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Immigrant drug informant goes public after his hopes of legal residency evaporate

By Lornet Turnbull

Seattle Times staff reporter

In the midst of the drug epidemic in the mid-1990s, an illegal immigrant from El Salvador walked into the Seattle police precinct on Capitol Hill and offered himself up as an informant.

Ernesto Gamboa hoped his knowledge of drug trafficking, put to use on the side of law enforcement, might earn him legal status in this country.

Under the watch of U.S. Immigration and Customs Enforcement (ICE), and for more than a dozen years, he negotiated undercover deals in the kinds of places people shop and eat every day — from Pike Place Market to Starbucks coffeehouses — helping local, state and federal agencies win more than 90 federal convictions and seize money, weapons, vehicles and drugs, including more than 282 pounds of cocaine.

In fact, law enforcement so valued his undercover drug work that his handler drew him back here to help a task force build drug cases four years ago, after Gamboa had left the U.S. and gone home to live in El Salvador.

In the end, however, the 43-year-old Salvadoran has not been granted permission to remain in the U.S. legally. Instead, the federal government is moving to deport him — a development he believes is a sure death sentence, given the prominence of those he's helped convict.

ICE's action has angered others in law enforcement who worked with Gamboa and who, over the years, had urged ICE to reward him with legal status.

They are mobilizing on his behalf, asking members of Congress and other federal authorities to intervene and even establishing a Facebook page — Help Ernesto — encouraging others to join the protest.

Tom Zweiger, a retired detective sergeant with the State Patrol who headed some of the drug task forces to which Gamboa was assigned, said, "He has taken more drugs off the streets than a lot of drug officers will in their entire careers."

A retired U.S. Customs officer, who worked some cases with Gamboa in the years before the Immigration and Naturalization Service morphed into ICE, said Gamboa repeatedly put himself at risk. "We're not talking about buying dime bags of dope. These are people who are very dangerous."

Breaking point

Confidential informants seldom remain in the business for as long as Gamboa has and, for obvious safety reasons, seldom tell their stories publicly.

The Salvadoran decided to do so out of a growing frustration with immigration authorities that reached a breaking point in the last month, near the end of a major drug investigation.

That's when he told ICE he was quitting. He was broke and no closer to obtaining legal status. ICE wasn't regularly paying him, he said, nor would it allow him to leave the state to take a paying job offered by a friend in Miami.

With Gamboa no longer an ICE informant — and thus now no different from other illegal immigrants — the agency last Tuesday dispatched two officers who arrested him outside a restaurant in Federal Way.

They had arranged to meet him there, telling him they had papers for him to sign, but instead drove him away in a black SUV with tinted windows.

Gamboa was being held at the Northwest Detention Center in Tacoma, where attorneys from the Northwest Immigrant Rights Project are representing him.

ICE declined to comment for this article, to discuss its use of confidential informants or even to acknowledge it has such a program.

Among Gamboa's advocates are active-duty and retired law-enforcement officials who have worked with him but either declined to comment publicly or asked that their names be withheld due to the sensitive nature of undercover operations.

A quiet man with a boyish face, Gamboa speaks in thickly accented English. He said he lost faith in ICE after the agency told his handler that Gamboa would have to work as an informant for "the rest of my life if I want to be in the U.S." — a statement confirmed by the handler, who, like Zweiger, is now retired from the State Patrol.

"I get the feeling they want to use me until I die," Gamboa said.

As investigators he was closest to were either reassigned or retired, he said, he longed for a normal life. "If I had legal status ... I can have a wife, kids. I'm the only one of my friends with no family. I'm in the same spot I was when I first came to the U.S. — no money, no Social Security number, no status."

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The retired U.S. Customs officer said area informants who have done far less to help the U.S. government have been granted legal status over the years. "I guess they figure he'd leave if he got status," he said.

"And now they're threatening to deport him? That seems almost un-American to me."

Valuable source

Among the confidential informants used by law enforcement at every level of government are immigrants whose knowledge of illicit activity in the U.S. and their home countries helps to build untold numbers and types of criminal cases nationwide — from drug and human trafficking to arms smuggling and money laundering.

The payback can be lucrative — money, a break on pending criminal charges or reprieve from deportation. And, for some, legal status.

