



Written by [Andy Ramirez](#) on June 9, 2014

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## DHS and Congress in Collusion for Amnesty

*Dedicated in memory of William S. "Bill" King, Jr., U.S. Border Patrol chief, retired, 1929-2014; friend and mentor who taught me about the legacy of the Border Patrol — honor first!*

A number of GOP senators sent a letter of protest to President Obama on April 24, 2014, regarding presidential policies that prevent immigration agents from enforcing immigration law. The letter takes a stand against unilateral, blatantly unconstitutional actions of the Obama administration in suspending immigration laws and moving toward an open-border policy, while ostensibly upholding the law and enforcing the border. (The Constitution requires of the president to "take care that the laws are faithfully executed.") The letter said, in part:



Since 2009, your administration has issued policy directives and memoranda incrementally nullifying immigration enforcement in the interior of the United States — to the point that unless individuals in the country illegally are apprehended, tried, and convicted for a felony or other serious offense, they are free to live and work in the country.

... And recently revealed documents from ICE [Immigration and Customs Enforcement] show that in 2013, the agency released 68,000 potentially deportable aliens deemed by ICE to pose a criminal threat.

Ironically, the letter was signed by senators who had voted in favor of S-744, the bill drafted by the Senate's Gang of Eight that aimed to give amnesty to illegal aliens while expanding the Department of Homeland Security (DHS).

Meanwhile, contrary to recommendations by border security experts and immigration enforcement leaders across America, the House Republican leadership continues to ignore documentation and facts provided by DHS whistleblowers who risk their careers as they seek government accountability from Capitol Hill.

In point of fact, it can be said that while the Obama administration actively diminishes or breaks immigration laws to "buy" the Hispanic vote, the Republican leadership is either looking the other way or abetting the crimes — some proof of which I will provide.

This story is based on documentation this writer has seen and on testimony of federal DHS whistleblowers, given in July 2013 on Capitol Hill to key House Republican leaders. As part of my position as president and founder of the Law Enforcement Officers Advocates Council, I facilitated these meetings. While protecting the identities of the whistleblowers, illicit activities will be exposed: political



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expedience, compromises, and internal corruption.

## **Compromised by Politics**

Legislation introduced by former Senator Joe Lieberman and the late Senator Arlen Specter in response to the 9/11 terrorist attack on America resulted in the creation of the Department of Homeland Security. Initially supported by Democrats, it was opposed by then-President George W. Bush. In June 2002, Bush promptly reversed positions and not only embraced the massive reorganization of key U.S. agencies under the DHS, but put appointees in place who have not only been unqualified for the job, but helped degrade previously effective agencies.

Some of the agencies that fell under the aegis of the Department of Homeland Security were the Immigration and Naturalization Service and the U.S. Border Patrol, formerly under the U.S. Department of Justice; and U.S. Customs, formerly at the Treasury Department, which became the U.S. Customs and Border Protection agency, known more commonly as CBP. Also, brought over from Treasury was the U.S. Secret Service, which previously had two key missions: investigations of counterfeit currency and protection of the president and other executive branch leaders, foreign dignitaries, and congressional leaders in line for the presidency during times of emergency.

CBP declares in its mission statement that it is the guardian of our nation's borders and that it represents America's frontline and safeguards the American homeland at and beyond our borders, protecting the American public against terrorists and instruments of terror while steadfastly enforcing America's laws and fostering our nation's economic security through lawful international trade and travel. It claims to serve the American public with vigilance, integrity, and professionalism.

While that may be the mission, it doesn't reflect reality at all.

Though there are over 62,000 employees at CBP, primarily under the Office of Border Patrol (OBP, formerly U.S. Border Patrol) and the Office of Field Operations (OFO, formerly U.S. Customs), safeguarding U.S. borders and American citizens has not been happening.

Over the past decade, Border Patrol agents, the retired agents corps, and U.S. citizens have accused these agencies of the U.S. government not only of compromising safety, but ultimately of obstructing justice by refusing to allow agents to enforce the laws.

