



# Department of Justice

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**STATEMENT OF**

**DENNIS K. BURKE  
UNITED STATES ATTORNEY  
DISTRICT OF ARIZONA**

**BEFORE THE**

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE**

**HEARING ENTITLED**

**“BORDER SECURITY: MOVING BEYOND THE VIRTUAL FENCE”**

**PRESENTED**

**APRIL 20, 2010**

**Statement of Dennis K. Burke**  
**United States Attorney, District of Arizona**  
**Before the U.S. Senate Committee on Homeland Security and Governmental Affairs**  
**April 20, 2010**

**Introduction**

Chairman Lieberman, Ranking Member Collins, and Members of the Committee, my name is Dennis Burke, and I am the United States Attorney for the District of Arizona. I also serve as the Chair of the Border and Immigration Law Enforcement Subcommittee of the Attorney General's Advisory Committee.

**District of Arizona Background**

Before discussing our southwest border prosecutions and the trends we're seeing, I would like to tell you a little about my district. The District of Arizona encompasses the entire State of Arizona, which has a population of approximately 6.5 million people and approximately 114,000 square miles of land. Approximately 70% of the land in Arizona is federal land, and approximately 40% of the federal land is held by the 21 federally recognized Indian tribes in Arizona. Arizona has the largest Native American population in the U.S.: approximately 394,000. Our largest reservation, the Navajo Indian Reservation in northeastern Arizona, is roughly the size of West Virginia geographically, and has a population of approximately 275,000. Meanwhile, the Tohono O'odham Nation in southern Arizona resides in an area roughly the size of Connecticut. The Tohono O'odham lands straddle 75 miles of the Mexican border. The remainder of our federal land consists primarily of National Forests (approximately 11.2 million acres), National Parks (including the Grand Canyon in the north and the Organ Pipe Cactus National Monument in the south), BLM land, and military bases (four active duty military bases—Luke, Davis-Monthan, Ft. Huachuca and MCAS Yuma— as well as Yuma Proving Grounds and two sizable National Guard bases).

Arizona is home to a diverse array of industry, including the Palo Verde Nuclear Generating Station, U.S. Airways, Raytheon, Medici, and Freeport McMoRan Copper & Gold. Phoenix Sky Harbor International Airport is among the busiest airports in the United States, serving the fifth largest city in the U.S. (Phoenix) and a metropolitan area that is home to 60% of the population in Arizona.

Over the past few years, our office has grown significantly. The increase in resources followed a dramatic increase in the number of Border Patrol and other federal law enforcement agents in Arizona over the past 10-plus years. Presently we have 160 AUSA full-time equivalent positions (FTEs) after having added 30 AUSA positions since 2006. This number represents a 54% increase in the number of AUSAs in the past 10 years. We have 143 support staff FTEs, bringing our office population to over 300 full-time employees.

Arizona has slightly over 6,000 federal law enforcement agents, approximately 3,600 of whom are employed by the United States Border Patrol. We share a 376-mile border with

Mexico. Naturally, the border is the most significant factor in the size and nature of most of our criminal caseload. Many assume that our numbers are extraordinary solely as a result of our heavy immigration caseload, but statistics maintained by the Executive Office for U.S. Attorneys show that our district has ranked highly in the number of non-immigration prosecutions as well as immigration prosecutions over the past five fiscal years.

The caseload in our district is as diverse as the many communities we serve. We handle cases ranging from firearms trafficking to fraud relating to tribal gaming, and from bank robberies to theft of artifacts, protected plants, wildlife and cultural resources, as well as violent crime in Indian Country and mortgage fraud.

