



James P. Epling

<https://www.cbp.gov/about/in-memoriam/james-p-epling>



James P. Epling

Entered on Duty:

2003-01-13

End of Watch:

2003-12-16

On December 16, 2003, at approximately 7 p.m., Border Patrol Agent James P. Epling was reported missing after responding to sensor activity along the Colorado River near Andrade, California. Agent Epling had apprehended two Chinese illegal immigrants and had rescued a Chinese illegal immigrant from drowning in the Colorado River. Agent Epling was attempting to apprehend other illegal immigrants along the river when he suddenly disappeared.

A massive rescue operation by Border Patrol Search, Trauma, and Rescue teams, as well as multiple local, state, federal, tribal, and foreign agencies, was immediately initiated. This response and coordinated rescue effort continued for three days. On December 19, 2003, at approximately 7:15 p.m., with the aid of an underwater camera, Agent Epling's body was located 29 feet deep in the Colorado River. He was approximately 200 yards from where it was believed he initially disappeared. The investigation revealed that Agent Epling had died as a result of accidental drowning.

Agent Epling was 24 years old and was a graduate of the 537th session of the Border Patrol Academy. He was assigned to the Yuma Station. On January 28, 2004, his son was born.



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REMEMBERING ALL OF LAW ENFORCEMENT'S HEROES

Border Patrol Agent - James Paul Epling

<http://www.odmp.org/officer/17067-border-patrol-agent-james-paul-epling>



Bio & Incident Details

Age: 24
Tour: 1 year
Badge # 513
Military veteran
Cause: Drowned
Location: California

Border Patrol Agent

James Paul Epling

United States Department of Homeland Security - Customs and Border Protection - United States Border Patrol, U.S. Government

End of Watch: Tuesday, December 16, 2003

Border Patrol Agent James Epling drowned in the Colorado River in California.

He and other agents had been involved in a foot pursuit of a Mexican national and three Chinese nationals who were spotted on the California side of the river. Agent Epling had jumped into the river and pulled the three Chinese nationals out of the water, saving one of them who was drowning. He was running downstream, attempting to arrest the Mexican national, when he went under the water.

Agents lost track of Agent Epling during the foot pursuit. He remained missing until his body was located three days later, approximately 200 yards from where he was last seen. Agents from the Yuma and San Diego Border Patrol Sectors, as well as many other United States and Mexican agencies, assisted in the search for Agent Epling.

The Mexican national, who was smuggling the others, was charged with 12 counts in connection with the incident, including transportation of illegal aliens resulting in death and transporting illegal aliens for financial gain.

Agent Epling was a member of the U.S. Army Reserve. He had served with United

States Border Patrol for less than one year, and was assigned to the Yuma Border Patrol Station. He was survived by his expectant wife and three children.

Border agent a hero, then a victim

http://archive.boston.com/news/nation/articles/2004/02/08/border_agent_a_hero_then_a_victim/

By Kevin Sullivan, Washington Post | February 8, 2004

He saves illegal immigrant's life before drowning

YUMA, Ariz. -- It was after dusk in mid-December, and the dark waters of the Colorado River were below 50 degrees. Fan Tuan Gao, 19, an illegal immigrant from China, was in the river trying to sneak into the United States with four Chinese companions and two Mexican smugglers.

Witnesses recalled that Fan was drowning in the fast-rushing waters and screaming for help when US Border Patrol Agent James Epling waded into the deep river and carried her to safety.

Epling then turned to go catch the others, who were swimming and paddling in inner tubes to try to get away. Agents heard him make a last call on his radio: "I'll be off the radio just a minute," he said, before shutting it off to avoid it shorting out in the water.

Then he ran off in the shallows along the thick reeds and brush, into the darkness.

Divers found Epling's body three days later, drowned at the bottom of the river less than 200 yards from where he had disappeared, still wearing his Border Patrol baseball cap, still clutching his flashlight.

Except for Epling's death -- the seventh in 40 years for the Border Patrol's Yuma station -- the story of how a 24-year-old former college track star from Virginia and a teenager from rural China ended up together in a frigid river near Mexico is numbingly routine.