The Department of Homeland Security, under which ICE falls, holds the power to grant a special "S" visa that can lead to a green card. It issues 200 of the visas a year to immigrants who assist law enforcement in investigating and prosecuting crimes.

While ICE never explicitly promised Gamboa legal status in exchange for his work, agents several times over the years apparently began the process to obtain it for him.

"At least a dozen times over the last 13 years we sent letters to ICE asking them to give him residency, and we'd talk about it amongst ourselves," the handler said.

"And they would say we'd look into it, maybe start some paperwork."

Internal ICE e-mails as recently as 2007 show such inquiries being made — but apparently going nowhere.

Said his handler: "It's all (Gamboa) ever really wanted."

An immigrant's story

He had illegally crossed into the U.S. in the late 1980s when he was 21, but was caught and later deported. In 1992, he went to the U.S. Embassy in El Salvador and was granted a travel visa, good for three months.

Once in Seattle, where his brother lived, he overstayed that visa and fell in with a bad crowd — including drug dealers.

In 1995, he was busted for possessing half an ounce of cocaine and eventually jailed after failing to appear for a scheduled hearing on the cocaine charge.

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Days before he showed up at the Capitol Hill precinct in 1996, he learned a friend had died of a heroin overdose.

"I was pissed at the waste of human life," he said, and that was another reason he approached police.

Gamboa told a Seattle detective he had knowledge of drug activity he wanted to share. The detective introduced him to agents from the federal Drug Enforcement Administration (DEA).

To prove he was reliable, they had him arrange controlled buys — including several pounds of meth from a dealer in the parking lot of a Mexican restaurant along Aurora Avenue.

He did it, he said, without hesitation. "In the drug world, if you work hard, you can make \$3,000 an hour putting poison in people's hands," he said. "No, I didn't feel guilty at all."

Because of his status as an illegal immigrant, agencies had to involve ICE before they could officially put him to work. ICE eventually introduced Gamboa into drug task forces, which exist in many counties and comprise local police, county sheriff's offices and federal agencies like DEA, ICE and occasionally the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Twice a year, ICE required Gamboa to sign an agreement that established guidelines for his conduct as an informant and, when necessary, authorized humanitarian paroles allowing him to return to the U.S. after visiting relatives in El Salvador.

"That shows how absolutely necessary he's been," said Zweiger, the retired State Patrol detective sergeant.

Gamboa's ethnicity allowed him to move easily among mid- and high-level Latino drug toughs from British Columbia to Mexico, his handler said. "These guys wouldn't deal with black or white guys," he said.

Their investigations could take them anywhere — New York or Miami and up and down the California coast.

Street-level drug buys are measured in ounces and grams, the handler said, but "everything (Gamboa) did was in pounds and kilos. Every guy he brought down was significant."

Growing frustration

Gamboa's relationship with ICE turned sour near the end of the most recent drug investigation, which began more than a year ago and resulted in dozens of arrests.

This past May, as his frustration grew over his lack of progress in gaining legal status, he e-mailed the lead ICE agent on the case, writing in his limited English: "I like to ask you for a favor ... I need to see if Uncle Sam say anything about me.

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"I fill bad to ask but I am running out of gas, no work and business so you my only hope ... so if you can help me I really appreciate."

Later in the month, with still no change, he told ICE he wanted to take a paying job in Miami. Gamboa wasn't quitting but said he told the agent ICE could fly him back here when he was needed. He said the agent told him that if he left, he'd be subject to deportation.

He e-mailed the ICE agent back, saying he was walking away from the investigation, hurt by the threat. "After I was the hero, now I am the bad guy," he wrote. "Today, I am walking away from this nightmare."

The agent left him a voice-mail message apologizing. "I do feel like you were so important and you are still so important. You've been the best, and you know what you're doing and you have a relationship with me and ... with the bad guy, too. If you come back, we can start new."

He never did.

He said when he agreed to meet last week with the two ICE officers in Federal Way, he was apprehensive about their motives — unsure if they wanted to pay him, offer him immigration papers, officially release him as an informant or deport him.

From the detention center in Tacoma, he has told family and friends that he doesn't regret showing up for that meeting because it brought his circumstances to a head, giving him an opportunity — he hopes — to present his case to an immigration judge.

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