As a border district, we naturally carry a very heavy load of drug prosecutions, both long-term, complex cases investigated and prosecuted under the Organized Crime Drug Enforcement Task Forces (OCDETF) Program as well as more locally focused non-OCDETF cases. Our office abolished the threshold for drug trafficking cases in January 2009. As a result, we increased our non-OCDETF drug case filings by 481 (an increase of 105%) and non-OCDETF drug defendants by 753 (an increase of 110%) from Fiscal Year 2008 to Fiscal Year 2009.<sup>1</sup> These increases did not come at the expense of the complex, multi-agency, multi-jurisdictional cases that are the hallmark of the OCDETF Program. On the contrary, new OCDETF cases in the District of Arizona increased by 29% from FY 2007 to FY 2009. During the same time period, OCDETF defendants indicted rose 25% and convictions were up 38%. Our prosecution statistics are consistent with recent trends across the Southwest Border. From 2007 to 2009, the five Southwest Border districts increased their felony caseloads by 8,218 felony cases – a 42% increase. Felony immigration cases rose by 6,966 cases – a 59.14% increase. Drug cases (non-OCDETF) rose by 550 cases – an 11% increase, and new OCDETF cases rose by 5.5%. In 2007, the 5 Southwest Border districts filed 32.7% of the nation's federal felony cases (19,370/59,228). In 2009, the Southwest Border districts filed 40.65% of the nation's federal felony cases (27,588/67,864).

All along the Southwest Border and within the Department, we are approaching the problem of transnational organized crime with vigorous, creative strategies. Our cooperation and coordination is strong, and new programs designed to improve intelligence sharing and coordination with Mexican law enforcement and intelligence agencies already are bearing fruit. Our robust efforts to interdict and prosecute southbound firearms and currency violators, to eliminate free passes for imposters using stolen or purchased entry documents, to refer cases to Mexican authorities for prosecution, and to provide comprehensive training for Mexican law enforcement by the Department, all represent the Administration's strong commitment to combat cross-border crime and associated violence.

### **Overview of Department of Justice's Mexico and Border Strategy**

The violence along the Southwest border comes primarily from a limited number of large, sophisticated and vicious criminal organizations. Indeed, the Department's National Drug

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<sup>1</sup> In FY08 the District of Arizona filed 458 non-OCDETF cases with 675 defendants. In FY09 the District of Arizona filed 939 non-OCDETF cases with 1,418 defendants.

Intelligence Center has identified the Mexican drug trafficking organizations (DTOs) as the greatest organized crime threat facing the United States today. The Department's Strategy for Combating the Mexican Cartels (the DOJ Cartel Strategy) is built on the Department's proven track record in dismantling transnational organized criminal groups, such as the mafia in the 1980s and 1990s, and confronts the Mexican cartels as criminal organizations. Vigorous pursuit of this strategy, in coordination with the efforts of the Departments of State and Homeland Security and with the full cooperation of the Government of Mexico, can and will neutralize the organizations causing the violence.

The Strategy has five key elements. *First*, the Strategy employs extensive and coordinated intelligence capabilities. The Department pools information generated by our law enforcement agencies and federal, state and local government partners, and then uses the product systematically to direct operations in the United States and assist the efforts of the Mexican authorities to attack the cartels and the corruption that facilitates their operations. *Second*, led by experienced prosecutors, the Department focuses its efforts on investigation, extradition, prosecution, and punishment of key cartel leaders. As the Department has demonstrated in attacking other major criminal enterprises, destroying the leadership and financial assets of the cartels will undermine the entire organizations. *Third*, the Department pursues investigations and prosecutions related to the smuggling of guns, cash, and contraband for drug-making facilities from the United States into Mexico. The violence and corruption in Mexico are fueled by these resources that come from our side of the border. *Fourth*, the Department uses traditional law enforcement approaches to anticipate and address cartel violence in the United States. These effects include the distribution of drugs on our streets and in our neighborhoods and battles between members of rival cartels on American soil. *Fifth*, the Department prosecutes criminals responsible for the smuggling, kidnapping and violence in federal court. The ultimate goals of these operations are to neutralize the cartels and bring the criminals to justice.