Dave Stoddard, retired U.S. Border Patrol supervisory agent and former chairman of the National Association of Former Border Patrol Officers, stated:

The Obama Administration and Attorney General Eric Holder have taken a "nation of laws" and perverted it into a nation where elected leaders have the audacity to ignore laws they don't agree with or which they find to be politically expedient not to enforce. Our constitutional balance of powers has been turned on its head, and lawlessness has been officially endorsed. Our immigration laws are ignored, and illegal aliens have become a protected class, not by law but by presidential decree and political correctness.

As part of the rules hampering agents while carrying out their lawful duties in enforcing immigration law, Border Patrol agents are cut off the clock at eight hours regardless of who or what they're tracking or pursuing. Also, when illegal aliens are apprehended, they gain legal counsel with the assistance of the local Mexican consulate offices. And any action by an agent that can be "spun" to make the agent



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look bad will result in a lawsuit by the illegal alien, as well as prosecution by the U.S. Justice Department. Our Justice Department has repeatedly prosecuted agents for civil rights violations, even if they acted to save their own lives or inflicted minor — if any — injuries to an illegal alien, regardless of the crimes being committed by the illegals themselves.

In one instance, when a drug smuggler named Osvaldo Aldrete-Davila fled from Border Patrol agents Ignacio Ramos and Jose Compean and then was shot and wounded when he pointed a gun at the agents, the U.S. Attorney's Office prosecuted the agents after the Mexican Consulate demanded it. The U.S. attorney even allowed Davila to continue smuggling drugs with impunity until he testified at trial.

One can go back to the Bush administration to see how the Justice Department prosecuted numerous border agents — the subject of a prior *TNA* article entitled "War on the Border Patrol." The whole point of these prosecutions was to discourage agents from doing their job and enforcing the laws.

Sadly, there's plenty of evidence that the government is obstructing justice and breaking U.S. laws to protect illegal aliens and weaken border controls.

ICE National Agents Union President Chris Crane testified, "I think most Americans assume that ICE agents and officers are empowered by the government to enforce the law. Nothing could be further from the truth. With 11 million people in the country illegally, ICE agents are now prohibited from arresting individuals solely on the charges of illegal entry or visa overstay — the two most frequently violated sections of immigration law."

Worse, a good case could even be made that the border has been largely yielded to drug cartels. Evidence is abundant that America's borders are still porous nearly 13 years after the 9/11 terrorist attack.

According to Stoddard, "Vast regions of the Arizona desert have been surrendered to Mexican drug cartels. Some of those regions are labeled 'Wilderness Areas.' In those areas, Border Patrol Agents must bow to BLM (Bureau of Land Management) and other federal agency rules and regulations although drug traffickers and people smugglers don't bother to observe those regulations. Those problem wilderness areas have become corridors used by foreign lawbreakers while U.S. Border Patrol Agents are prohibited from entry except under very narrow circumstances, and illegal aliens from all over the world pour across our borders and are given protection by our own government."

We must also remember that Mexican drug cartels have been armed by the Obama administration under the disastrous Operation Fast & Furious, which led to countless firearms winding up in the hands of drug mules. In that operation, the government claimed that it was allowing straw buyers to purchase weapons in the United States on the behalf of drug dealers in order to catch the heads of the drug gangs, but investigations revealed that the government had no plan to track the guns to their destinations or to catch any high-level criminals — the program was simply meant to give guns to the cartels. This unconscionable program under the supervision of the Justice Department led to the murders of Border Patrol Agent Brian Terry in 2010 in Arizona, and ICE Special Agent Jaime Zapata, who was ambushed in Mexico in 2011.

## Testifying to Corruption

In the summer of 2013, the level of DHS's ineptitude and corruption, and its ability to stretch its leash without oversight and accountability from Congress, was witnessed firsthand by courageous



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whistleblowers from the Department of Homeland Security when they met with members of Congress who are considered top border security hawks and who serve on key oversight committees. I accompanied the whistleblowers to testify.

