



Kari Lake for Arizona

Immigration and Border Security

Defend Arizona: We Will Do What Washington Will Not

Introduction

The ongoing border crisis is nothing less than a national security and humanitarian disaster. In 2021 alone, Customs and Border Protection apprehended nearly two million illegal immigrants¹ crossing the southwest border. Violent drug cartels control large swaths of the U.S.-Mexico border and are moving record amounts of methamphetamine, cocaine, khat, and the deadly synthetic opioid fentanyl² into communities throughout Arizona and the United States.

These staggering figures represent only a small part of the chaotic picture as an estimated 400,000 individuals³ evaded apprehension between ports of entry last year and disappeared into the interior of the United States. While many of those coming to the United States seek a better life, violent narco-terrorists are taking advantage of the mayhem and making millions of dollars every day⁴ as they traffic and abuse women and children, murder their rivals, and sow chaos through illicit drug smuggling at the expense of innocent Arizonans and migrants.

As the Biden administration and federal lawmakers refuse to pursue and enact the federal policies necessary to secure the southern border, it is self-evident that states must boldly step into this breach and do what Washington D.C. simply will not: protect the citizens of Arizona and finally put an end to the violence, chaos, and human misery caused by our unsecured border with Mexico.

As governor, I will do precisely that. I will act boldly and aggressively to bring an end to our border crisis starting on day one. And I will see this mission through to the final minute of the final hour of my tenure as governor of our great state. The good people of Arizona deserve

¹ U.S. Department of Homeland Security, U.S. Customs and Border Protection, "Stats and Summaries: Southwest Land Border Encounters," 2021, <https://www.cbp.gov/newsroom/stats/south-west-land-border-encounters> (accessed December 27, 2021)

² U.S. Department of Homeland Security, U.S. Customs and Border Protection, "Stats and Summaries: Drug Seizure Statistics," 2021, <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics#> (accessed December 27, 2021)

³ Anna Giaritelli, "More than 400,000 sneaked over southern border and got away last year, former Border Patrol head says," *Washington Examiner*, October 5, 2021, <https://www.washingtonexaminer.com/news/many-sneaked-over-southern-border-and-got-away-in-past-year> (accessed December 28, 2021)

⁴ William La Jeunesse, "U.S.-Mexico border traffickers earned as much as \$14m a day last month: sources," *Fox News*, March 22, 2021, <https://www.foxnews.com/politics/us-mexico-border-traffickers-million-february> (accessed December 28, 2021)

strong leadership that is decisive and committed to nothing less than our full safety and to the well-being of our communities.

The Problem

Arizona's border with Mexico stretches 373 miles, representing 19 percent of the total length of the U.S.-Mexico border. For perspective, the combined total length of the shared border in New Mexico and California is 320 miles. U.S. Border Patrol is overwhelmed by the crisis and morale is dangerously low as President Biden and his administration refuse to lift a finger to abate this ongoing disaster.

Apprehensions of illegal immigrants in the Yuma Sector alone were up 2,405 percent in October and November 2021⁵ compared to the same timeframe in 2020 during the final months of President's Trump's term. In just a five day period in early December 2021, nearly 6,000 illegal immigrants entered the Yuma area prompting Mayor Nicholls to declare a local emergency and plead for both state and federal assistance.⁶

Among those arrested in Yuma sector, at least 17 individuals were from designated special interest nations with close ties to international terrorism, including 11 Iranian citizens arrested last February.⁷ And since October 2020, in the Tucson sector alone, an estimated 105,000 illegal immigrants have evaded apprehension and slipped inside Arizona—as well as the greater U.S. interior.⁸ We have no idea who or where these people are.

