 1998, subsequent to his scoring 56.62%, from a total 100% score, on his six-month progressive Spanish examination. Golla described his employment as enjoyable and he strongly believes that the "Conduct and Evaluation Reports" completed by BPA Guerra and his associates played a role in his having failed the orally administered Spanish examination. Golla commented that given the opportunity, he would readily accept another position as a Border Patrol Agent. He further agreed to contact this office with any additional information that might prove useful in furthering this investigation.

Memorandum of Investigation

Date: March 26, 2001
Case Number: 2001003022
Item Number: 001

Exhibit 3

MEMORANDUM OF INVESTIGATION

Number: 2001003022.003	Reporting Office: McAllen Field Office
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RE: Interview of Senior Border Patrol Agent Jesse Rivera GS-11

McAllen Border Patrol Station

Telephone: (956) 618-8163

Senior Border Patrol Agent Jesse Rivera was interviewed at the McAllen Border Patrol Station pursuant to the current investigation. Rivera was advised of the identity of the interviewing agent and the purpose of the interview.

Rivera was interviewed based upon his status as a Training Officer and his involvement in the development and implementation of the Field Training Manual. The manual was adopted in early 2000 and implemented throughout the Sector beginning with Border Patrol Class #214. The manual calls for the certification of field training officers who oversee the trainee's continuing education.

Rivera stated that during Gregory Golla's tenure as a Border Patrol Agent Trainee, no official policy existed for the instruction of trainee's in the "field" environment. Rivera characterized previous field training as being governed by station policy without the interjection or review of headquarters. Rivera stated he was not familiar with any complications associated with the former training policy, but he had been eager to standardize the process. Rivera commented that the emphasis on a standardized implementation of field training goals is to ensure a uniform introduction to Border Patrol activities.

Rivera has been assigned to the McAllen Border Patrol Station since 1997, and was assigned to the same unit as Golla and Senior Border Patrol Agent Robert Guerra. Rivera was familiar with Golla's questionable work performance and recalled Guerra having complained that Golla refused to exit the service vehicle during routine stops to access alien foot traffic, near the Rio Grande River. Guerra had attributed Golla's remaining in the vehicle to his desire to avoid the excessive South Texas heat. Rivera was also aware that Golla's classmates registered complaints about Golla's overall demeanor. While Rivera had no personal observations associated to Golla's performance, he readily deferred to Guerra's assessment of Golla. Rivera characterized Guerra as a person who treated everyone with respect and noted that Guerra had recently been promoted to a first line supervisor.

Rivera explained that the Border Patrol has never required trainees to remain in the immediate area of their training officers. Rivera stated that in fact, it is often times necessary for trainees to separate from their training officer to verify the presence of aliens or make arrests.

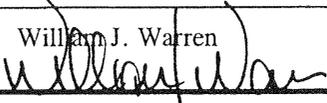
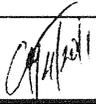
Special Agent Name and Signature: William J. Warren 	Date: April 13, 2001 
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Exhibit 4

Case Number: 2001003022.004	Reporting Office: McAllen Field Office
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RE: Interview of Border Patrol Agent Mike Garza GS-9
McAllen Border Patrol Station
Telephone: (956) 618-8163

Border Patrol Agent Mike Garza was interviewed at the McAllen Border Patrol Station pursuant to the current investigation. Garza was advised of the identity of the interviewing agent and the purpose of the interview.

Garza advised that he has been a Border Patrol Agent assigned to the McAllen Border Patrol Station since 1997. Garza was assigned to the same unit as Gregory Golla during Golla's tenure as a Border Patrol Agent Trainee. Garza was assigned as Golla's field training officer shortly after Golla arrived at the McAllen Station. Garza recalled that they were working a day or an evening shift.

Garza's initial impression of Golla was favorable, but Garza noticed a change in Golla's attitude after two or three days of working with him. Golla commented to Garza that he had a hard time with other types of employment and wanted to give the Border Patrol a try. Garza's subsequent observations of Golla's work performance led Garza to the conclusion that Golla was lazy. Garza was aware that Golla's classmates considered him to be a "slacker" (without initiative).

During their two week field training assignment, Garza observed that Golla had extreme difficulty communicating in Spanish and eventually Golla withdrew from conversing with the aliens. Garza noted that Golla was the first trainee assigned to him and as such he rated Golla higher than he actually considered his performance had earned.

Garza knew Senior Border Patrol Agent Robert Guerra who was assigned to he and Golla's unit. Golla never complained to Garza about Guerra's mistreatment of aliens or Guerra's alleged use of deadly force in a river shooting incident.

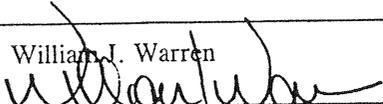
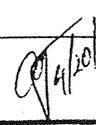
Special Agent Name and Signature: William J. Warren 	Date: April 18, 2001 
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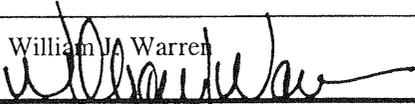
Exhibit 5

MEMORANDUM OF INVESTIGATION

Case Number: 2001003022.013	Reporting Office: McAllen Field Office
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RE: Conduct and Efficiency Evaluation of Probationary Appointee

Attached is an evaluation of Gregory Golla's work performance for the period of August 2, 1998, until August 15, 1998, completed by Border Patrol Agent Michael Garza on August 22, 1998.

Special Agent Name and Signature: William J. Warren 	Date: April 13, 2001 4/13/01 WJW
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CONDUCT AND EFFICIENCY EVALUATION OF PROBATIONARY APPOINTEE

NAME AND TITLE Jolla, Gregory		STATION McAllen, Texas	
PERIOD COVERED BY THIS REPORT From : 8/2/98 To : 8/15/98		REPORT PREPARED BY Michael Rene Garza	TITLE Border Patrol Agent

CIRCLE THE DESCRIPTION IN EACH ITEM WHICH, IN YOUR OPINION, MOST CLEARLY DEPICTS THE TRAINEE, MAKE COMMENTS IN ITEM 22, INCLUDING BASIS FOR ANY UNSATISFACTORY RATINGS.

Spanish Language: Ability to communicate in the language.

Highly Satisfactory Exceptional mastery and fluency in all phases of language.	Above Average Thorough knowledge and fluency.	Average Adequate knowledge of language and fluency.	Below Average Weak in knowledge and fluency.	Unsatisfactory Inadequate knowledge and fluency to communicate.
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Knowledge and application of immigration and nationality laws.

Highly Satisfactory Exceptional knowledge and mastery of all phases of immigration laws.	Above Average Thorough knowledge of practically all phases of immigration laws.	Average Adequate knowledge of all phases of immigration laws.	Below Average Weak in knowledge of some phases of immigration laws.	Unsatisfactory Inadequate comprehension of provisions of immigration laws.
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Knowledge of Job: Familiarity with procedures and techniques required in the work of the trainee.

Highly Satisfactory Exceptional mastery of all phases of work.	Above Average Thorough knowledge of practically all phases of work.	Average Adequate knowledge of all phases of work.	Below Average Weak in knowledge of some phases of work.	Unsatisfactory Inadequate comprehension of job requirements.
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Judgment: Exercise of good judgment to arrive at sound conclusions and decisions based on available facts.

Highly Satisfactory Uses sound judgment, reaches conclusions logically and rapidly.	Above Average Generally grasps situation and draws correct conclusions, uses good common sense.	Average Usually reaches conclusions based on concrete facts. Learns from experience.	Below Average Makes immature decisions. Often "jumps to conclusions".	Unsatisfactory Seriously lacking in good judgment has no sense of proportion, rash.
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Ability to perform, execute, and achieve assigned tasks:

Highly Satisfactory Completes assignments in the shortest time possible.	Above Average Completes assignments in unusually short time.	Average Completes assignments in reasonable time.	Below Average Slow in completing assignments.	Unsatisfactory Takes a long time to accomplish little.
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6. Acceptance of Responsibility: A willingness to assume duties.

Highly Satisfactory Greatest possible sense of responsibility.	Above Average Very willing.	Average Accepts, but does not seek responsibility.	Below Average Does assigned tasks reluctantly.	Unsatisfactory Irresponsible.
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7. Appearance: Outward impressions made by the trainee, as appropriate consider compliance with uniform regulations.

Highly Satisfactory Superior style, grooming, taste and a sense of the fitness of things.	Above Average Well-dressed and neat.	Average Neat, but not particularly striking.	Below Average Intermittently careless.	Unsatisfactory Slovenly and untidy.
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8. Personality: External mannerisms consciously or unconsciously adopted in meeting situations.

Highly Satisfactory Radiant, confident, poised, and courteous.	Above Average Pleasant, forceful.	Average Acceptable.	Below Average Ill at ease, not too forceful.	Unsatisfactory Negative, colorless person.
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9. Cooperatives: Appreciation of collective action for mutual or common benefit.

Highly Satisfactory Greatest possible cooperatives.	Above Average Very cooperative. Displays wholesome attitude.	Average Cooperative. Follows suggestions rather faithfully.	Below Average Occasionally uncooperative. Reluctant to help others.	Unsatisfactory Difficult to handle. Cooperates when he has to.
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10. Initiative: Desire and ability to introduce a new course of action.

Highly Satisfactory Seeks and initiates for himself additional tasks.	Above Average Often originates actions which contribute to satisfactory completion of job.	Average Progressive, has necessary drive.	Below Average Rarely suggests. Follows precedent.	Unsatisfactory Needs detailed instructions.
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11. Interest in Job: Refers to attitude towards Service.

Highly Satisfactory	Above Average	Average	Below Average	Unsatisfactory
Has a professional attitude and displays a positive interest.	Exhibits above average interest in performance of duties and Service mission.	Positive attitude toward Service mission and duties.	Little interest in service mission and indifference to assignments.	Has no interest in performing duties or Service mission.

12. Adaptability: Quickness to adjust to new situations encountered on job.

Highly Satisfactory	Above Average	Average	Below Average	Unsatisfactory
Exceptionally fast to adjust to changed conditions.	Rather quick to absorb new material and adjust to changes.	"Catches on" and adjusts to changes fast enough to perform work satisfactorily.	Rather slow to adjust to changes or to learn new duties.	Very slow to adjust to changes or to learn new duties; becomes confused easily.

