



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

TERRY GODDARD  
ATTORNEY GENERAL

April 20, 2010

Mr. Patrick Bray  
Deputy Director of Government Affairs  
Arizona Cattle Growers Association  
1401 North 24th Street, Ste. 4  
Phoenix, Arizona 85008

Re: ACGA's Restore Our Border Security Plan

Dear Mr. Bray:

I read with great interest and appreciation the "Restore Our Border Security Plan" released last week by the Arizona Cattle Growers Association (ACGA). I commend you for your constructive approach to this crucial problem for Arizona.

You are right that the need for a secure border has never been greater, in part because so many of today's illegal border crossings are facilitated by extremely violent, very well-organized, criminal cartels. Those cartels are already responsible for over 18,000 brutal murders in Mexico in the last three years alone, and terror has become the key tool in their successful human, drug, and arms smuggling operations. Because their violence knows no boundaries, without a comprehensive plan to shut down the cartels, Arizonans will never experience the border security we deserve.

As Attorney General, I have placed a high priority on disrupting cartel operations, in part by following and, when possible, seizing the money that funds their business. Through my efforts, illegal cross-border money transactions related to human smuggling in Arizona have dropped from well over \$250 million annually in 2005 and before to well under \$5 million in 2009. But clearly, much more must be done to secure our border. Like you, I agree that bold and immediate action is necessary. I therefore write to offer some additional thoughts:

Tougher Laws

First, I fully agree that *the act of crossing our nation's border illegally must henceforth be a federal felony*, even for first-time offenders. In the post-9/11 world, our nation's security requires strict laws against, and stern punishments for, those who seek to cross our borders undetected. Today, I have written to President Obama and to Homeland Security Secretary Janet Napolitano to insist, among other things, that as a condition to any federal border reform, federal law be amended to allow felony charges against those caught entering the United States illegally. A felony conviction would also preclude the person from ever receiving legal residency status or work authorization in the United States.

In addition, we must also have stronger federal laws against employers who knowingly hire illegal labor, and I call on Congress to adopt meaningful *federal employer sanctions* as part of any federal reforms. Arizona businesses have been subject to a state employer sanctions law for several years now, and should not be at a competitive disadvantage vis-à-vis other employers who are not.

#### Stronger Enforcement Domestically

I also agree that to enforce these and other immigration laws, law enforcement at all levels must have more adequate resources. At the federal level, I fully support ACGA's call for additional Border Patrol field agents along Arizona's Southern border, and join you in urging the Department of Homeland Security to recruit, hire and train new Border Patrol agents to be stationed in Arizona as soon as possible. Until those agents are in place, I agree that all options must be on the table, including re-deploying the National Guard with authorization to stop and turn back anyone attempting to cross anywhere other than an authorized border checkpoint.

State and local law enforcement must also have adequate resources to prosecute border-related crimes. As Attorney General, I have recently been successful in winning the funds to bring this closer to reality. Last month, I entered into a \$94 million settlement with Western Union to resolve Arizona's claims that Western Union knowingly facilitated money transactions related to border crimes, including human and drug smuggling. Among other things, our settlement will provide \$7 million to the Arizona Attorney General's Office to create the first ever Border Enforcement Section within our Criminal Division. I have already begun interviewing prosecutors and investigators to staff this important new section, and have been in discussions with the U.S. Department of Homeland Security regarding housing this new Section at no cost to the State in the new federal Border Enforcement Center in Tucson.

Perhaps more importantly, our settlement with Western Union includes \$50 million from which local law enforcement throughout the southwest border can apply for grants to allow for more effective enforcement of border crimes. Working with the Attorneys General of Texas, New Mexico, and California, along with the Arizona Department of Public Safety, the Arizona Department of Financial Institutions, and the Phoenix Police Department, we have created the Southwest Border Alliance, which will fund appropriate local law enforcement initiatives in a manner that will most effectively disrupt the organizations that are at the root of most border-related crime. That Alliance held a key strategy conference last week with state and local law enforcement from throughout the southwest border region, and should be in a position to begin issuing grants this summer. Finally, I am currently working to maximize the effectiveness of this unique settlement by seeking matching federal funds.

