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15 UNITED STATES DISTRICT COURT

16 DISTRICT OF ARIZONA

17 Friendly House, et al.,  
18 Plaintiffs,

19 vs.

20 Michael B. Whiting, et al.,  
21 Defendants.  
22

No. CV 10-1061-PHX-JWS

**BRIEF OF *AMICUS CURIAE* THE  
ANTI-DEFAMATION LEAGUE IN  
SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY  
INJUNCTION**

23 Preliminary Statement

24 If well-ordered liberty means anything, it must mean that all persons should be  
25 afforded access to police protection if they become victims of hate crimes. Arizona  
26 Senate Bill 1070, as amended (“SB 1070”), impedes that access for *all* Latinos – United  
27 States citizens, lawful residents and undocumented immigrants alike. Indeed, as  
28 Plaintiffs’ Motion for Preliminary Injunction demonstrates, SB 1070 poses a substantial

1 threat of deterring Latinos from reporting crimes or serving as witnesses in criminal  
2 investigations. (Dkt. 70 at 33-34.) This *amicus* brief provides additional context and  
3 information about a particular and devastating consequence of the rupture in police-  
4 community trust that SB 1070 will inevitably cause – the creation of an underclass  
5 uniquely vulnerable to increased hate crimes and violence.

6 As shown below, unless its enforcement is enjoined, SB 1070 is substantially  
7 likely to cause irreparable harm to the enforcement of hate crimes legislation in Arizona  
8 by driving a wedge between law enforcement and communities whom such laws were  
9 specifically designed to protect. That breach in trust will render the State’s Latino  
10 community uniquely vulnerable to the commission of hate crimes – an outcome  
11 fundamentally at odds with the strong public policies embodied in federal and state anti-  
12 hate crimes legislation. Granting the preliminary injunctive relief that Plaintiffs seek will  
13 avert irreparable harm that SB 1070 will otherwise inflict on the policing of hate crimes  
14 in Arizona, and will advance the vital public interest in ensuring that federal and  
15 Arizona anti-hate crimes statutes are enforced to the fullest extent of the law. *See*  
16 *Winter v. Natural Res. Def. Council, Inc.*, 129 S. Ct. 365, 376 (2008).

### 17 Argument

#### 18 **I. Federal and State Law Expressly Prohibits the Commission of Hate Crimes** 19 **Against People of Color, Including Latinos.**

20 Arizona’s criminal statutes include strong prohibitions against the commission of  
21 hate crimes. A.R.S. § 13-701(D)(15) provides that an aggravating factor in criminal  
22 sentencing includes “[e]vidence that the defendant committed the crime out of malice  
23 toward a victim because of the victim’s identity in a group listed in § 41-1750,  
24 subsection A, paragraph 3, or because of the defendant’s perception of the victim’s  
25 identity in a group listed in § 41-1750, subsection A, paragraph 3.” A.R.S. § 41-  
26 1750(A)(3) concerns “prejudice based on race, color, religion, national origin, sexual  
27 orientation, gender or disability.” These statutes provide that crimes committed out of  
28 hatred towards a victim because of his or her actual or perceived membership in one of

1 the protected classes recognized in A.R.S. § 41-1750(A)(3) are especially offensive to  
2 the public policies of this State and warrant the imposition of aggravated criminal  
3 penalties. *See also* A.R.S. § 13-1604 (defining “aggravated criminal damage”). The  
4 federal Hate Crimes Prevention Act of 2009, which gives the United States Department  
5 of Justice the power to investigate and prosecute violent crimes where the perpetrator  
6 selects the victim because, *inter alia*, of the person’s actual or perceived race, color or  
7 national origin, evinces an equally strong federal policy against the commission of hate  
8 crimes. 18 U.S.C. § 249.<sup>1</sup>

9 The issue of hate crimes in our nation and Arizona is far from theoretical.  
10 According to statistics gathered by the Federal Bureau of Investigation documenting  
11 hate crimes through 2008, hate crimes are at their highest level since 2001.<sup>2</sup> In 2008,  
12 7,783 hate crimes were reported nation-wide.<sup>3</sup> Of those, 561 were motivated by the  
13 actual or perceived Hispanic ethnicity of the victim.<sup>4</sup> In the past 10 years, between 400  
14 and 600 hate crimes against Hispanics have been reported each year.<sup>5</sup> In Arizona,  
15 according to the annual report of the Arizona Department of Public Safety, there were  
16 226 hate crime offenses reported in 2009.<sup>6</sup> Forty-four of the offenses were based on  
17 ethnicity, with 37 “Anti-Hispanic” crimes.<sup>7</sup> Just last Friday, on June 18, 2010, *The*  
18

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19  
20 <sup>1</sup> *See* Declaration of Peter S. Kozinets (“Kozinets Decl.”) Ex. A,  
<http://www.justice.gov/crt/crim/249fin.php> (last visited June 21, 2010) (discussing the  
HCPA and other federal anti-hate crimes statutes).

21 <sup>2</sup> *See, e.g.*, Kozinets Decl. Ex. B, ADL table, “Ten Year Comparison of FBI Hate Crime  
22 Statistics (2008-1999), available at  
[http://www.adl.org/combating\\_hate/HCSA\\_10year.asp](http://www.adl.org/combating_hate/HCSA_10year.asp) (last visited June 21, 2010).

23 <sup>3</sup> Kozinets Decl. Ex. C, Uniform Crime Report, Hate Crime Statistics, 2008. U.S.  
24 Department of Justice Federal Bureau of Investigation, table 1, available at  
[http://www.fbi.gov/ucr/hc2008/data/table\\_01.html](http://www.fbi.gov/ucr/hc2008/data/table_01.html) (last visited June 21, 2010).

25 <sup>4</sup> *Id.*

26 <sup>5</sup> Kozinets Decl. Ex. B.

27 <sup>6</sup> Kozinets Decl. Ex. D, *2009 Crime in Arizona Report* at 125-132, available at  
[http://www.azdps.gov/About/Reports/docs/Crime\\_In\\_Arizona\\_Report\\_2009](http://www.azdps.gov/About/Reports/docs/Crime_In_Arizona_Report_2009) (last visited  
28 June 21, 2010).

<sup>7</sup> *Id.* at 129.

1 *Arizona Republic* reported on the recent murder of Juan Varela in south Phoenix, which  
2 authorities have charged as a hate crime.<sup>8</sup>

3 **II. SB 1070 Will Undermine the Latino Community's Trust in Law**  
4 **Enforcement, Eviscerating the Police's Ability to Enforce Federal and State**  
5 **Anti-Hate Crimes Laws.**

6 **A. Police Cannot Enforce the Law If Victims and Witnesses Are**  
7 **Unwilling to Come Forward.**

8 The Police Foundation, the International Association of Chiefs of Police, the  
9 Major Cities Chiefs Association and Arizona Association of Chiefs of Police have all  
10 expressed grave concerns that deputizing local law enforcement officers to enforce  
11 immigration law undermines the trust and cooperation of immigrant communities.<sup>9</sup> For  
12 example, a 2009 report by the Police Foundation states that "[i]mmigration enforcement  
13 by local police undermines their core public safety mission, diverts scarce resources,  
14 increases their exposure to liability and litigation, and exacerbates fear in communities  
15 already distrustful of police."<sup>10</sup> According to Police Foundation President Hubert  
16 Williams:

17 Police executives have felt torn between a desire to be  
18 helpful and cooperative with federal immigration authorities  
19 and a concern that their participation in immigration  
20 enforcement efforts will undo the gains they have achieved  
21 through community-oriented policing practices directed at  
22 gaining the trust and cooperation of immigrant communities.  
23 As one police chief pointed out during the project, "How do  
24 you police a community that will not talk to you?"<sup>11</sup>

25 The Major Cities Chiefs Association agrees. According to its 2006 Position Statement:

26 Local agencies have worked very hard to build trust and a  
27 spirit of cooperation with immigrant groups through

28 <sup>8</sup> Kozinets Decl. Ex. E, Michael Kiefer and Michael Ferraresi, "Phoenix slaying now  
29 termed a hate crime," *The Arizona Republic*, B6 (June 18, 2010).

<sup>9</sup> See, e.g., Kozinets Decl. Ex. F, Arizona Association of Chiefs of Police Statement on  
30 Senate Bill 1070, available at  
31 [http://www.leei.us/main/media/AACOP\\_STATEMENT\\_ON\\_SENATE\\_BILL\\_1070.pdf](http://www.leei.us/main/media/AACOP_STATEMENT_ON_SENATE_BILL_1070.pdf)  
32 (last visited June 21, 2010).

<sup>10</sup> Kozinets Decl. Ex. G, <http://www.policefoundation.org/pdf/strikingRelease.pdf> (last  
33 visited June 21, 2010).

<sup>11</sup> Id.

1 community based policing and outreach programs and  
 2 specialized officers who work with immigrant groups. Local  
 3 agencies have a clear need to foster trust and cooperation  
 4 with everyone in these immigrant communities. Assistance  
 5 and cooperation from immigrant communities is especially  
 6 important when an immigrant, whether documented or  
 7 undocumented, is the victim of or witness to a crime. These  
 8 persons must be encouraged to file reports and come forward  
 9 with information. Their cooperation is needed to prevent  
 10 and solve crimes and maintain public order, safety, and  
 11 security in the whole community. . . .

12 Immigration enforcement by local police would likely  
 13 negatively effect and undermine the level of trust and  
 14 cooperation between local police and immigrant  
 15 communities. . . . Undoubtedly legal immigrants would  
 16 avoid contact with the police for fear that they themselves or  
 17 undocumented family members or friends may become  
 18 subject to immigration enforcement. **Without assurances  
 19 that contact with the police would not result in purely  
 20 civil immigration enforcement action, the hard won  
 21 trust, communication and cooperation from the  
 22 immigrant community would disappear. Such a divide  
 23 between the local police and immigrant groups would  
 24 result in increased crime against immigrants and in the  
 25 broader community, create a class of silent victims and  
 26 eliminate the potential for assistance from immigrants in  
 27 solving crimes or preventing future terroristic acts.**<sup>12</sup>

18 In response to the SB 1070, the president of the Major Cities Chiefs Association,  
 19 San Jose Police Chief Robert Davis, confirmed that “immigration enforcement by local  
 20 police would likely negatively effect and undermine the level of trust and cooperation  
 21 between local police and immigrant communities.”<sup>13</sup>

22 **B. SB 1070 Will Prevent Effective Enforcement of the Laws Prohibiting  
 23 Hate Crimes.**

24 Unless its enforcement is enjoined, SB 1070 will create an underclass of people  
 25 who have no meaningful access to police services out of fear that their perceived  
 26 immigration status – whether relevant or not – will subject them to heightened law

27 <sup>12</sup> Kozinets Decl. Ex. H, Major Cities Chiefs Immigration Committee  
 28 Recommendations, June 2006, available at  
[http://www.majorcitieschiefs.org/pdfpublic/MCC\\_Position\\_Statement\\_REVISED\\_CEF\\_2009.pdf](http://www.majorcitieschiefs.org/pdfpublic/MCC_Position_Statement_REVISED_CEF_2009.pdf) (emphasis added) (last visited June 21, 2010).

<sup>13</sup> Kozinets Decl. Ex. I, Kevin Johnson, *Arizona Immigration Law Creates Rift*, USA  
 TODAY, April 26, 2010, available at [http://www.usatoday.com/news/nation/2010-04-25-arizona-immigration\\_N.htm](http://www.usatoday.com/news/nation/2010-04-25-arizona-immigration_N.htm) (lasted visited June 21, 2010).

1 enforcement scrutiny whenever they come into contact with police. In its aim to deal  
2 with the issue of undocumented persons living in Arizona, SB 1070 requires local law  
3 enforcement officers to determine based on “reasonable suspicion” who may be in the  
4 country illegally and process them accordingly. According to a recent study of Latino  
5 *registered voters* in Arizona commissioned by the National Council of La Raza, 85% of  
6 Latinos who are legal immigrants or U.S. citizens fear that they will be racially profiled  
7 under SB 1070. Because of the new law, 47% report that in the future they would be  
8 less likely to report a crime or volunteer information to the police.<sup>14</sup> Simply put, SB  
9 1070 is driving a wedge between local law enforcement agencies and the communities  
10 they are entrusted to protect. Because these poll numbers do not reflect the attitudes of  
11 *non-registered voters* (including people who are more likely to be undocumented), the  
12 wedge is much deeper and the chasm between police and the Latino community much  
13 wider than reflected by the study itself.

14 As a consequence, Latinos likely will be deterred from reporting or serving as  
15 witnesses regarding a range of criminal activities in the community, including hate  
16 crimes. ADL knows from long experience advocating for and training law enforcement  
17 on the implementation of hate crime laws that close cooperation between local law  
18 enforcement and minority communities is essential.<sup>15</sup> If crime and immigration  
19 enforcement become intertwined, police may find out-of status persons and their family  
20 members hesitant to seek protection, to report crimes committed against them or to serve  
21 as witnesses in other crimes – compromising the police’s ability to keep the community  
22 safe. *See Part II.A, supra.*

23 Moreover, when a bias-motivated crime is committed, the victim’s entire  
24 community may be left feeling victimized, vulnerable, fearful, isolated and unprotected

25 <sup>14</sup> Kozinets Decl. Ex. J, NCLR commissioned study *available at*  
26 <http://www.docstoc.com/docs/38665576/Survey-of-Arizona-Latino-Voters-Post-SB-1070> (last visited June 21, 2010).

27 <sup>15</sup> *See* Motion for Leave to File Brief of *Amicus Curiae* Anti-Defamation League in  
28 Support of Plaintiffs’ Motion for Preliminary Injunction, at 1-3; Kozinets Decl. Exs. K-M.

1 by the law. The impact of the crime spreads far beyond the already terrible  
 2 consequences for the individual victim. Yet hate crimes will go un-reported or under-  
 3 reported if SB 1070 is permitted take effect, because victims and witnesses will hesitate  
 4 to contact law enforcement if doing so will subject them heightened law enforcement  
 5 scrutiny and possible detention, arrest or deportation. Rather than making  
 6 neighborhoods safer, the “Support Our Law Enforcement and Safe Neighborhoods Act”  
 7 – as the bill’s sponsors titled the statute – will have exactly the opposite effect.<sup>16</sup>

8 **III. Victims, Their Communities and the Public Will Be Irreparably Harmed by**  
 9 **the Under-Reporting of Hate Crimes that Will Inevitably Result from SB**  
 10 **1070, and the Public Interest Strongly Supports Enjoining the Statute’s**  
 11 **Enforcement.**

12 ADL has monitored and exposed the increasingly hateful anti-immigrant, anti-  
 13 Latino and anti-Mexican rhetoric that has surrounded the national debate on  
 14 immigration reform.<sup>17</sup> SB 1070 was passed against this backdrop of anger and  
 15 frustration in Arizona.<sup>18</sup> The bill’s principal sponsor, State Senator Russell Pearce, has  
 16 been quoted as supporting prior controversial efforts to roundup and deport  
 17 undocumented immigrants.<sup>19</sup> Other supporters of the bill, including Arizona Governor  
 18 Jan Brewer, have invoked fears of widespread violence and criminal activity by  
 19 undocumented immigrants as reasons for the law – even though those fears are  
 20

21 <sup>16</sup> <http://www.azleg.gov/legtext/49leg/2r/bills/sb1070s.pdf> (last visited June 18, 2010).