While these brave people's names cannot be released publicly, to protect them, the issues they spoke about should be made public because the issues were of a very serious nature and should have resulted in hearings when Congress returned from the break in September of 2013.

The whistleblowers alerted the congressmen about perjury by upper echelon members of the CBP; fraud under the Secure Borders Initiative (a program to coordinate border security operations among DHS border agencies: Customs and Border Protection, Immigration and Customs Enforcement, U.S. Citizenship and Immigration Services, and the U.S. Coast Guard); blatant, unethical hiring and promotion practices to enforce de facto amnesty and to neuter illegal-immigration enforcement efforts; discrimination against America's veterans; internal corruption by internal affairs, which serves as the "cops' cops"; and collusion with the Mexican government that would expose American border-protection strategies to corrupt Mexican officials.

To be clear, the testimony — which the whistleblowers risked their careers and even lives to give — *should have* led to hearings; it didn't.

## **Perjury Before Congress**

Though constituent demands aren't yet overwhelming Congress to fix such problems, maybe the following instances of collusion between frontline members of the senior staff entrusted to safeguard our borders and the politicians who appointed them will generate that demand.

On June 27, 2013, two critical events occurred having to do with enforcing immigration laws — or more to the point, with not enforcing the laws. On that day, "comprehensive immigration reform" in the form of S-744, authored by the now infamous "Gang of Eight" consisting of Democrats Chuck Schumer, Bob Menendez, Dick Durban, and Michael Bennett and Republicans John McCain, Jeff Flake, Lindsey Graham, and Marco Rubio, was up for final passage on the floor of the U.S. Senate. The House Oversight and Government Reform Committee's National Security Subcommittee was hearing testimony from Michael Fisher, chief of the Border Patrol; David Murphy, acting assistant commissioner for the Office of Field Operations (Customs), and Thomas Homan, representing U.S. Immigration and Customs Enforcement.

About that testimony, a source told me that the witnesses "were directed by DHS to not answer the committee's questions, especially on border security." The reason was clear: With the Gang of Eight's bill on the Senate floor, DHS was not taking any chances in sworn, televised testimony, of something being said that would undermine amnesty efforts.

Though no documents are available to prove the validity of the source's claim, the men's testimony speaks for itself. The men's failure to give responses to even simple questions under oath was indicative of either gross incompetence on their part or obstruction of an official legislative inquiry.

As someone who comes in contact with Border Patrol agents regularly, I can say with certainty that even a trainee at the Federal Law Enforcement Training Center could have easily answered the basic questions put to the men — let alone the "senior executive service" personnel wearing four stars on their collars who were being questioned — so any and all of the "I don't know" responses by the



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witnesses should have resulted in subpoenas for them. The non-cooperation of these top dogs from CBP and ICE with Congress went beyond mere stonewalling of committee members, to actual lying to Congress.

Here are some examples:

- In answering Congressman Kerry Bentivolio's query about the origin of the claim that there are 11 million illegal aliens in the United States, Chief Fisher claimed he did not know, though that number came from former Deputy Commissioner of U.S. Customs and Border Protection David Aguilar. Aguilar stated that number in the infamous Tucson agent musters on June 14, 2007. At the very least, Fisher would have known that "11 million" is a number generated by DHS. While unknown to civilians how the government arrived at that number, Fisher would be fully aware as a chief patrol agent leading the San Diego Sector back in 2007 because all chief patrol agents and top managers attended the Tucson musters. Also, Fisher is a longstanding crony of his predecessor Aguilar.
- When questioned by Congressman John Mica about border technology, Chief Fisher claimed to be unaware about any aspect of technology or its usefulness, and acting assistant commissioner of U.S. Customs Murphy claimed not to know how Global Entry works. However, as the acting top CBP officer, Murphy knows that Global Entry is a system that allows expedited entry into America for pre-screened international travelers if they scan a machine-readable passport and their fingerprints at a kiosk. As well, he claimed not to know whether NEXUS, which allows prescreened applicants to cross between Canada and the United States without a passport and with minimal screening, can be used *from Canada*.
- Fisher and Murphy also claimed not to know what documents are required for use at U.S. Ports of Entry. At this point in the testimony, Mica finally exclaimed in frustration, "Where do they find these people?"
- In a second round of questioning, when Congressman Bentivolio asked Chief Fisher — the head of the Border Patrol — what area/segment of the border is secured, Fisher initially claimed not to know. But in the midst of a long non-answer, Fisher eventually said that San Ysidro is the most secure point along the U.S.-Mexico border. Then, ironically, Fisher refused to identify the weakest and strongest portions of the border that his agency guards.
- Fisher also evaded the question when asked about the biggest threat to U.S. security at the border. Though opinions may vary as to the most serious threat — acceptable answers could have been terrorists, aka Code Tangos; narco-terrorists; or human traffickers — it was a question that every border professional has an opinion about.