We also need federal funding to help the state with the costs of incarcerating criminal aliens and I have also called upon the federal government to meet the obligations it has ignored under federal SCAAP laws to reimburse Arizona for the costs.

#### Stronger Enforcement in Mexico

Our efforts within Arizona and other border states cannot be fully effective without better law enforcement in Mexico. Currently, despite the massive increase in murder and kidnapping in Mexican border towns like Nogales, Sonora, and Juarez, Chihuahua, Mexican prosecutors continue to achieve conviction rates reportedly as low as two percent. As Attorney General, I

have dispatched my prosecutors to begin training Mexican prosecutors as Mexico transitions to more effective and more American-style prosecutions and jury trials. My lawyers have used Merida Initiative funds to travel to Mexico to train prosecutors at both the Mexican state and federal levels. We have also hosted three training seminars in Arizona. Through these efforts, we have already trained over 400 Mexican prosecutors in the last two years. We also have begun working with the Mexican Congress to modernize and strengthen Mexican criminal laws.

In the last year, I have personally met with each of the last two Mexican Federal Attorneys General to urge them to reciprocate Arizona's efforts by doing more to locate, apprehend, and extradite fugitives who have committed crimes in the United States and escaped south of the border. While these cooperative initiatives are new, I am optimistic that they are already beginning to lead to greater cooperation from Mexican authorities in the prosecution of border crimes. Just last week, I joined federal, state and local officials in announcing one of the most significant human smuggling busts in history, made possible in part by significant arrests in Mexico by the SSP (Mexican federal police). Such collaboration would have been impossible without our new and positive bi-lateral law enforcement relationships.

#### Better Communication Tools and Techniques

I fully support the ACGA's call for better communication, reporting and transparency related to border crimes. We clearly need complete cellular coverage along the border and other communications improvements to help homeowners and ranchers whose properties have been ravaged by repeated trespassers, burglaries and other crimes. I also favor more regular compilation and reporting of all crimes committed or suspected to have been committed by those who cross our border illegally. Using modern criminal reporting, assessment, and response techniques, such as those in place at the City of Mesa Police Department's Crime Fusion Center, local law enforcement along the border can and must be better equipped to track crimes as they are committed, apprehend the criminals, and prevent future crimes.

#### Reduce the Demand for Illegal Labor

While your Plan does not address this issue, I believe we also need a federal immigration policy that more timely, accurately and fairly reduces the demand for illegal immigrant labor by better matching lawful immigration flows with our nation's employment needs. During difficult economic times, the numbers of temporary or seasonal workers authorized to enter should necessarily be reduced to encourage the hiring of the many Americans seeking work. But in times of full employment, our system must be prepared to more timely adapt to allow sufficient numbers of workers to obtain appropriate work permits and enter through lawful points of entry. Otherwise, the market forces that fuel demand for illegal labor will continue to frustrate our enhanced enforcement efforts.

#### Eliminate Cartel Profitability

Finally, our borders will not be secure, nor our citizens safe in their homes, as long as the violent criminal cartels are profitable. According to the U.S. Department of Justice, the cartels' agents are active in over 200 U.S. cities, subverting the rule of law here as they have done in Mexico. Many of your members have seen the cartels' scouts operating throughout Southern Arizona. We must sustain a coordinated, multi-agency and multi-jurisdictional law enforcement

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effort to stop the money that funds these brutal criminal syndicates. And we must have the tools — especially enhanced money laundering statutes throughout the southwest border region — to seize their ill-gotten gains. Taking the profit out of the criminal enterprises — a process Arizona has begun — is the most effective long term solution to ending cartel violence.

Again, I am grateful to ACGA for your thoughtful proposal. Like you, I too do not pretend to have all the answers. I offer these comments in the hope of trying to achieve faster consensus on short and long-term solutions to a serious problem that has divided our state and country for too long. I look forward to working with your members as we all seek effective solutions to a problem that has plagued Arizona for too long.

Sincerely,



Terry Goddard  
Arizona Attorney General

cc: Hon. Ralph E. Ogden, Yuma County Sheriff  
Hon. Clarence W. Dupnick, Pima County Sheriff  
Hon. Tony Estrada, Santa Cruz County Sheriff  
Hon. Larry A. Dever, Cochise County Sheriff