22 <sup>17</sup> Kozinets Decl. Ex. N, ADL Report: “Immigrants Targeted: Extremist Rhetoric Moves  
 23 into the Mainstream,” available at [http://www.adl.org/civil\\_rights/anti\\_immigrant/](http://www.adl.org/civil_rights/anti_immigrant/) (last  
 24 visited June 21, 2010).

25 <sup>18</sup> See, e.g., Kozinets Decl. Ex. O, ADL Report: “Rally in Support of Arizona’s New  
 26 Immigration Law Will Feature Extreme Elements of the Anti-Immigrant Movement,”  
 27 available at [http://www.adl.org/civil\\_rights/rally\\_anti\\_immigration.asp](http://www.adl.org/civil_rights/rally_anti_immigration.asp) (last visited June  
 28 21, 2010).

29 <sup>19</sup> Kozinets Decl. Ex. P, E.J. Montini, “Is SB 1070 the end or the beginning?,” *The*  
 30 *Arizona Republic*, B1 (May 16, 2010), available at  
 31 <http://www.azcentral.com/arizonarepublic/local/articles/2010/05/16/20100516immigrati>  
 32 [on-law-montini.html#ixzz0rUI5AcUz](http://www.azcentral.com/arizonarepublic/local/articles/2010/05/16/20100516immigrati) (last visited June 21, 2010).

1 contradicted by widely reported criminal statistics showing that border violence in  
2 Arizona is at historic lows.<sup>20</sup>

3 In this climate, it is critically important that law enforcement be fully able to  
4 police the laws against the commission of hate crimes directed at the Latino community.  
5 Yet, as discussed above, SB 1070 effectively requires local law enforcement to  
6 investigate the immigration status of persons with whom they come into contact if  
7 “reasonable suspicion” exists – setting up an inherent conflict that threatens to result in  
8 the loss of access to police protection for hundreds of thousands of persons in Arizona.  
9 Many legal residents have relatives or friends who are undocumented, or fear that they  
10 will be subject to “reasonable suspicion” merely because they “look” or “sound” like  
11 “illegal aliens.” By putting police and large segments of the community potentially at  
12 odds with one another, SB 1070 is likely to create a large population that lacks access to  
13 the type of basic police services that the rest of the community takes for granted. This  
14 lack of protection – combined with the atmosphere of hateful rhetoric that has marked  
15 much of the immigration debate – will create a law enforcement underclass that is  
16 vulnerable to the commission of bias-motivated violence and crime. Such a result risks  
17 institutionalizing precisely the kinds of harms that the anti-hate crimes laws were  
18 designed to prevent. It is contrary to the strong public policies against hate crime  
19 embodied in federal and Arizona law, and is inimical to the public’s interest in  
20 advancing public safety and security.

### 21 Conclusion

22 For the foregoing reasons, SB 1070 will inflict irreparable harm if its  
23 enforcement is not enjoined, and the public interest strongly supports entry of a  
24 preliminary injunction.

25 \_\_\_\_\_  
26 <sup>20</sup> See, e.g., Kozinets Decl. Ex. Q, Randal C. Archibold, “In Border Violence, Perception  
27 Is Greater Than Crime Statistics,” *The New York Times*, A16 (June 20, 2010); Kozinets  
28 Decl. Ex. R, Dennis Wagner, “Violence is not up on Arizona border: Mexico crime  
flares, but here, only flickers,” *The Arizona Republic*, A1 (May 2, 2010), available at  
[http://www.azcentral.com/arizonarepublic/news/articles/2010/05/02/20100502arizona-  
border-violence-mexico.html#ixzz0rUoV3Vu6](http://www.azcentral.com/arizonarepublic/news/articles/2010/05/02/20100502arizona-border-violence-mexico.html#ixzz0rUoV3Vu6)) (last visited June 21, 2010).



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RESPECTFULLY SUBMITTED this 21st day of June 2010.

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7 I hereby certify that on June 21, 2010, I caused the attached document to be  
8 mailed to the following:

9 The Honorable John W. Sedwick  
10 U.S. District Court  
11 District of Alaska  
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24 UNITED STATES DISTRICT COURT

25 DISTRICT OF ARIZONA

26 Friendly House, et al.,  
27 Plaintiffs,

28 vs.

Michael B. Whiting, et al.,  
Defendants.

No. CV 10-1061-PHX-JWS

**DECLARATION OF  
PETER S. KOZINETS IN  
SUPPORT OF BRIEF OF *AMICUS  
CURIAE* THE ANTI-  
DEFAMATION LEAGUE**

I, Peter S. Kozinets, declare:

1. I am an attorney with Steptoe & Johnson LLP, counsel of record for proposed *amicus curiae* the Anti-Defamation League (“ADL”) in this matter. The facts stated in this Declaration are based upon my own personal knowledge and, if called upon, I could and would testify competently to them.

1           2.       Attached as Exhibit A to this Declaration is a true and correct copy of the  
2 United States Department of Justice, Civil Rights Division, fact sheet on the Matthew  
3 Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009, available at  
4 <http://www.justice.gov/crt/crim/249fin.php> (last visited June 21, 2010).

5           3.       Attached as Exhibit B to this Declaration is a true and correct copy of the  
6 ADL chart, "Ten Year Comparison of FBI Hate Crime Statistics (2008-1999), available  
7 at [http://www.adl.org/combating\\_hate/HCSA\\_10year.asp](http://www.adl.org/combating_hate/HCSA_10year.asp) (last visited June 21, 2010).  
8 The chart is based on the tables of data available on the FBI website, Uniform Crime  
9 Report, Hate Crime Statistics 2008, published by the U.S. Department of Justice Federal  
10 Bureau of Investigation, available at <http://www.fbi.gov/ucr/hc2008/index.html> (last  
11 visited June 21, 2010).

12           4.       Attached as Exhibit C to this Declaration is a true and correct copy of the  
13 Uniform Crime Report, Hate Crime Statistics, 2008. U.S. Department of Justice Federal  
14 Bureau of Investigation, Table 1, available at  
15 [http://www.fbi.gov/ucr/hc2008/data/table\\_01.html](http://www.fbi.gov/ucr/hc2008/data/table_01.html) (last visited June 21, 2010).

16           5.       Attached as Exhibit D to this Declaration is a true and correct copy of  
17 excerpts of the *2009 Crime in Arizona Report*, available at  
18 [http://www.azdps.gov/About/Reports/docs/Crime\\_In\\_Arizona\\_Report\\_2009](http://www.azdps.gov/About/Reports/docs/Crime_In_Arizona_Report_2009) (last visited  
19 June 21, 2010).

20           6.       Attached as Exhibit E to this Declaration is a true and correct copy of the  
21 following newspaper article: Michael Kiefer and Michael Ferraresi, "Phoenix slaying  
22 now termed a hate crime," *The Arizona Republic*, B6 (June 18, 2010).

23           7.       Attached as Exhibit F to this Declaration is a true and correct copy of the  
24 Arizona Association of Chiefs of Police Statement on Senate Bill 1070, available at  
25 [http://www.leei.us/main/media/AACOP\\_STATEMENT\\_ON\\_SENATE\\_BILL\\_1070.pdf](http://www.leei.us/main/media/AACOP_STATEMENT_ON_SENATE_BILL_1070.pdf)  
26 [f](#) (last visited June 21, 2010).

27           8.       Attached as Exhibit G to this Declaration is a true and correct copy of the  
28 Police Foundation May 20, 2009 press release describing the June 2009 Police

1 Foundation Report, "The Role of Local Police: Striking the Balance Between  
2 Immigration Enforcement and Civil Liberties," available at  
3 <http://www.policefoundation.org/pdf/strikingRelease.pdf> (last visited June 21, 2010).

4 The full text of the Report is available at  
5 <http://www.policefoundation.org/strikingabalance/> (last visited June 21, 2010).

6 9. Attached as Exhibit H to this Declaration is a true and correct copy of  
7 excerpts from the Major Cities Chiefs' Association June 2006 report, "M.C.C.  
8 Immigration Committee Recommendations for Enforcement of Immigration Laws by  
9 Local Police Agencies," available at  
10 [http://www.majorcitieschiefs.org/pdfpublic/MCC\\_Position\\_Statement\\_REVISED\\_CEF\\_2009.pdf](http://www.majorcitieschiefs.org/pdfpublic/MCC_Position_Statement_REVISED_CEF_2009.pdf) (emphasis added) (last visited June 21, 2010).

12 10. Attached as Exhibit I to this Declaration is a true and correct copy of the  
13 following newspaper article: Kevin Johnson, "Arizona Immigration Law Creates Rift,"  
14 *USA TODAY*, April 26, 2010, available at: [http://www.usatoday.com/news/nation/2010-04-25-arizona-immigration\\_N.htm](http://www.usatoday.com/news/nation/2010-04-25-arizona-immigration_N.htm) (last visited June 21, 2010).

16 11. Attached as Exhibit J to this Declaration is a true and correct copy of  
17 excerpts of the report of a recent study of Latino registered voters in Arizona  
18 commissioned by the National Council of La Raza, "Political Implications of  
19 Immigration in 2010: Latino Voters in Arizona," available at NCLR commissioned  
20 study available at <http://www.docstoc.com/docs/38665576/Survey-of-Arizona-Latino-Voters-Post-SB-1070> (last visited June 21, 2010).

22 12. Attached as Exhibit K to this Declaration is a true and correct copy of the  
23 ADL webpage describing the ADL's *Advanced Training School: Course on Extremist  
24 and Terrorist Threats* (ATS) in Washington, D.C.  
25 [http://www.adl.org/learn/learn\\_main\\_training/Advanced\\_Training\\_School.asp](http://www.adl.org/learn/learn_main_training/Advanced_Training_School.asp) (last  
26 visited June 21, 2010).

27 13. Attached as Exhibit L to this Declaration is a true and correct copy of the  
28 ADL webpage describing the ADL's United States Holocaust Memorial Museum

1 program for FBI field agents and other law enforcement professionals, *Law Enforcement*  
2 *and Society: Lessons of the Holocaust*,  
3 [http://www.adl.org/learn/adl\\_law\\_enforcement/LEAS+3-](http://www.adl.org/learn/adl_law_enforcement/LEAS+3-09.htm?LEARN_Cat=Training&LEARN_SubCat=Training_News)  
4 [09.htm?LEARN\\_Cat=Training&LEARN\\_SubCat=Training\\_News](http://www.adl.org/learn/adl_law_enforcement/LEAS+3-09.htm?LEARN_Cat=Training&LEARN_SubCat=Training_News) (last visited June 21,  
5 2010).

6 14. Attached as Exhibit M to this Declaration is a true and correct copy of the  
7 FBI webpage describing the same program,  
8 [http://www.fbi.gov/page2/mar10/leas\\_033010.html](http://www.fbi.gov/page2/mar10/leas_033010.html) (last visited June 21, 2010).

9 15. Attached as Exhibit N to this Declaration is a true and correct copy of the  
10 introduction to the ADL Report “Immigrants Targeted: Extremist Rhetoric Moves into  
11 the Mainstream,” available at [http://www.adl.org/civil\\_rights/anti\\_immigrant/](http://www.adl.org/civil_rights/anti_immigrant/) (last  
12 visited June 21, 2010). The full report is available by accessing the same webpage.

13 16. Attached as Exhibit O to this Declaration is a true and correct copy of the  
14 ADL Report “Rally in Support of Arizona’s New Immigration Law Will Feature  
15 Extreme Elements of the Anti-Immigrant Movement,” available at  
16 [http://www.adl.org/civil\\_rights/rally\\_anti\\_immigration.asp](http://www.adl.org/civil_rights/rally_anti_immigration.asp) (last visited June 21, 2010).

17 17. Attached as Exhibit P to this Declaration is a true and correct copy of the  
18 following newspaper column: E.J. Montini, “Is SB 1070 the end or the beginning?,”  
19 *The Arizona Republic*, B1 (May 16, 2010), available at  
20 <http://www.azcentral.com/arizonarepublic/local/articles/2010/05/16/20100516immigrati>  
21 [on-law-montini.html#ixzz0rUI5AcUz](http://www.azcentral.com/arizonarepublic/local/articles/2010/05/16/20100516immigrati) (last visited June 21, 2010).

22 18. Attached as Exhibit Q to this Declaration is a true and correct copy of the  
23 following newspaper article: Randal C. Archibold, “In Border Violence, Perception Is  
24 Greater Than Crime Statistics,” *The New York Times*, A16 (June 20, 2010).

25 19. Attached as Exhibit R to this Declaration is a true and correct copy of the  
26 following newspaper article: Dennis Wagner, “Violence is not up on Arizona border:  
27 Mexico crime flares, but here, only flickers,” *The Arizona Republic*, A1 (May 2, 2010),  
28 available at

1 <http://www.azcentral.com/arizonarepublic/news/articles/2010/05/02/20100502arizona->  
2 [border-violence-mexico.html#ixzz0rUoV3Vu6](http://www.azcentral.com/arizonarepublic/news/articles/2010/05/02/20100502arizona-)) (last visited June 21, 2010).

3

4

5 I declare under penalty of perjury under the laws of the State of Arizona and the  
6 United States that the foregoing is true and correct.

7

EXECUTED this 21st day of June, 2010 in Phoenix, Arizona.

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10

/s/ Peter S. Kozinets  
Peter S. Kozinets

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INDEX OF EXHIBITS TO  
PETER S. KOZINETS' DECLARATION IN  
SUPPORT OF BRIEF OF *AMICUS CURIAE*  
THE ANTI-DEFAMATION LEAGUE

- Exhibit A United States Department of Justice, Civil Rights Division, fact sheet on the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009.
- Exhibit B ADL chart, "Ten Year Comparison of FBI Hate Crime Statistics (2008-1999).
- Exhibit C Uniform Crime Report, Hate Crime Statistics, 2008, U.S. Department of Justice Federal Bureau of Investigation, Table 1.
- Exhibit D Excerpts of the *2009 Crime in Arizona Report*.
- Exhibit E Michael Kiefer and Michael Ferraresi, "Phoenix slaying now termed a hate crime," *The Arizona Republic*, B6 (June 18, 2010).
- Exhibit F Arizona Association of Chiefs of Police Statement on Senate Bill 1070.
- Exhibit G Police Foundation May 20, 2009 press release describing the June 2009 Police Foundation Report, "The Role of Local Police: Striking the Balance Between Immigration Enforcement and Civil Liberties."
- Exhibit H Excerpts of the Major Cities Chiefs' Association June 2006 report, "M.C.C. Immigration Committee Recommendations for Enforcement of Immigration Laws by Local Police Agencies."
- Exhibit I Kevin Johnson, "Arizona Immigration Law Creates Rift," *USA TODAY*, April 26, 2010.
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- Exhibit L ADL webpage describing the ADL's United States Holocaust Memorial Museum program for FBI field agents and other law enforcement professionals, *Law Enforcement and Society: Lessons of the Holocaust*.

