

**Conference Keynote Address****BY MAYOR PHIL GORDON, PHOENIX, ARIZONA****August 21, 2008****JW Marriott Hotel****Washington, D.C.**

Before I begin, I just want to recognize all of you—the men and women who risk everything, every single day—and to thank you for your service.

When this nation was founded, no one ever conceived or imagined that immigration enforcement was an issue that would ever fall to mayors and local police departments. But because of federal neglect, here we are. As the federal government continues to do *less* with more, cities are forced to do more with less. Not only are we being forced to step up our immigration efforts but we also have an increased burden when it comes to gun crimes and white-collar crimes connected to illegal immigration and formerly handled at the federal level.

In just the past two years, the Phoenix PD has arrested or turned over to ICE more than 13,000 illegal immigrants. Clearly, the lack of federal enforcement has a direct impact on cities like mine. And cities like yours.

Before I begin detailing that impact, let me give you just a little background on my city. Phoenix, Arizona, is the fifth largest city in the nation, the largest state capital in the United States, and continues to be the fastest growing major city in the nation. Slightly more than 42 percent of our population is Hispanic and, of the 3.4 million people in the greater Phoenix metropolitan area, about 275,000 persons are thought to be here illegally. That is a situation we did not create but it's a situation that we must contend with.

The question I have been asked to address this morning is an important one: What are the costs of enforcing immigration laws at the local level? Obviously, there are economic costs. But some costs go beyond dollars and cents. There are also public safety costs, social costs, and constitutional costs. There are human costs.

Not all can be easily quantified. But let's start with public safety personnel, which *can* be quantified. Quite simply, in order to deal with all the issues caused by our nation's failed immigration policy, local police resources in cities like mine are strained. At a time when our city budget is being otherwise reduced, at a time when we're eliminating positions and imposing hiring freezes in other departments, at a time when programs are being cut, we are hiring 600 new public safety personnel, mostly police officers. A large number of those new officers are the direct result of our growing population, but 100 of those new officers are directly related to the crimes associated with immigration, such as smuggling, kidnapping, and other felonies. And that equates to over \$10 million a year.

Those are the basic costs of hiring new officers. But there are other hard costs. The City of Phoenix is paying about \$2 million a year in booking costs to Maricopa County to house the illegal immigrants we arrest for committing crimes in our city. That number is growing—and doesn't include our sales and property taxes that help fund the increased jail costs—due to illegal immigration. I personally hand-delivered an invoice to the Department of Homeland Secu-

**Conference Keynote Address**

rity last year seeking reimbursement for the hard costs directly tied to immigration. Do I expect to recover a single cent? I do not. But for cities like mine, immigration has turned into a de facto unfunded mandate and that's a point that needed to be made and still needs to be made.

Then there are operational costs. In my community, public protests and demonstrations are a regular occurrence, on both sides of the immigration issue. Some protestors on both sides are armed, sometimes with knives and guns, and sometimes with signs like these. For those of you who can't see it, here's what it says: *"Hooray for the slaughtering of the illegals. Boo to the Bean-ers !!"* And then it's got a swastika at the bottom. You may not yet see this in Des Moines, or in Fargo, or in Dover but you'll see them soon if the federal government doesn't act and act soon. It's hateful stuff and it's dangerous. That means the Phoenix Police Department is called upon to maintain law and order under extremely dangerous conditions and that also means hundreds of thousands of dollars of overtime.

Unique to the immigration issue is the proliferation of "Drop Houses." These are homes, in residential neighborhoods, where dozens of illegal immigrants are warehoused after being brought into the United States by various smuggling syndicates. Phoenix police rescue and turn over to ICE about 1,200 people a year from drop houses. We investigate, track, and break up the human smugglers known as coyotes. By the way, we are one of the very few police departments in the nation to have ten ICE agents embedded within our department on a full-time basis to go after violent criminals who are illegal. That, in terms of both cost and effectiveness, is a much better model for local police departments than taking police officers and turning them into full time immigration agents.