13. Oral expression: Ability to express self orally.

Highly Satisfactory	Above Average	Average	Below Average	Unsatisfactory
Unusual ability to express thought and feelings. Master of good speech techniques.	Speaks well, good vocabulary.	Nothing about his manner of speech that is descriptive or distinctive.	Careless speech habits.	Inarticulate or has serious speech defects.

14. Writing Ability: Skill in preparing reports and other required written material.

Highly Satisfactory	Above Average	Average	Below Average	Unsatisfactory
Unusual ability in written expression; rarely incomplete; fine vocabulary; material well organized; correct grammar, almost always free of errors	Product nearly always acceptable from standpoint of composition, grammar, vocabulary and completeness.	Product usually acceptable but not distinctively good.	more than average rejects based on incompleteness; organization of material; grammar or spelling errors.	High incidence of rejects due to one or more serious causes.

15. Punctuality: Promptness in reporting for duty.

Highly Satisfactory	Above Average	Average	Below Average	Unsatisfactory
Always reports for duty well ahead of time.	Usually reports for duty well ahead of time.	Reports for duty in time do prepare for day's work.	Reports for duty barely on time; occasionally late.	Frequently reports for duty late.

16. Care and use of Service equipment.

Highly Satisfactory	Above Average	Average	Below Average	Unsatisfactory
Displays exceptional care of equipment and highly proficient in its use.	Care and use of equipment above average.	Adequately cares for equipment. Does not abuse or use equipment improperly.	Occasionally careless with equipment.	Abuses equipment and uses it improperly.

17. Overall evaluation: Typical performance during this period in relation to demands of the job.

Highly Satisfactory	Above Average	Average	Below Average	Unsatisfactory
Has demonstrated unusual ability as an officer.	Above average in majority of job aspects.	Adequately performs all major phases of work.	Limited performance of job; requires considerable assistance.	Inadequate performance of job.

18. Miscellaneous factors influencing performance:

	Highly Satisfactory	Satisfactory	Unsatisfactory
a. Health		XX	
b. Personal conduct		XX	
c. Physical ability to do job.		XX	

19. Type of duties performed by trainee during period covered by this evaluation: Linewatch, alien processing, city patrol, liaison with other agencies.

20. During period covered by this rating trainee's performance: Has improved.

21. Retention is recommended.

22. Comments: Indicate item to which comment applies. During this rating period, BPA(T) Golla showed good judgment as well as a willingness to learn. BPA(T) Golla needs to work on his Spanish skills, with hard work and some effort he can improve his Spanish.

George E. Golla 8/20/98
 Signature of Trainee Date

Michael L. Bay 8/20/98
 Signature of Rater Date

Exhibit 6

Number: 2001003022.005	Reporting Office: McAllen Field Office
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RE: Interview of Supervisory Border Patrol Agent Paul Hornaday GS-12
McAllen Border Patrol Station
Telephone: (956) 618-8163

Supervisory Border Patrol Agent Paul Hornaday was interviewed at the McAllen Border Patrol Station pursuant to the current investigation. Hornaday was advised of the identity of the interviewing agent and the purpose of the interview.

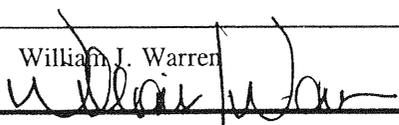
Hornaday confirmed that he had been assigned as a field training officer for Border Patrol Agent Trainee Gregory Golla during Golla's tenure at the McAllen Station. Hornaday explained that he was then a Senior Border Patrol Agent and worked with Golla for a two week period of time. Upon the completion of the assignment Hornaday submitted a Conduct and Efficiency Evaluation of Probationary Appointee, Form G-445. The evaluation document reflected Hornaday's observations of Golla's work performance. Hornaday stated he believed that Golla was not well suited to employment as a Border Patrol Agent. Hornaday noted that he had to counsel Golla about his weakness in the use of the Spanish Language.

Hornaday could not recall Golla registering any complaints about Guerra's demeanor or mentioning that Guerra abused aliens. Hornaday stated that the mistreatment of aliens is a reportable offense and had Golla made the allegation, he (Hornaday) would have filed the report.

Hornaday verified that Border Patrol Agents and trainees alike are required to enter into sugarcane fields for the purpose of locating undocumented aliens. Hornaday considers it normal procedure for trainees to be separated from their training officers for short periods of time. Hornaday could not recall Golla objecting to brief separations in the field during the course of their shift.

Special Agent Name
and Signature:

William J. Warren



Date: April 13, 2001

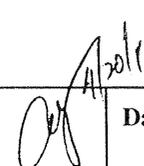


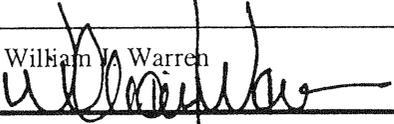
Exhibit 7

MEMORANDUM OF INVESTIGATION

Case Number: 2001003022.014	Reporting Office: McAllen Field Office
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RE: Conduct and Efficiency Evaluation of Probationary Appointee

Attached is an evaluation of Gregory Golla's work performance for the period of September 13, 1998, until September 19, 1998, completed by Senior Border Patrol Agent Paul Hornaday on September 22, 1998.

Special Agent Name and Signature: William V. Warren 	Date: April 13, 2001 4/13/01 WOB
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CONDUCT AND EFFICIENCY EVALUATION OF PROBATIONARY APPOINTEE

NAME AND TITLE Golla, Greg	STATION McAllen Border Patrol Station		
PERIOD COVERED BY THIS REPORT From: 9/13/98	To: 9/19/98	REPORT PREPARED BY Paul Hornaday	TITLE Senior Patrol Agent

CIRCLE THE DESCRIPTION IN EACH ITEM WHICH, IN YOUR OPINION, MOST CLEARLY DEPICTS THE TRAINEE, MAKE COMMENTS IN ITEM 22, INCLUDING BASIS FOR ANY UNSATISFACTORY RATINGS.

1. Spanish Language: Ability to communicate in the language.

<u>Highly Satisfactory</u>	<u>Above Average</u>	<u>Average</u>	<u>Below Average</u>	<u>Unsatisfactory</u>
Exceptional mastery and fluency of all phases of language.	Thorough knowledge and fluency.	Adequate knowledge of language and fluency.	Weak in knowledge and fluency.	Inadequate knowledge and fluency to communicate.

2. Knowledge and application of immigration and nationality laws:

<u>Highly Satisfactory</u>	<u>Above Average</u>	<u>Average</u>	<u>Below Average</u>	<u>Unsatisfactory</u>
Exceptional knowledge and mastery of all phases of immigration laws.	Thorough knowledge of practically all phases of immigration laws.	Adequate knowledge of all phases of immigration laws.	Weak in knowledge of some phases of immigration laws.	Inadequate comprehension of provisions of immigration laws.

3. Knowledge of Job: Familiarity with procedures and techniques required in the work of the trainee.

<u>Highly Satisfactory</u>	<u>Above Average</u>	<u>Average</u>	<u>Below Average</u>	<u>Unsatisfactory</u>
Exceptional mastery of all phases of work.	Thorough knowledge of practically all phases of work.	Adequate knowledge of all phases of work.	Weak in knowledge of some phases of work.	Inadequate comprehension of job requirements.

4. Judgment: Exercise of good judgment to arrive at sound conclusions and decisions based on available facts.

<u>Highly Satisfactory</u>	<u>Above Average</u>	<u>Average</u>	<u>Below Average</u>	<u>Unsatisfactory</u>
Uses sound judgment, reaches conclusions logically and rapidly.	Generally grasps situation and draws correct conclusions, uses good common sense.	Usually reaches conclusions based on concrete facts. Learns from experience.	Makes immature decisions. Often "jumps to conclusions".	Seriously lacking in good judgment, has no sense of proportion, rash.

5. Ability to perform, execute, and achieve assigned tasks:

<u>Highly Satisfactory</u>	<u>Above Average</u>	<u>Average</u>	<u>Below Average</u>	<u>Unsatisfactory</u>
Completes assignments in the shortest time possible.	Completes assignments in unusually short time.	Completes assignments in reasonable time.	Slow in completing assignments.	Takes a long time to accomplish little.

6. Acceptance of Responsibility: A willingness to assume duties.

<u>Highly Satisfactory</u>	<u>Above Average</u>	<u>Average</u>	<u>Below Average</u>	<u>Unsatisfactory</u>
Greatest possible sense of responsibility.	Very willing.	Accepts, but does not seek responsibility.	Does assigned tasks reluctantly.	Irresponsible.

7. Appearance: Outward impressions made by the trainee, as appropriate consider compliance with uniform regulations.

<u>Highly Satisfactory</u>	<u>Above Average</u>	<u>Average</u>	<u>Below Average</u>	<u>Unsatisfactory</u>
Superior style, grooming, taste and a sense of the fitness of things.	Well-dressed and neat.	Neat, but not particularly striking.	Intermittently careless.	Slovenly and untidy.

8. Personality: External mannerisms consciously or unconsciously adopted in meeting situations.

<u>Highly Satisfactory</u>	<u>Above Average</u>	<u>Average</u>	<u>Below Average</u>	<u>Unsatisfactory</u>
Radiant, confident, poised, and courteous.	Pleasant, forceful.	Acceptable.	Ill at ease, not too forceful.	Negative, colorless person.

9. Cooperatives: Appreciation of collective action for mutual or common benefit.

<u>Highly Satisfactory</u>	<u>Above Average</u>	<u>Average</u>	<u>Below Average</u>	<u>Unsatisfactory</u>
Greatest possible cooperatives.	Very cooperative. Displays wholesome attitude.	Cooperative. Follows suggestions rather faithfully.	Occasionally uncooperative. Reluctant to help others.	Difficult to handle. Cooperates when he has to.