Sheriff Mark Dannels of Cochise County has reported a 300 percent increase in vehicle chases over the past year, often from human traffickers and smugglers affiliated with cartels.⁹

⁵ Julian Resendiz, "Border Patrol dealing with migrant spikes in Texas, Southwestern Arizona," *Border Report*, December 28, 2021, <https://www.borderreport.com/hot-topics/immigration/border-patrol-dealing-with-migrant-spikes-in-texas-southwestern-arizona/> (accessed December 30, 2021)

⁶ Channel 12 News Team, "Border crisis prompts Yuma mayor to declare emergency," *KPNX*, December 9, 2021, <https://www.12news.com/article/news/local/arizona/yuma-mayor-declares-emergency-due-to-border-crisis/75-4e37827f-50d7-467a-b74e-b8d2f19669b7> (accessed December 30, 2021)

⁷ Bradford Betz, "11 Iranians arrested in Arizona after jumping U.S.-Mexico border," *Fox News*, February 4, 2021, <https://www.foxnews.com/us/iranians-arrested-arizona-us-mexico-border> (accessed December 30, 2021)

⁸ Leo W. Banks, "Arizona's Border Crisis Threatens Public Safety and Health," *The Wall Street Journal*, September 10, 2021, <https://www.wsj.com/articles/arizona-border-crisis-public-safety-health-crossings-illegal-alien-immigrant-covid-terrorist-11631304060> (accessed December 28, 2021)

⁹ *Ibid.*

In Nogales, Border Patrol agents have reported that fentanyl seizures were up 56 percent in the past year just in their area.¹⁰ For perspective, nearly 100,000 Americans died of drug overdoses in 2020. In Arizona, that number was 2,644 Arizonans—a spike of 34 percent from 2019.¹¹

The majority of the overdose deaths are stemming from synthetic opioids like fentanyl, which is often laced in other drugs or counterfeit medications. A more accurate assessment, therefore, is that thousands of Americans are dying from cartel-inflicted fentanyl poisonings. This deadly synthetic opioid only requires 2mg to kill someone.

In 2021, U.S. border agents seized enough fentanyl (over 11,000 pounds) to potentially kill 2.54 *billion* people. Put another way, murderous drug cartels operating in northern Mexico sent enough fentanyl across the U.S. border in one year to potentially kill a third of the entire world population.

The head of the National Border Patrol Council accurately blamed the escalating crisis in the Yuma and Tucson sectors on the cartels, who are sophisticated enough to adapt their tactics to move people and drugs across the border and into our communities.¹²

Arizonans lives are being turned upside down and our national security is being jeopardized while President Biden, congressional Democrats, and Washington bureaucrats refuse to carry out their constitutional obligations to protect us. Sadly, this is not a new development.

For decades, federal commitments to protect our nation's sovereign borders have largely been abandoned even as the danger to our communities and our nation has only intensified. But it isn't just amnesty-obsessed members of Congress or open-borders staffers in the West Wing that have abdicated their duty to American citizens in favor of ideological extremists on the left. Activist federal judges have also stymied past efforts in Arizona to put an end to the evils of the cartels.¹³

Except for an all-too-brief period under President Trump's leadership, much of Washington D.C.'s focus on immigration and border issues has been about incentivizing continued illegal

¹⁰ *Ibid.*

¹¹ Lindsay Walker, "U.S., Arizona logged record drug overdose deaths in 2020," *Daily Independent*, July 20, 2021, <https://www.yourvalley.net/stories/us-arizona-logged-record-drug-overdose-deaths-in-2020.247486> (accessed December 29, 2021)

¹² Julian Resendiz, "Arizona to deploy National Guard after hundreds of migrants rush border at Yuma, surrender to Border Patrol," *Border Report*, December 7, 2021, <https://www.borderreport.com/hot-topics/immigration/arizona-to-deploy-national-guard-after-hundreds-of-migrants-rush-border-at-yuma-surrender-to-border-patrol/> (accessed December 30, 2021)

¹³ Alex Dobuzinskis, "Judge voids Arizona human smuggling law, arguing it infringes on U.S. government," *Reuters*, November 8, 2014, <https://www.reuters.com/article/us-usa-immigration-arizona/judge-voids-arizona-human-smuggling-law-finding-it-infringes-on-u-s-government-idUSKBN0IT02Z20141109> (accessed December 27, 2021)

immigration to satisfy big business' lust for cheap labor, rewarding non-citizens for breaking our laws so that political leaders can virtue signal in the false name of compassion, and crassly pushing mass amnesty for millions of non-citizens as a means of solidifying a permanent political majority.