In most places, along the Southwest Border and throughout the country, the OCDETF Program provides an effective mechanism for law enforcement agencies from within DOJ, from elsewhere in the federal government (including DHS and Treasury), and state and local law enforcement, to combine with federal prosecutors to form a "virtual task force" for the purpose of investigating and prosecuting a particular high-value drug trafficking organization. In certain key locales, OCDETF has established actual, brick-and-mortar Co-Located Strike Forces, for the pursuit of the highest level traffickers of drugs, guns, and money.

OCDETF Co-Located Strike Forces are currently operating all along the Southwest Border, in San Diego, Phoenix/Tucson, El Paso, and in Houston/Laredo/McAllen. The San Diego Major Mexican Traffickers Task Force has been responsible for coordinating the U.S. government's successful efforts against the notorious Tijuana Cartel, the Arellano-Felix Organization, which has been severely disrupted by the arrest and successful federal conviction of almost its entire original leadership structure. The Houston OCDETF Strike Force has directed damaging blows against the Gulf Cartel. And in the first several months of its existence, the Arizona OCDETF Strike Force was responsible for the indictment of a leader and other members of a major Mexican cartel and the seizure of millions of dollars in cartel assets.

The Department uses a full range of strategic, operational, and tactical intelligence against the Mexican cartels. Since 2003, the Department has worked with the drug enforcement community to develop the Attorney General's Consolidated Priority Organization Target (CPOT) list of international "Most Wanted" drug kingpins. Of the 63 worldwide CPOTs currently on the list, 20 of them are Mexican enterprises. This list helps the Department and our federal agency partners focus critical resources on the greatest threats. In fact, we are continually increasing our efforts to do so. For example, in FY 2009, the five Southwest Border districts opened 220 new cases targeting CPOTs or DTOs linked to CPOTs, an increase of 15% since FY 2007. During the same period, the District of Arizona saw a 33% increase in the number of CPOT cases.

In addition, the Department leads multi-agency intelligence centers that are particularly important to the provision of tactical intelligence and operational support in targeting the largest and most dangerous Mexican cartels. These include the DEA-led El Paso Intelligence Center in El Paso, Texas, as well as the DEA-led Special Operations Division and the OCDETF Fusion Center.

As part of the Department's overall Southwest Border strategy, ATF is pursuing firearms trafficking across the Southwest Border through its Operation Gunrunner. In April 2009, ATF deployed 100 employees, including 68 agents, along the Southwest Border, for 120 days to support Project Gunrunner. During the 4-month surge, ATF's Gunrunner Impacts Teams (GRITs) seized almost 450 illegal firearms and our state and local partners seized approximately 170 more based on leads developed by ATF. The GRITs focus ATF's violent crime-fighting and firearms trafficking expertise, along with its regulatory authority and strategic partnerships, to disrupt firearms trafficking to Mexico, combat violence along the U.S.-Mexico border, and ensure greater compliance of firearms regulations by licensed gun dealers. The GRITs follow leads generated from crime guns recovered in Mexico, using a combination of inspections of FFLs and investigations of both FFLs and their customers, to target and disrupt gun trafficking groups who supply the drug cartels. ATF continues to deploy additional investigative resources to effectively attack the sources of the firearms making their way to the drug trafficking organizations in Mexico. As of mid-February 2010, ATF has approximately 190 Special Agents, 145 IOIs, and 25 support staff assigned to Project Gunrunner.

A particular point of emphasis in recent years has also been the dismantlement of the financial infrastructure of the drug trafficking organizations. These efforts have been hampered by the fact that financial cases are complex and time-consuming, and the pool of experienced financial investigators is finite. Since the curtailment of IRS involvement in drug investigations in 2005, ATF, DEA, FBI, and USMS have hired additional financial investigators and forfeiture specialists. OCDETF has established the Financial Investigative Contractor (FIC) Program to bring additional experienced financial investigators to bear on the largest cartels, and has buttressed the analytical and document exploitation capabilities of its Co-Located Strike Forces in San Diego, Phoenix, El Paso, Houston, and Atlanta. DEA has implemented Financial Investigation Teams (FITs) in its field divisions to target the financial assets of drug traffickers. Analysts and attorneys in the U.S. Attorney's Offices and in the Department's Asset Forfeiture and Money Laundering Section have also stepped up their efforts to assist in prosecuting money laundering activities of all types. In addition, Southwest Region federal agencies are working

with state and local law enforcement agencies on an OCDETF bulk currency initiative that targets the highest-level drug cartels and their transportation routes in the Southwest.