10. Initiative: Desire and ability to introduce a new course of action.

<u>Highly Satisfactory</u>	<u>Above Average</u>	<u>Average</u>	<u>Below Average</u>	<u>Unsatisfactory</u>
Seeks and initiates for himself additional tasks.	Often originates actions which contribute to satisfactory completion of job.	Progressive, has necessary drive.	Rarely suggests. Follows precedent.	Needs detailed instructions.

1. Interest in Job: Refers to attitude toward Service.

<u>Highly Satisfactory</u> as a professional attitude and displays a positive interest.	<u>Above Average</u> Exhibits above average interest in performance of duties and Service mission.	<u>Average</u> Positive attitude toward Service mission and duties.	<u>Below Average</u> Little interest in service mission and indifference to assignments.	<u>Unsatisfactory</u> Has no interest in performing duties or Service mission.
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2. Adaptability: Quickness to adjust to new situations encountered on job.

<u>Highly Satisfactory</u> exceptionally fast to adjust to changed conditions.	<u>Above Average</u> Rather quick to absorb new material and adjust to changes.	<u>Average</u> "Catches on" and adjusts to changes fast enough to perform work satisfactorily.	<u>Below Average</u> Rather slow to adjust to changes or to learn new duties.	<u>Unsatisfactory</u> Very slow to adjust to changes or to learn new duties; becomes confused easily.
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3. Oral expression: Ability to express self orally.

<u>Highly Satisfactory</u> unusual ability to express thoughts and feelings. Master of good speech techniques.	<u>Above Average</u> Speaks well, good vocabulary.	<u>Average</u> Nothing about his manner of speech that is descriptive or distinctive.	<u>Below Average</u> Careless speech habits.	<u>Unsatisfactory</u> Inarticulate or has serious speech defects.
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4. Writing Ability: Skill in preparing reports and other required written material.

<u>Highly Satisfactory</u> unusual ability in written expression; rarely incomplete; fine vocabulary; material well organized; correct grammar; most always free of errors.	<u>Above Average</u> Product nearly always acceptable from standpoint of composition, grammar, vocabulary and completeness.	<u>Average</u> Product usually acceptable but not distinctively good.	<u>Below Average</u> more than average rejects based on incompleteness; organization of material; grammar or spelling errors.	<u>Unsatisfactory</u> High incidence of rejects due to one or more serious causes.
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5. Punctuality: Promptness in reporting for duty.

<u>Highly Satisfactory</u> always reports for duty well ahead of time.	<u>Above Average</u> Usually reports for duty well ahead of time.	<u>Average</u> Reports for duty in time do prepare for day's work.	<u>Below Average</u> Reports for duty barely on time; occasionally late.	<u>Unsatisfactory</u> Frequently reports for duty late.
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6. Care and use of Service equipment.

<u>Highly Satisfactory</u> displays exceptional care of equipment and highly proficient in use.	<u>Above Average</u> Care and use of equipment above average.	<u>Average</u> Adequately cares for equipment. Does not abuse or use equipment improperly.	<u>Below Average</u> Occasionally careless with equipment.	<u>Unsatisfactory</u> Abuses equipment and uses it improperly.
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7. Overall evaluation: Typical performance during this period in relation to demands of the job.

<u>Highly Satisfactory</u> as demonstrated unusual ability as an officer.	<u>Above Average</u> Above average in majority of job aspects.	<u>Average</u> phase of work.	<u>Below Average</u> Adequately performs all major Limited performance of job; requires considerable assistance.	<u>Unsatisfactory</u> Inadequate performance of job.
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8. Miscellaneous factors influencing performance:

- a. Health
- b. Personal conduct.
- c. Physical ability to do job.

	Highly Satisfactory	Satisfactory	Unsatisfactory
a. Health		XXX	
b. Personal conduct.		XXX	
c. Physical ability to do job.			XXX

9. Type of duties performed by trainee during period covered by this evaluation:

Linewatch,

10. During period covered by this rating trainee's performance: little or no improvement (Has Improved)

11. Retention is recommended. (Yes)

12. Comments: Indicate item to which comment applies.

: #1 Mr. Golla has trouble with his Spanish but is trying hard to learn. He has improved during this payperiod.

: #10 He does not suggest alternatives to sensor response, but follows orders faithfully.

Mr. Golla has stated that he feels as though it would be disrespectful to the journeymen suggest.

Greg Golla 9/22/88 Paul Handley 9/22/88
Signature of Trainee Date Signature of Rater Date

: #15 Mr. Golla gets to work early enough to prepare the patrol vehicle and put his gear in the vehicle before our regular work start time.

: #18-C Mr. Golla has stated that he is having some trouble with his foot. I am not sure if

Exhibit 8

MEMORANDUM OF INVESTIGATION

Number: 2001003022.011	Reporting Office: McAllen Field Office
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RE: Interview of Senior Border Patrol Agent Adrian Lara
McAllen Border Patrol Station
Telephone: (956) 618-8163

Senior Border Patrol Agent Adrian Lara was interviewed at the McAllen Border Patrol Station pursuant to the current investigation. Lara was advised of the identity of the interviewing agent and the purpose of the interview.

Lara was interviewed based upon his previous association with Gregory Golla as Golla's post-academy Spanish language instructor.

Lara stated that he recalled Golla and was familiar with problems Golla had during his tenure as a Border Patrol Agent trainee. Lara advised that Golla had also named him (Lara) as the subject of an EEO suit, alleging mistreatment based upon race. Lara explained that an unidentified EEO counselor contacted him and verified the Golla was alleging mistreatment. Lara was unsure of the outcome of the investigation, but believes he was exonerated. Lara stated that Golla had failed his six and one-half month oral Spanish language exam and was subsequently separated from the Border Patrol.

Lara stated that he was aware of Golla's performance in the Border Patrol Academy prior to Golla's return for field training. Lara recalled that Golla was considered to be a "problem" by the instructors assigned to the academy. Lara understood Golla's problem to be that he (Golla) questioned authority and was disruptive in his pursuit of the "why" of the training. Lara said he offered Golla additional help with his post-academy Spanish language training, but Golla opted to seek help in the private sector. Lara believed that Golla was ignoring his studies and felt sure that Golla was destined to fail his six and one-half month Spanish language exam.

Golla approached Lara immediately after his (Golla's) two-week evaluation period with then, Senior Border Patrol Agent Robert Guerra. Golla complained to Lara that the poor evaluation he received from Guerra was not a true reflection of his performance. Lara could not recall Golla alleging that Guerra had mistreated aliens or boasted of having discharged his weapon at aliens near the Rio Grande River.

Upon Golla's failure to obtain a passing score on his six and one-half month Spanish language exam, Golla told Lara that he was the victim of a conspiracy. Lara understood Golla's comment to mean that the Spanish language board that administered the exam had conspired against Golla. Lara remarked that he dismissed the comment as "sour grapes" and suggested that Golla received the grade he deserved.

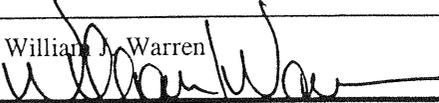
Special Agent Name and Signature: William J. Warren 	Date: April 13, 2001 
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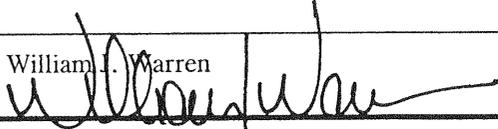
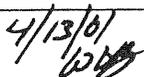
Exhibit 9

MEMORANDUM OF INVESTIGATION

Case Number: 2001003022.015	Reporting Office: McAllen Field Office
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RE: Conduct and Efficiency Evaluation of Probationary Appointee

Attached is an evaluation of Gregory Golla's work performance for the period of September 1, 1998, until September 18, 1998, completed by Senior Border Patrol Agent Adrian Lara on September 18, 1998.

Special Agent Name and Signature: 	Date: April 13, 2001 
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CONDUCT AND EFFICIENCY EVALUATION OF PROBATIONARY APPOINTEE

NAME AND TITLE OLLER, Gregory E. BPA(t)		STATION McAllen, Texas		
PERIOD COVERED BY THIS REPORT From: 09/01/98 To: 09/18/98		REPORT PREPARED BY Adrian Lara	TITLE SPA	

PLEASE FILL IN THE DESCRIPTION IN EACH ITEM WHICH, IN YOUR OPINION, MOST CLEARLY DEPICTS THE TRAINEE, MAKE COMMENTS IN ITEM 22, INCLUDING REASONS FOR ANY UNSATISFACTORY RATINGS.

Spanish Language: Ability to communicate in the language.

Highly Satisfactory Exceptional mastery and fluency in all phases of language.	Above Average Thorough knowledge and fluency.	Average Adequate knowledge of language and fluency.	Below Average Weak in knowledge and fluency.	Unsatisfactory Inadequate knowledge and fluency to communicate.
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Knowledge and application of immigration and nationality laws:

Highly Satisfactory Exceptional knowledge and fluency of all phases of immigration laws.	Above Average Thorough knowledge of practically all phases of immigration laws.	Average Adequate knowledge of all phases of immigration laws.	Below Average Weak in knowledge of some phases of immigration laws.	Unsatisfactory Inadequate comprehension of provisions of immigration laws.
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Knowledge of Job: Familiarity with procedures and techniques required in the work of the trainee:

Highly Satisfactory Exceptional mastery of all phases of work.	Above Average Thorough knowledge of practically all phases of work.	Average Adequate knowledge of all phases of work.	Below Average Weak in knowledge of some phases of work.	Unsatisfactory Inadequate comprehension of job requirements.
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Judgment: Exercise of good judgment to arrive at sound conclusions and decisions based on available facts.

Highly Satisfactory Sound judgment, reaches conclusions quickly and rapidly.	Above Average Generally grasps situation and draws correct conclusions, uses good common sense.	Average Usually reaches conclusions based on concrete facts. Learns from experience.	Below Average Makes immature decisions. Often "jumps to conclusions".	Unsatisfactory Seriously lacking in good judgment, has no sense of proportion, rash.
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Ability to perform, execute, and achieve assigned tasks:

Highly Satisfactory Completes assignments in the shortest time possible.	Above Average Completes assignments in unusually short time.	Average Completes assignments in reasonable time.	Below Average Slow in completing assignments.	Unsatisfactory Takes a long time to accomplish little.
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Acceptance of Responsibility: A willingness to assume duties.