In the vacuum, violent international narco-terrorists have taken advantage of Washington's dereliction of duty, navel-gazing, and vanity. A detailed threat assessment report released by the Drug Enforcement Agency¹⁴ revealed that these transnational cartels are not only responsible for the vast majority of fentanyl entering the United States, but also are responsible for the majority of methamphetamine, cocaine, and heroine coming into our communities.

And we see the ramifications playing out everyday in Arizona with very real consequences for real people. Citizens are dying. Families are being torn apart. Communities are being fragmented.

President Biden and the Democrats' response to all of this chaos?

An immediate reversal of the Trump-era policies that successfully deterred illegal immigration,¹⁵ months of denial that the crisis even exists,¹⁶ followed by a check-the-box exercise tasking an out-of-her-depth Vice President with tackling an issue she neither understands nor cares about.

This despite a record-breaking number of illegal immigrants that entered the United States last year, a record amount of fentanyl and methamphetamine seized at the border, and a record number of Americans dying from fentanyl poisonings all over Arizona and the United States.¹⁷

The message is painfully clear. Washington has no intention of helping us. In fact, every action out of our nation's capital seems aimed at exacerbating the crisis, instead of trying to resolve it. The time is long past for Arizona to lead. As governor, that is precisely what I will do.

¹⁴ Drug Enforcement Administration, "2020 National Drug Threat Assessment," March 2021, https://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment_WEB.pdf (accessed December 27, 2020)

¹⁵ The White House, "Proclamation on the Termination of Emergency With Respect To The Southern Border Of The United States And Redirection Of Funds Diverted To Border Wall Construction," Proclamation 10142, January 20, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-termination-of-emergency-with-respect-to-southern-border-of-united-states-and-redirection-of-funds-diverted-to-border-wall-construction/> (accessed December 28, 2021)

¹⁶ Brooke Singman, "Biden DHS secretary Mayorkas claims there's 'no' crisis at southern border," *Fox News*, March 1, 2021, <https://www.foxnews.com/politics/biden-dhs-secretary-trump-admin-gutted-immigration-system> (accessed December 28, 2021)

¹⁷ Centers for Disease Control and Prevention, "Drug Overdose Deaths Top 100,000 Annually," November 17, 2021, https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2021/20211117.htm (accessed December 28, 2021)

The Solution

While Washington politicians dither, real people are being harmed by their refusal to secure our border and bring an end to the criminal activity occurring both on the border and in our communities. As governor, I will put a stop to this beginning on day one and will implement policies that ensure the safety of Arizonans will continue long past my last day in office.

Call to the States: An Interstate Compact for Border Security

The core of this framework starts with Arizona leading a coalition of like-minded states in drafting an interstate compact to secure the border. The federal government guarantees protection to the states under Article IV, Section 4 of the U.S. Constitution. However, Washington is outright refusing to hold up their end of the bargain. Therefore, under Article I, Section 10 of the U.S. Constitution, Arizona will invoke our inherent power to fend off the invasion at our southern border in the absence of federal protection.

And make no mistake: with nearly two million illegal immigrant apprehensions this past year and another estimated 400,000 that evaded border patrol agents, courtesy of violent international drug cartels operating inside northern Mexico, this is an invasion.

This compact will call for the creation of an interstate commission, comprised of representatives from participating states, to oversee joint operations along the U.S.-Mexico border, starting in Arizona. The compact will make it crystal clear that the states are sovereign and have every right to secure the borders of the United States.

Within the confines of this compact, member states will:

- 1.) Exercise their inherent Article I authority to declare their territories as under invasion and declare it their sovereign right to secure the borders of the United States;
- 2.) Authorize the creation of a dedicated border security force consistent with state law enforcement functions to engage in joint border security operations;
- 3.) Authorize the compact's border security force to arrest, detain, and return illegal immigrants back across the border;
- 4.) Invalidate federal restrictions and regulations on border enforcement administered by agencies like the Environmental Protection Agency and Bureau of Land Management; and
- 5.) Share law enforcement resources, equipment, and intelligence when requested.