- Exhibit M FBI webpage describing the same program.
- Exhibit N Introduction to the ADL Report “Immigrants Targeted: Extremist Rhetoric Moves into the Mainstream.”
- Exhibit O ADL Report “Rally in Support of Arizona’s New Immigration Law Will Feature Extreme Elements of the Anti-Immigrant Movement.”
- Exhibit P E.J. Montini, “Is SB 1070 the end or the beginning?,” *The Arizona Republic*, B1 (May 16, 2010).
- Exhibit Q Randal C. Archibold, “In Border Violence, Perception Is Greater Than Crime Statistics,” *The New York Times*, A16 (June 20, 2010).
- Exhibit R Dennis Wagner, “Violence is not up on Arizona border: Mexico crime flares, but here, only flickers,” *The Arizona Republic*, A1 (May 2, 2010).

# **Exhibit A**

**Exhibit A**



# United States Department of Justice

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## THE MATTHEW SHEPARD AND JAMES BYRD, JR., HATE CRIMES PREVENTION ACT OF 2009

The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009, 18 U.S.C. § 249, was enacted as Division E of the National Defense Authorization Act for Fiscal Year 2010. Section 249 of Title 18 provides funding and technical assistance to state, local, and tribal jurisdictions to help them to more effectively investigate and prosecute hate crimes. It also creates a new federal criminal law which criminalizes willfully causing bodily injury (or attempting to do so with fire, firearm, or other dangerous weapon) when (1) the crime was committed because of the actual or perceived race, color, religion, national origin of any person or (2) the crime was committed because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person and the crime affected interstate or foreign commerce or occurred within federal special maritime and territorial jurisdiction.

The newly enacted § 249 has three significant subsections. Subsection (a)(1) criminalizes violent acts (and attempts to commit violent acts undertaken with a dangerous weapon) when those acts occur because of the actual or perceived race, color, religion, or national origin of any person. This section of the statute has a broader reach than existing hate crime statutes. (18 U.S.C. § 245, for example, requires that government prove not only that the crime was motivated by animus but also because of the victim's participation in one of six enumerated federally protected activities). Section 249(a)(1) was passed pursuant to Congress's Thirteenth Amendment authority to eradicate badges and incidents of slavery. The government need prove no other "jurisdictional" element to obtain a conviction.

Subsection (a)(2) of § 249 protects a wider class of victims. Subsection (a)(2) criminalizes acts of violence (and attempts to commit violent acts undertaken with a dangerous weapon) when motivated by the actual or perceived gender, disability, sexual orientation, or gender identity of any person. It will also apply to violent acts motivated by animus against those religions and national origins which were not considered to be "races" at the time the Thirteenth Amendment was passed. This portion of the statute was passed pursuant to Congress's Commerce Clause authority. Thus, to obtain a conviction, the government must prove that the crime was in or affected interstate or foreign commerce. Subsection (a)(2)(B) of the statute contains a detailed description of the ways the commerce clause element may be fulfilled.

Subsection (a)(3) of § 249 provides for prosecution of crimes committed because of any of the characteristics defined in (a)(1) or (a)(2), whenever such crimes occur within the Special Maritime and Territorial Jurisdiction (SMTJ) of the United States.

The statute criminalizes only violent acts resulting in bodily injury or attempts to inflict bodily injury, through the use of fire, firearms, explosive and incendiary devices, or other dangerous weapons. The statute does not criminalize threats of violence. Threats to inflict physical injury may be prosecutable under other hate crimes statutes, such as 42 U.S.C. § 3631 or 18 U.S.C. § 245. Such threats may also be prosecutable under generally applicable federal laws preventing interstate communication of threats.

[Return to the Criminal Section Home Page](#)

*Updated December 15, 2009*

# **Exhibit B**

**Exhibit B**

<b>Ten Year Comparison of FBI Hate Crime Statistics (2008-1999)</b>										
	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>	<b>1999</b>
<b>Participating Agencies</b>	13,690	13,241	12,620	12,417	12,711	11,909	12,073	11,987	11,690	12,122
<b>Total Hate Crime Incidents Reported</b>	7,783	7,624	7,722	7,163	7,649	7,489	7,462	9,730	8,063	7,876
<b>Number of States, including D.C.</b>	50	50	50	50	50	50	50	50	49	49
<b>Percentage of U.S. Population Agencies Represented</b>	88.6%	85.7%	85.2%	82.7%	86.6%	82.8%	85.7%	85.0%	84.2%	85.0%

<b>Offenders' Reported Motivations in Percentages of Incidents (2008-1999)</b>										
	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>	<b>1999</b>
<b>Racial Bias</b>	3,992/51.3	3,870/50.8	4,000/51.8	3,919/ 54.7	4,402/ 57.5	3,844/ 51.3	3,642/ 48.8	4,367/44.9	4,337/53.8	4,295/54.5
<i>Anti-Black</i>	2,876/36.9	2,658/34.9	2,640/34.2	2,630/ 36.7	2,731/35.7	2,548/ 34.0	2,486/33.3	2,899/30	3,884/35.8	2,486/33.3
<i>Anti-White</i>	716/9.2	749/9.8	890/11.5	828/ 11.6	829/10.8	830/ 11.1	719/9.6	891/9.1	875/10.9	781/9.9
<i>Anti-Asian / Pacific Islander</i>	137/1.8	188/2.5	181/2.3	199/ 2.8	217/2.8	231/3.1	217/2.9	280/2.9	281/3.5	298/3.8
<b>Religious Bias</b>	1,519/19.5	1,400/18.4	1,462/18.9	1,227/ 17.1	1,374/18.0	1,343/ 17.9	1,426/19.1	1,828/18.8	1,472/18.3	1,411/17.9
<i>Anti-Semitic</i>	1,013/13.0	969/12.7	967/12.5	848/ 11.8	954/12.5	927/ 12.4	931/12.5	1,043/10.7	1,109/13.8	1,109/14.1
<i>Anti-Semitic as Percentage of Religious Bias</i>	66	69	66	69	69	69	65	57	75	79
<i>Anti-Islamic</i>	105/1.3	115/1.5	156/2.0	128/ 1.8	156/2.0	149/2.0	155/2.1	481/4.9	28/0.35	32/0.40
<b>Ethnicity / National Origin</b>	894/11.5	1,007/13.2	984/12.7	944/ 13.2	972/12.7	1026/ 13.7	1,102/14.8	2,098/21.6	911/11.3	829/10.5
<i>Anti-Hispanic</i>	561/7.2	595/7.8	576/7.5	522/ 7.3	475/6.2	426/5.7	480/6.4	597/6.1	557/6.9	466/5.9
<b>Sexual Orientation</b>	1,297/16.7	1,265/16.6	1,195/15.5	1,017/ 14.2	1,197/15.6	1,239/ 16.5	1,244/16.7	1,393/14.3	1,299/16.1	1,317/16.7
<b>Disability</b>	78/1.0	79/1.0	79/1.0	53/ 0.74	57/0.74	33/0.44	45/0.59	35/0.36	36/0.45	19/0.24

Updated November, 2009

Compiled by the Anti-Defamation League's Washington Office from information collected by the FBI

More information about ADL's resources on response to hate violence can be found at the

# **Exhibit C**

**Exhibit C**



U.S. Department of Justice Federal Bureau of Investigation

[FEEDBACK](#) | [CONTACT US](#) | [DATA QUALITY GUIDELINES](#) | [UCR HOME](#)

# 2008 HATE CRIME STATISTICS

[Hate Crime Statistics Home](#) | [Incidents and Offenses](#) | [Victims](#) | [Offenders](#) | [Location Type](#) | [Hate Crime by Jurisdiction](#) | [About Hate Crime Statistics](#)

[Return to Previous Page](#)

## Table 1

### Incidents, Offenses, Victims, and Known Offenders by Bias Motivation, 2008

[Data Declaration](#) | [Download Excel](#)

Bias motivation	Incidents	Offenses	Victims <sup>1</sup>	Known offenders <sup>2</sup>
<b>Total</b>	<b>7,783</b>	<b>9,168</b>	<b>9,691</b>	<b>6,927</b>
<b>Single-Bias Incidents</b>	<b>7,780</b>	<b>9,160</b>	<b>9,683</b>	<b>6,921</b>
<b>Race:</b>	<b>3,992</b>	<b>4,704</b>	<b>4,934</b>	<b>3,723</b>
Anti-White	716	812	829	811
Anti-Black	2,876	3,413	3,596	2,596
Anti-American Indian/Alaskan Native	54	59	63	61
Anti-Asian/Pacific Islander	137	162	170	140
Anti-Multiple Races, Group	209	258	276	115
<b>Religion:</b>	<b>1,519</b>	<b>1,606</b>	<b>1,732</b>	<b>632</b>
Anti-Jewish	1,013	1,055	1,145	353
Anti-Catholic	75	75	89	35
Anti-Protestant	56	60	62	34
Anti-Islamic	105	123	130	85
Anti-Other Religion	191	212	222	90
Anti-Multiple Religions, Group	65	67	70	33
Anti-Atheism/Agnosticism/etc.	14	14	14	2
<b>Sexual Orientation:</b>	<b>1,297</b>	<b>1,617</b>	<b>1,706</b>	<b>1,460</b>
Anti-Male Homosexual	776	948	981	921



Anti-Female Homosexual	154	194	198	156
Anti-Homosexual	307	415	466	336
Anti-Heterosexual	33	33	34	25
Anti-Bisexual	27	27	27	22
<b>Ethnicity/National Origin:</b>	<b>894</b>	<b>1,148</b>	<b>1,226</b>	<b>1,034</b>
Anti-Hispanic	561	735	792	711
Anti-Other Ethnicity/National Origin	333	413	434	323
<b>Disability:</b>	<b>78</b>	<b>85</b>	<b>85</b>	<b>72</b>
Anti-Physical	22	28	28	26
Anti-Mental	56	57	57	46
<b>Multiple-Bias Incidents<sup>3</sup></b>	<b>3</b>	<b>8</b>	<b>8</b>	<b>6</b>

<sup>1</sup> The term *victim* may refer to a person, business, institution, or society as a whole.

<sup>2</sup> The term *known offender* does not imply that the identity of the suspect is known, but only that an attribute of the suspect has been identified, which distinguishes him/her from an unknown offender.

<sup>3</sup> In a *multiple-bias incident*, two conditions must be met: (a) more than one offense type must occur in the incident and (b) at least two offense types must be motivated by different biases.

[Back to Top](#)

# **Exhibit D**

**Exhibit D**

**2009  
CRIME  
IN  
ARIZONA  
REPORT**

# **BIAS CRIMES DATA**

**BIAS (HATE) CRIME DATA COLLECTION****BACKGROUND**

The collection of bias (hate) crime statistics is the latest addition to the Uniform Crime Reporting program. It reflects a growing concern on both a federal and state level to the problem of crimes being committed due to bias or hate.

The collection of these statistics began with the passage of Public Law 101-275, known as the Hate Crime Statistics Act, in April 1990. The Act required the Attorney General to establish guidelines and collect data "about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property."

In Arizona, legislation mandating the collection of bias (hate) crime statistics was passed in 1991. Arizona Revised Statutes 41-1750 was amended in part to read that the criminal identification section within the Department of Public Safety shall "Collect information concerning criminal offenses that manifest evidence of prejudice based on race, color, religion, national origin, sexual orientation, gender or disability."

Effective January 1, 1997, disability bias, either physical or mental, was added to the national Bias Crime Statistical Program. This addition was due to the Violent Crime Control and Law Enforcement Act.

Statewide collection began January 1992. Statistics received from Arizona law enforcement agencies for 2009 are listed on the following pages.

**BIAS OFFENSES - FIVE YEAR COMPARISON - 2009**

OFFENSE	2005	2006	2007	2008	2009
Homicide	--	--	--	--	--
Forcible Rape	--	--	--	--	--
Robbery	2	--	4	4	2
Aggravated Assault	24	16	25	25	23
Simple Assault	40	29	19	35	50
Burglary	2	2	1	3	6
Larceny-Theft	1	--	2	1	--
Motor Vehicle Theft	--	1	--	1	1
Arson	2	--	1	2	1
Intimidation	56	74	45	52	54
Destruction/Damage/Vandalism	80	59	71	71	89
<b>TOTAL</b>	<b>207</b>	<b>181</b>	<b>168</b>	<b>194</b>	<b>226</b>

**BIAS (HATE) CRIMES****DEFINITION**

A bias (hate) crime is defined as a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, religion, ethnic/national origin group, sexual orientation group, disability, or gender.

**SUMMARY**

- There were 219 actual incidents of bias crimes reported in 2009 involving 226 offenses.
- Vandalism accounted for 89 offenses, or 39.4 percent, followed by intimidation with 54 offenses and simple assault with 50 offenses.
- The residence/home accounted for the most frequent location of occurrence of bias offenses with 85 or 37.6 percent.
- Racial bias accounted for 89 of all offenses, or 39.4 percent, followed by religious bias with 51 offenses each, or 22.6 percent, ethnic origin bias with 44 offenses, or 19.5 percent, sexual bias with 41 offenses, or 18.1 percent, and disability bias with 1, or 0.4 percent.
- The most frequently reported known suspected offenders' race was White, reported in 95 incidents, or 43.4 percent, followed by Black with 14, American Indian/Alaskan Native with 5, Asian/Pacific Islander with 1, and multi-racial group with 2. In 102 bias incidents, the suspected offenders' race was reported as unknown.