Border Patrol officials said their officers catch an average of 2,500 people a day -- more than 100 an hour -- who, despite sharply increased security since the Sept. 11, 2001, terror attacks, continue to try to sneak across the US-Mexico border. The Border Patrol, a division of the Department of Homeland Security, has 9,800 agents stationed along the border, up from 3,600 a decade ago. That includes 1,300 agents hired since 2000, reflecting a new emphasis on tracking border crossings.

Agents in darkened control rooms monitor hundreds of infrared video cameras that keep an electronic eye on the border as if it were a 2,000-mile-long convenience store. Hundreds of motion sensors are hidden in the scrub brush along the border. Each time an unsuspecting immigrant passes one, an alarm goes off in a control room -- programmers made it sound like a doorbell, a bit of borderlands humor: It is the sound of another guest arriving.

The last day of Epling's life started out with pre-Christmas errands, said Epling's widow, Monica. While she shopped, she said her husband, who worked the 3 to 11 p.m. shift, played with their three young boys. Monica Epling was nearly eight months pregnant at the time; she gave birth to James Paul Epling II on Jan. 28.

Christmas was especially important in their house, because two of the boys were born on Christmas Day: Sean was nearly 10 and Shaine nearly 4; Seth had just turned 2. When Monica returned home, she said they paid bills and went over gifts they needed to buy. The family had lunch together, then Epling left for work.

Monica said her husband joined the Border Patrol in January 2003 partly on the urging of her father, a retired agent. She said law enforcement was a good fit for Epling, who came from a military family. He was a member of the US Army Reserves. His father is a retired US Navy officer, and his two younger brothers are in the military -- including one in the Army's elite 82d Airborne Division who just returned from Iraq.

Epling was 6-foot-2 and a competitive runner and swimmer, and Monica said it was the physical aspect of his job that he loved the most -- the actual chasing after illegal immigrants. He starred in track in high school in Williamsburg, Va., and at Christopher Newport University in Newport News, Va., and he finished first in his class in physical training during Border Patrol boot camp.

"He loved the chase; them thinking that he wouldn't catch them," she said. "He loved the challenge."

The flow of illegal immigrants across the desert badlands here has become an issue in the US presidential race. President Bush has proposed giving temporary visas to millions who crossed the border illegally and are now living in the United States. His plan has caused frustration among many Border Patrol agents, whose union called the plan "a slap in the face."

Many agents said they now wonder why they risk their lives to capture illegal immigrants who could soon gain legal status. Their job has become increasingly dangerous: Of the 93 agents who have been killed in the service's 85-year history, 18 agents were killed in the 1990s -- more than twice the average in the previous five decades.

Epling arrived at the Colorado River in his Border Patrol truck in the gathering darkness. About a quarter-mile north of Mexico, on the border between Arizona and California, the area is remote, with no fences. Immigrants often paddle up the river and come ashore here then dash across the vast lettuce fields. The riverbank is covered with thick reeds and vines that are up to 15 feet high. Agents who investigated Epling's death said Fan and her group apparently used that brush as cover, making their way against the current from Mexico on inner tubes, carrying their clothes in black plastic garbage bags. On the bank near where they landed, little niches in the brush are littered with deflated tubes, garbage bags, and discarded underwear.

Agent John Bullington and two other agents arrived at the river shortly after Epling. He said the people in the river were hiding where the brush was especially thick, so the agents had to hack and push through about 100 yards of it to get to them. He said it was an exhausting slog that took nearly an hour.

Bullington said Epling grabbed two Chinese men on the bank and passed them to Agent Jon Shelton. "Then all of a sudden, I heard a woman crying," Bullington recalled.

Trying to flee the Border Patrol agents, Fan and the others rushed back into the water. While the others swam off, Fan apparently slid down the steep river bottom and was suddenly in trouble. Bullington said Epling waded deep into the river, fighting against the current to pull her ashore.

Shelton watched as Epling ran off down the bank, splashing through the shallows. "He was moving so fast, it was almost like he was running on the water," Bullington said.