The interstate commission overseeing the border security efforts will report directly to participating states' legislative bodies and also report its activities to the U.S. Department of Homeland Security as a courtesy. The commission will keep Washington informed of our

security efforts, but it will not seek Washington's permission for its operations. The mission undertaken by this new interstate compact on border security will continue until the border is secure or until the federal government resumes its guarantees under Article IV, Section 4 and recommits itself to its constitutional duties to protect our nation's borders and protect the states.

If Washington intends to abandon Arizona, we will exercise a federalist remedy with like-minded states across our great nation to deal with the crisis ourselves. And with Arizona leading a coalition of states, we will empower our law enforcement with the ability to secure our border and our interior from the lawlessness and evils of the cartels.

Critics have often claimed that the border is a federal responsibility. And statute is clear that the federal government is responsible for enforcing security at our nation's borders. But statute does not supersede the Constitution. If Washington refuses to honor its constitutional requirements, states have every recourse and responsibility to take matters into their own hands.

And that is exactly what we're going to do.

It is critical, however, for Governor Ducey to move forward on this interstate compact immediately. We simply cannot wait until a new governor is sworn into office in January 2023 to begin this process. It must start now and it is imperative that he assist in setting up the next governor for success on this critical mission.

He has taken some action with regard to the border, but there is so much more that needs to be done. I ask that he continue these efforts with a call to the legislature for the crafting of this interstate compact on border security.

With pooled resources and cooperation at our disposal from like-minded states, we will also move forward with a three-pronged comprehensive approach to simultaneously deter lawlessness, deport criminals, and defend our state.

We Will Deter Lawlessness

The message must be sent loud and clear that Arizona is not a welcoming place for drug smugglers, human traffickers, and lawless activities along our border or inside our state. We have endured this chaos for far too long and as Americans, we have the right to secure ourselves and safeguard our communities through strong criminal deterrence and bold leadership. This will be achieved through:

- **Finishing Trump’s Wall:** The border barrier currently covers about 245 miles out of the 373 total miles of the Arizona-Mexico border.¹⁸ Tribal and federal land comprises much of the remaining miles lacking a border wall. This will require separate actions to resolve. However, as governor, I will utilize every resource at my disposal to ensure the Legislature appropriates enough money to complete the estimated 18 miles of President Trump’s unfinished border barrier¹⁹ and to maintain its integrity moving forward.
 - Any budget that fails to fully fund the border wall’s completion will be vetoed.
 - Border barrier construction will be partially funded using seized assets from convicted criminals associated with the cartels.
 - Once completed, Arizona will request full reimbursement from Washington D.C.
- **Expanding the Arizona Rangers:** I will call on the Legislature to restore the Arizona Rangers as a special state-funded law enforcement force. The Rangers currently serve on a volunteer basis. That will soon change and they will be given an official priority mission: secure Arizona’s borders from cartel thugs, assist law enforcement in cracking down on criminal activity along the border, and defend their state.
- **Enhancing the National Guard Presence:** Governor Ducey has kept 250 members of the Arizona National Guard along the border to analyze smuggling routes and install cameras. This mission must continue, but should go much further. I will increase their presence and expand their mission to include:
 - Destroying smuggler and cartel tunnels. We will do so in consultation with Israeli military officials experienced in dealing with Hamas tunnel networks.
 - Shooting down drones that cross from Mexico into Arizona airspace.
 - Giving detainment authority to arrest illegal immigrants and cartel operatives.
- **Deputizing Arizonans to Assist DPS:** Our courageous law enforcement officials will be given new resources to assist their mission in deterring lawlessness. This includes a robust toolkit to empower sheriff departments to deputize Arizonans—especially retired law enforcement officers and military veterans—with the power to assist in efforts to stop human smuggling, drug trafficking, criminal trespassing into our state, and illegal immigration. This will include state resources to include hiring and retention bonuses to law enforcement agencies.
- **Modify HB 2810 to Crack Down on Cartels:** Governor Ducey signed legislation in 2021 that overhauled Arizona’s civil asset forfeiture laws. This bill passed with overwhelming bipartisan support and includes many positive provisions that protect the property rights of Arizonans. However, the Legislature acted too broadly. They should return to the bill and provide a carveout that allows law enforcement to seize property

