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ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

April 13, 2021

Governor Doug Ducey  
1700 W. Washington Street  
Phoenix, AZ 85007

Dear Governor Doug Ducey,

While the Attorney General's Office is pursuing several legal remedies to protect Arizonans during this border crisis, I believe more needs to be done. The following is a brief update on the actions taken along with recommendations for your consideration.

At the direction of President Biden, the U.S. Department of Homeland Security (DHS) and the U.S. Immigration and Customs Enforcement (ICE) have halted nearly all deportations for 100 days, including the removal of apprehended immigrants with criminal convictions. Not only is this policy in direct violation of federal law, but it also raises serious safety concerns for Arizonans. We filed our original lawsuit challenging these policies in February, filed an amended complaint on March 9<sup>th</sup>, and are in the process of obtaining discovery from DHS.

Additionally, we are leading a coalition of 11 state attorneys general seeking to intervene in a lawsuit and defend the "Public Charge Rule" after the Biden Administration refused to do so. This policy, which our country has employed in various forms for 100 years, ensures government assistance programs are preserved for Americans who depend on them.

Just this week, we filed a third lawsuit alleging the federal government illegally stopped construction of the border wall and improperly rescinded the "Remain in Mexico" policy, thus violating the National Environmental Protection Act (NEPA). The toll the border crisis is taking on our environment continues to escalate and it has to be addressed. It is estimated that each border crosser leaves approximately 6-8 pounds of trash in the desert, damaging the ecosystem and undermining the natural beauty and resources of our state.

Reversing the devastating trends at the border will require enforcing the rule of law and holding the federal government accountable. I believe our state government must act swiftly, and I hope you will consider the following options:

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1. Declare a State of Emergency pursuant to A.R.S. § 26-303(D) and subsequently convene the Emergency Council pursuant to A.R.S. § 26-304 to address the border crisis and the human and illegal drug trafficking that will continue to flow from it.
2. Activate the National Guard to assist at the border. While you've recently requested assistance from the federal government to fund this type of action, time is of the essence. Border Patrol agents and local law enforcement officials are overwhelmed and demoralized by this unprecedented surge of illegal immigration. They require reinforcements as soon as possible, even if it means we have to act now and fight for the federal dollars later.
3. Provide financial assistance to cities and towns dealing with the influx of undocumented immigrants. For example, the Gila Bend Town Council recently declared a state of emergency after the Border Patrol dropped off dozens of undocumented immigrants (without testing them for COVID-19) at a town park. More drops are expected. The City of Yuma has seen hundreds of undocumented immigrants delivered in recent weeks. These cities and towns will soon hit their breaking point if we do not provide additional resources.

I sincerely appreciate your consideration of these recommendations, and I will keep you abreast of progress in the litigation. If our office can provide additional assistance in the days ahead, please let me know. As elected leaders of our state, we must all step up to home plate.

Respectfully,



Mark Brnovich  
Arizona Attorney General