**BIAS OFFENSES BY QUARTER - 2009**

OFFENSE	1ST	2ND	3RD	4TH	TOTAL
Homicide	--	--	--	--	--
Forcible Rape	--	--	--	--	--
Robbery	--	1	1	--	2
Aggravated Assault	9	6	4	4	23
Simple Assault	11	15	15	9	50
Burglary	2	2	1	1	6
Larceny-Theft	--	--	--	--	--
Motor Vehicle Theft	1	--	--	--	1
Arson	--	--	1	--	1
Intimidation	16	13	13	12	54
Destruction/Damage/Vandalism	16	23	28	22	89
<b>TOTAL</b>	<b>55</b>	<b>60</b>	<b>63</b>	<b>48</b>	<b>226</b>

azdps.gov

**BIAS OFFENSE LOCATIONS BY QUARTER - 2009**

LOCATION	1ST	2ND	3RD	4TH	TOTAL
Air/Bus/Train Terminal	--	--	1	1	2
Bank/Savings and Loan	--	--	--	--	--
Bar/Night Club	2	4	1	2	9
Church/Synagogue/Temple	4	2	2	3	11
Commercial/Office Building	2	3	1	--	6
Construction Site	--	--	--	--	--
Convenience Store	1	--	--	1	2
Department/Discount Store	--	1	--	1	2
Drug Store/Doctor's Office/Hospital	--	--	1	--	1
Field/Woods	1	--	--	--	1
Government/Public Building	--	--	--	2	2
Grocery/Supermarket	--	--	1	3	4
Highway/Road/Alley/Street	7	7	8	7	29
Hotel/Motel/Etc.	1	--	1	--	2
Jail/Prison	--	1	--	--	1
Lake/Waterway	--	4	--	--	4
Liquor Store	--	--	--	--	--
Parking Lot/Garage	8	4	7	2	21
Rental Storage Facility	--	--	--	--	--
Residence/Home	20	18	29	18	85
Restaurant	3	--	4	--	7
School/College	4	9	3	5	21
Service/Gas Station	--	--	--	--	--
Specialty Store	--	3	--	--	3
Other/Unknown	2	4	4	3	13
<b>TOTAL</b>	<b>55</b>	<b>60</b>	<b>63</b>	<b>48</b>	<b>226</b>

azdps.gov

**BIAS MOTIVATION BY QUARTER - 2009**

TYPE OF BIAS	1ST	2ND	3RD	4TH	TOTAL
<b>RACIAL</b>					
Anti-White	4	--	1	--	5
Anti-Black	15	13	18	17	63
Anti-American Indian/Alaskan Native	1	1	--	--	2
Anti-Asian/Pacific Islander	1	1	5	1	8
Anti-Multi-Racial Group	3	3	1	4	11
<b>ETHNIC/NATIONAL ORIGIN</b>					
Anti-Hispanic	12	13	7	5	37
Anti-Other Ethnic/National Origin	1	2	--	4	7
<b>RELIGIOUS</b>					
Anti-Jewish	7	10	15	4	36
Anti-Catholic	--	--	1	--	1
Anti-Protestant	--	--	1	--	1
Anti-Islamic	--	2	2	2	6
Anti-Other Religion	2	3	1	1	7
Anti-Multi-Religious Group	--	--	--	--	--
Anti-Atheism/Agnosticism/Etc.	--	--	--	--	--
<b>SEXUAL</b>					
Anti-Male Homosexual	6	8	6	8	28
Anti-Female Homosexual	2	2	3	1	8
Anti-Homosexual	1	1	2	1	5
Anti-Heterosexual	--	--	--	--	--
Anti-Bisexual	--	--	--	--	--
<b>DISABILITY</b>					
Anti-Mental	--	1	--	--	1
Anti-Physical	--	--	--	--	--
<b>GENDER</b>					
Anti-Female	--	--	--	--	--
Anti-Male	--	--	--	--	--
<b>TOTAL</b>	<b>55</b>	<b>60</b>	<b>63</b>	<b>48</b>	<b>226</b>



azdps.gov

**BIAS OFFENSES BY COUNTY - 2009**

COUNTY	1ST	2ND	3RD	4TH	TOTAL
Apache	--	--	--	--	--
Cochise	1	1	--	--	2
Coconino	--	1	--	--	1
Gila	--	--	--	--	--
Graham	--	--	--	--	--
Greenlee	--	--	--	--	--
La Paz	--	--	--	--	--
Maricopa	46	49	56	34	185
Mohave	--	1	--	1	2
Navajo	--	2	--	--	2
Pima	5	4	6	9	24
Pinal	--	2	1	3	6
Santa Cruz	--	--	--	--	--
Yavapai	3	--	--	1	4
Yuma	--	--	--	--	--
<b>TOTAL</b>	<b>55</b>	<b>60</b>	<b>63</b>	<b>48</b>	<b>226</b>

azdps.gov

**BIAS OFFENSES BY AGENCY - 2009**

AGENCY	1ST	2ND	3RD	4TH	TOTAL
AZ State University PD	--	--	1	1	2
Avondale PD	3	--	1	--	4
Buckeye PD	--	--	--	1	1
Bullhead City PD	--	1	--	--	1
Chandler PD	1	1	--	--	2
Coolidge PD	--	--	1	--	1
Glendale PD	3	4	4	1	12
Jerome PD	1	--	--	--	1
Lake Havasu City PD	--	--	--	1	1
Maricopa County SO	--	5	3	1	9
Mesa PD	1	5	1	1	8
Northern AZ University PD	--	1	--	--	1
Peoria PD	--	--	1	--	1
Phoenix PD	29	27	40	21	117
Pima College PD	--	--	--	2	2
Pima County SO	1	1	--	2	4
Pinal County SO	--	2	--	3	5
Prescott Valley PD	1	--	--	--	1
Scottsdale PD	4	2	4	7	17
Show Low PD	--	2	--	--	2
Sierra Vista PD	1	1	--	--	2
Tempe PD	5	5	1	1	12
Tucson PD	4	1	5	4	14
University of AZ PD	--	2	1	1	4
Yavapai County SO	1	--	--	1	2
<b>TOTAL</b>	<b>55</b>	<b>60</b>	<b>63</b>	<b>48</b>	<b>226</b>

azdps.gov

**OFFENSES BY TYPE OF BIAS BY AGENCY - 2009**

AGENCY	RACIAL	ETHNIC ORIGIN	RELIGIOUS	SEXUAL	DISABILITY	GENDER
AZ State University PD	1	--	1	--	--	--
Avondale PD	2	2	--	--	--	--
Buckeye PD	--	1	--	--	--	--
Bullhead City PD	--	1	--	--	--	--
Chandler PD	--	--	2	--	--	--
Coolidge PD	1	--	--	--	--	--
Glendale PD	6	2	2	2	--	--
Jerome PD	--	--	--	1	--	--
Lake Havasu City PD	1	--	--	--	--	--
Maricopa County SO	4	4	1	--	--	--
Mesa PD	4	1	1	2	--	--
Northern AZ University PD	--	--	--	--	1	--
Peoria PD	1	--	--	--	--	--
Phoenix PD	37	27	29	24	--	--
Pima College PD	2	--	--	--	--	--
Pima County SO	1	--	1	2	--	--
Pinal County SO	4	1	--	--	--	--
Prescott Valley PD	1	--	--	--	--	--
Scottsdale PD	9	2	4	2	--	--
Show Low PD	--	--	1	1	--	--
Sierra Vista PD	1	1	--	--	--	--
Tempe PD	5	1	2	4	--	--
Tucson PD	5	--	7	2	--	--
University of AZ PD	3	1	--	--	--	--
Yavapai County SO	1	--	--	1	--	--
<b>TOTAL</b>	<b>89</b>	<b>44</b>	<b>51</b>	<b>41</b>	<b>1</b>	<b>--</b>

## GLOSSARY

**Adult** - For UCR purposes, a person 18 years or older.

**American Indian or Alaskan Native** - A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

**Asian or Pacific Islander** - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes for example: China, India, Japan, Korea, the Philippine Islands, and Samoa.

**Black** - A person having origins in any of the black racial groups of Africa, characterized by dark skin pigmentation.

**Classifying** - Determining the correct UCR Part I or Part II offense category based on police information.

**Cleared by Arrest** - An offense that is cleared (solved) when at least one person is (1) arrested, (2) charged with the commission of the offense, and (3) turned over to the court for prosecution.

**Cleared by Exceptional Means** - For UCR purposes, an offense is considered exceptionally cleared when law enforcement has: (1) definitely established the identity of the offender, (2) there is enough information to support an arrest, charge, and turning over to the court for prosecution, (3) the exact location of the offender is known so the subject could be taken into custody, and yet (4) some reason outside law enforcement control prevents bringing the offender to court.

**Crimes Against Persons** - Includes the following Index offenses: Murder, rape, and aggravated assault.

**Crimes Against Property** - Includes the following Index offenses: Robbery, burglary, larceny-theft, motor vehicle theft, and arson.

**Crime Index** - The total of eight offenses used to measure the extent, fluctuation and distribution of crime in a given geographical area. The Crime Index includes: Murder, rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson.

**Hierarchy Rule** - A standard UCR scoring practice used in multiple offense situations in which only the most serious offense (as determined by the established Crime Index order) is counted.

**Hispanic** - A person of Mexican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

# **Exhibit E**

**Exhibit E**

# Phoenix slaying now termed a hate crime

By Michael Kiefer  
and Michael Ferraresi  
THE ARIZONA REPUBLIC

The Maricopa County Attorney's Office has alleged that the May 6 fatal shooting of a Mexican-American man in south Phoenix by a neighbor shouting racial epithets was a hate crime. The allegation was filed June 9 as one of six aggravating factors that the office raised in the case of Gary Thomas Kelley. Aggravating factors allow judges to enhance prison sentences in the event of a conviction.

Kelley, 50, is charged with second-degree murder in the killing of Juan Varela, 44. He also is accused of menacing Varela's brother Antonio with a gun.

According to initial police reports, Kelley shouted, "Hurry up and go back to Mexico or you're gonna die." Varela, in fact, was a third-generation, native-born U.S. citizen.

Maricopa County Attorney Rick Romley said Thursday that the decision to add hate crime as an aggravating factor came when those statements were corroborated.

"Aggravating factors" are allegations that allow a judge to impose a harsher sentence once a defendant is convicted. Second-degree murder car-



**Gary Kelley**

The County Attorney's Office also listed as possible aggravating factors that the offense involved the use of a gun; that it caused physical, emotional or financial harm to the victim's family; that there were multiple victims; and that the defendant left the scene of the crime and did not seek

help for the victims. Police, however, in May hesitated to characterize the shooting as a hate crime, much to the dismay of the Varela family.

The family claimed Phoenix Public Safety Manager Jack Harris visited their home the day of the tragedy to encourage them not to raise questions about a potentially anti-Hispanic slaying as the Valley faced protests and boycotts over SB 1070, the new state immigration law.

Phoenix police declined to comment Thursday, deferring to the County Attorney's Office. Department spokesmen said Harris never went to personally

meet the Varela family. Investigators say that Varela was watering a tree in his front yard when Kelley confronted him, pointed a snub-nosed revolver at his face, and fatally wounded him with a single shot to the neck.

Kelley, an unemployed golf-cart repairman and greens supervisor, lived in the Varelas' neighborhood for eight years.

Police initially characterized the shooting as the result of a drunken or long-standing dispute between neighbors. Detectives said they arrested Kelley with a beer in his hand in the neighborhood near Southern and Seventh avenues.

Phoenix police declined to comment Thursday, deferring to the County Attorney's Office. Department spokesmen said Harris never went to personally

# **Exhibit F**

**Exhibit F**

## AACOP STATEMENT ON SENATE BILL 1070

The Arizona Association of Chiefs of Police (AACOP) remains in opposition to Senate Bill (SB) 1070. The provisions of the bill remain problematic and will negatively affect the ability of law enforcement agencies across the state to fulfill their many responsibilities in a timely manner.

While AACOP recognizes immigration as a significant issue in Arizona, we remain strong in our belief that it is an issue most appropriately addressed at the federal level. AACOP strongly urges the U. S. Congress to immediately initiate the necessary steps to begin the process of comprehensively addressing the immigration issue to provide solutions that are fair, logical, and equitable.

Should SB 1070 be signed into law by the Governor of Arizona, law enforcement professionals in the State of Arizona will enforce the provisions of the statute to the best of their abilities.

- i -

Senate Engrossed  
State of Arizona  
Senate  
Forty-ninth Legislature  
Second Regular Session  
2010

### SENATE BILL 1070

#### AN ACT

AMENDING TITLE 11, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8; AMENDING TITLE 13, CHAPTER 15, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1509; AMENDING SECTION 13-2319, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 29, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 13-2928 AND 13-2929; AMENDING SECTIONS 23-212, 23-212.01, 23-214 AND 28-3511, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 12, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1724; RELATING TO UNLAWFULLY PRESENT ALIENS. (TEXT OF BILL BEGINS ON NEXT PAGE)

S.B. 1070

- 1 -

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Intent  
3 The legislature finds that there is a compelling interest in the  
4 cooperative enforcement of federal immigration laws throughout all of  
5 Arizona. The legislature declares that the intent of this act is to make  
6 attrition through enforcement the public policy of all state and local  
7 government agencies in Arizona. The provisions of this act are intended to  
8 work together to discourage and deter the unlawful entry and presence of  
9 aliens and economic activity by persons unlawfully present in the United  
10 States.



# **Exhibit G**

**Exhibit G**



**Law Enforcement Leaders to Discuss How Local Immigration Enforcement Challenges  
Public Safety Mission**

**Press Conference to Feature Findings, Implications of Groundbreaking New  
Police Foundation Report**

For May 20, 2009

Contact: Mary Malina  
[mmalina@policefoundation.org](mailto:mmalina@policefoundation.org)  
(202) 833-1460

WASHINGTON, DC—The federal government's failure to secure the borders and reform the immigration system has created tensions between communities throughout the country and pressure on state and local law enforcement to control unauthorized immigration, most notably through U.S. Immigration and Customs Enforcement's 287(g) program of deputizing local and state police to perform immigration enforcement activities. In a report released today by the Police Foundation, local law enforcement executives, however, say immigration enforcement by local police undermines their core public safety mission, diverts scarce resources, increases their exposure to liability and litigation, and exacerbates fear in communities already distrustful of police. The report and its implications will be the topic of a press conference on Wednesday, May 20 at 2 p.m. EDT at 2226 Rayburn House Office Building. Participants include: Hubert Williams, President, Police Foundation; Chief Harold L. Hurtt, Houston, TX, Police Department; Chief Theron Bowman, Arlington, TX, Police Department; Chief Ronald Miller, Topeka, KS, Police Department; Chief Jose Lopez, Durham, NC, Police Department; and Chief Toussaint Summers, Herndon, VA, Police Department.

The report, *The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties*, examines the costs and benefits of immigration enforcement at the local level and includes the following recommendations:

- The costs of the 287(g) program outweigh the benefits
- If a local agency enters the 287(g) program, they should limit participation to serious criminal offenders and jail-based programs
- There are better alternatives to the 287(g) program for deporting criminal aliens
- Police officers should be prohibited from arresting and detaining persons to solely investigate immigration status in the absence of probable cause of an independent crime
- Implement policies and procedures for monitoring and enforcing racial profiling violations
- Involve community members in developing immigration policies
- Evaluation research should be conducted of the 287(g) program and other local immigration enforcement initiatives

- Employ community policing and problem-solving tactics to improve police-community relations with immigrant communities and resolve tension caused by expanding immigration
- The federal government must enact comprehensive border security and immigration reforms

The foundation report is the culmination of a national effort to bring together law enforcement leaders, public officials, scholars, and community stakeholders to collaboratively examine the implications of local law enforcement of immigration laws by reviewing practices, constitutional issues, and economic factors.