Highly Satisfactory Shows greatest possible sense of responsibility.	Above Average Very willing.	Average Accepts, but does not seek responsibility.	Below Average Does assigned tasks reluctantly.	Unsatisfactory Irresponsible.
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Appearance: Outward impressions made by the trainee, as appropriate consider compliance with uniform regulations.

Highly Satisfactory Excellent personal style, grooming, taste and use of the fitness of things.	Above Average Well-dressed and neat.	Average Neat, but not particularly striking.	Below Average Intermittently careless.	Unsatisfactory Slovenly and untidy.
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Personality: External mannerisms consciously or unconsciously adopted in meeting situations.

Highly Satisfactory Liable, confident, poised, and courteous.	Above Average Pleasant, forceful.	Average Acceptable.	Below Average Ill at ease, not too forceful.	Unsatisfactory Negative, colorless person.
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Cooperatives: Appreciation of collective action for mutual or common benefit.

Highly Satisfactory Shows greatest possible cooperativeness.	Above Average Very cooperative. Displays wholesome attitude.	Average Cooperative. Follows suggestions rather faithfully.	Below Average Occasionally uncooperative. Reluctant to help others.	Unsatisfactory Difficult to handle. Cooperates when he has to.
---	---	--	--	---

Influence: Desire and ability to introduce a new course of action.

Highly Satisfactory Initiates and initiates for himself additional tasks.	Above Average Often originates actions which contribute to satisfactory completion of job.	Average Progressive, has necessary drive.	Below Average Rarely suggests. Follows precedent.	Unsatisfactory Needs detailed instructions.
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Interest in Job: Refers to attitude towards Service.

<u>Highly Satisfactory</u> Shows a professional attitude and displays a positive interest.	<u>Above Average</u> Exhibits above average interest in performance of duties and Service mission.	<u>Average</u> Positive attitude toward Service mission and duties.	<u>Below Average</u> Little interest in service mission and indifference to assignments.	<u>Unsatisfactory</u> Has no interest in performing duties or Service mission.
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Adaptability: Quickness to adjust to new situations encountered on job.

<u>Highly Satisfactory</u> Exceptionally fast to adjust to changed conditions.	<u>Above Average</u> Rather quick to absorb new material and adjust to changes.	<u>Average</u> "Catches on" and adjusts to changes fast enough to perform work satisfactorily.	<u>Below Average</u> Rather slow to adjust to changes or to learn new duties.	<u>Unsatisfactory</u> Very slow to adjust to changes or to learn new duties; becomes confused easily.
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Oral expression: Ability to express self orally.

<u>Highly Satisfactory</u> Excellent ability to express thoughts and feelings. Master of good speech techniques.	<u>Above Average</u> Speaks well, good vocabulary.	<u>Average</u> Nothing about his manner of speech that is descriptive or distinctive.	<u>Below Average</u> Careless speech habits.	<u>Unsatisfactory</u> Inarticulate or has serious speech defects.
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Writing Ability: Skill in preparing reports and other required written material.

<u>Highly Satisfactory</u> Excellent ability in written composition; rarely incomplete; fine vocabulary; material well organized; correct grammar, almost always free of errors.	<u>Above Average</u> Product nearly always acceptable from standpoint of composition, grammar, vocabulary and completeness.	<u>Average</u> Product usually acceptable but not distinctly good.	<u>Below Average</u> more than average rejects based on incompleteness; organization of material; grammar or spelling errors.	<u>Unsatisfactory</u> High incidence of rejects due to one or more serious causes.
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Punctuality: Promptness in reporting for duty.

<u>Highly Satisfactory</u> Always reports for duty well ahead of time.	<u>Above Average</u> Usually reports for duty well ahead of time.	<u>Average</u> Reports for duty in time do prepare for day's work.	<u>Below Average</u> Reports for duty barely on time; occasionally late.	<u>Unsatisfactory</u> Frequently reports for duty late.
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Care and use of Service equipment

<u>Highly Satisfactory</u> Shows exceptional care of equipment and highly proficient in use.	<u>Above Average</u> Care and use of equipment above average.	<u>Average</u> Adequately cares for equipment. Does not abuse or use equipment improperly.	<u>Below Average</u> Occasionally careless with equipment.	<u>Unsatisfactory</u> Abuses equipment and uses it improperly.
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Overall evaluation: Typical performance during this period in relation to demands of the job.

<u>Highly Satisfactory</u> Demonstrated unusual ability as officer.	<u>Above Average</u> Above average in majority of job aspects.	<u>Average</u> Adequately performs all major phases of work.	<u>Below Average</u> Limited performance of job; requires considerable assistance.	<u>Unsatisfactory</u> Inadequate performance of job.
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Miscellaneous factors influencing performance:

	Highly Satisfactory	Satisfactory	Unsatisfactory
Health		X X	
Personal conduct		X X	
Physical ability to do job.			X X

Type of duties performed by trainee during period covered by this evaluation:

POST ACADEMY SPANISH

During period covered by this rating trainee's performance: Satisfactory

Retention: NOT RECOMMENDED

Comments: Indicate item to which comment applies. BPA(t) Golla failed to achieve a passing grade on both 6½ practice exams in the Spanish Language. He received a final grade of 67.63. therefore he is not recommended for retention at this time.

Greg Golla 9/18/98
Signature of Trainee Date

[Signature] 09/18/98
Signature of Rater Date

Exhibit 10

Number: 2001003022.002	Reporting Office: McAllen Field Office
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RE: Interview of Supervisory Border Patrol Agent John Clough Jr. GS-12
McAllen Border Patrol Station
Telephone: (956) 618-8163

Supervisory Border Patrol Agent John Clough Jr. was interviewed at the McAllen Border Patrol Station pursuant to the current investigation. Clough was advised of the identity of the interviewing agent and the purpose of the interview.

Clough advised he had supervised Gregory Golla during his tenure as a Border Patrol Agent Trainee assigned to the McAllen Border Patrol Station. Clough commented that Golla separated from the service subsequent to having failed a mandatory Spanish language exam. Clough could not recall the exact dates of Golla's arrival or departure to the McAllen Border Patrol Station.

Clough stated that Golla's overall work performance was considered below average and resulted in counseling sessions between himself and Golla. Clough commented that while Golla always agreed to improve his performance, there was no noticeable change. Clough interpreted Golla's demeanor as a lack of interest in the position.

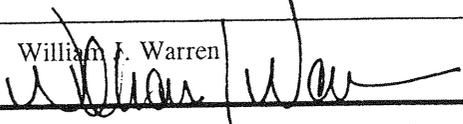
Clough explained that during Golla's initial period of employment and subsequent supervision by Clough, the unit to which they both were assigned included Senior Border Patrol Agent Robert Guerra. While Guerra did not report directly to Clough, Guerra's inclusion in to the shift resulted in the assignment of trainee's reporting to Clough being evaluated by Guerra. Clough explained these personnel assignments as standard policy implemented by the Border Patrol to provide experienced field instruction to trainees.

Clough considered Guerra's demeanor as "strict" with trainees and he hoped that Golla would benefit from working with Guerra. Clough remembered that Guerra rated Golla's work performance below average and recommended that Golla not be retained by the Border Patrol. Clough subsequently concurred with Guerra's evaluation of Golla. Clough based his opinion upon his personal observations, as well as the evaluations of other Border Patrol Agents to whom Golla had been assigned in a trainee status. Clough could not recall Golla having complained about being mistreated during the period of his field training nor did Golla report the mistreatment of apprehended aliens. Clough could not recall Golla ever registering a complaint relating to Guerra.

Clough recalled being contacted by an unidentified EEO Counselor seeking information relating to Golla's work performance. Clough surmised that Golla was retaliating for having been separated from the Border Patrol. Clough was uncertain of the outcome of the inquiry.

Special Agent Name
and Signature:

William J. Warren



Date: April 13, 2001



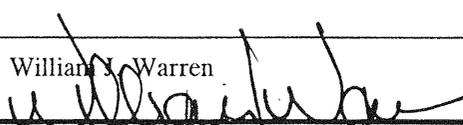
Exhibit 11

MEMORANDUM OF INVESTIGATION

Number: 001003022.016	Reporting Office: McAllen Field Office
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RE: Conduct and Efficiency Evaluation of Probationary Appointee

Attached is an evaluation of Gregory Golla's work performance for the period of September 1, 1998, until September 20, 1998, completed by Supervisory Border Patrol Agent John Clough Jr., on September 21, 1998.

Special Agent Name and Signature: William J. Warren 	Date: April 13, 2001
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CONDUCT AND EFFICIENCY EVALUATION OF PROBATIONARY APPOINTEE

TRAINEE'S NAME AND TITLE GREGORY E. BPA (T)		STATION MCALLEN		
PERIOD COVERED BY THIS REPORT From: 09/01/98 To: 09/20/98		REPORT PREPARED BY John Clough Jr.	TITLE SBPA	

CIRCLE THE DESCRIPTION IN EACH ITEM WHICH, IN YOUR OPINION, MOST CLEARLY DEPICTS THE TRAINEE, MAKE COMMENTS IN ITEM 22, INCLUDING REASONS FOR ANY UNSATISFACTORY RATINGS.

Spanish Language: Ability to communicate in the language.

<u>Highly Satisfactory</u> Exceptional mastery and fluency in all phases of language.	<u>Above Average</u> Thorough knowledge and fluency.	<u>Average</u> Adequate knowledge of language and fluency.	<u>Below Average</u> Weak in knowledge and fluency.	<u>Unsatisfactory</u> Inadequate knowledge and fluency to communicate.
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Knowledge and application of immigration and nationality laws:

<u>Highly Satisfactory</u> Exceptional knowledge and fluency of all phases of immigration laws.	<u>Above Average</u> Thorough knowledge of practically all phases of immigration laws.	<u>Average</u> Adequate knowledge of all phases of immigration laws.	<u>Below Average</u> Weak in knowledge of some phases of immigration laws.	<u>Unsatisfactory</u> Inadequate comprehension of provisions of immigration laws.
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Knowledge of Job: Familiarity with procedures and techniques required in the work of the trainee.