### **Southwest Border Trends**

Although we have recently seen a decline in the number of hostage-taking cases in the District of Arizona, that type of activity continues to occur in Arizona and elsewhere. To increase their profits, alien smugglers occasionally turn to physical and sexual abuse, threats of death and other forms of violence, usually involving firearms, to extract payment and/or increase the smuggling fee once the smuggled person reaches a hub city such as Phoenix, Tucson or Houston.

This type of violent activity associated with human smuggling has increased in the Southern District of Texas, which has an active docket regarding human smuggling-related hostage-taking and alien-smuggling cases. In one such case, *United States v. Heriberto Perez-Pinon*, six defendants are charged with alien smuggling, hostage taking, and hijacking another group of aliens from a competing alien smuggling/hostage-taking enterprise. Four of the six defendants engaged in a gun battle with the competing smuggling group. The defendants hijacked and took possession of 13 aliens who were being transported by the competitor smugglers. The 13 aliens were transported to a stash house where they were held at gunpoint, and ransom demands were made to the families of the smuggled and hijacked aliens.

One reason hostage-taking activity has decreased in the District of Arizona is the aggressive stance our office and our federal, state and local partners have taken in response. Working with ICE, the Arizona Department of Public Safety's Illegal Immigration Prevention & Apprehension Co-op Team (IIMPACT), the Phoenix Police Department's Home Invasion and Kidnapping Enforcement (HIKE) squad, the Maricopa County Attorney's office, and the Arizona Attorney General's office, we work tirelessly to rescue victims and to track down and prosecute those who hold smuggled aliens hostage. Last year, my office obtained a conviction and 137-year prison sentence against Carlos Alvarez-Espinoza following a jury trial in which the evidence showed Alvarez-Espinoza was responsible for holding at least 23 illegal aliens hostage in a house in Phoenix. Not only were the victims held at gunpoint, some were beaten and pistol whipped and all were threatened with death.

The violence among competing smuggling enterprises that engage in violent attempts to steal each other's "inventory" of smuggled aliens reflects the reality that these organizations treat smuggled aliens as mere commodities. Last year, my office prosecuted one such case under the Hobbs Act, the first known use of the Hobbs Act to respond to hijacking in the alien smuggling context, and obtained a conviction and prison sentence for Adriel Laurel-Vasquez, the leader of a group that took a group of illegal aliens from a rival organization at gunpoint.

Similarly, the Southwest Border U.S. Attorneys are seeing drug- and non-drug-related kidnappings tied to transnational organized crime. In the Southern District of Texas, a jury recently returned a guilty verdict in the case of *United States v. Luis Alberto Avila-Hernandez*. Nine defendants were indicted for conspiracy to kidnap and various substantive counts of kidnapping. Testimony showed persons known to be involved in the drug trafficking trade were

approached by Gulf Cartel members who demanded ‘declarations’ of allegiance with the Cartel for subsequent drug trafficking activities. A local businessman, Daniel Ramirez, Jr., had refused the Cartel’s demands. Avila, who was responsible for kidnappings in the Weslaco and Mission areas of South Texas, was tasked with kidnapping Ramirez. Ramirez was taken at gunpoint and transported to Reynosa, Mexico, and his captors demanded \$100,000 for his release. The family paid approximately \$40,000 toward the ransom. Ramirez was murdered after other conspirators came to suspect federal and state law enforcement had been called to investigate.