The report draws from a series of focus groups and a national conference and includes research on the rights of undocumented immigrants and the legal framework for the enforcement of immigration laws, demographic trends and characteristics, immigration and criminality, evaluation of federal efforts to collaborate with local police on immigration enforcement (287(g) program), and the experience of undocumented youth. Also included in the report are the results of two surveys of law enforcement executives on immigration and local policing.

According to Police Foundation president, Hubert Williams, "Police executives have felt torn between a desire to be helpful and cooperative with federal immigration authorities and a concern that their participation in immigration enforcement efforts will undo the gains they have achieved through community-oriented policing practices directed at gaining the trust and cooperation of immigrant communities. As one police chief pointed out during the project, 'How do you police a community that will not talk to you?'"

The report is available from the Police Foundation and online at [www.policefoundation.org/strikingabalance/](http://www.policefoundation.org/strikingabalance/).

*The Police Foundation is a national, nonpartisan, nonprofit organization dedicated to improving policing. Established in 1970, the foundation has conducted seminal research in police behavior, policy, and procedure, and works to transfer to local agencies the best new information about practices for dealing effectively with the full range of police operational and administrative concerns. Motivating all of the foundation's efforts is the goal of efficient, humane policing that operates within the framework of democratic principles and the highest ideals of the nation.*

###

# **Exhibit H**

**Exhibit H**

# **M.C.C. IMMIGRATION COMMITTEE RECOMMENDATIONS**

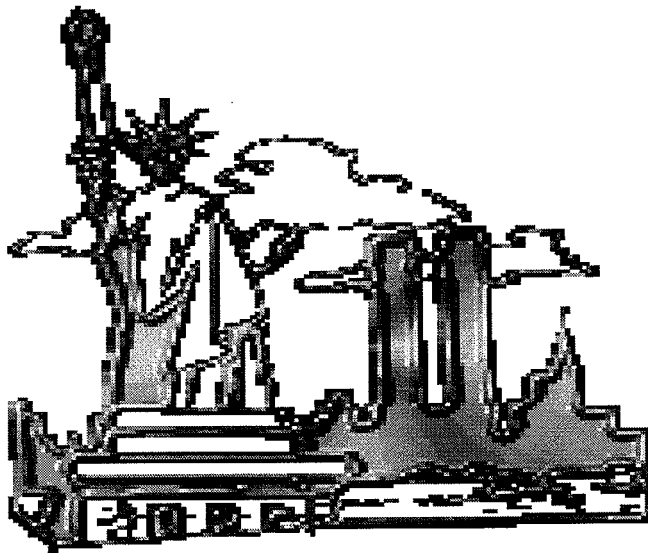
**For Enforcement of  
Immigration Laws By Local  
Police Agencies**



**Adopted by:  
Major Cities Chiefs  
June 2006**

**Prepared By:**

**M.C.C. IMMIGRATION  
COMMITTEE MEMBERS:**



**Craig E. Ferrell, Jr., (M.C.C. General Counsel),  
Chairman of Immigration Committee, Houston Police Department**

**Leroy D. Baca, Los Angeles County Sheriff's Department  
William J. Bratton, Los Angeles Police Department  
Ella M. Bully-Cummings, Detroit Police Department  
Raymond W. Kelly, New York City Police Department  
Gil Kerlikowske, Seattle Police Department  
Richard Miranda, Tucson Police Department  
Robert Parker, Miami-Dade Police Department  
Richard D. Wiles, El Paso Police Department**

- 3) **Illegal Immigrants** are citizens of other countries who have entered or remained in the U.S. without permission and without any legal status. Most illegal immigrants cross a land or sea border without being inspected by an immigration officer. Some person falls into illegal status simply by violating the terms of a legal entry document or visa.
- 4) **Absconders** are persons who entered the United States legally but have since violated the conditions of their visa and who have had a removal, deportation, or exclusion hearing before an immigration judge and are under a final order of deportation and have not left the United States.

Currently there are between 8-12 million illegal immigrants living in the U.S., with another estimated 800,000 illegal immigrants entering the country every year. These immigrants by their sheer numbers have become a significant part of local communities and major cities in our nation. Some major urban areas estimate that their immigrant communities, regardless of immigration status, comprise 50%-60% of the local population and other areas report similar trends. The reality for major local police agencies throughout the nation is that the communities they serve and protect are diverse and include significant immigrant communities including documented and undocumented immigrants.

## **C. CONCERNS WITH LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS**

Local police agencies must balance any decision to enforce federal immigration laws with their daily mission of protecting and serving diverse communities, while taking into account: limited resources; the complexity of immigration laws; limitations on authority to enforce; risk of civil liability for immigration enforcement activities and the clear need to foster the trust and cooperation from the public including members of immigrant communities.

### **1) Undermine Trust and Cooperation of Immigrant Communities**

Major urban areas throughout the nation are comprised of significant immigrant communities. In some areas the immigrant community reaches 50-60 percent of the local population. Local agencies are charged with protecting these diverse populations with communities of both legal and illegal immigrants. The reality is that undocumented immigrants are a significant part of the local populations major police agencies must protect, serve and police.

Local agencies have worked very hard to build trust and a spirit of cooperation with immigrant groups through community based policing and outreach programs and specialized officers who work with immigrant groups. Local agencies have a clear need to foster trust and cooperation with everyone in these immigrant communities. Assistance and cooperation from immigrant communities is especially important when an immigrant, whether documented or undocumented, is the victim of or witness to a crime. These persons must be encouraged to file reports and come forward with information. Their cooperation is needed to prevent and solve crimes and maintain public order, safety, and security in the whole community. Local

police contacts in immigrant communities are important as well in the area of intelligence gathering to prevent future terroristic attacks and strengthen homeland security.

Immigration enforcement by local police would likely negatively effect and undermine the level of trust and cooperation between local police and immigrant communities. If the undocumented immigrant's primary concern is that they will be deported or subjected to an immigration status investigation, then they will not come forward and provide needed assistance and cooperation. Distrust and fear of contacting or assisting the police would develop among legal immigrants as well. Undoubtedly legal immigrants would avoid contact with the police for fear that they themselves or undocumented family members or friends may become subject to immigration enforcement. Without assurances that contact with the police would not result in purely civil immigration enforcement action, the hard won trust, communication and cooperation from the immigrant community would disappear. Such a divide between the local police and immigrant groups would result in increased crime against immigrants and in the broader community, create a class of silent victims and eliminate the potential for assistance from immigrants in solving crimes or preventing future terroristic acts.

## **2) Lack of Resources**

The budgets and resources of local police agencies are not unlimited. Local police agencies struggle every year to find the resources to police and serve their respective communities. Since the events of September 11, local agencies have taken on the added duty of serving as the first line of defense and response to terrorist attacks for our country. These efforts on the local level to deter and prevent another terrorist attack and to be prepared to respond to the aftermath of an attack have stretched local resources even further. Since the creation of the Homeland Security Department, federal funding for major city police departments has been greatly reduced. Local agencies have also had to take on more responsibilities in areas that have traditionally been handled by the F.B.I. whose investigative resources are now more focused on counter-terrorism efforts. Local agencies are forced to fill the gap left by the shift of federal resources away from investigating white-collar crimes and bank robberies; areas traditionally handled by federal agencies.

Enforcement of federal immigration laws would be a burden that most major police agencies would not be able to bear under current resource levels. The cost in terms of personnel, facilities and equipment necessary for local agencies to address the 8-12 million illegal immigrants currently living in the United States would be overwhelming. The federal government which has primary authority to enforce immigration laws has itself failed to provide the tremendous amount of resources necessary to accomplish such enforcement to its own agencies specifically charged with that responsibility. Local communities and agencies have even fewer resources to devote to such an effort than the federal government given all the numerous other demands on local police departments.

Local police agencies must meet their existing policing and homeland security duties and can not even begin to consider taking on the added burden of immigration enforcement until federal assistance and funding are in place to support such enforcement. Current calls for local police agencies to enforce immigration come with no clear statement or guarantee to provide



# **Exhibit I**

**Exhibit I**



# Arizona immigration law creates rift

Updated 4/26/2010 5:48 PM

By Kevin Johnson, USA TODAY



By John Moore, Getty Images

Opponents of Arizona's new immigration enforcement law protest Sunday outside the state Capitol in Phoenix.

Arizona's controversial immigration enforcement law was the target of fresh attacks Sunday as opponents, from national civil rights activists to Phoenix Mayor Phil Gordon, vowed to take their fight to the courts as soon as this week.

Gordon, a Democrat, joined some federal lawmakers, including Rep. Raúl Grijalva, D-Ariz., and about 3,500 protesters Sunday at the Arizona Capitol, assailing the measure signed Friday by Republican Gov. Jan Brewer as a "racist and unjust" attempt at achieving an overhaul of the USA's immigration policies.

"This is dividing our city and our state; it's tearing us apart," said Gordon, who will seek City Council approval Tuesday to file a lawsuit against the state to block the measure.

**TRAVELER:** Arizona "off my travel list for sure"

**CONCERNS:** Hispanics fear profiling under new

Arizona law

**RALLY:** Opponents protest Ariz. immigration law

Joe Arpaio, the vocal Republican sheriff of metro Phoenix's Maricopa County who urged passage of the law, said the measure provides another tool for officers to counter persistent illegal immigration.

Arpaio, whose department's tactics already are the subject of a Justice Department investigation of allegations of racial profiling in past immigration enforcement actions, said he intends to enforce the new law.

"I will not back down," said Arpaio who is considering a run for governor. "We've got plenty of room (at the jail). I'll make room, if I have to."

In New York, civil rights activist Al Sharpton and Lillian Rodríguez López, president of the Hispanic Federation, announced they would go to federal court this week to challenge the law, which Sharpton said effectively "sanctions" racial profiling.

**THE OVAL:** Obama blasts Arizona law

**ON POLITICS:** Gov. Brewer signs controversial immigration bill

**MORE:** Arizona Legislature sends immigration bill to governor

The most divisive aspect of the law, which takes

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effect 90 days after the current state Legislature adjourns, requires local law enforcement officials to "determine the immigration status of a person during any legitimate contact made by an official or agency of the state ... if reasonable suspicion exists that the person is an alien who is unlawfully present in the U.S."

"The only way you enforce this law is by racial profiling," Sharpton said. Brewer said she will not tolerate racial profiling and will require officers to undergo special training to enforce the new law.

If legal attempts to block the legislation fail before the law takes effect, Sharpton said he'll lead protesters into the state for civil disobedience.


Acknowledging the contentious nature of her decision, Brewer said she "prayed for strength and prayed for our state" and concluded that the law "represents what's best for Arizona."

"We in Arizona have been more than patient waiting for Washington to act," she said at Friday's signing announcement. "But decades of federal inaction and misguided policy have created a dangerous and unacceptable situation."

The new Arizona law has been particularly contentious within the national and local law enforcement community.

San Jose Police Chief Robert Davis, president of the Major Cities Chiefs Association, said the group stands by its 2006 policy that "immigration enforcement by local police would likely negatively effect and undermine the level of trust and cooperation between local police and immigrant communities."

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Your daughter insists on wearing her princess costume to the grocery store. Allow it or not?

**YES, at least she's dressed!**

**NO, I have some rules!**

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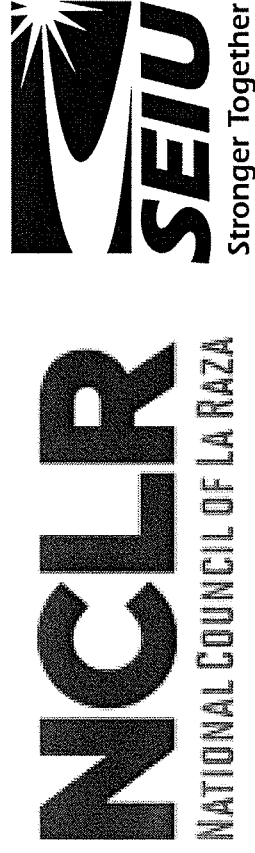
# **Exhibit J**

**Exhibit J**

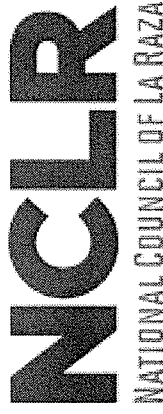
**Latino**  **Decisions**  
Everything Latino Politics

# Political Implications of Immigration in 2010: Latino Voters in Arizona

Commissioned by



*May 11, 2010*



## Survey Overview

- Statewide survey of Latino registered voters in state of Arizona
- Primary aim was to understand Latino views towards Arizona immigration law, 1070
- Also included questions national immigration reform and political parties
- n=402, margin of error +/- 4.9
- Field dates, April 30 – May 5, 2010
- Partnered with Latino politics faculty at Arizona State University, and Northern Arizona University

## Survey Overview

We examine 4 topic areas:

