



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

April 7, 2006

Chairman Kevin J. Martin
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Dear Chairman Martin:

We wish to call to your attention a very serious matter involving an Arizona radio station, KFYI (550 am).

We recently received information that on approximately March 8, 2006, a KFYI host, Brian James, discussed the Arizona-Mexico border and "illegal" immigration during a broadcast. Mr. James suggested the solution to the immigration problem was to randomly pick one night a week to "kill anyone coming across the border." He described how he would be "happy to sit there with my high-powered rifle and my night scope" and kill people crossing the border, whether they were a "scrawny white guy," wearing a "turban" or "Hispanic." Mr. James also suggested that the National Guard should participate in these killings and be awarded a "bonus" of "\$100 a head."

We reviewed the entire hour program and are providing you with an audio clip and transcript of an excerpt from the program. The content of the hour program is consistent with the excerpt provided. At no time during this hour did Mr. James disavow violence or indicate he was joking. In fact, when one caller suggested Mr. James did not really mean he wanted to shoot and kill immigrants, Mr. James retorted that in fact he did mean it. Immediately after this exchange, Mr. James engaged the next caller in a discussion about the correct ammunition to use when shooting border crossers to make sure the shots would be fatal.

This type of threatening and inciting speech is dangerous and totally irresponsible for anyone, particularly a licensed body using public airways. We are deeply concerned that, given the intensifying conflict over immigration in Arizona, this speech may lead to violence. Tempers are short on both sides, and the situation in Arizona is highly volatile.

We strongly urge you to consider appropriate sanctions against KFYI for what we believe is an abuse of the public airways.

Sincerely,

Handwritten signature of Terry Goddard in blue ink.

Terry Goddard
Arizona Attorney General

Sincerely,

Handwritten signature of Paul J. Charlton in blue ink.

Paul J. Charlton
United States Attorney