In the Southern District of California, a multi-agency Cross-Border Kidnapping Task Force responds to the problem of people being kidnapped in the United States, transported into Mexico, and held for ransom. DTOs carry out most of these kidnappings, many of which involve “drug rips,” in which both kidnaper and victim have connections to DTOs. The numbers of cross-border kidnapping victims in the Southern District of California has risen steadily since 2006. Of the total number of kidnapping victims since 2007, 32 were U.S. citizens or legal residents. Since early 2007, approximately 22 Chula Vista, California residents, including U.S. citizens, resident aliens, and foreign nationals who commute back and forth across the border, have been kidnapped in the Tijuana area; half of them were killed.

The recent murder of Southern Arizona rancher Robert Krentz is a tragic example of cross-border violence. It is too early in the investigation to link the murder conclusively to any particular organization. We continue to cooperate with our federal, state, and local partners to follow leads in the case. Presently, we are culling our cases emanating from that area for leads, and I have directed prosecutors in my office to work with agents in their cases to pursue any and all investigative and intelligence leads related to Mr. Krentz’s murder. In addition, I have met with my counterpart in Mexico to lay the groundwork for extradition of anyone responsible for the murder apprehended there.

In another tragic case in which we know the murder was directly tied to drug-trafficking and alien-smuggling activity, Border Patrol Agent Robert Rosas was murdered in July 2009, near Campo, California, by members associated with the “Tecate Plaza” (the territorial area in which DTOs and ASOs operate), which extends from Tecate, California to Jacumba, California. Agent Rosas was following a group of suspicious individuals and had radioed for backup. The group split up before the backup agents arrived at the location and Agent Rosas began to follow one of the smaller groups. Shortly thereafter, several subjects converged on Agent Rosas and shot him in his upper torso and head, killing him instantly. One of these men, Christian Daniel Castro-Alvarez, has entered a guilty plea in U.S. District Court in San Diego and is pending sentencing. In his guilty plea, Castro-Alvarez admitted he and others crossed the U.S.- Mexico border and lured Agent Rosas out of his vehicle while he was on routine patrol, intending to steal Rosas’ night-vision goggles. Castro-Alvarez admitted he was part of a group of smugglers operating out of the nearby Mexican community of Jardines Del Rincon.

As a result of BPA Rosas’ murder, the Border Patrol launched a major enforcement operation, to impede completely the operations of criminal organizations for 45 days in the Tecate Plaza operational area. The concerted effort weakened criminal effectiveness, chain-of-command, and organizational trust. Successful law enforcement operations created an environment in which DTO personnel exposed themselves to identification and arrest, thus

destabilizing the organizational effectiveness of the Tecate Plaza's chain-of-command. With the conclusion of that successful operation at the end of the FY 2009, the Border Patrol has transitioned to an ongoing enforcement campaign, which builds upon the success in FY 2009 by setting the performance target of gaining a greater level of operational control across the Tecate Plaza.

### **Law Enforcement Coordination Along The Southwest Border**

The United States Attorneys have 564 prosecutors in the five Southwest Border districts, handling national and district-level priorities involving narcotics trafficking, gun-smuggling, violent crimes, and immigration offenses. Each of our Southwest Border offices works closely with federal, state, and local investigative agencies on the initiatives described above. Our offices are on the front lines of the national effort to prosecute both large-scale criminal enterprise cases involving significant drug trafficking and human smuggling organizations as well as other criminal offenses arising at the border with Mexico. We also coordinate with Mexican prosecutors to share evidence in appropriate cases to ensure that justice is achieved in either U.S. or Mexican courts.