1. Reaction to Arizona law
2. National immigration policy
3. Partisan implications
4. Impact on 2010 turnout

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# Arizona Latino Attitudes

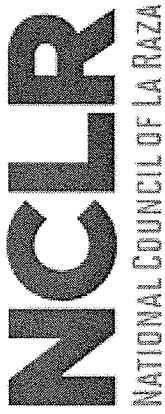
**NCLR**  
NATIONAL COUNCIL OF LA RAZA

 **SEIU**  
Stronger Together

## 1. Reaction to the Arizona Law

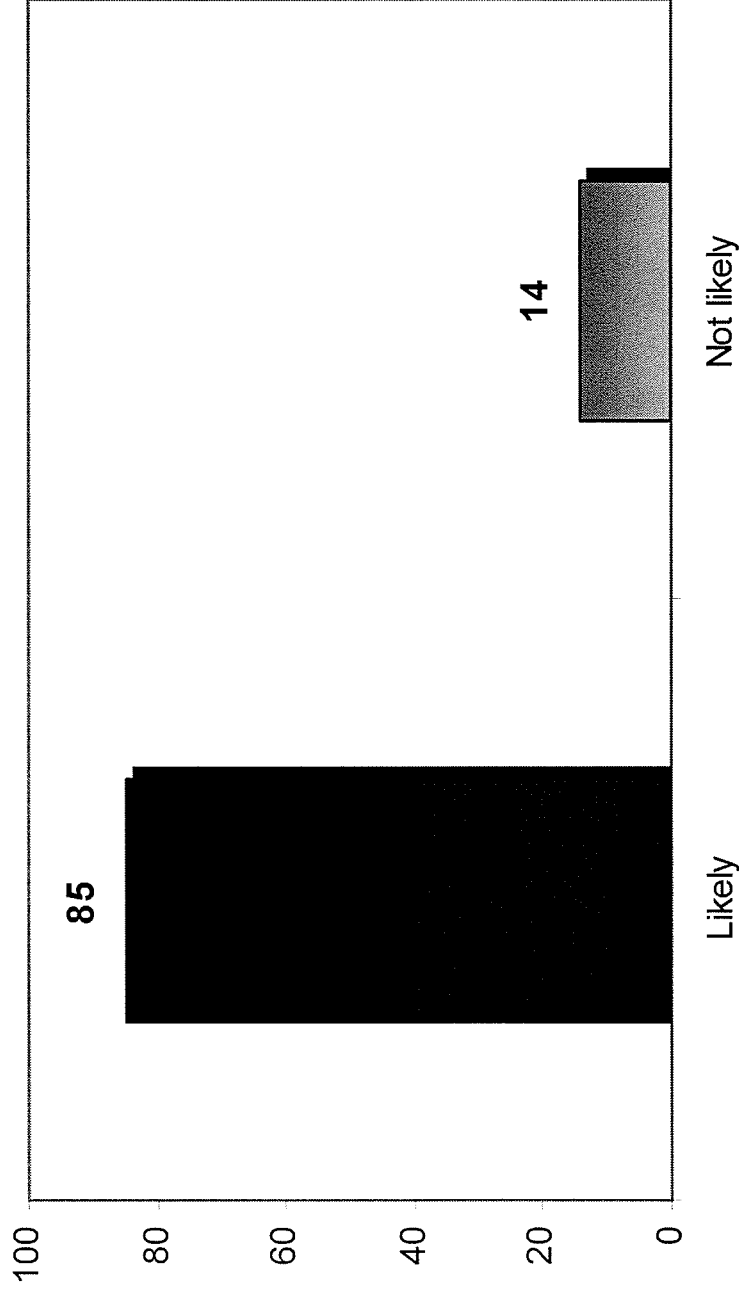


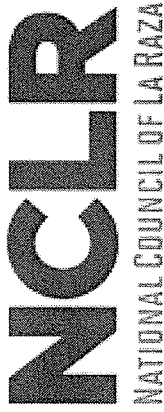
# Arizona Latino Attitudes



## Fears about racial profiling

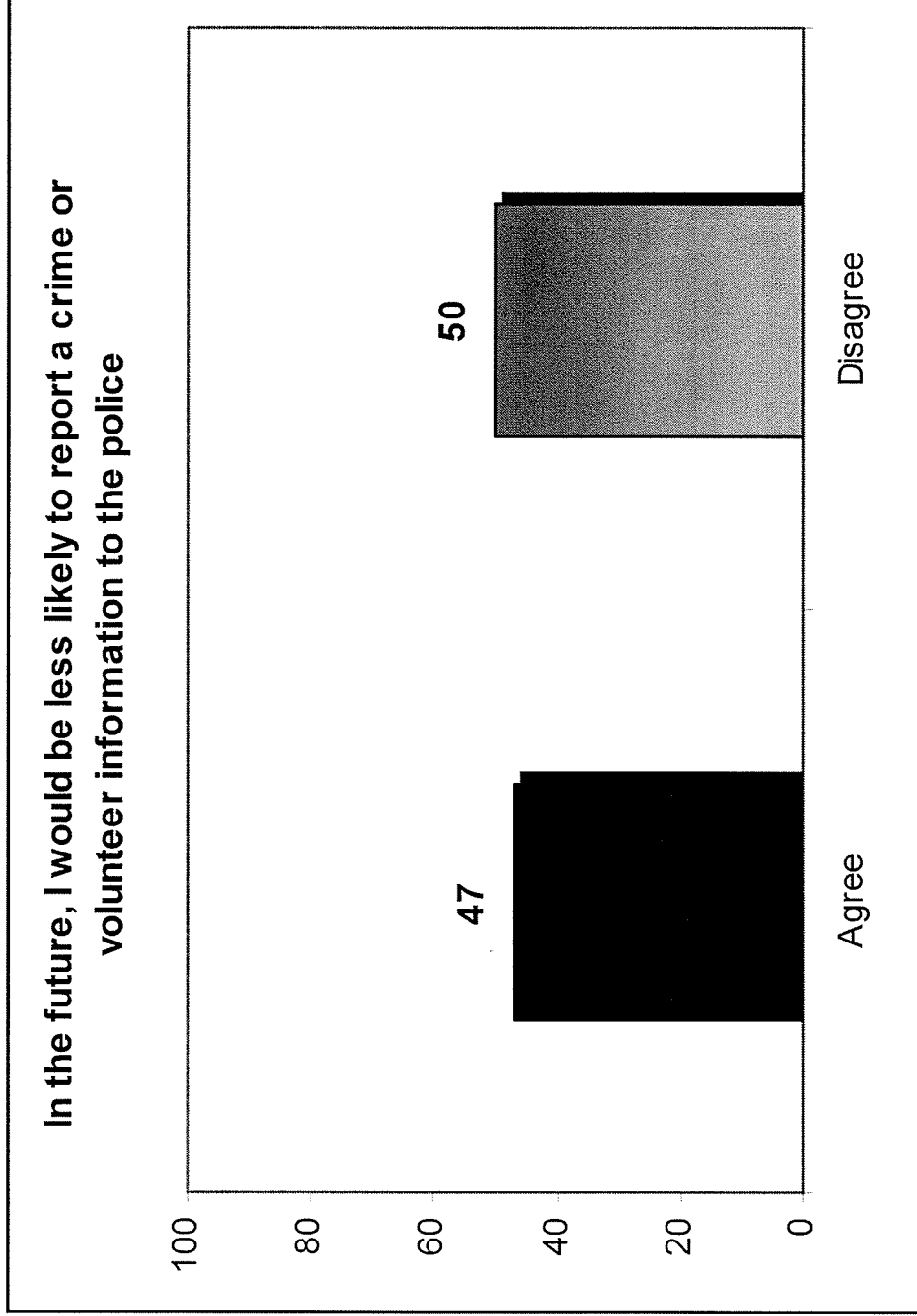
How likely that Latinos who are legal immigrants OR U.S. citizens will get stopped or questioned by police?





## Hurting relations with police

In the future, I would be less likely to report a crime or  
volunteer information to the police



# **Exhibit K**

**Exhibit K**

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## Advanced Training School

Launched in January 2003, ADL's Advanced Training School (ATS) is designed for senior law enforcement professionals assigned to intelligence, counter-terrorism and homeland security units across the United States. The two-and-1/2-day *Extremist and Terrorist Threats Course* examines domestic and international terrorism, from right and left wing domestic terrorists, to Al Qaeda, Hezbollah and their affiliates. Presenters include leading experts from law enforcement, intelligence, the private sector, and ADL.

Please [contact us](#) to request ADL training or to learn more about our programs for local, state, and federal law enforcement.



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- Senior Law Enforcement Personnel Attend ADL Anti-Terrorism Course
- ADL Trains Over 2,000 Law Enforcement Officers in October
- ADL Presents at New York Gang Investigator's Seminar

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# **Exhibit L**

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**ADL** Anti-Defamation League

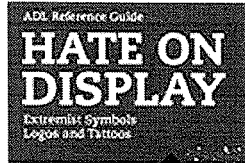
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## Law Enforcement Training

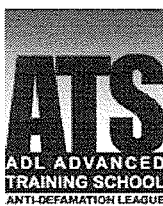


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### Law Enforcement and Society: Lessons of the Holocaust

Posted: March 19, 2009

The Anti-Defamation League, in partnership with the United States Holocaust Memorial Museum (USHMM) conducted a *Law Enforcement and Society (LEAS)* training for the FBI's National Executive Institute.

*Law Enforcement and Society (LEAS): Lessons of the Holocaust* is an innovative training program organized in partnership with the United States Holocaust Memorial Museum. The program was created in 1998 at the request of then chief of the Washington, DC Metropolitan Police Department (MPD), Charles H. Ramsey. The program draws on the history of the Holocaust to provide law enforcement professionals with an increased understanding of their relationship to the people they serve and their role as protectors of the Constitution.

The day long program incorporates a visit to the Museum, followed by a discussion of the implications of the Holocaust for modern day law enforcement professionals. Participants examine modern policing against the backdrop of the role of law enforcement in the Holocaust.

In March 2009, members of the FBI's National Executive Institute (NEI), the executive training program designed for the chief executive officers of the nation's largest municipal, county, and state law enforcement organizations and their federal and international counterparts, participated in the program.

LEAS has now trained more than 45,000 law enforcement professionals. The program is a required part of training for all new FBI New Agents and Intelligence Analysts, and has been incorporated into three of the FBI Academy's premier training programs: the National Executive Institute (NEI); the Law Enforcement Executive Development Seminar (LEEDS), and Law Enforcement in Counterterrorism (LINCT). The ADL and the USHMM recently received the FBI Director's Community Leadership Award in recognition of the LEAS program.

It is not only the FBI, Washington DC Metropolitan Police and US Immigration and Customs Enforcement that have participated in the program. Recruits, veteran officers and commanders of more than twenty state and local agencies regularly participate in LEAS. It has been incorporated into the training for Drug Enforcement Administration (DEA) supervisors, and, under a grant from the Department of Justice's Community Oriented Policing Services Office, LEAS programs have also been established in Houston and St. Louis.

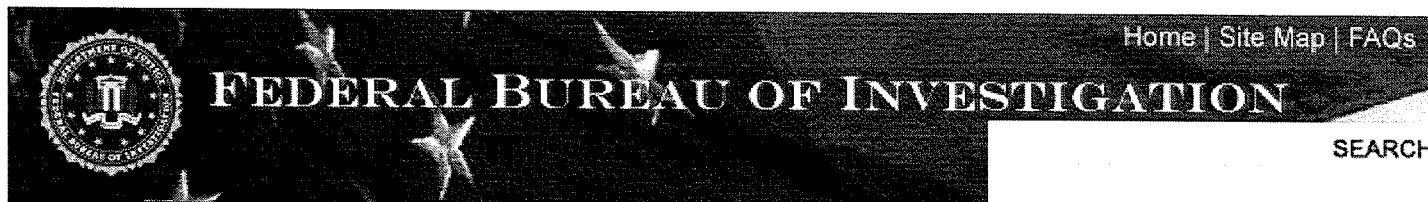
#### Resources

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**Exhibit M**



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**A DIFFERENT KIND OF TRAINING  
What New Agents Learn from the Holocaust**

03/30/10

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Before becoming special agents, students from the FBI Training Academy tour the United States Holocaust Memorial Museum. This is the 10th year the FBI has participated in the Law Enforcement and Society program, jointly run by the museum and the Anti-Defamation League.

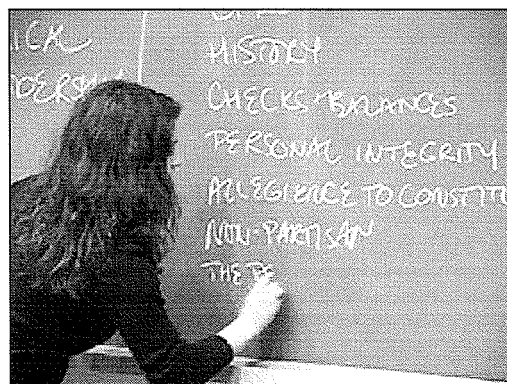
Every year, the FBI Training Academy graduates about 1,000 new special agents following 20 weeks of intense preparation. In countless tactical and analytical scenarios, the trainees learn how to respond appropriately under the most trying conditions.

But there is also a rigorous moral and ethical component to the training.



In a poignant culmination of 21 hours spent defining the line between right and wrong, all new agents are escorted through the U.S. Holocaust Memorial Museum in Washington, D.C. to see in horrific detail what can happen when law enforcement loses sight of what is right. The program—called Law Enforcement and Society: Lessons of the Holocaust—is a joint partnership between the Anti-Defamation League and the museum.

"It makes our people think about morality, ethics, and how to maintain those during turbulent times," said Special Agent Douglas B. Merel, who teaches the Academy's ethical leadership course for new agents that includes the museum program. "It shows how important it is for law enforcement to maintain their core values."



The Anti-Defamation League's Elise Jarvis leads a new-agent class in a discussion of core values.

**In one visit on a recent Friday morning, about 50 agents-to-be filed into the museum.** Over the next four hours they toured the exhibits—led in some cases by Holocaust survivors—and discussed what separates them from the law enforcement officers in Germany who were systematically co-opted by the Nazis.



In a museum conference room, Elise Jarvis, associate director of Law Enforcement Outreach for the Anti-Defamation League, whose mission is in part to secure justice and fair treatment for all citizens, is purposefully blunt in her line of questions. "So the question I'm putting out there is: What makes you different?" Jarvis asked the class. "What, at the end of the day, is going to keep you all anchored? What keeps you from sliding down that slippery slope? What keeps you from abusing your power?"

---

***"It makes our people think about morality, ethics, and how to maintain those during turbulent times."***

As answers bubble up—the Constitution, personal morals, compassion, laws—instructors challenge the students to support and defend their positions.

Supervisory Special Agent Douglas B. Merel  
FBI Training Division

"It's really our hope that the law enforcement officers who come to the museum see this program, see this history, and really reflect on their professional core values and their role in society today," said Marcus A. Appelbaum, who coordinates the museum's community and leadership programs.

The law enforcement program was developed in 1999 after D.C. Metropolitan Police Chief Charles Ramsey toured the museum and recognized the value of teaching trainees about law enforcement's integral role in the Nazis' rise to power. In 2000, then-FBI Director Louis Freeh incorporated the tour into the Bureau's new agent training. In 2005, Director Robert S. Mueller said the training has never been more relevant. "At a time when law enforcement must be aggressive in stopping terror, these classes provide powerful lessons on why we must always protect civil rights and uphold the rule of law," he said.

---

***"The purpose of the program is actually not to compare law enforcement in America today to police under the Nazis, but rather to contrast them. The program highlights the importance of law enforcement as protectors of all people and the Constitution to the safeguarding of our democracy."***

**More than 60,000 law enforcement professionals—including about 10,000 new FBI agents and analysts—have gone through the program.** This is the 10th year of the FBI's participation. Members of the recent new agent class said the experience really brought home their new responsibility.

Elise Jarvis  
Anti-Defamation League

"They did an excellent job of showing how the law enforcement in Nazi society was complicit," said Lucas, a new special agent, after the program's conclusion. "It's important to try to be aware of all the circumstances around you and make sure nothing's crossing the lines, and remember why we're really here."

**Resources:**

- FBI Training Academy
- U.S. Holocaust Memorial Museum: Law Enforcement and Society program
- Anti-Defamation League Law Enforcement Agency Resource Network

Headline Archives home

# **Exhibit N**

**Exhibit N**

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## Immigrants Targeted: Extremist Rhetoric Moves into the Mainstream

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[The Dustin Inman Society](#)

[Mothers Against Illegal Aliens](#)

[The Federation for American Immigration Reform \(FAIR\)](#)

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Immigration remains a deeply polarizing issue in American politics and public life. Serious policy questions remain about the best way to reform America's immigration system but the debate has also been framed, at times, by vitriolic anti-immigrant – and particularly anti-Latino – rhetoric and propaganda. Purveyors of this extremist rhetoric use stereotypes and outright bigotry to target immigrants and hold them responsible for numerous societal ills.