It has long been recognized that DHS representatives have lied in official testimony before Congress. In fact, I was specifically requested to testify on March 7, 2007 before the HHS Border, Maritime, & Global Counter-Terrorism Subcommittee by then-Ranking Member Mark Souter (R-Ind.) to counter misinformation by David V. Aguilar, then-chief of the Border Patrol. But Congress has yet to do anything about the duplicity.

## **Cronyism, Nepotism, and Discrimination**

Then there's the bigger lie — that DHS intends to secure U.S. borders. As I stated to Congress in a written report: "Let's all keep in mind that the Mexican Government with U.S. DHS assistance has been





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able to bring their southern border under 'operational control.' The fact is that the U.S. border will never be secured operationally, not while the handpicked management inside DHS remains and especially under this administration."

Under former Chief of the Border Patrol David Aguilar, a purge suddenly began to take hold in the patrol in late 2006, early 2007. Soon thereafter, firings also became common at the Office of Field Operations, formerly known as U.S. Customs, among rank-and-file officers. As was reported to Congress in testimony by me as an expert, and long substantiated by countless CBP employees from both Customs and the Border Patrol, "The purpose of the purges was to erase institutional knowledge, and experience. The agents prior to this era were loyal to the Constitution, while today's agents are loyal to the agency.... Trainees who have entered since 2005 were bred inside the agency and saw how to advance." One cannot quantify the purge with numbers given the attrition rates as agents resigned feeling pressure from superiors.

After the purge, those selected to become chief patrol agents and other top ranks in the Border Patrol have been individuals who were cronies of Aguilar. Carlos Carrillo was a friend of Aguilar's in the Tucson Sector and was promoted to chief of the Laredo Sector. Victor Manjarrez, Jr., the son of an illegal alien, became Tucson Sector chief. Manjarrez is the official who issued the order for agents to use non-lethal loads prior to his removal as chief in late 2010, an order that contributed to the murder of BORTAC Agent Brian Terry.

Chief of the Border Patrol Mike Fisher achieved his lofty position in a similar way. Fisher was brought from outside the San Diego Sector and became the deputy chief patrol agent. Upon the retirement of Chief Darryl Griffen, Fisher became the top agent in San Diego instead of Assistant Chief Patrol Agent Ken Wilson, who was Chief Griffen's right-hand man. The appointment of Fisher was a stunning development because Wilson was greatly respected.

Additionally, a whistleblower from DHS reported to Congress that "U.S. military personnel who were hired by DHS agencies have been discriminated against, ostracized, harassed, and terminated based on trumped up bogus charges as attested to by countless employees." The employees were removed to eliminate potential whistleblowers. This type of action is long documented by its pattern in numerous case files I've handled as a law-enforcement advocate. That would be an article by itself.

And, in fact, there are several military veterans who are in the process of joining a class-action suit being brought against the Department of Homeland Security under the Uniformed Services Employment and Reemployment Rights Act (USERRA) by San Diego-based attorney Brian J. Lawler, a veteran Marine aviator.