U.S. Border Patrol agent's death ruled accidental drowning

http://www.tulsaworld.com/archives/u-s-border-patrol-agent-s-death-ruled-accidental-drowning/article_c9af5cef-471d-5471-a0d8-3f33218e1260.html

December 20, 2003 | Updated: Fri Oct 4, 2013 AP Wire Service

PHOENIX (AP) -- A U.S. Border Patrol agent accidentally drowned moments after rescuing an immigrant from a swift-moving portion of the Colorado River, authorities said Saturday.

The body of James Epling, 24, was found in the river Friday, three days after he was last seen along a river trail near Andrade, Calif., just north of the Mexico border.

The Maricopa County Medical Examiner's Office performed an autopsy Saturday and found that Epling accidentally drowned, Border Patrol spokesman Joe Brigman said.

Epling had been chasing four suspected illegal immigrants along the river Tuesday. He had pulled one of the immigrants, a Chinese woman, from the water shortly before he disappeared.

The agent was found within 200 yards of where he was last seen in 54-degree water about 27 feet deep, Brigman said. Divers used sonar and other high-tech equipment in the turbulent, cloudy water.



U.S. Border Patrol Agent James Epling is shown in this undated photo released Saturday, Dec. 20, 2003, by his family.

Epling is the seventh agent from the Border Patrol's Yuma sector to die in the line of duty in 36 years, Brigman said. The sector covers southwestern Arizona.

"Agent Epling exemplifies the definition of courage, honor and dedication," said Michael C. Nicley, Yuma sector patrol chief. "He is a true hero, having risked his own life to save others. We honor his courage and sacrifice."

Epling was a father of three, and his wife is expecting another child early next year.

Border Patrol Agent Drowns After Rescue

<http://articles.latimes.com/2003/dec/21/nation/na-agent21>
December 21, 2003 | From Associated Press

PHOENIX — A U.S. Border Patrol agent accidentally drowned moments after rescuing an immigrant from a swift-moving portion of the Colorado River, authorities said Saturday.

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Michael Nicley, chief Border Patrol agent-in-charge of the Yuma Sector, listens to questions during a news conference Saturday, Dec. 20, 2003, at the Yuma Sector Border Patrol Headquarters in Yuma, Ariz., concerning Border Patrol Agent James Epling who was found dead Friday in the Colorado River West of Yuma.

No justice for Agent James P. Epling

<http://www.vdare.com/bevens/coyote.htm>

October 07, 2004 By Bryanna Bevens

Buy One Coyote, Get One Scapegoat Free

Last December, Border Patrol agent James Paul Epling spotted five people illegally crossing the U.S./Mexico border, near where the Colorado River separates Arizona and California. He chased them, on foot, for four miles.

Then Epling saw that one suspect, a Chinese woman, was drowning as she attempted to cross the river.

Customs and Border Protection (CBP) Commission head Robert C. Bonner gave this description of what happened next

'Mr. Epling, with complete disregard for his personal safety, entered the swift, cold waters of the Colorado River to rescue the female alien. He reached for the woman and pulled her to the safety of the riverbank where another agent waited to assist. [Border patrol agent eulogized By Jerry Seper , *Washington Times*, December 24, 2003]

But then the current pulled him into a 27-foot hole.

Border Patrol agents found Epling three days later drowned in the Colorado River.

The five illegal aliens were four Chinese citizens and one Mexican national, a 22 yr-old alien smuggler named Jose Antonio Vasquez-Villasenor.

Contrary to what many seem to think, **illegal entry into the United States is a crime**. But the offender is usually just deported.

When someone commits a felony that causes an "accidental" death, such as arson of house they thought was empty, they can be charged with murder. This is known as the felony murder doctrine.

At the time, Michael Nicley the patrol agent in charge of the Yuma sector, said

'There has been a death of a federal agent while he was responding to the commission of a serious felony,' Nicley said. 'So, there are some options the FBI is considering.'

Side note: At that time, Border Patrol didn't know that one in the party was a coyote [alien smuggler]. By "commission of a serious felony," Nicely meant the illegal entry of any alien. The Border Patrol, unlike other government agencies, considers illegal entry into the U.S. a serious crime.

So can you guess what the punishment is for illegal entry which results in death of another person?