<u>Highly Satisfactory</u> Exceptional mastery of all phases of work.	<u>Above Average</u> Thorough knowledge of practically all phases of work.	<u>Average</u> Adequate knowledge of all phases of work.	<u>Below Average</u> Weak in knowledge of some phases of work.	<u>Unsatisfactory</u> Inadequate comprehension of job requirements.
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Judgment: Exercise of good judgment to arrive at sound conclusions and decisions based on available facts.

<u>Highly Satisfactory</u> Exercises sound judgment, reaches conclusions logically and rapidly.	<u>Above Average</u> Generally grasps situation and draws correct conclusions, uses good common sense.	<u>Average</u> Usually reaches conclusions based on concrete facts. Learns from experience.	<u>Below Average</u> Makes immature decisions. Often "jumps to conclusions".	<u>Unsatisfactory</u> Seriously lacking in good judgment, has no sense of proportion, rash.
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Ability to perform, execute, and achieve assigned tasks:

<u>Highly Satisfactory</u> Completes assignments in the shortest time possible.	<u>Above Average</u> Completes assignments in unusually short time.	<u>Average</u> Completes assignments in reasonable time.	<u>Below Average</u> Slow in completing assignments.	<u>Unsatisfactory</u> Takes a long time to accomplish little.
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Acceptance of Responsibility: A willingness to assume duties.

<u>Highly Satisfactory</u> Exercises greatest possible sense of responsibility.	<u>Above Average</u> Very willing.	<u>Average</u> Accepts, but does not seek responsibility.	<u>Below Average</u> Does assigned tasks reluctantly.	<u>Unsatisfactory</u> Irresponsible.
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Appearance: Outward impressions made by the trainee, as appropriate consider compliance with uniform regulations.

<u>Highly Satisfactory</u> Superior style, grooming, taste and sense of the fitness of things.	<u>Above Average</u> Well-dressed and neat.	<u>Average</u> Neat, but not particularly striking.	<u>Below Average</u> Intermittently careless.	<u>Unsatisfactory</u> Slovenly and untidy.
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Personality: External mannerisms consciously or unconsciously adopted in meeting situations.

<u>Highly Satisfactory</u> Radiant, confident, poised, and courteous.	<u>Above Average</u> Pleasant, forceful.	<u>Average</u> Acceptable.	<u>Below Average</u> Ill at ease, not too forceful.	<u>Unsatisfactory</u> Negative, colorless person.
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Cooperativeness: Appreciation of collective action for mutual or common benefit.

<u>Highly Satisfactory</u> Exercises greatest possible cooperativeness.	<u>Above Average</u> Very cooperative. Displays wholesome attitude.	<u>Average</u> Cooperative. Follows suggestions rather faithfully.	<u>Below Average</u> Occasionally uncooperative. Reluctant to help others.	<u>Unsatisfactory</u> Difficult to handle. Cooperates when he has to.
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Initiative: Desire and ability to introduce a new course of action.

<u>Highly Satisfactory</u> Initiates for himself additional tasks.	<u>Above Average</u> Often originates actions which contribute to satisfactory completion of job.	<u>Average</u> Progressive, has necessary drive.	<u>Below Average</u> Rarely suggests. Follows precedent.	<u>Unsatisfactory</u> Needs detailed instructions.
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1. Interest in Job: Refers to attitude towards Service.

<u>Highly Satisfactory</u> as a professional attitude and displays a positive interest.	<u>Above Average</u> Exhibits above average interest in performance of duties and Service mission.	<u>Average</u> Positive attitude toward Service mission and duties.	<u>Below Average</u> Little interest in service mission and indifference to assignments.	<u>Unsatisfactory</u> Has no interest in performing duties or Service mission.
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2. Adaptability: Quickness to adjust to new situations encountered on job.

<u>Highly Satisfactory</u> exceptionally fast to adjust to changed conditions.	<u>Above Average</u> Rather quick to absorb new material and adjust to changes.	<u>Average</u> "Catches on" and adjusts to changes fast enough to perform work satisfactorily.	<u>Below Average</u> Rather slow to adjust to changes or to learn new duties.	<u>Unsatisfactory</u> Very slow to adjust to changes or to learn new duties; becomes confused easily.
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3. Oral expression: Ability to express self orally.

<u>Highly Satisfactory</u> unusual ability to express thought and feelings. Master of good speech techniques.	<u>Above Average</u> Speaks well, good vocabulary.	<u>Average</u> Nothing about his manner of speech that is descriptive or distinctive.	<u>Below Average</u> Careless speech habits.	<u>Unsatisfactory</u> Inarticulate or has serious speech defects.
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4. Writing Ability: Skill in preparing reports and other required written material.

<u>Highly Satisfactory</u> unusual ability in written expression; rarely incomplete; fine vocabulary; material well organized; correct grammar, almost always free of errors	<u>Above Average</u> Product nearly always acceptable from standpoint of composition, grammar, vocabulary and completeness.	<u>Average</u> Product usually acceptable but not distinctly good.	<u>Below Average</u> more than average rejects based on incompleteness; organization of material; grammar or spelling errors.	<u>Unsatisfactory</u> High incidence of rejects due to one or more serious causes.
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5. Punctuality: Promptness in reporting for duty.

<u>Highly Satisfactory</u> Always reports for duty well ahead of time.	<u>Above Average</u> Usually reports for duty well ahead of time.	<u>Average</u> Reports for duty in time, do prepare for duty's work.	<u>Below Average</u> Reports for duty barely on time; occasionally late.	<u>Unsatisfactory</u> Frequently reports for duty late.
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6. Care and use of Service equipment.

<u>Highly Satisfactory</u> Displays exceptional care of equipment and highly proficient in its use.	<u>Above Average</u> Care and use of equipment above average.	<u>Average</u> Adequately cares for equipment. Does not abuse or use equipment improperly.	<u>Below Average</u> Occasionally careless with equipment.	<u>Unsatisfactory</u> Abuses equipment and uses it improperly.
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17. Overall evaluation: Typical performance during this period in relation to demands of the job.

<u>Highly Satisfactory</u> Has demonstrated unusual ability as an officer.	<u>Above Average</u> Above average in majority of job aspects.	<u>Average</u> Adequately performs all major phases of work.	<u>Below Average</u> Limited performance of job; requires considerable assistance.	<u>Unsatisfactory</u> Inadequate performance of job.
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18. Miscellaneous factors influencing performance:

	Highly Satisfactory	Satisfactory	Unsatisfactory
a. Health		X	
b. Personal conduct		X	
c. Physical ability to do job.		X	

19. Type of duties performed by trainee during period covered by this evaluation:

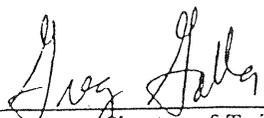
Linewatch, Transportation Check, Alien Processing, Sign Cutting,

20. During period covered by this rating trainee's performance: Has not improved during this rating period

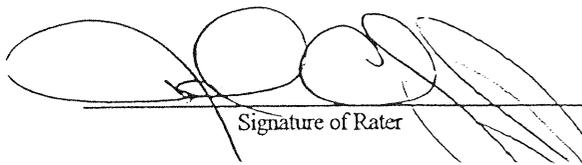
21. Retention is not recommended at this time.

22. Comments: Indicate item to which comment applies.

SEE ATTACHED MEMORANDUM


Signature of Trainee

9/21/98
Date


Signature of Rater

9/21/98
Date

Exhibit 12

MEMORANDUM OF INVESTIGATION

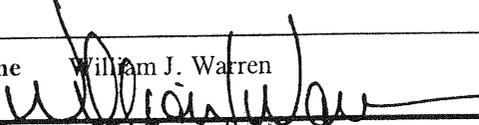
Case Number:
2001003022.018

Reporting Office:
McAllen Field Office

RE: Memorandum of Supervisory Border Patrol Agent John Clough Jr.

Attached is a memorandum submitted by Supervisory Border Patrol Agent John Clough Jr., addressing his assessment of Gregory Golla's work performance, dated August 21, 1998.

Special Agent Name and Signature: William J. Warren



4/13/01
WJB

Date: April 13, 2001



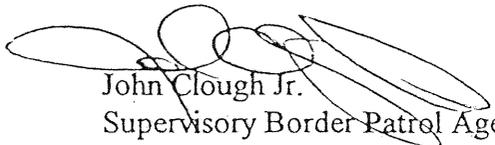
U.S. Department of Justice
Immigration and Naturalization Service

50/3.6-C

4201 West Military Hwy
McAllen, Texas 78503

August 21, 1998

MEMORANDUM FOR File

FROM: 
John Clough Jr.
Supervisory Border Patrol Agent
McAllen, Texas

SUBJECT: Conduct and Efficiency Evaluation on BPA(T) Greg E. Golla

Border Patrol Agent Trainee Gregory E. Golla received a below average rating in the following categories.

1. SPANISH-Use and comprehension of the Spanish language is inadequate to perform his regularly assigned duties. Agent Golla also received an unsatisfactory rating from his post academy Spanish instructor.
2. JUDGEMENT-BPA(T) Golla was told by his journeyman to provide this supervisor with a copy of his C&E. Agent Golla failed to perform his assigned task.
3. INITIATIVE-BPA(T) Golla has received several below averages in this category by his assigned journeyman. His journeyman cite a lack of initiative and enthusiasm in performing his assigned tasks.
4. INTEREST IN JOB-BPA(T) Golla was rated below average in this category by his journeyman agents. His raters cited a perceived lack of interest displayed by agent Golla in the performance of his duties.

5. OVERALL EVALUATION-BPA(T) received an overall evaluation of Below Average by this rater after reviewing Conduct and Efficiency Evaluations submitted by his journeyman Agents. BPA(T) Golla received below average ratings on all C&E's submitted by his raters.

BPA(T) Golla was Not Recommended for retention by several of his journeyman raters. Most raters cited a lack of initiative and interest in the Service Mission for their negative ratings. At this time, I am also not recommending Trainee Golla for Retention.