A whistleblower attested to the fact that unwanted applicants or employees, including veterans, were failed by using polygraphs. It is noteworthy that the greatest discrimination against military veterans occurred at the Office of Internal Affairs. Discrimination against veterans is common to the degree that one could almost post online at the DHS website, "Veterans need not apply," according to whistleblowers.

Finally, management positions, according to a key source "in the know" at CBP's Office of Internal Affairs, are often filled by former Secret Service agents who, like the managers inside the Border Patrol and Customs, are cronies of politicians, and continue to be quickly promoted up the chain of command.



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## **Fraud-filled Secure Borders Initiative**

One of the whistleblowers reported to congressmen about the ineptitude/corruption of high-ranking members of the Secure Borders Initiative (more commonly known as SBI), which is supposed to coordinate border-security efforts. The whistleblower elaborated and insisted that employees who “sought to maintain accountability, benchmarks, and other measures, which would have allowed for SBI to be properly accounted for were replaced with individuals who would not be a thorn on the vine,” meaning people who would go along to get along and not question improper practices.

For example, when Kevin Stevens, the head of the Secure Borders Initiative, decided to keep the project management team small, with few employees, the department overruled him and grew project management to over 300 employees. Stevens retired as national deputy Border Patrol chief and took a job at a private corporation not long afterward. According to a source, this decision by superiors contributed to being unable to control the accountability for money and led to a massive hiring of sub-sub-sub contractors. This information was also reported to Congress.

The fact is that SBI had cost overruns, technology that didn’t work, fencing that wasn’t being built, and roads that were not only substandard but regularly washed out with rainfall, according to expert sources. SBI received massive funding from Congress, yet no one apparently thought to have its funding audited, which could easily have been ordered by the chairmen of the Appropriations Committees in either the House or Senate or other appropriate oversight committees.

Ultimately, SBI was a project that failed, with a massive amount of funds unaccounted for to this day, the sum of which nobody may ever actually know, given the failure of Congress to order audits and maintain accountability of not only this program but, worse, of DHS since its very inception.

## **Basic Background Checks**

The S-744 amnesty bill, the Gang of Eight’s bill that I refer to as the U.S. Immigration Capitulation Act of 2013, included an amendment that claims that 20,000 more Border Patrol agents will be hired to protect the borders. Though such hiring promises will likely soon be forgotten after colluding congressmen obtain their amnesty bill for illegal aliens, Americans should be concerned even if the hiring does happen. The last time CBP hired numerous agents, following the Sensenbrenner-Hunter legislation enacted in late 2006, CBP Internal Affairs failed to conduct proper background checks, a lapse that has compromised the very agency responsible for border security.

As was reported to Congress, responsibility for background checks falls to the Office of Internal Affairs. Sources report that when the CBP needed to bring on trainees as mandated by Congress, it did not run thorough background checks on applicants. It was felt that “the academy would be responsible for weeding them out,” according to the same whistleblower.

In a documented report I submitted to Congress last July, I reported how foolish and dangerous this was: “OIA [Office of Internal Affairs] has been doing what is known as ‘sandbagging cases’ by failing to properly investigate. As an example, see Exhibit J where under Assistant Commissioner James Tomscheck’s leadership one of his Directors ordered personnel in formal minutes to eliminate a backlog caseload of 713 cases under an ‘Amnesty Month’ in July 2011 where all cases were eliminated.... This is extremely alarming for corruption cases to suddenly be eliminated and written off the books.”



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Among the documents submitted, for example, one reported that a CBP officer had filed a complaint against his brother-in-law, a CBP applicant, in Eagle Pass, Texas, in 2010 saying that he believed his brother-in-law was engaged in narco-trafficking. Nothing came from the complaint, which was summarily ignored.

Rather unsurprisingly, the case officer who neglected to do the background check, Janene Corrado, was later promoted to the uncompetitive, newly established position of chief of staff. This case remained outstanding until May 2013 when it was finally filed.