For example, in the District of Arizona we have worked with the U.S. Immigration and Customs Enforcement Office of Investigations and the U.S. Customs and Border Protection Office of Field Operations to implement the Controlled Substance Project (CSP). Under CSP, some of the drug cases from the Nogales, Arizona Port of Entry that are declined in our office due to the intricacies of proving knowledge under Ninth Circuit case law are referred to the Mexican government for prosecution. The defendant is turned over to the Procuraduría General de la República /Ministerio Publico Federal (PGR/MPF), along with a sworn declaration and ratification of the probable cause surrounding the arrest and core samples of the narcotics, and PGR pursues the prosecution in the Mexican court system. Thus far, we have seen 22 cases with a total of 26 defendants referred for prosecution. To date, two individuals have been convicted in the Mexican court system, and each defendant received a sentence of 10 years in prison.

The Department's Criminal Division and law enforcement agencies likewise are working with the Department of State and DHS components and with our Mexican counterparts to enhance and strengthen Mexico's operational capacities to effectively combat narco-trafficking, firearms trafficking and other organized criminal enterprises, including human smuggling and trafficking in persons. During the past three years, the U.S. Attorney's Offices and the Criminal Division have seen a significant increase in the number of international fugitives returned to face justice in the United States through international extradition. OCDETF has established an OCDETF Mexico Unit within the Criminal Division's Office of International Affairs (OIA), to focus on extraditions and mutual legal assistance to Mexico in the highest-level drug trafficking and money laundering cases. The Unit will help to expand the current level of cooperation with our Mexican and other foreign counterparts in the arrest, extradition, and successful prosecution of cartel leaders and their subordinates.

These activities reflect the Department's strong support for the Mérida Initiative, which provides an unprecedented opportunity for a highly coordinated, effective bilateral response to criminal activity on our Southwest border. The Department has been and continues to be

actively involved with the State Department in Mérida Initiative planning and implementation both on an interagency and bilateral basis. In the last six months Department attorneys have trained hundreds of Mexican federal prosecutors and federal police on topics including Firearms Trafficking, Investigations, Human Trafficking, Trial Advocacy, Chain of Custody, and Extradition. Attorney General Holder met just last month with Mexican Attorney General Chavez y Chavez and reaffirmed the Department's commitment to working together with Mexican law enforcement counterparts.

Building on the groundbreaking CSP program, I recently met with PGR Delegate responsible for Sonora, Mexico. The Sonoran Delegate has regional responsibility for federal cases somewhat similar to a United States Attorney's office for a given District. As a result of that meeting, our office soon will launch a regional training program designed to strengthen our working relationships with the PGR in Sonora as they take courageous steps to prosecute drug traffickers and human smugglers under Mexican law. Our office has partnered with the Department's Office of Overseas Prosecutorial Development Assistance and Training (OPDAT) program operating under the Mérida Initiative. We will jointly develop a training curriculum and implement it with our counterparts, thereby strengthening their prosecutorial capabilities. Further, we will involve our law enforcement partners in training Mexican Federal law enforcement in their roles in the new system in a similar fashion. The PGR Delegate requested assistance in the area of oral trial training because Mexico is transitioning from an inquisitorial to a more accusatory criminal system. With eight Spanish-speaking attorneys, my office is uniquely situated to assist the Sonoran Delegate in his training efforts. We will follow up the oral trial training with training in specific areas such as drug trafficking, money laundering, and trafficking in persons and firearms. We hope this will be a model for other regional partnerships to support our neighbors to the south as they combat crime along the border and as we implement the Mérida Initiative.

In the same spirit of cooperation, and as a project within the Mérida Initiative, an asset forfeiture expert AUSA from my office recently traveled to Mexico as part of an asset forfeiture and money laundering training program hosted by the Conference of Western Attorneys General and funded through USAID. Together with experts from the Arizona Attorney General's office, our office provided training to Mexican state and federal law enforcement agents and prosecutors in the use of U.S. investigative and prosecution techniques that can be used in the context of asset forfeiture laws enacted in Mexico in recent years.

The Mérida Initiative provides increased support for our joint efforts with Mexico in these and other areas of mutual concern. These efforts have focused on the development of intelligence-based targeting and prosecutor-led multi-agency task forces, collection of evidence, and extradition. The Department has been and continues to be an active participant and partner in the Mérida Initiative interagency planning and implementation both in Washington DC and as an integral member of the country team at Embassy Mexico City.