The Anti-Defamation League (ADL), which previously has documented how extremist groups like the [Ku Klux Klan](#) and neo-Nazis have exploited the immigration issue to advance their own agenda, has become increasingly concerned about the virulent anti-immigrant and anti-Latino rhetoric employed by a handful of groups and coalitions that have positioned themselves as legitimate, mainstream advocates against illegal immigration in America.

In 2008, these anti-immigrant advocates have attempted to reinvigorate the immigration debate by forming new coalitions. At a press conference announcing its formation, one coalition openly joined together local citizen groups located far from the Mexican/United States border with virulently anti-Latino border vigilante groups that send armed volunteers to patrol the border. Another coalition has run mainstream newspaper ads that exploit the American public's concerns about the environment by blaming immigrants for traffic congestion, damage to the public infrastructure, and high fuel prices. These coalitions are attempting to broaden their base and legitimize their views through media outreach.

In addition, local citizen groups continue to hold rallies and events where speakers routinely blame undocumented immigrants and their children for a wide range of problems from "dumbing down" American schools to depleting community resources, to being the main cause of crime and disease in this country. The demonization of immigrants has led to an increased sense of fear in communities around the country and created a toxic environment in which hateful rhetoric targeting immigrants has become routine.

Unlike the Ku Klux Klan and neo-Nazis, who make no attempt to hide their racism and bigotry, these anti-immigrant groups and coalitions often use more subtle language to demonize immigrants and foreigners. They are frequently quoted in the media, have been called to testify before Congress, and often hold meetings with lawmakers and other public figures. However, under the guise of warning people about the impact of illegal immigration, anti-immigrant advocates often invoke the same dehumanizing, racist stereotypes as hate groups. And increasingly, they do not make a distinction between illegal and legal immigrants.

A closer look at the public record reveals that some of these supposedly mainstream organizations have disturbing links to, or relationships with, extremists in the anti-immigration movement. Often identified in the media or their mission statements as "anti-illegal immigration advocacy groups," they attempt to distort the debate over immigration by fomenting fear and spreading unfounded propaganda through the use of several key tactics:

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- Describing immigrants as "third world invaders," who come to America to destroy our heritage, "colonize" the country and attack our "way of life." This charge is used against Latinos, Asians and other people of color.
- Using terminology that describes immigrants as part of "hordes" that "swarm" over the border. This dehumanizing language has become common.
- Portraying immigrants as carriers of diseases like leprosy, tuberculosis, Chagas disease (a potentially fatal parasitic disease), dengue fever, polio, malaria.
- Depicting immigrants as criminals, murderers, rapists, terrorists, and a danger to children and families.
- Propagating conspiracy theories about an alleged secret "reconquista" plot by Mexican immigrants to create a "greater Mexico" by seizing seven states in the American Southwest that once belonged to Mexico.
- Blaming immigrants for eroding American culture, institutions and quality of life and impacting our environment and natural resources.

This anti-immigrant propaganda and rhetoric, once the domain of hate groups, is now part of the lexicon used by anti-immigration advocacy organizations, politicians and media figures considered mainstream.

In this report, part of a series of reports on immigration and extremism, ADL exposes those individuals and groups who are playing a key a role in mainstreaming extremist rhetoric in the immigration debate in various aspects of American life.

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# **Exhibit O**

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## Rally in Support of Arizona's New Immigration Law Will Feature Extreme Elements of the Anti-Immigrant Movement

Posted: June 02, 2010

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Supporters of Arizona SB 1070, including Arizona State Senator Russell Pearce, who authored the bill; Sheriff Joe Arpaio, the Maricopa County sheriff known for his anti-immigrant policies; and Tom Tancredo, the former U.S. Representative from Colorado, are organizing a June 5, 2010, rally in support of this law, the harshest anti-immigration legislation in the country. This rally will also bring together some of the most virulent anti-immigrant groups in the country and some well-known racists.

Although the rally is being presented as a mainstream event, the American Border Patrol, an anti-immigrant hate group run by Glenn Spencer is one of its co-sponsors. Spencer has made virulently anti-Latino comments and has appeared at events hosted by two white supremacist groups, the Council of Conservative Citizens and American Renaissance.

Various speakers scheduled to appear at the rally regularly demonize immigrants, particularly those from Mexico. They claim that these immigrants are responsible for numerous ills in this country, including crime, disease and the destruction of American culture. Others scheduled to speak have been active in Minutemen border vigilante groups, which have used armed volunteers to patrol the border between the U.S. and Mexico.

### Scheduled speakers at the rally include the following:

**Barbara Coe**, head of the anti-immigrant hate group, California Coalition for Immigration Reform (CCIR), is a racist who has attended meetings of the Council of Conservative Citizens and has written articles for the group's publication. In addition, she was the co-author of Prop 187 in California, an anti-immigrant initiative that was eventually overturned by the federal government.

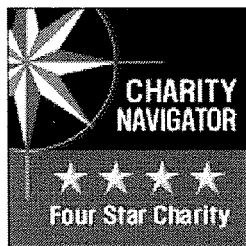
**Jeff Schwilk**, leader of the San Diego Minutemen (SDMM), one of the more extreme Minutemen groups, has been involved in border vigilante actions in both California and Arizona. The group has been particularly aggressive in targeting employers who hire Hispanic day laborers as well as the laborers themselves. Members of the SDMM have made derogatory and racist comments against Latinos. The SDMM is part of the Southern California Patriot Coalition, which includes the CCIR. Schwilk is also the team leader in San Diego County for the FIRE Coalition, a national anti-immigrant group.

**Al Garza**, founder and president of the Patriot's Coalition, held the position of vice president of the Minutemen Civil Defense Corps (MCDC), a border vigilante group founded by Chris Simcox, until the summer of 2009. The MCDC dissolved in March 2010 after citing concerns about "their volunteers' safety and accelerating liability issues" in connection with views expressed by more extreme members of the group.

**Col. Al Rodriguez** is the chairman of You Don't Speak for Me (YDSFM), a group founded in 2006 by the Federation for American Immigration Reform (FAIR). FAIR is the largest anti-immigrant group in the country and has a history of ties to white supremacists. YDSFM members speak at anti-immigrant events across the country, alongside border vigilante activists and anti-immigration figures. The group promotes a xenophobic message while attempting to avoid charges of racism by presenting itself as a coalition of Hispanic Americans.

**Lupe Moreno**, founder of Latino Americans for Immigration Reform, was once a prominent member of YDSFM. She has also called herself "one of the original Minutewomen." During a June 2007 fundraiser for former U.S. Representative

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Tom Tancredo, Moreno discussed "going out with [Minuteman leader] Jim Gilchrist to the Naco [Arizona] border to defend this nation," referencing her participation in the April 2005 Minuteman Project. One of Moreno's fellow speakers at the fundraiser was Jeff Schwiik.

**Ted Hayes** is the former leader of Choose Black America, a defunct anti-immigrant group that was also founded by FAIR. Hayes also has worked in conjunction with the Minutemen to stage anti-immigrant events.

**Terry Anderson** has ties to several key figures in the anti-immigrant movement. Anderson hosts *The Terry Anderson Show*, an anti-immigrant radio program. On the show, he has interviewed a number of anti-immigrant figures including a member of CCIR; William Gheen of American for Legal Immigration Political Action Committee (ALIPAC); and Glenn Spencer, leader of American Border Patrol. Anderson has himself appeared a number of times on The Political Cesspool, a Tennessee-based radio show hosted by white supremacist James Edwards that routinely features neo-Nazis and white supremacists as guests.

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# **Exhibit P**

**Exhibit P**





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## Is SB 1070 the end or the beginning?

by E. J. Montini, Republic columnist - May. 16, 2010 12:00 AM  
The Arizona Republic

11 comments

Over the past couple of weeks, I've been contacted by reporters from California, New York, Illinois, France and Demark, each of whom has asked me the same question about Senate Bill 1070:

"Could you have imagined Arizona lawmakers going this far?"

To which I answered, "What makes you think they're done?"

If anything, they're just warming up.

"That honestly is our fear and our expectation," said Linda Brown, executive director of the Arizona Advocacy Network and one of those working to coordinate boycott efforts in response to the [immigration law](#).

"It most certainly isn't the end. And if (state Sen.) Russell Pearce secures the Senate presidency next year, we will see a whole lot more, particularly if we have a [Republican governor](#)."

A recent article in *The Arizona Republic* pointed out that several other immigration-related proposals may resurface, among them a plan to deny birth certificates to children born in Arizona to illegal immigrants and a plan to require Arizona schools to collect data on students who are not able to prove legal U.S. residence.

I sent a note to Sen. Pearce asking him what future immigration legislation he has planned but haven't heard back. It's been a while since he's responded to any of my questions.

That wasn't always the case.

A few years back, I sat with Pearce in his office at the Capitol, a photograph of the actor John Wayne looking down on us from a shelf, and asked the lawmaker about the heat he was



E.J. MONTINI  
The Arizona Republic

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taking at the time for having suggested that the nation stage a mass deportation similar to a 1954 program dubbed "Operation Wetback," in which tens of thousands were rounded up.

Pearce told me, "My critics don't like history. They want to rewrite history. I didn't use the term (wetback). I quoted a successful program. The far left always tells you, 'Russell, you can't deport 12 million people.' I say, 'Yes, you can, if you have the will.' But I never used the term or referred to anyone like that."

He did use the term "sissies," however, when referring to Republican colleagues who disagreed with him.

"These are the same sissies that backed away from Proposition 200 (a 2004 initiative aimed at preventing non-citizens from voting or obtaining state aid). People are tired of that . . . (Politicians) don't even know their own constituents. It's about time somebody started stepping forward and recognizing the damage to America"

Linda Brown has seen the opinion polls. She knows that an overwhelming number of Arizona residents, as well as folks across the nation, support SB 1070. She doesn't expect a boycott to change that opinion or to get the Legislature to change the law. All that she is hoping to do, she said, is to soften the conversation.

"We have two missions," she said. "To get a dialogue about race going again that is not threatening, so you don't touch the nerve that shuts people down. And also to connect with our basic empathy."

If that were to happen, she believes the country could begin a discussion about America's 12 million or so illegal immigrants (and their American-born children) that involves something other than a mass deportation.

By the way, Brown and her organization figured out what such an operation would entail.

"It works out to 229,167 buses in a line stretching from Phoenix to Detroit," she said. And that's after a roundup that could last for years and cost taxpayers roughly \$250 billion.

Brown doesn't know how such a mass-deportation operation would fare in a public-opinion poll. She doesn't want to know.

Reach Montini at 602-444-8978 or ed.montini@arizonarepublic .com.

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Heaven help us if Russell Pearce becomes senate president... we'll need it.

# **Exhibit Q**

**Exhibit Q**

# In Border Violence, Perception Is Greater Than Crime Statistics

By RANDAL C. ARCHIBOLD

When Representative Gabrielle Giffords, Democrat of Arizona, announced that the Obama administration would send as many as 1,200 additional National Guard troops to bolster security at the Mexican border, she held up a photograph of Robert Krentz, a mild-mannered rancher who was shot to death this year on his vast property. The authorities suspected that the culprit was linked to smuggling.

"Robert Krentz really is the face behind the violence at the U.S.-Mexico border," Ms. Giffords said.

It is a connection that those who support stronger enforcement of immigration laws and



Robert Krentz

tighter borders often make: rising crime at the border necessitates tougher enforcement.

But the rate of violent crime at the border, and indeed across Arizona, has been declining, according to the Federal Bureau of Investigation, as has illegal immigration, according to the Border Patrol. While thousands have been killed in Mexico's drug wars, raising anxiety that the violence will spread to the United States, F.B.I. statistics show that Arizona is relatively safe.

That Mr. Krentz's death nevertheless churned the emotionally charged immigration debate points to a fundamental truth: perception often trumps reality, sometimes affecting laws and society in the process.

Judith Gans, who studies immigration at the Udall Center for Studies in Public Policy at the University of Arizona, said that what social psychologists call self-serving perception bias seemed to be at play. Both sides in the immigration debate accept information that confirms their biases, she said, and discard, ignore or rationalize information that does not. There is no better example than the role of crime in Arizona's tumultuous immigration debate.

"If an illegal immigrant commits a crime, this confirms our view that illegal immigrants are criminals," Ms. Gans said. "If an illegal immigrant doesn't commit

a crime, either they just didn't get caught or it's a fluke of the situation."

Ms. Gans noted that sponsors of Arizona's controversial immigration enforcement law have made careers of promising to rid the state of illegal immigrants through tough legislation.

"Their repeated characterization of illegal immigrants as criminals — easy to do since they broke immigration laws — makes it easy for people to ignore statistics," she said.

Moreover, crime statistics, however rosy, are abstract. It takes only one well-publicized crime, like Mr. Krentz's shooting, to drive up fear.

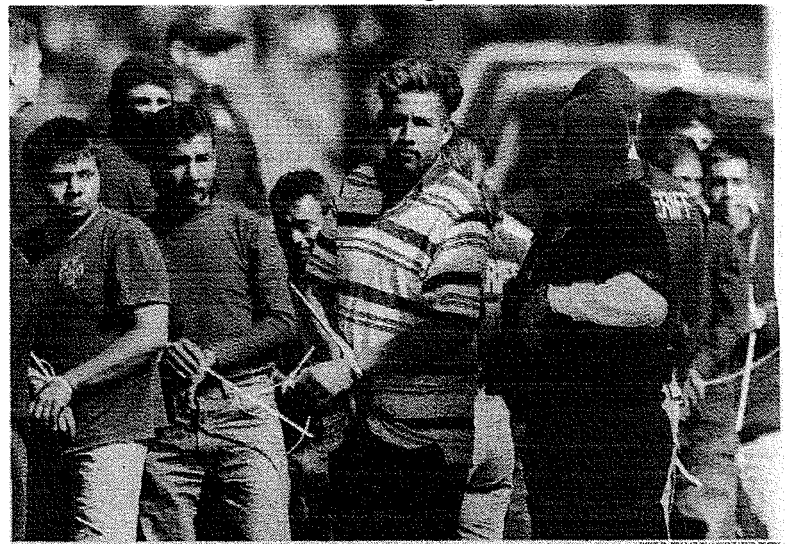
It is also an election year, and crime and illegal immigration — and especially forging a link between the two — remain a potent boost for any campaign. Gov. Jan Brewer's popularity, once in question over promoting a sales tax increase, surged after signing the immigration bill, which is known as SB 1070 but officially called the Support Our Law Enforcement and Safe Neighborhoods Act.

No matter that manpower and technology are at unprecedented levels at the border, it may never be secure enough in Arizona's hothouse political climate when Congressional seats, the governor's office and other positions are at stake in the Aug. 24 primaries.

It took the Obama administration a few weeks to bow to that political reality and go from trumpeting the border as more secure than it had ever been to ordering National Guard troops to take up position there — most of them in Arizona, Mr. Obama assured Ms. Brewer in a private meeting — because it was not secure enough.

Crime figures, in fact, present a more mixed picture, with the likes of Russell Pearce, the Republican state senator behind the immigration enforcement law, playing up the darkest side while immigrant advocacy groups like Coalición de Derechos Humanos (Human Rights Coalition), based in Tucson, circulate news reports and studies showing that crime is not as bad as it may seem.