## **Training Mexican Agencies**

Another gross lapse in judgment and common sense — if one actually wants to secure America's borders — occurred on April 12-13, 2011. Documents provided to Congress show that meetings were held in Mexico City between CBP leadership representing various internal agency divisions and their Mexican government counterparts. The U.S. State Department sponsored this interagency meeting with Mexico's Control de Confianza Agency, which led to an agreement with CBP's Internal Affairs department.

Analysts from the Integrity Program Division, a unit inside CBP Internal Affairs, were confounded and aghast when at the IPD July 2010 annual conference, months prior to the actual training itself, Assistant Commissioner Tomsheck stated that the Mexicans said to our representatives: "Show us how you do what you do," and that he agreed to do it.

Since the Mexican government is well known for its corruption and its infiltration by drug cartels, the specific training guidelines our CBP Internal Affairs planned to give them could be used by criminals and terrorists to undermine U.S. national security.

One would think the U.S. government would learn from its past and refuse such a request, since there's already been at least one group in Mexico trained by our government that has turned the training against U.S. law enforcement — Los Zetas, a top violent criminal outfit who were Mexican Special Forces trained by the United States at Fort Benning, Georgia, and Fort Bragg, North Carolina. Initially trained in order to "aid the Mexican government" in fighting the cartels, they left the Mexican military and began working as enforcers for the Gulf Cartel. They broke away from that cartel and formed their own organization. They are highly feared and active along the U.S.-Mexico border.

## **Congressional Responses**

The members of Congress who met with the whistleblowers included Judiciary Committee members Steve King (R-Iowa) and Judge Louie Gohmert (R-Texas) and member of the Oversight and Government Reform Committee Kerry Bentivolio (R-Mich.), as well as top aides representing chairman of an Armed Services subcommittee Duncan D. Hunter (R-Calif.), chairman of an Appropriations subcommittee John A. Culberson (R-Texas), and chairman of the House Oversight and Government Reform Committee Darrell Issa (R-Calif.).

Since July 17, 2013, I have not heard from Issa or his staff, or Congressmen King, Culberson, or Hunter, despite numerous requests, about what is being done to investigate and address these problems. In an impromptu meeting with Judge Gohmert during a Judiciary Committee hearing break, it was clear these border security problems were dead on arrival in the House Judiciary Committee under Chairman Bob





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Goodlatte, who sources tell me is being heavily leaned upon by amnesty bill supporter and current Majority Leader Eric Cantor, whose district is adjacent to Goodlatte's. In fact, the committee's chief counsel said our issues are "an immigration matter, not a judiciary committee matter," which meant we were supposed to contact Chairman Michael McCaul of the House Homeland Security Committee, who has long been working with amnesty supporter Speaker John Boehner on "immigration reform" legislation.

As for Congressman Bentivolio, he showed interest in the issues and actually wanted to meet with active and retired agents, but could not gain permission to investigate by the committee leadership. At that point, Bentivolio turned over our materials to subcommittee chairman Jason Chaffetz of Utah, who has been identified as an amnesty supporter by key border security enforcement supporters and Chairman Issa.

## The End Game

Questions that should be asked by Americans are, "Why doesn't Congress do anything about the failure to enforce the very immigration laws they've passed?" Is it collusion to simply eliminate the borders altogether, establishing some sort of North American Union similar to the European Union, is someone pocketing serious cash for corruption, or is it something else? Also, "Why are many Republicans bent on amnesty, considering that Mexican immigrants by a large measure vote for Democrats?"

Congressional disinterest compromises public safety and wastes money, yet neither the disregard of immigration laws nor the abuse of DHS's proverbial "open checkbook" has led to congressional actions to look out for Americans' interests.

Appalled Americans need to pressure Congress to take action. Either we're a country of laws, or we're not. Either we hold our elected officials to their oaths, or we admit that government officials are no longer subject to the same laws citizens are — and we are but a step away from having an elected dictatorship.

*Photo at top: AP Images*





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