In addition to the multi-agency Mérida Initiative, our federal law enforcement partners have reached across the border to share their expertise with Mexican law enforcement entities. For instance, ATF continues to expand its deployment of eTrace 4.0, the Spanish-language version of ATF's web-based firearms tracing software, to the government of Mexico and other

Spanish-speaking nations. Spanish eTrace allows Spanish-speaking law enforcement agencies to trace crime guns and identify firearms-trafficking trends of drug trafficking organizations and other criminal organizations funneling guns into Mexico from the United States. Spanish eTrace also helps develop investigative leads to stop firearms traffickers and straw purchasers before they cross the border. Currently, *eTrace* is available in most U.S. Consulates in Mexico (9 Consulates). In 2009, a total of 53,953 firearms recovered in Mexico were submitted to ATF for tracing; this is nearly five times the number of traces submitted in 2008. As of April 19, 2010, over 5,500 firearms recovered in Mexico have been submitted for tracing this year.

Additionally, FBI conducts a significant amount of training for its counterparts in Mexico. Last year, FBI's Legal Attaché office provided more than a dozen courses on drug trafficking and kidnapping to organized crime and counterterrorism to Mexican investigators, analysts, and prosecutors. Recently, the FBI's McAllen office hosted 30 Mexican police officers from all levels of law enforcement—federal, state, and local—for a week of training and information sharing.

In Arizona, the Border Patrol recently completed training for 48 officers from Mexico's Secretaría de Seguridad Pública (SSP) in tactical building entries, close-quarters combat, first aid, and all-terrain vehicular patrol and pursuit. SSP has dramatically increased its presence in Nogales, Sonora, working in close coordination with our DHS law enforcement partners. SSP is conducting patrols in areas in and around Nogales, Sonora where border violence is occurring, helping to curb the violence and prevent it from crossing over to Nogales, Arizona.

### **U.S. Attorneys' Southwest Border Prosecutions**

As the Department of Justice declared in its Southwest Border Strategy, "Addressing the Southwest Border threat has two basic elements: policing the actual border to interdict and deter the illegal crossing of undocumented persons or contraband goods, and confronting the large criminal organizations operating simultaneously on both sides of the border."

In the District of Arizona, we work closely with our federal law enforcement partners to police the border through the use of reactive drug and immigration prosecutions while at the same time confronting the criminal organizations operating on both sides of the U.S.-Mexico border. In a recent operation, we worked with ICE, Border Patrol, DEA, the Bureau of Land Management, the Arizona Department of Public Safety, the Arizona National Guard, and the Pinal and Maricopa County Sheriffs and County Attorneys to gather intelligence and interdict armed scouts and backpackers smuggling marijuana and other drugs through the Vekol Valley region off Interstate 8 southwest of Phoenix. During the operation, agents and officers seized over 4,000 pounds of marijuana, over 4 pounds of methamphetamine, 9 firearms and 20 vehicles, and made 275 arrests for criminal and immigration violations.

As I mentioned earlier, our immigration caseload is indeed heavy. We filed nearly 3,200 felony immigration cases in fiscal year 2009, and over 22,000 misdemeanor cases. Of the 3,200 felony immigration cases, 2,272 were illegal re-entry cases prosecuted under section 276 of the Immigration and Nationality Act (8 U.S.C. § 1326). This represents a substantial increase over fiscal year 2008, largely as a result of the increase in resources we received in 2008.

One way we seek to maximize our resources is to provide consequences to a wider range of offenders through innovative charging and plea strategies. Our Impostor Initiative is aimed at individuals who attempt to enter the country through a port of entry using a false identity document. Working closely with U.S. Customs and Border Protection's Office of Field Operations, we implemented an early disposition program that enabled our office to prosecute over 1,000 of these cases in calendar year 2009.

