

**Oral Testimony of Arizona Attorney General Thomas C. Horne
U.S. House Subcommittee on Oversight, Investigations & Management
House Committee on Homeland Security**

Hearing: “On the Border and in the Line of Fire: U.S. Law Enforcement, Homeland Security and Drug Cartel Violence”

May 11, 2011

Mr. Chairman and Members, thank you:

I am grateful for the opportunity to tell you what is actually occurring along the U.S. – Mexico border.

I have sued the Obama administration for negligence on the border with Mexico. The Obama administration had previously sued Arizona to prevent Arizona from helping to fight illegal immigration through Arizona Senate Bill 1070. I filed a counterclaim asking for a court declaration that, among other things, the administration has failed to achieve and maintain operational control for the Arizona-Mexican border, as required by the Congress in the Secure Fence Act of 2006 and the Appropriations Act of 2008. Some may question whether it is possible to do so. I argue that it is for the following reasons:

The Arizona border is divided into the Yuma Sector and the Tucson Sector. In 2006, the Bush administration put substantial resources into the Yuma Sector, which had been one of the difficult sectors. As a result, apprehensions decreased 96 percent from 134,000 in 2005 to 7,200 last year. Substantial operational control was obtained in the Yuma Sector. But in the Tucson Sector, since 2009 well over 400,000 people have crossed illegally into the United States in this sector. That is the equivalent of an invasion, from various countries, of 20 divisions.

The criminal element increased from 8 percent in 2005 to 17 percent. Criminal enterprises based in Mexico are bringing a degree of brutality to crime in the United States that we have never experienced before. They are bringing techniques they have used in Mexico, where attacks on police headquarters, assassinations of high governmental anti-organized crime law enforcement officials, murders of journalists, mass jail breaks, and ultimatums stating that a criminal enterprise will unleash terrorists acts unless the government gives its members amnesty for their crimes, all signify assertion of power unchecked by the rule of law. The Drug Enforcement Administration has confirmed Mexican drug organization presence in 230 U.S. cities and towns. They are expanding from drug smuggling to all kinds of criminal activity.

The United States and Mexico’s mutual economic future faces catastrophe because Mexican drug cartels, fueled by the American appetite for drugs, are becoming entrenched as criminal enterprises that affect Mexican commerce from petroleum to groceries, and whose method of intimidation is ruthless violence. Mexico is the United States’ second largest trading partner, and the two countries must work together to be sure their commerce is not destroyed by the criminal enterprises.

In October, the Phoenix area experienced its first beheading, where someone walked into a Chandler apartment and found a head in one part of the room and the body in another. Two months ago, in Casa Grande, midway between Phoenix and Tucson, 15 cartel members had a fire fight with bandits in an attempt to steal their drugs.

Just a few weeks ago, one of my Special Agents in the Attorney General's Office was shot by a suspected cartel operative in the Phoenix area. In the United States, it is widely understood that marijuana, cocaine, and methamphetamine come largely from or through Mexico. It is also common knowledge that Mexican drug organizations are engaging in atrocities, murders, and wide-spread corruption.

In Pinal County, as an example, the number of pounds of marijuana seized has more than doubled in the last two years from 20,000 pounds to 45,000 pounds.

The extent to which these criminal enterprises have expanded beyond smuggling to other kinds of crimes is not as widely known.

In addition to the massive invasion of illegal aliens, and the extremely serious problem of criminal enterprises invading through the Tucson Sector and the rest of the border and spreading throughout the United States, there is the problem of terrorism from the Middle East. A terrorist seeking to enter the United States to do mass destruction could get to Mexico and blend in among the 400,000 people crossing illegally every year through the Tucson Sector.

The Obama administration could do in the Tucson Sector what the Bush administration did in the Yuma Sector, but it has chosen not to do so.

In the beginning of World War II, the French discovered that a chain is no stronger than its weakest link, when German troops poured through an unguarded section of the Maginot Line, and the whole Maginot Line proved to be useless. All of the work the United States has done to control illegal immigration in California, Texas and New Mexico, and in the Yuma Sector, are useless, if it simply increases the number of illegal aliens pouring through the Tucson Sector.

The best plan that I know of to achieve control over the Tucson Sector is the 18 point plan prepared by the Arizona Cattle Growers Association. It includes additional technology and infrastructure, an additional 3,000 Border Patrol Field Agents in Arizona, and forward operating bases immediately adjacent to the U.S. border with Mexico, approximately one every 12 miles. Some of the Arizona Cattle Growers Association provisions are included in the McCain Kyl Bill currently before Congress.

Most immediately, the National Guard should be increased, not removed, as currently planned by the administration. There are 500 there now, and there were 6,000 there in 2006 when the Bush Administration obtained control over the Yuma Sector. Removing the Guard from its role on the border is the exact wrong thing to do. It will leave a gaping hole in law enforcement efforts and put more innocent lives at risk, and it sends a message –whether intentionally or not – that the administration is not serious about border security.

Mr. Chairman and Members, there are people in the U.S. and Mexico living in fear. They are victims of our nation's appetite for drugs; victims of the Mexican cartels' thirst for power fueled by innocent blood; and they are victims of negligence by the federal government at the border. This must end. I am doing my best in the courts, but sometimes courts decline to enter into what they view as political issues that need to be dealt with by Congress. I ask you to please deal with this issue that is so crucial to our country.