¹⁸ U.S. Department of Homeland Security, U.S. Customs and Border Protection, “Border Wall System,” 2021, <https://www.cbp.gov/border-security/along-us-borders/border-wall-system> (accessed December 29, 2021)

¹⁹ Clara Migoya, “Feds OK work to close border wall ‘gaps’ in Arizona as environmentalists raise concerns,” *Arizona Republic*, December 30, 2021, <https://www.azcentral.com/story/news/politics/border-issues/2021/12/30/feds-ok-closing-arizona-border-wall-gaps-upgrading-flood-prevention/8988357002/> (accessed January 3, 2021)

belonging to suspected or known criminals affiliated with the cartels and human trafficking rings under asset forfeiture. This is a critical tool for disrupting the operations of these powerful narco-terrorist networks.

We Will Deport Criminals

President Biden wasted little time undoing President Trump's strong border enforcement measures and returned to the failed policy of catch-and-release that has served as a catalyst for increased illegal migration. The result has been the largest number of illegal immigrant apprehensions in American history, increased human trafficking and abuse, record amounts of methamphetamine seizures, and record amounts of fentanyl pouring into our towns and communities.

We will defy his failure to protect Arizonans by taking detainment and removal matters into our own hands. This will be achieved through:

- **Empowering Law Enforcement to Make Trespassing Arrests:** Trespassing is a crime in Arizona and first-degree criminal trespassing carries a penalty of up to four years in state prison. Law enforcement officers will be tasked with arresting illegal immigrants, smugglers, and traffickers under existing state trespassing laws as a short-term stopgap to alleviate an overwhelmed and demoralized U.S. Border Patrol. Thousands of illegal immigrants willingly surrender to federal border agents knowing they will be released. Under this protocol, even those who willingly surrender will be arrested for breaking state law.
- **Creating a Special Border Court:** In 1988, Arizona created the Tax Court as a department of the Superior Court in Maricopa County with statewide jurisdiction to handle tax disputes. I will follow a similar model and call for the Legislature to create a special Border Court within the Superior Court apparatus to rapidly adjudicate these trespassing crimes for non-citizen illegal immigrants.
- **Granting Removal Authority for State Guard/National Guard:** As governor, I will do what Texas has done and instruct the Arizona National Guard as well as the newly-created Arizona State Guard to arrest illegal immigrants using state trespassing laws. However, I will go further and exercise Arizona's inherent state power under Article I of the Constitution to instruct both the National Guard and Arizona Guard to actively return illegal immigrants back across the border to Mexico.
- **Expanding Communications with the Mexican Government:** These new detainment and deportation measures will require expanded communication and consultation with the government of Mexico. I will create a new interagency and governmental task force that will stay in constant communication with Sonora officials on this issue and build on our longstanding relationship with Mexico to underscore why detainment and deportation are vital for our respective security and prosperity.

We Will Defend Arizona

The renewed mission to safeguard Arizonans is one that will take top priority and continue long into the future. The reality is that our unsecured southern border has in practice turned nearly every state in the union into a ‘border state.’ The devastating impact of increased crime, drug trafficking, sex trafficking, human smuggling, opioid-induced poisonings, and drug overdoses is harming communities all over the country.

Arizona has the opportunity to lead the way out of this chaos by defending its sovereignty and its people. We will achieve this through:

- **Expanding and Redeploying Elite DPS Units:** Governor Ducey’s creation of the Border Strike Force Bureau has been an important tool in targeting cartel operatives and trafficking rings. Its mission will not only continue, but expand to work in coordination with the new interstate compact commission and assist in border enforcement and detainment efforts.
- **Strengthening Relationships with Tribes:** Defending Arizona requires a concerted effort to work specifically with the Cocopah Tribe and the Tohono O’odham to help secure the parts of the Arizona-Mexico border that crosses through their territory. Cartel criminal activity on the border desecrates tribal lands as much as it decimates Arizona communities. We must have a shared goal of ensuring the safety of all who call Arizona home.
 - A new border task force run out of the governor’s office will focus exclusively on working with tribal leaders to find effective and mutually-respectful solutions for securing the border that runs through tribal territory.
 - Key components of this effort will be emphasizing enhanced cooperation between tribal and Arizona law enforcement, sharing information on criminal activity, and bolstering economic partnerships.
- **Passing Refuse and Lose Legislation:** A top priority for the Arizona Legislature must be the passage of a ‘Refuse and Lose’ law that strips state funding from any county or municipality that defunds law enforcement or employs ‘sanctuary’ policies and also allows the governor to redeploy law enforcement in “defund municipalities” to the southern border. While no sanctuary jurisdictions currently exist in our state, it is critical that we preempt such recklessness now before it’s too late.
- **Creating a Criminal Illegal Alien Database:** Following in the footsteps of our friends in Texas, priority legislation must be passed that creates a new publicly-available database operated by the Department of Public Safety that keeps track of all charges, convictions, and crimes committed by illegal immigrants. It is critical for the public to have a transparent view of the toll our unsecured border is taking on Arizonans.

- **Pressuring Congress to Move Arizona Out of the Ninth Circuit:** The Ninth Circuit Court of Appeals serves as the vanguard of the radical left's post-constitutional judicial activism. Arizona has suffered from our inclusion in this circuit. Congress has the power to create the courts. It also has the power to abolish and reorganize them. I will make it a top priority to push our congressional delegation to lead the effort in permanently moving Arizona into the saner confines of the Tenth Circuit.

In addition to the policy priorities and actions outlined above, I will request the Legislature prioritize legislation that:

- Redefines the statutory definition of 'abandoned federal property.' Millions of dollars of border bollards are currently rusting in the dirt near Guadalupe Canyon.²⁰ If Washington is intent to abandon equipment capable of protecting Arizonans to go unused inside our own state, we will make every effort to seize it and use it ourselves.
- Recognizes the cartels as international terrorist organizations to pressure passage of similar action in Washington D.C. The long-term solution to the border requires federal lawmakers and agencies to treat the cartels as the national security threat that they are. Arizona legislators can help show them the way.
- Requires strict screening requirements, akin to foster care screening protocols, for placing illegal immigrant minors with sponsors inside Arizona. This will better protect migrant children from exploitation and abuse while helping deter future caravans of unaccompanied children.

The exploitation of our unsecured borders and the cartels profiting off the pain of migrants and the destruction of U.S. communities must come to an end.

Under the Defend Arizona plan—undergirded by an interstate compact of like-minded states working together—we will chart the path for the rest of the nation. And we will show the world that even if our federal officials aren't serious about protecting our nation's borders and citizens, state leaders most certainly are.

Conclusion

There is no higher priority or duty than ensuring the safety of Arizonans and there is no cause more worthy than ensuring our nation's sovereignty is protected from those willing to inflict harm upon all of us.

Our federal government has abandoned its constitutional duties and has abandoned Arizona. We can no longer afford to suffer their abusive indifference. Democrats in Washington do not care

²⁰ John B. Washington, "Trump's Big Border Wall Is Now A Pile of Rusting Steel," *The Atlantic*, December 20, 2021, <https://www.theatlantic.com/politics/archive/2021/12/steel-trump-border-wall-rusting-desert/621005/> (accessed December 31, 2021)

about the plight of migrants being abused in the treacherous journey to our border nor do they care about the consequences our unsecured border has on the lives of their own citizens.

They care about political power and the narratives they believe will allow them to hold on to that political power. It's why the Biden administration recently smeared Customs and Border Protection (CBP) horse agents²¹ to appease the open-borders wing of their political base.

As governor, I will not hesitate to do what needs to be done to restore security and sanity to our border. I will not allow false far-left narratives, all-too-often crafted with willing participants in our national press corps, to thwart a policy agenda that puts Arizona first. And I will not wait for Washington's approval or rely on the empty promises of far-away politicians to do what's best for Arizonans.

The time is now. Together, we will secure our state, safeguard our communities, and pave a brighter and more secure future for Arizona and our great nation.

²¹ Joe Concha, "Biden, Harris push big lie about Border Patrol," *The Hill*, September 26, 2021, <https://thehill.com/opinion/immigration/573969-biden-harris-push-big-lie-about-border-patrol> (accessed December 29, 2021)