Exhibit 13

MEMORANDUM OF INVESTIGATION

Case Number: 2001003022.010	Reporting Office: McAllen Field Office
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RE: Interview of Border Patrol Agent Richard Johnston GS-9
McAllen Border Patrol Station
Telephone: (956) 618-8163

Border Patrol Agent Richard Johnston was interviewed at the McAllen Border Patrol Station pursuant to the current investigation. Johnston was advised of the identity of the interviewing agent and the purpose of the interview.

Johnston was interviewed based upon his association with Gregory Golla as classmates attending the same session of the Border Patrol Academy.

Johnston stated he was an academy classmate of Gregory Golla and served a probationary period as a trainee with Golla at the McAllen Border Patrol Station.

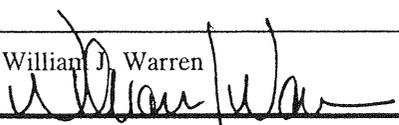
Johnston said he liked Golla, but understood that Golla was having problems with many of the elements involved with both the academy and post-academy training. Johnston could not recall Golla registering complaints concerning any particular subject during their post-academy training. Johnston believed that Golla's focus was primarily on his struggle mastering the Spanish language.

Johnston has worked with Supervisory Border Patrol Agent Robert Guerra and worked with Guerra during his (Johnston's) trainee status. Johnston commented that he and Guerra have common interests and have developed a social relationship. Johnston recalled that Guerra was strict and explained in clear and concise language what he expected of Johnston's performance. Johnston was not formally assigned to Guerra for the mandatory two-week evaluation period and subsequently was not formally evaluated by Guerra. Johnston stated that Guerra had never relayed a story about having discharged his weapon at aliens crossing the Rio Grande River. Johnston said that Guerra's tactics in the apprehension of aliens was never beyond necessary force.

Johnston denied having been told of a station policy limiting a trainee's separation from the training agent. Johnston believed that circumstances often necessitated the separation of trainees from their training agents. Johnston recalled numerous instances during his training in which he and his training agent divided their effort to detect and apprehend undocumented aliens.

Special Agent Name
and Signature:

William J. Warren



Date: April 18, 2001



Exhibit 14

Case Number: 2001003022.006	Reporting Office: McAllen Field Office
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RE: Interview of Border Patrol Agent Allen Brian Terry GS-9
McAllen Border Patrol Station
Telephone: (956) 618-8163

Border Patrol Agent Allen Brian Terry was interviewed at the McAllen Border Patrol Station pursuant to the current investigation. Terry was advised of the identity of the interviewing agent and the purpose of the interview.

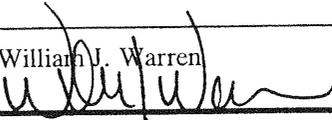
Terry stated that he was Gregory Golla's classmate in the Border Patrol Academy and had been assigned to the McAllen Border Patrol Station with Golla subsequent to having completed the Border Patrol Academy. Terry was aware of problems Golla had both in the academy and post academy training in the areas of motivation and drive. Golla's reputation was one of laziness.

Terry was assigned to work with Guerra during Terry's post academy field training. Terry considered Guerra to be very strict and firm, but he did not object to Guerra's treatment of trainees. Terry characterized Guerra as hard but fair. Terry has never observed Guerra mistreating aliens. Terry commented that Golla had never mentioned Guerra's alleged mistreatment of aliens or stories of firing weapons at aliens crossing the Rio Grande River.

Terry verified that he had been called upon to enter into sugarcane fields during his tenure as a Border Patrol Agent trainee. Terry explained that there was no policy directing trainees to remain in view of their field-training officers. Terry added that it was an accepted practice to separate from your partner to cover greater areas.

Special Agent Name
and Signature:

William J. Warren



 Date: April 13, 2001

Exhibit 15

MEMORANDUM OF INVESTIGATION

Case Number: 001003022.008	Reporting Office: McAllen Field Office
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RE: Interview of Border Patrol Agent Carlos Cespedes GS-9
McAllen Border Patrol Agent (956) 618-8163

Border Patrol Agent Carlos Cespedes was interviewed at the McAllen Border Patrol Station pursuant to the current investigation. Cespedes was advised of the identity of the interviewing agent and the purpose of the interview.

Cespedes was interviewed based upon his association as a Border Patrol Academy classmate of Gregory Golla.

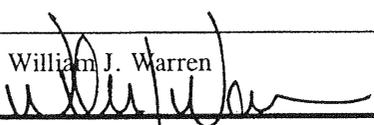
Cespedes confirmed that he was a classmate of Gregory Golla. He attended Border Patrol Academy session no. 367. Cespedes commented that he had little or no contact with Golla and was not aware that Golla was having problems with Senior Border Patrol Agent Robert Guerra.

Cespedes reported that he had spent approximately eight weeks working with Guerra while he was still in trainee status. Cespedes noted that Guerra had a reputation among trainees for being strict and not a "relaxed ride." Cespedes explained that Guerra had been helpful to him during his training and mentioned that he had a great deal of respect for Guerra.

Cespedes said he never observed Guerra abuse apprehended aliens. He also never heard Guerra claim to have fired his weapon at aliens crossing the Rio Grande River. Cespedes confirmed there was no policy in effect during his tenure as a trainee requiring him to be within the immediate area of his training agent. Cespedes explained that he considered short intermittent separations from his training agents as a normal operational necessity.

Special Agent Name
and Signature:

William J. Warren



Date: April 16, 2001

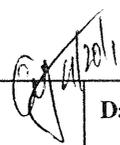


Exhibit 16

Number: 2001003022.009	Reporting Office: McAllen Field Office
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RE: Interview of Border Patrol Agent Anthony Graham
McAllen Border Patrol Station

Border Patrol Agent Anthony Graham was interviewed at the McAllen Border Patrol Station pursuant to the current investigation. Graham was advised of the identity of the interviewing agent and the purpose of the interview.

Graham was interviewed based upon his association with Gregory Golla as a Border Patrol Academy classmate.

Graham stated he met Golla in the Border Patrol Academy and was aware that Golla had a reputation for "not trying." Graham commented that he considered Golla to be the worst Spanish language student in the class. Graham could not remember Golla complaining about his post-academy training. Graham mentioned that he attended numerous post-academy Spanish language study groups led by Border Patrol Agent Adrian Lara, but Golla seldom attended. Graham remembered Golla saying that his (Golla's) six and one-half month Spanish language exam was over before he walked into the room. Graham understood that Golla was referring to problems Golla encountered during post-academy training.

Graham once overheard Golla comment that his (Golla's) father was an attorney and that if he had problems his father would take care of them.

Graham advised he knows Supervisory Border Patrol Agent Robert Guerra. Graham became familiar with Guerra after his arrival at the McAllen Station. Graham stated he was never assigned to Guerra during his period as a trainee, but has observed Guerra working in the field both as a Senior Border Patrol Agent and Supervisory Border Patrol Agent. Graham could not recall an instance where Guerra mistreated aliens in his custody. Graham is not familiar with a story about Guerra shooting at aliens. Graham denied having heard rumors about Guerra being more difficult to work with than other senior agents were.

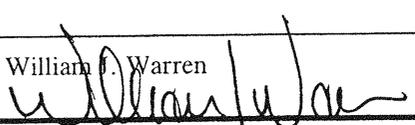
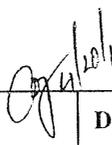
Special Agent Name and Signature: William J. Warren 	Date: April 18, 2001 
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Exhibit 17

Number:	Reporting Office:
2001003022.007	McAllen Field Office

RE: Interview of Supervisory Border Patrol Agent Robert Guerra GS-12

McAllen Border Patrol Station

Telephone: (956) 618-8163

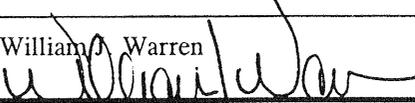
Supervisory Border Patrol Agent Robert Guerra was interviewed at the McAllen Border Patrol Station pursuant to the current investigation. Guerra was advised of the identity of the interviewing agent and further advised that his cooperation in the interview was voluntary. Guerra agreed to answer questions and cooperate with the investigation.

Guerra remembered Gregory Golla. Guerra recalled that Golla was a Border Patrol Agent trainee assigned to the McAllen Border Patrol Station approximately three years ago. During that period of time Guerra was a Senior Patrol Agent at the GS-11 grade level. Guerra stated he was assigned to a unit that included several different GS grade levels of employees, including trainees. One of the trainees assigned to the unit was Golla.

Prior to Golla's arrival at the McAllen Station, Guerra learned that Golla was having problems at the Border Patrol Academy. In particular, Golla was rumored to be weak in comprehending the basics of the Spanish language. Golla's poor attitude in the Border Patrol Academy was also a topic of discussion.

Guerra reported that after a trainee completes the basic Border Patrol Academy, they return to their assigned duty station for approximately six more months of training, including field and classroom exercises. The post-academy instructors responsible for classroom instruction are in regular contact with the Border Patrol Academy and are apprised of each trainee's progress. That information is subsequently implemented into a training plan tailored for the returning class' strengths and weaknesses. Guerra commented that Golla's overall performance in the Border Patrol Academy had been brought to his attention via this periodic review of trainees.

Guerra explained that subsequent to Golla's return from the Border Patrol Academy, Golla was assigned to work under the supervision of several, more experienced Border Patrol Agents assigned to the same unit. Guerra was aware of the below average ratings that Golla was earning in his initial field performance evaluations. Guerra was also aware that Golla was struggling in his comprehension and implementation of the Spanish language. Guerra attributed his familiarity with Golla's plight to his status as a Senior Border Patrol Agent. Guerra boasted of his reputation as a strict field training officer and judge of character. Guerra believed that Golla had potential, but lacked initiative and attributed Golla's lethargic

Special Agent Name and Signature:	William Warren 	Date: April 16, 2001 
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emeanor to an interim job attitude.

Guerra stated he was subsequently assigned to work with Golla to provide training and evaluate Golla's performance. Guerra advised that he spent two weeks with Golla and termed the experience as "terrible." Guerra knew Golla had problems with previous field training agents and planned to evaluate Golla and offer constructive advice.