Likewise, our office has a robust currency exportation prosecution program. In 2009, our Tucson office prosecuted 29 bulk cash smuggling cases involving a total of \$4,296,538.16. Thus far in 2010, we have filed 17 such cases, totaling \$1,004,859. We continue to work with our agency partners and with banks and money transmitters to investigate currency exportation on a broader basis. We anticipate the Arizona Attorney General's recent settlement with Western Union will contribute to these efforts.

Aside from the reactive border-related caseload we handle on a daily basis, our Southwest Border U.S. Attorney's Offices are involved in a significant number of complex, long-term investigations into transnational organized criminal activity, including drug and firearms trafficking, human smuggling, and currency exportation.

Just last week in the District of Arizona, we unveiled the indictments in Operation In Plain Sight, a case that was more than two years in the making. The operation resulted in 49 criminal arrests, the execution of roughly 30 search warrants, and the seizure of over 50 vehicles. The investigation targeted every level of a cross-border human smuggling organization that used the guise of lawful shuttle transportation companies to move illegal aliens from Tucson to Phoenix after they were smuggled into the United States in the vicinity of Nogales, Arizona, with the intent of removing the entire infrastructure of the network. Every federal law enforcement agency in the State of Arizona—the ICE Office of Investigations and Office of Detention and Removal Operations, CBP's Office of Border Patrol and Office of Field Operations, along with FBI, DEA, ATF, the U.S. Marshals Service, along with the Arizona Department of Public Safety, the Phoenix and Tucson Police Departments, and the Pima County Sheriff's Office, participated in the takedown operation.

This case also highlighted the strengthening ties we have been building with Mexican federal law enforcement agencies. Mexico's Secretaría de Seguridad Pública (SSP) arrested one of the main targets in the case, and on April 15 executed search warrants and arrested organizational participants in Mexico simultaneously with our operation in Arizona. This level of cooperation and coordination is unprecedented. The professionalism and cooperativeness of SSP is a reflection of the progress our two governments have made in working together and of the willingness of ICE and other U.S. law enforcement agencies to provide training and logistical support. We will continue to work through the Department of State to assist the Government of Mexico in its quest to improve the judicial system and strengthen the Rule of Law in Mexico.

In the firearms trafficking arena, just last week six defendants were sentenced following their guilty pleas to an indictment charging them with conspiracy to smuggle semi-automatic assault rifles to Mexico. The indictment charged a total of thirteen defendants. The defendants who pleaded guilty admitted that one of the defendants in the conspiracy, Aaron Weeks, drove

young people who had no prior criminal histories to a firearms dealer, told them what to buy, and provided money to purchase the weapons. Weeks paid the co-conspirators a fee, took the weapons, removed their serial numbers, zip-tied them to the undercarriage of his car, and drove them to Mexico.

In a similar case in December 2008, ATF agents arrested ten individuals involved in a conspiracy to straw purchase firearms in Arizona for the purpose of supplying weapons to the Sinaloa drug cartel in Sonora, Mexico. The group was responsible for trafficking approximately 120 firearms, including .50 caliber rifles. The suspects were indicted in February 2009, and subsequently ATF was able to identify the Sinaloa cartel member who headed the conspiracy, Ruben Javier Elense Ruiz, who goes by the name "Rambo." ATF forwarded Rambo's fingerprints to the FBI, which in turn matched them to prints connected to the murder of a Mexican federal prosecutor in 2004. In March 2009, Rambo and several other cartel members were arrested in Mexico.

These cases are but a small sample of the work of the Southwest Border U.S. Attorney's offices. Each of our offices is prosecuting multiple large-scale drug-trafficking, firearms trafficking, money laundering and alien smuggling cases, and we will continue to focus on intelligence-driven, multi-agency cases designed to dismantle the violent drug and alien smuggling organizations that are perpetrating violence along the Southwest Border.

Thank you for inviting me to appear before you. I appreciate your continued support and would be happy to answer any questions at this time.