Hand-in-hand with the drop house operations are the kidnapping operations. Almost every night, Phoenix police will get one or more emergency calls with variations of the same story: "My wife is being held in a Phoenix drop house and she will be tortured and killed if we don't pay them thousands of dollars." That means Phoenix PD has to divert resources on the spot to find and protect these kidnap victims. And again, this happens routinely. The overtime hours are staggering and the personnel resources diverted from preventing or solving other crimes are massive.

Lastly, we have the cost of long-term, ongoing undercover and investigative operations designed to cut the head off big smuggling operations—humans, drugs, guns and money—and interrupt that activity, beginning at the top. We've taken down sophisticated syndicates, travel agents, and transportation providers who smuggle and transport humans and who launder millions of dollars in cash each month.

Smuggling operations are becoming more sophisticated and more dangerous, which means local police need more sophisticated intelligence and more strategic undercover work, which means more costs. And as the smugglers use more sophisticated and costly armaments and armor, so must we. Phoenix PD has just begun offering our officers 45-caliber Glocks and adding more rifles to our arsenal.

Then, we have another situation developing in Phoenix that is both difficult to describe and difficult to deal with. It has always been the rule of law enforcement that the victims of crimes and witnesses to crimes will be protected. If the witness to a homicide is in this country illegally, it is more important for us to catch the killer than to turn the witness over to ICE. If the vic-

**Conference Keynote Address**

tim of a sexual assault is in this country illegally, it is more important for us to catch the rapist than to turn the victim over to ICE. That makes sense and it's always been the rule. My police department absolutely protects innocent witnesses and victims, in order to catch the "really bad guys." But our job has been made tougher because of a sheriff who doesn't. Instead, he allows sexual assaults, homicides and other serious crimes to go unsolved, by arresting victims and witnesses and sending them to jail for violating immigration statutes. That's a direction that makes our community less safe. And that's a sad reality that creates public safety costs that are impossible to determine.

Targeting illegal immigrants who have not broken a single law since they crossed the border comes at too high a cost for our communities. In order, for example, to concentrate on these immigrants, the county sheriff's operations in El Mirage, Arizona, a city of just 32,000 people, failed to investigate at least thirty violent crimes, including a dozen sexual assaults last year. While crime rates are down in every category in Phoenix, in the parts of the county under the sole jurisdiction of the sheriff, crime rates soared in every category but one last year.

Lastly, the dearest costs we are incurring in our city are social, constitutional and human costs. And again, it centers around our sheriff and a broken federal system.

Maricopa County Sheriff Joe Arpaio has filled a political void created by the utter neglect and inaction on immigration issues by Congress and the president and he has exploited that void to suit his own political needs. Washington's inaction has caused frustration in cities like Phoenix. The sheriff's method is to profile people with brown skin and to ignore the civil rights we should all be enjoying. It is unconstitutional and wrong.

On April 4<sup>th</sup>, I called for an investigation by the United States Department of Justice for civil rights violations, a call that has yet to be answered. The sheriff, himself, says he doesn't need to engage in racial profiling because he can tell if someone is here illegally "by the way they dress and where they are coming from." That is, as you know, the very definition of racial profiling. One of his chief deputies admits that when it comes to enforcing immigration laws, their department does not follow federal civil rights requirements. *Citizens* are being stopped because they are brown. Immigrants here quite legally, carrying their paperwork, are detained. Street vendors with current visas and properly licensed mobile businesses are also being detained.

I'd like to tell you three quick but important stories that help to humanize these issues. The first is from an editorial in the *Washington Post* that was published earlier this month: "*Manuel Ortega, a Mexican citizen, entered the United States legally last fall, using a visa valid until 2016 as well as a permit from the Department of Homeland Security. Ortega had every reason to believe he was on the right side of the law, except for one small misstep: being brown in Maricopa County.*

*"He had been in the United States for barely three weeks last September when Arpaio's deputies stopped the vehicle he was riding in. Despite showing the officers his documents, he was handcuffed, jailed (for 9 hours) and finally turned over to federal immigration officials, who promptly released him..."*

That's shameful. And it's a cost no one should have to pay.