Answer: **Pretty much nothing**, unless you "re a smuggler. Even then it "s only 57 months in jail.

U.S. District Judge Napoleon Jones sentenced Vasquez-Villasenor to 57 months in prison for 'immigrant smuggling resulting in a death.'

Three of the Chinese would-be immigrants were held in the United States as potential material witnesses to a crime.

Now don "t laugh at me, but I thought they meant material witnesses against each other, not the smuggler.

There must be a fine line between optimism and ignorance. It never occurred to me that the Chinese aliens would not be held equally, or more, responsible for James Paul Epling's death.

But I should have known because after all, illegal immigrants are not criminals, they "re victims, right?

Yeah, not so much, methinks.

Then why is the blame, as piddling as his penalty was, entirely with the smuggler?

Because United Nations protocol on alien smuggling, and compliant American politicians, want it that way.

According to The Protection Project, a legal-human rights research institute based at the Johns Hopkins University School of Advanced International Studies in Washington, D.C.:

Smuggling of aliens or "illegal migrant smuggling" is defined by the UN 2000 Protocol Against Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against transnational Organized crime, to mean "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of illegal entry of a person into a state, party of which the person is not a national or permanent resident." [Article 3 (a)].

What this means is the smuggled persons become the 'victims' in a sense, hostages.

The Protection Project says 'the smuggled person is entitled to be treated with dignity' and details all the protections that we owe to smuggled aliens.

the right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment'; appropriate protection against violence that

may be inflicted upon them';[we must] 'facilitate and accept, without undue or unreasonable delay, the return of [a smuggled alien];

[we must] 'comply with its obligations under the Vienna Convention on Consular Relations, where applicable, including that of informing the person concerned without delay about the provision concerning notification to and communication with consular officers.'

Thus, when the four Chinese aliens had hired a Mexican national to smuggle them into the United States, they promoted themselves 'smuggled aliens' instead of criminals.

Essentially, they bought themselves a Get Out Of Jail Free Card. That's because the Protocol "specifies that migrants should not become liable for having been smuggled." [my emphasis]

Unfortunately, immigration enthusiast politicians, including our President, make the situation even worse. They do that by painting the picture of the poor, blameless immigrant.

Case in point: in his recent interview with Bill O'Reilly, President Bush said "family values don't stop at the border." In other speeches he makes the same statement but replaces border with Rio Grande. While Governor of Texas he said,

Latinos come to the US to seek the same dreams that have inspired millions of others: they want a better life for their children.

What I hear Bush saying is this: We can't blame them for wanting a better life. We are the land of opportunity and therefore a natural flame for any foreign moth. We practically lure them across the border. To restrict them in any way would be uncivilized.

Congressman Raul Grijalva (D-Az), just finishing his first two-year MEChA Mission in Washington D.C., believes, according to the San Francisco Chronicle, that "increased policing is only a superficial solution to a complex problem." He says that "These economic refugees continue to run here because there's a pull; they continue to find work. The idea of feeding yourself and your family is a hell of a motivator."

What this propagates is a justice system that grants criminal immunity based on an artificial victim status. The person who paid the coyote's fee is not guilty, because they were only going to work illegally, the coyote is guilty because he took a fee, not much money when you compare it to the public charge likely to be incurred by one illegal's residence in the United States.

In this strange new world, illegal immigration is apparently to be the mirror image of a 'hate crime' an offence that is excused by motive, whereas 'hate' exacerbates an offence.

Yeah, that 's brilliant. Unless, of course, you want banks to carry money. Or women to be safe.

After all, the desire for money and sex is probably even stronger than the desire for 'a better life.' But does motive ever excuse bank robbery or rape?

Umm, not so much.

James Epling `s wife was eight months pregnant with their fourth child when the 24 year-old Border agent drowned.

The penalty for the Chinese accomplices was deportation.

The U.N. protocol, with the connivance of pro-immigration politicians, has focused law enforcement on the smuggler.

Welcome to the New World Order justice system, where we only prosecute the driver of the get-away car and ignore the other passengers you know, the ones who actually robbed the bank.

Bryanna Bevens is a political consultant and former chief of staff for a member of the California State Assembly.