For instance, statistics show that even as Arizona's population swelled, buoyed in part by illegal immigrants funneling across the border, violent crime rates declined, to 447 incidents per 100,000 residents in 2008, the



Sheriff's deputies for Maricopa County, Ariz., took people into custody in March at what they said was a drop house in Phoenix.

most recent year for which comprehensive data is available from the F.B.I. In 2000, the rate was 532 incidents per 100,000.

Nationally, the crime rate declined to 455 incidents per 100,000 people, from 507 in 2000.

But the rate for property crime, the kind that people may experience most often, increased in the state, to 4,082 per 100,000 residents in 2008 from 3,682 in 2000. Preliminary data for 2009 suggests that this rate may also be falling in the state's biggest cities.

What is harder to pin down is how much of the crime was committed by illegal immigrants.

Phoenix's police chief, Jack Harris, who opposes the new law, said that about 13 percent of his department's arrests are illegal immigrants, a number close to the estimated percentage of illegal immigrants in the local population. But the Maricopa County Sheriff's Office, which runs the jail for Phoenix and surrounding cities and is headed by Joe Arpaio, a fervent supporter of the law, has said that 19 percent of its inmates are illegal immigrants.

Scott Decker, a criminologist at Arizona State University, said a battery of studies have suggested that illegal immigrants commit fewer crimes, in part because they tend to come from interior cities and villages in their home country with low crime rates and generally try to keep out of trouble to not risk being sent home.

But he understood why people's perceptions of crime might lag behind what the statistics show. "Hard as it is to change the crime rate, it may be more difficult to change public perceptions about the crime rate, particularly when those perceptions are linked to public events," Mr. Decker said.

He added, "There is nothing more powerful than a story about a gruesome murder or assault that leads in the local news and drives public opinion that it is not

safe anywhere."

Kris Kobach, a University of Missouri law professor who helped write the Arizona immigration law, pointed to crimes like a wave of kidnappings related to the drug and human smuggling business in Phoenix, something Ms. Brewer herself noted when she signed the law.

Although the reports have dipped in the past couple of years, the police responded to 315 such cases last year.

"That's scary to people, and people react to that all over the state," Mr. Kobach said. "They are concerned. That might happen in my part of the city eventually."

Terry Goddard, the state attorney general, who does not support the immigration law, said the drop in violent crime rates might not reflect the continued violence, often unreported, that is associated with smuggling organizations.

Mr. Goddard said he doubted that the immigration law would put a dent in the smuggling-related crime that grabs attention in the state. For that reason, Mr. Goddard, who is running to be the Democratic nominee for governor in the primary, said he backed the deployment of National Guard troops and supports increasing manpower and spending on police and prosecutor anti-smuggling units.

Brian L. Livingston, executive director of the Arizona Police Association, said he would prefer more attention on the border, too. But until then, he said, laws like Arizona's are necessary.

"We know the majority of people crossing across are not criminal, but unfortunately some criminal elements are embedded with them," he said, adding, "Governor Brewer gets that."

As Ms. Brewer put it just after signing the bill: "We cannot sacrifice our safety to the murderous greed of drug cartels. We cannot stand idly by as drop houses, kidnappings and violence compromise our quality of life."

# **Exhibit R**

**Exhibit R**



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### Violence is not up on Arizona border

Mexico crime flares, but here, only flickers

by Dennis Wagner - May 2, 2010 12:00 AM The Arizona Republic

577 comments

NOGALES, Ariz. - Assistant Police Chief Roy Bermudez shakes his head and smiles when he hears politicians and pundits declaring that Mexican cartel violence is overrunning his Arizona border town.

"We have not, thank God, witnessed any spillover violence from Mexico," Bermudez says emphatically. "You can look at the crime stats. I think Nogales, Arizona, is one of the safest places to live in all of America."

#### Republic's Sunday front page

FBI Uniform Crime Reports and statistics provided by police agencies, in fact, show that the crime rates in Nogales, Douglas, Yuma and other Arizona border towns have remained essentially flat for the past decade, even as drug-related violence has spiraled out of control on the other side of the international line. Statewide, rates of violent crime also are down

While smugglers have become more aggressive in their encounters with authorities, as evidenced by the shooting of a Pinal County deputy on Friday, allegedly by illegal-immigrant drug runners, they do not routinely target residents of border towns.

In 2000, there were 23 rapes, robberies and murders in Nogales, Ariz. Last year, despite nearly a decade of population growth, there were 19 such crimes. Aggravated assaults dropped by one-third. No one has been murdered in two years.

Bermudez said people unfamiliar with the border may be confused because Nogales, Sonora, has become notorious for kidnappings, shootouts and beheadings. With 500 Border Patrol agents and countless other law officers swarming the Arizona side, he said, smugglers pass through as quickly and

#### MORE ON THIS TOPIC

##### Other bills

Among the dozens of bills awaiting Gov. Jan Brewer's action are several that didn't pass until the final hours of the legislative session. Most of these provoked controversy or needed last-minute fixes to get through. They include:

- Senate Bill 1307, which bans human-animal hybrids. It won narrow approval in both chambers of the Legislature this week. Opponents ridiculed its attempt to legislate actions that they say have no foundation in reality, with Democrats cracking jokes about minotaurs and mermaids.

But proponents, such as Cathi Herrod of the Center for Arizona Policy, said there is evidence that such activities have been happening in Europe, and they want to prevent that from coming to Arizona.

- Senate Bill 1254, which provides tax credits for companies that produce electricity from renewable energy. Senators killed it during a debate on the merits of targeted tax incentives, but revived it hours later.

- Senate Bill 2143, continues the state Department of Liquor Licenses and Control for another five years and extends the hours of liquor sales on Sundays. If signed, liquor sales could start at 6 a.m., the same time as the other days of the week, instead of the current 10 a.m.

- House Bill 1045 continues SCF, a quasi-governmental agency that provides workers' compensation insurance to more than 30,000 businesses, for another two years. It also creates a road map for the agency to convert into a mutual-insurance company that would be an entirely private entity, governed by a private board. That private company must be operating by January 2013.

##### Arizona immigration legislation

###### Friday's developments

- GOP worries Ariz. law could hurt party
- Supreme Court poised to debate older law
- Boycott goal: 'Shocking stop' to economy.
- Va. official: Similar immigration law worked
- Some Arizonans waiting to pick sides
- U.S. rep: Deport kids of illegal immigrants

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- UA president: Law affecting enrollment
- Poll: 51% in U.S. back Ariz. law | State poll
- 3 lawsuits filed | 1 | 2 | 3
- Brewer's approval rating boosted by law
- Referendum could delay law until 2012
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- Read details of SB1070 on state Web site

###### Noteworthy supporters of law

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"Everywhere you turn, there's some kind of law enforcement looking at you," Bermudez said. "Per capita, we probably have the highest amount of any city in the United States."

In Yuma, police spokesman Sgt. Clint Norred said he cannot recall any significant cartel violence in the past several years. Departmental crime records show the amount of bloodshed has remained stable despite a substantial population increase.

"It almost seems like Yuma is more of an entryway" for smugglers rather than a combat zone, he said.

## Perceptions vs. reality

Since the murder of Cochise County rancher Robert Krentz by a suspected illegal immigrant in March, politicians and the national press have fanned a perception that the border is inundated with bloodshed and that it's escalating.

In a speech on the Senate floor last week, Sen. John McCain, R-Ariz., declared that the failure to secure that border between Arizona and Mexico "has led to violence - the worst I have ever seen."

He reiterated that Saturday after speaking at the West Valley Military Family Day event in Glendale, saying the concern that drug violence could spill across the border remains intense because Mexico's political situation is volatile.

"The violence is on the increase," McCain told *The Arizona Republic*. "The president of Mexico has said that it's a struggle for the existence of the government of Mexico."

Congressional members, including Gabrielle Giffords, D-Ariz., and John Shadegg, R-Ariz., sent President Barack Obama a letter asking that National Guard soldiers be sent to the border because "violence in the vicinity of the U.S. Mexico border continues to increase at an alarming rate."

And last month, as she signed Arizona's tough new law cracking down on illegal immigrants, Gov. Jan Brewer also called for National Guard troops. The law makes it a state crime to be in Arizona illegally and requires authorities to check documents of people they reasonably suspect to be illegal. Brewer said she signed it to solve what she said is an Arizona "crisis" caused by "border-related violence and crime due to illegal immigration."

Clarence Dupnik, the sheriff of Pima County, said there always has been crime associated with smuggling in southern Arizona, but today's rhetoric does not seem to jibe with reality.

"This is a media-created event," Dupnik said. "I hear politicians on TV saying the border has gotten worse. Well, the fact of the matter is that the border has never been more secure."

Even Cochise County Sheriff Larry Dever, among the most strident critics of federal enforcement, concedes that notions of cartel mayhem are exaggerated. "We're not seeing the multiple killings, beheadings and shootouts that are going on on the other side," he said.

In fact, according to the Border Patrol, Krentz is the only American murdered by a suspected illegal immigrant in at least a decade within the agency's Tucson sector, the busiest smuggling route among the Border Patrol's nine coverage regions along the U.S.-Mexican border.

Still, Dever said, the slaying proved useful to southern Arizonans who are sick of smugglers and immigrants tramping through their lands.

- Russell Pearce
- Former Alaskan governor Sarah Palin
- Maricopa County Sheriff Joe Arpaio
- John McCain
- Former Maricopa County Attorney Andrew Thomas
- U.S. Senate hopeful J.D. Hayworth (Ariz.)
- State Rep. Debbie Riddle (Texas)
- Scott McInnis (Colo. candidate)

### Noteworthy opponents of law

- Pima County sheriff Clarence Dupnik
- Interim Maricopa County Attorney Rick Romley
- Arizona Attorney General Terry Goddard
- Phoenix Mayor Phil Gordon
- Former Texas governor Jeb Bush
- U.S. Senate hopeful Marco Rubio (Fla.)
- U.S. Rep. Lincoln Diaz-Balart (Fla.)
- Civil rights leader Rev. Al Sharpton
- Top Calif. lawmaker

### Ariz. cities contemplating challenge

- Phoenix | Tucson | Flagstaff

### Cities/groups amid boycott talk

- San Francisco
- Los Angeles
- St Paul (Minn.)
- Denver schools
- Social media efforts
- World Boxing Council

### States that could have similar bills

- Oklahoma | Texas | Colorado | Minnesota

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"The interest just elevated. And we keep the pressure on because next week something else is going to happen, and the window of opportunity will close," Dever said.

Cochise County's crime rate has been "flat" for at least 10 years, the sheriff added. Even in 2000, when record numbers of undocumented immigrants were detained in the area, just 4 percent of the area's violent crimes were committed by illegal aliens.

Tucson Police Chief Roberto Villasenor said his town suffers from home invasions and kidnappings involving marijuana smugglers who are undoubtedly tied to Mexican organizations. However, he added, most of those committing the rip-offs are American citizens.

"I think the border-influenced violence is getting worse," Villasenor said. "But is it a spillover of Mexican cartel members? No, I don't buy that."

## More help on the border

While the nation's illegal-immigrant population doubled from 1994 to 2004, according to federal records, the violent-crime rate declined 35 percent.

More recently, Arizona's violent-crime rate dropped from 512 incidents per 100,000 residents in 2005 to 447 incidents in 2008, the most recent year for which data is available.

In testimony to the Senate Committee on Homeland Security last month, Dennis Burke, U.S. attorney for Arizona, noted that Arizona now has more than 6,000 federal law-enforcement agents, with the majority of them employed by the Border Patrol. That represents nearly 10 agents for every mile of international line between Arizona and Sonora.

Border Patrol presence has been backed by increases in counter-smuggling technology and intelligence, the establishment of permanent highway checkpoints and a dramatic increase in customs inspectors at U.S. ports.

"The border is as secure now as it has ever been," Homeland Security Secretary Janet Napolitano told a Senate panel last week.

Given that level of security, Bermudez and others say, it is no wonder that cartel operatives pass through border communities as quickly as possible, avoiding conflicts and attention.

In fact, violent-crime data suggest that violence from Mexico leapfrogs the border to smuggling hubs and destinations, where cartel members do take part in murders, home invasions and kidnappings.

In Phoenix and Tucson, cartel-related violence is hardly new.

In 1996, for example, Valley law-enforcement agents estimated that 40 percent of all homicides in Maricopa County were a result of conflicts involving Mexican narcotics organizations, mostly from Sinaloa state. A decade later, the Attorney General's Office exposed a \$2 billion human-smuggling business based in metro Phoenix, where criminals often assaulted illegal aliens while holding them for payment of smuggling fees. More recently, cartel-related home invasions and abductions put Phoenix among the world leaders in kidnappings.

## 'A third country'

During a national border security expo in Phoenix last week, David Aguilar, acting deputy commissioner for Customs and Border Protection, said policy makers and the public need to understand that the border is not a fence or a line in the dirt but a broad and complex corridor.



"It is," Aguilar explained, "a third country that joins Mexico and the United States."

He emphasized that the cartels operate throughout Mexico and the United States, and he noted that those who think of border security in terms of a "juridical line" really don't understand the dynamics.

Aguilar said that Juarez, Mexico, is widely regarded as the "deadliest city in the world" because of an estimated 5,000 murders in recent years. Yet right across the border, El Paso, Texas, is listed among the safest towns in America.

A review of the FBI's Uniform Crime Reports suggests that Arizona's border towns share El Paso's good fortune. Douglas and Nogales are about the same size as Florence but have significantly lower violent-crime rates. Likewise, Yuma has a population greater than Avondale's but a lower rate of violent offenses.

In Nogales, Ariz., residents seem bemused and annoyed by their town's perilous reputation. Yes, they sometimes hear the gunfire across the border. No, they don't feel safe visiting the sister city across the line. But with cops and federal agents everywhere, they see no danger on their streets.

"There's no violence here," said Francisco Hernandez, 31, who works in a sign shop and lives on a ranch along the border. "It doesn't drain over, like people are saying."

Leo Federico, 61, a retired teacher, said he has been amazed to hear members of Congress call for National Guard troops in the area.

"That's politics," he said, shrugging. "It's all about votes. . . . We have plenty of law enforcement."

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May-02 @ 12:13 AM

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Amazing, crime rates low and flat for the past ten years. Less than 4% of all crimes committed by illegal aliens in Cochise county and the Nativist crowd is screaming from the rooftops that there is a violent invasion occurring.

Check this out on youtube  
<http://www.youtube.com/watc...>  
(or just go to google videos and search for 9500 liberty)

It is the story of Prince William County, Virginia. An activist group called FAIR drafted the law and sold it to a white population that felt overrun by recent Mexican immigrants. The videos show how it tore the community apart.

The bill in Arizona was drafted by the same FAIR lawyers and we are all being sold a bill of goods that has proven POISONOUS to any community that follows it