Very close to home—a member of my own staff and her husband went "off-roading" with five other couples a few months ago. Deputies pulled all six vehicles over. One by one each couple was approached, and let go—until they got to the last vehicle, the one driven by my assistant and her

**Conference Keynote Address**

husband, third generation Americans. The sheriff's deputy didn't ask for a driver's license like he did the others. He asked for a social security card. And he didn't let them go like he did the others. He wrote a citation. Their first names are David and Jessika. And their last name is Rodriquez. And the only thing that made them different from the other five couples was the color of their skin.

Finally, as reported by a Phoenix radio station reporter, a United States Marine, in full uniform, was harassed, insulted, and called a traitor by a group of protestors posing as "Pretend Patriots." *"It's too bad you didn't die in the war; you're a disgrace to your uniform,"* they shouted at him. *"Go back to your own country."* Well, this American hero of Hispanic heritage *is* in his own country. He fought for this country.

These stories have nothing to do with green cards. They have everything to do with brown skin. They were about racism and nothing else. Yet despite these and other blatant violations—well documented in the Phoenix media—the Civil Rights Division of the United States Department of Justice, through its silence, continues to thumb its nose at both civil rights *and* justice.

And how do you assign a cost to that? How can you put a price tag on the very promise of America? Cemeteries here and around the world are filled with men and women who traded their lives for our rights and freedoms—the same rights we see perched at the top of that famously dangerous slippery slope.

Those are big prices to pay. And here's another one. Last September, one of Phoenix's finest—Police Officer Nick Erfle—was shot and killed by a man he was trying to arrest, a man who had been arrested before, found to be in this country illegally, and deported to Mexico by our federal government. Of course, because this Congress and this president have yet to find the time to secure our borders, this man had no problem re-entering the country, and crossing paths with Officer Erfle on that tragically fateful day.

My community paid too much on that day. But not as much as Officer Erfle's wife and children, who will continue to pay for our failed immigration policies and our do-nothing Congress for the rest of their days. Julie Erfle is here today, and will help lead the fight for a secure border and immigration reform so that, hopefully, no other officers and the people who love them will pay the consequences for the inactions of Washington. Julie, will you please join me at the podium as I ask everyone to join with me in thanking you for your service and the sacrifices you continue to make.

Julie, you said it best eight months after Nick's tragic death: *"We need comprehensive immigration reform that puts safety and humanity on equal footing."* And that's why I accepted the invitation to come to Washington today. It is time for the federal government to take responsibility for the situation they have created. They need to take responsibility today. They need to begin addressing each of these complex issues today.

But the good news is they *can* fix the problem. When, as a nation, we roll up our sleeves, focus on a goal, debate our options, outline a course, and act with conviction and principle there is nothing we cannot accomplish. America is a great nation and Americans always live up to that greatness. We have won freedom for much of the world. We have industrialized the world. We have fed the world. In so many ways, we have *changed* the world. And we have shown the ability to change our own nation when change was needed. During my lifetime, African Americans could not use public drinking fountains, sit at lunch counters, or ride in the front of a city bus. But

**Conference Keynote Address**

thanks to the greatness of individual Americans like Rosa Parks, Martin Luther King, Jr., and Robert Kennedy, and thanks to a responsible and compassionate Congress and White House, we changed all that. We lived up to the very promise of America. And on the issue of immigration, this nation of immigrants will do it again.

I am calling upon this Congress and the next one—this president and the next one—to make the dual issues of border security and immigration reform their first order of national business. I don't believe that certain members of Congress understand what impact their neglect is having on cities. They don't see the hate. They don't see the division. They don't hear the rhetoric. They don't see the civil rights violations. And they don't understand the costs.