Guerra was concerned by Golla's apparent lack of interest and Golla's failure to grasp the fundamentals of their assignments. Guerra stated that Golla refused to get out of the patrol unit to evaluate areas for alien traffic. Guerra attributed Golla's desire to remain in the vehicle to Golla's desire to avoid exposure to the excessive South Texas heat. Guerra stated that he counseled Golla about weaknesses in his work performance and noted that Golla would first apologize, then agree to "try harder." Guerra believed Golla had "given-up" and noted in Golla's evaluation Golla's unwillingness to apply himself to the fundamentals the position required. Guerra advised he recommended Golla not be retained by the Service and rationalized that Golla's inattention to detail would result in someone "getting hurt."

Guerra confirmed that a number of stories were circulated throughout the McAllen Station. Guerra explained that these stories were implemented for both entertainment and as a means of relating cause and effect stories to the station's trainees. Often times Guerra would relate the history of a certain bend or turn in the Rio Grande River to a trainee as a means of enhancing their recollection of that particular geographic area. Guerra was unable to recall if he had discussed any such events with Golla, but admitted that it was a possibility.

Guerra denied ever discharging his weapon in the course of his employment with the Border Patrol. Guerra admitted he had been in areas of the border when he and other agents come under random gunfire, but was unable to identify the source to return fire. Guerra denied ever discharging his weapon at unarmed aliens crossing the Rio Grande River. Guerra also denied ever telling such a story to Golla or anyone else.

Guerra maintained he has never used physical force other than what is necessary to affect an arrest. Guerra stated he has respect for the rights of the aliens he apprehends and treats them with the respect deserved by all human beings. Guerra verified that he had critiqued Golla for a "pat-down" search that Guerra considered as unorthodox and potentially dangerous. Guerra suggested that Golla may have taken the intended critique personally and not digested it in a professional manner.

Guerra confirmed that he often sends trainees into remote areas, similar to sugarcane fields, in pursuit of aliens. Guerra noted that

Memorandum of Investigation

Date: April 16, 2001
Case Number: 2001003022
Item Number: 007

ing so is a fundamental element of the position. Guerra noted that no policy has ever existed that would prohibit trainees from being temporarily out of the sight of their training agent. Guerra characterized a failure to pursue known or suspected undocumented aliens as a dereliction of duty, and added that the position is inherently dangerous and has always been considered hazardous duty. Guerra tempered his comment by stating that he has never directed a trainee to undertake an unnecessary risk.

Guerra recalled that upon completing the two-week assessment of Golla's work performance he (Guerra) completed a Conduct and Efficiency Evaluation of Probationary Appointee, Form G-445. Guerra acknowledged the evaluation was harsh and defended his observations as a strict, but fair assessment of Golla's strengths and weaknesses. Guerra confirmed that he personally delivered the form to Golla accompanied by an oral admonishment. Guerra noted that Golla again apologized, but failed to improve.

Guerra said that Golla complained about an unidentified former Spanish language instructor assigned to Golla's Border Patrol Academy Class, and referenced the former instructor's dislike of Golla, as the root of Golla's current probationary problems. Guerra considered Golla's complaint characteristic of Golla's observed behavior of assigning fault to anyone other than himself.

Memorandum of Investigation

Date: April 16, 2001
Case Number: 2001003022
Item Number: 007

Exhibit 18

MEMORANDUM OF INVESTIGATION

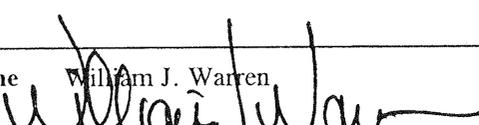
Case Number:
2001003022.017

Reporting Office:
McAllen Field Office

RE: Conduct and Efficiency Evaluation of Probationary Appointee

Attached is an evaluation of Gregory Golla's work performance for the period of August 30, 1998, until September 12, 1998, completed by Senior Border Patrol Agent Robert Guerra on September 15, 1998.

Special Agent Name and Signature: William J. Warren



4/13/01
Date: April 13, 2001

CONDUCT AND EFFICIENCY EVALUATION OF PROBATIONARY APPOINTEE

EMPLOYEE'S NAME AND TITLE Gregory GOLLA BPA(T)		STATION McAllen, Texas	
PERIOD COVERED BY THIS REPORT From: 08/30/98 To: 09/12/98		REPORT PREPARED BY Robert E. Guerra	TITLE Senior Patrol Agent

WRITE THE DESCRIPTION IN EACH ITEM WHICH, IN YOUR OPINION, MOST CLEARLY DEPICTS THE TRAINEE, MAKE COMMENTS IN ITEM 22, INCLUDING COMMENTS FOR ANY UNSATISFACTORY RATINGS.

	Highly Satisfactory	Above Average	Average	Below Average	Unsatisfactory
Spanish Language: Ability to communicate in the language.	Excellent mastery and fluency in all phases of language.	Thorough knowledge and fluency.	Adequate knowledge of language and fluency.	Weak in knowledge and fluency.	Inadequate knowledge and fluency to communicate.
Knowledge and application of immigration and nationality laws:	Excellent knowledge and application of all phases of immigration laws.	Thorough knowledge of practically all phases of immigration laws.	Adequate knowledge of all phases of immigration laws.	Weak in knowledge of some phases of immigration laws.	Inadequate comprehension of provisions of immigration laws.
Knowledge of Job: Familiarity with procedures and techniques required in the work of the trainee.	Excellent mastery of all phases of work.	Thorough knowledge of practically all phases of work.	Adequate knowledge of all phases of work.	Weak in knowledge of some phases of work.	Inadequate comprehension of job requirements.
Judgment: Exercise of good judgment to arrive at sound conclusions and decisions based on available facts.	Sound, general, reaches conclusions logically and rapidly.	Generally grasps situation and draws correct conclusions, uses good common sense.	Usually reaches conclusions based on concrete facts. Learns from experience.	Makes immature decisions. Often "jumps to conclusions".	Seriously lacking in good judgment, has no sense of proportion, rash.
Ability to perform, execute, and achieve assigned tasks:	Completes assignments in the least time possible.	Completes assignments in unusually short time.	Completes assignments in reasonable time.	Slow in completing assignments.	Takes a long time to accomplish little.
Acceptance of Responsibility: A willingness to assume duties.	Greatest possible sense of responsibility.	Very willing.	Accepts, but does not seek responsibility.	Does assigned tasks reluctantly.	Irresponsible.
Appearance: Outward impressions made by the trainee, as appropriate consider compliance with uniform regulations.	Superior style, grooming, taste and sense of the fitness of things.	Well-dressed and neat.	Neat, but not particularly striking.	Intermittently careless.	Slovenly and untidy.
Personality: External mannerisms consciously or unconsciously adopted in meeting situations.	Friendly, confident, poised, and courteous.	Pleasant, forceful.	Acceptable.	Ill at ease, not too forceful.	Negative, colorless person.
Cooperativeness: Appreciation of collective action for mutual or common benefit.	Excellent cooperative.	Very cooperative. Displays wholesome attitude.	Cooperative. Follows suggestions rather faithfully.	Occasionally uncooperative. Reluctant to help others.	Difficult to handle. Cooperates when he has to.
Initiative: Desire and ability to introduce a new course of action.	Seeks and initiates for himself additional tasks.	Often originates actions which contribute to satisfactory completion of job.	Progressive, has necessary drive.	Rarely suggests. Follows precedent.	Needs detailed instructions.

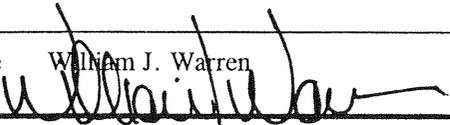
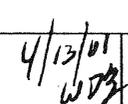
Exhibit 19

MEMORANDUM OF INVESTIGATION

Case Number: 2001003022.019	Reporting Office: McAllen Field Office
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RE: Memorandum of Senior Border Patrol Agent Robert Guerra

Attached is a memorandum completed by Senior Border Patrol Agent Robert Guerra, addressing his evaluation of Gregory Golla, dated September 15, 1998.

Special Agent Name and Signature: 	Date: April 13, 2001 
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U.S. Department of Justice
Immigration and Naturalization Service

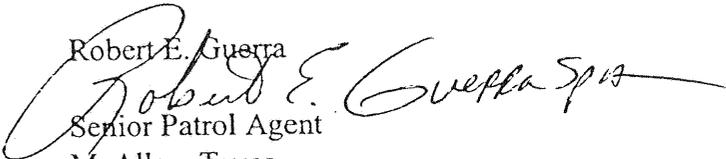
4201 West Military Hwy
McAllen, Texas 78503

September 15, 1998

MEMORANDUM FOR File

FROM:

Robert E. Guerra



Senior Patrol Agent
McAllen, Texas

SUBJECT: Border Patrol Trainee G. Golla

Trainee Gregory Golla has been rated unsatisfactory on item One (1) due to his inability to speak or comprehend the Spanish language. Mr. Golla has not shown the initiative to seek or request additional help to further his studies in the Spanish language.

Trainee Golla has been rated unsatisfactory on item Ten (10) due to his inability to perform his assigned tasks without detailed instructions.

Trainee Golla has also been rated unsatisfactory on item Seventeen (17) for his overall inability to perform the demands of the job.

Trainee Golla does not seem to have any enthusiasm or drive to perform the duties of a Border Patrol Agent. Mr. Golla seems to take a "whatever attitude" towards his performance. Mr. Golla once commented to this rating officer that he was "Mediocre". The Service does not and will not tolerate "Mediocre" Border Patrol Agents.

I have no choice but to "Not Recommend" Mr. Golla during this evaluation period.

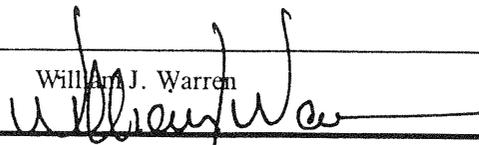
Exhibit 20

MEMORANDUM OF INVESTIGATION

Number: 2001003022.022	Reporting Office: McAllen Field Office
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RE: Memorandum documenting Gregory Golla's response to unfavorable evaluation submitted by Robert Guerra

Attached is a memorandum dated September 18, 1998, documenting Gregory Golla's rebuttal of a performance evaluation completed by Robert Guerra.