Phoenix is a good community, filled with good people. The many voices of compassion in our community have always prevailed over the voices of hate, racism, and violence. That's why I am calling upon this nation's investigative journalists and other members of the media to come to Phoenix and shine a light on the intolerant few. Let Congress and the White House finally see what their unconscionable neglect is costing us. Report on the racism and the hate. Turn your cameras into the eyes of American citizens whose civil rights don't seem to matter anymore. Help us tell this story to our national leaders and help them—no, *make them*—see the light.

It's been *seven* years since our nation was attacked by terrorists. It's been *four* years since the 9-11 commission made its recommendations. It's been *three* years since the United States House of Representatives debated the Border Protection, Anti-Terrorism and Illegal Immigration Control Act. It's been *two* years since the McCain/Kennedy Comprehensive Immigration Reform Act was defeated. And it's been *eleven months* since we said goodbye to Officer Nick Erfle.

And *still* there is no debate—meaningful or otherwise in House races, in Senate races, or between the two candidates for president of the United States. And that needs to change.

In just the past few days, I was asked by the U.S. Conference of Mayors to head up a Task Force on Immigration Reform, to study the problem and to make recommendations to the 111<sup>th</sup> Congress and the 44th president.

And I accepted that honor, with one important caveat: No more studying. No more hearings. No more task forces. No more white papers and executive summaries lining the shelves of Congress. This is an issue that has already been studied and studied and studied some more. Now it's time for action. Now it's time to implement.

My message is as simple as it is urgent: Do not wait another day to figure out a way to secure our borders. We need more personnel. We need to make better use of technology. I recently went to the State of Israel. They have, through sheer necessity, figured out how to best secure their own borders. For them, it's a literal matter of life and death. And I say to Washington, "If you can't figure out how to secure our borders, then ask the Israelis for their advice and counsel." I say to Washington, "If the greatest technological nation in the world can't do it, bring in someone who can."

Second, I call upon Congress to change our failed immigration policies. For our economy and for the foreign workers who need to support their families, let's use the technology that is available to match up the skills of these workers with jobs in this country that are going unfilled. Make the work visa program make sense. And because half the immigrants who are in our country illegally entered the United States quite legally but overstayed their visas, Congress needs to

**Conference Keynote Address**

make this new visa system completely trackable.

Third, not everyone who comes here to work will want to become a citizen. But for those who do, we need a pathway to citizenship that doesn't stretch out for ten years or more, the way it does now. You wonder why so many ignore the system and come here illegally? It's because a ten year-plus process is no process at all. It is broken and it is ours to fix.

Fourth, we need to recognize the human side of immigration. Consider a grandmother who has lived here peacefully for decades, who has worked and raised a family, and paid taxes and contributed to our social fabric and our economy—treating *her* the very same way we treat a drug dealer who is in the United States illegally makes no sense at all. We should never paint with a brush that broad. We need to recognize different circumstances and treat them differently.

Two years ago, the Western Governors' Association, under the leadership of Arizona Governor Janet Napolitano, issued a policy resolution very much like the proposal I just outlined. It, too, is a reasonable proposal that a reasonable Congress should use as a road map. But here we are, two years later, and that map still sits folded in some Congressional cloakroom.

So one of the main reasons I'm here today is to force the Congress of the United States to face the two-headed monster of hate and racism it has created and turned loose 2,000 miles from this very room.

If you're a member of Congress, or the next president of the United States, you'll be hearing from me. And when you do, I'll be standing right next to Julie Erfle because I want you to look into her eyes and to see for yourself what the cost of your inaction has been.

So, again, the research has been done and the papers have been written. Our mission is to obtain the full backing of the US Conference of Mayors, law enforcement groups like this one, the United States Chamber of Commerce, the faith community and with the support of the Western Governors' Association march over to Capitol Hill, proposal in hand, and knock Congress upside its partisan head with it and tell them to fix... the damn...problem.

Thank you and God bless you.

Now, with the chair's permission, I'd be happy to take a couple of questions.