Special Agent Name and Signature: William J. Warren 	Date: April 13, 2001
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U.S. Department of Justice
Immigration and Naturalization Service

MCA

4201 West Military Hwy
McAllen, Texas 78503

September 18, 1998

MEMORANDUM FOR Jose E. Garza
Chief Patrol Agent

FROM: 
Gregory E. Golla
Border Patrol Agent
McAllen, Texas

SUBJECT: Response to Conduct and Efficiency report dated 9-17-1998.

I would like to take this opportunity to express how strongly I disagree with the mentioned report.

Beginning with item #1 Knowledge of the Spanish Language. I was given unsatisfactory. I must admit that I am weak in Spanish, but I think that a rating of below average would be a fairer assessment of my ability. I am able to converse with aliens in the Spanish Language as demonstrated by the filing of 213's. If I truly was unsatisfactory in Spanish I would not be able to do this, but I am able to do this.

Item #2 Knowledge of Immigration Laws I was given the rating of below average. This is not accurate. I believe that my knowledge is at least average if not better. I would have not graduated from the Border Patrol Academy if I had not known the Immigration Laws.

Item #3 Knowledge of job below average. I feel that I am as familiar and as comfortable with my job as any other trainee. This rating is unfair.

Item #7 Appearance below average. This rating is false. My uniforms have always been pressed and my boots and brass shined. I truly deserve an above rating in this category.

Item #8 Personality below average. I am not sure how my rater arrived at this conclusion. I know that I feel very comfortable working with other employees. If I did appear to be ill at ease with SPA Guerra it was only because his demeanor was so fierce.

Item #9 Cooperativeness below average. This rating is inaccurate. I am very cooperative and enthused. I am willing to do anything for my fellow Agents. I feel that I should have been given a rating of at least Average.

Item#10 Initiative unsatisfactory. This rating has greatly upset me. I have taken as much initiative as I have possibly could. I have not been given any credit for the initiative that I have taken.

Item#11 Interest in Job below average. This is not true. I am greatly interested in my position. Once again I have not been given credit where credit is due.

Item#12 Adaptability below average. I feel that an average rating would have been appropriate here.

Item#17 Overall Evaluation unsatisfactory. This rating is inaccurate. I should have been given a rating of at least average in this category. There really is no support for this rating. I am doing just as well at this position as the next trainee. I am not sure why this rating was given.

Item#18 Health and Physical Ability unsat. This is not true. According to the Physical Training Instructors that I had at the Border Patrol Academy I am able to perform the Physical Abilities needed for this job. This was demonstrated by exceeding a fully successful score in PT.

In response to the attached memo I must argue that although I may be weak in one area it does not mean that I am unfit for the position.

I feel that the negativeness of the report dated 9-17-1998 was aimed to try and break my spirit, but it has not. I am still very determined to succeed.

I am a very able bodied and competent young man who is very capable of performing the duties of a Border Patrol Agent.

Office of the Patrol Agent In Charge
September 18, 1998
McAllen, Texas

Memorandum forwarded for your information.

Jorge A. Garza
Patrol Agent In Charge

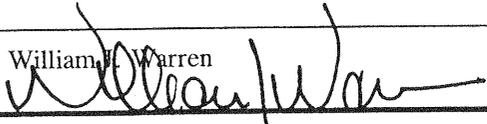
Exhibit 21

MEMORANDUM OF INVESTIGATION

Case Number: 2001003022.023	Reporting Office: McAllen Field Office
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RE: Notification of intended termination of employment of Gregory Golla

Attached is a letter dated September 30, 1998, notifying Gregory Golla that his probationary status as a Border Patrol Agent was to be terminated subsequent to his having failed his six and one-half month Spanish exam.

Special Agent Name and Signature: William J. Warren 	Date: April 13, 2001 4/13/01 WJS
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U.S. Department of Justice
Immigration and Naturalization Service

MCA 100/5.5-C

2301 S. Main
McAllen, Texas 78503

September 30, 1998

Mr. Gregory E. Golla
Border Patrol Agent (Trainee)
McAllen Station
McAllen Sector

Dear Mr. Golla:

You will be terminated during your probationary period from your position Border Patrol Agent (Trainee) GS-1896-07, at the Port Isabel Station, Immigration and Naturalization Service effective close of business October 9, 1998. This action is taken under 5 CFR 315.803 and 315.804. The procedures governing this action, as well as the rights extended to you, are set forth in 5 CFR 315.801-315.806. The probationary period is an extension of the hiring process and therefore your appeal rights are considerably delineated regarding this action.

This decision is based upon your failure to pass the Spanish portion of your 6 ½ month examination as a probationary employee. As you know, probationary employees such as yourself must achieve a passing grade in two areas of study (Immigration Law and the Spanish language) to continue as a Trainee. Your score of 56.62 on the Spanish language examination is less than the required score of 70.00 and is unacceptable. Thus, this action is considered appropriate and necessary to promote the efficiency of the Service.

You may appeal your termination to the Merit Systems Protection Board (MSPB), 110 Commerce Street, RM 6F20, Dallas, Texas 75242-9979, only if your appeal alleges discrimination based on partisan political reasons or marital status. You may also assert this action was taken due to discrimination based on race, color, religion, national origin, sex or disabling condition with the MSPB or through the Service EEO complaint process indicated below.

Your appeal must be received by the MSPB no later than thirty (30) calendar days after the effective date of this action, pursuant to 5 CFR 1201. A copy of these regulations is attached for your information and guidance. Your appeal must contain the information identified in 5 CFR 1201.24 and, if additionally claiming discrimination due to race, color, religion, national origin, sex

or disabling condition, your appeal should also contain the information identified in 5 CFR 1201.153.

Filing the appeal must be by personal delivery or by mail and submitted in one original and one copy to MSPB. The attached forms may be used to file an appeal with the MSPB if you desire.

An allegation your termination was based in whole or in part on discrimination due to race, color, religion, national origin, sex or disabling condition may be addressed to the Service under the provisions of 29 CFR 1614. You must first consult a Service Equal Employment Opportunity Counselor within forty-five (45) calendar days after the effective date of your termination.

However, you may not appeal through both processes and whichever forum you file with first will determine your election of process.

You may obtain information regarding your appeal rights from Vernessa Jackson Green, Labor Relations Specialist, Administrative Center, Dallas, Immigration & Naturalization Service, 7701 North Stemmons Freeway, Dallas, Texas 75247, (214) 905-5257. You should acknowledge receipt of this notice by signing the acknowledgment copy and returning it to the presenter.

Sincerely,

Jose E. Garza
Chief Patrol Agent

Attachments - 5 CFR 2101
Appeal Form (3 copies)

I acknowledge receipt of this notice of termination delivered to me on _____
at _____ M. _____ Date
Time

Gregory E. Golla

Witness (Bearer)

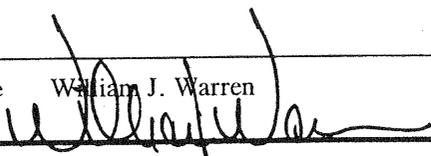
Exhibit 22

MEMORANDUM OF INVESTIGATION

Case Number: 2001003022.020	Reporting Office: McAllen Field Office
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RE: Memorandum of former Border Patrol Agent Trainee Gregory Golla

Attached is a memorandum submitted by Gregory Golla on October 7, 1998. The memorandum was submitted as notification of Golla's intent to resign from the Border Patrol effective October 7, 1998.

Special Agent Name and Signature: William J. Warren 	Date: April 13, 2001 4/13/01 WJW
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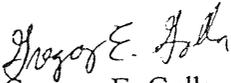
U.S. Department of Justice
Immigration and Naturalization Service

100/18.3

4201 West Military Hwy
McAllen, Texas 78503

October 07, 1998

MEMORANDUM FOR Jose E. Garza
Chief Patrol Agent

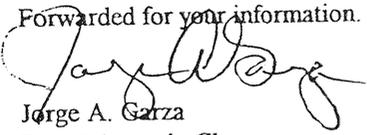
FROM: 
Gregory E. Golla
Border Patrol Agent
McAllen, Texas

SUBJECT: Resignation

Please accept my resignation effective 10-07-1998. This resignation is being submitted in lieu of being terminated for failing to pass the Spanish Exam on 9-23-1998.

Office of the Patrol Agent in Charge
McAllen, Texas

Forwarded for your information.


Jorge A. Garza
Patrol Agent in Charge
McAllen., Texas

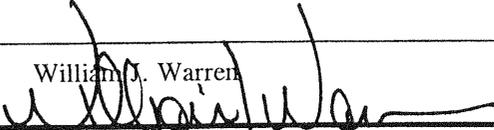
Greg Golla
7131 Stall RD. Apt. 26
N. Charleston, SC
29406
(843)569-6967

Exhibit 23

Case Number: 2001003022.021	Reporting Office: McAllen Field Office
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RE: Letter of Notification of EEO Inquiry

Attached is a letter dated January 25, 1999, notifying the Immigration and Naturalization Service of an EEO inquiry into the circumstances of Gregory Golla's resignation.

Special Agent Name and Signature: William O. Warren 	Date: April 13, 2001 4/13/01 WOW
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U.S. Department of Justice
Immigration and Naturalization Service

425 I Street NW
Washington, DC 20536

January 25th, 1999

Dear Mr. Escamilla,

I am currently counseling an individual, Greg Golla, who resigned from the Service on October 7th, 1998. Mr. Golla stated that he was forced to resign from the Service because he failed the Spanish portion of his exam that was given on September 23rd, 1998. He felt that he was given a more difficult exam than the other trainees because the McAllen station did not want him to pass. It would be greatly appreciated if you could send me his test scores and the names of the instructors who graded his performance.

If you have any questions or concerns, please contact me at (612) 725-3472. Again, your assistance is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Rossow".

Kathleen Rossow
EEO Counselor/Twin Cities