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February 11, 2013

The Honorable Janet Napolitano
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Madam Secretary,

As you are aware, Arizona pays a disproportionate price for the nation's broken immigration system. The renewed attention on immigration reform could provide the opportunity for much needed solutions to long-standing issues that impact both Arizona and the nation as whole.

Unfortunately, the persistent focus on the narrative that the southern border between the U.S. and Mexico is 'safer than ever' is counterproductive. At best, the 'safer than ever' claim refers to the situation we were facing years ago with historic levels of illegal crossings rather than providing any objective assessment of the current security situation. The Department of Homeland Security (DHS) has a determined focus on the level of Border Patrol apprehensions as an indicator of performance relative to border security despite this metric failing to paint a complete picture. Any number of factors, such as the recent economic downturn, could be contributing to lower apprehension rates. The Government Accountability Office (GAO) noted in a report issued in December of last year that apprehensions as in interim measure "does not inform program results and therefore limits DHS and congressional oversight and accountability." In fact, the GAO also noted flatly that "Border Patrol does not yet have performance goals and measures in place necessary to define border security and determine the resources necessary to achieve it."

Federal agents along the southern border are no doubt doing their best and despite the lack of credible performance goals and measures it appears that gains in border security have been realized in certain areas, such as in the Yuma Sector. However, the security issues in the Tucson Sector remain a dangerous problem. Take for example the Ladd Ranch, a 14,000 acre ranch that shares ten miles of the U.S.-Mexico border between Naco, Arizona and the San Pedro River. They report witnessing 14 breaches with a total of 29 trucks over the last 12 months. According to the rancher, the crossings took place in daylight and within sight of four fixed cameras. Having requested an increased Border Patrol presence in the area, they were told the Border Patrol lacks the manpower. The Border Patrol also claims to have apprehended some number of the crossers and is reportedly planning to install a portable camera in the area.

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Given the persistence of security issues in the Tucson Sector, it would be beneficial to have the Department provide answers to the following questions related to these witnessed crossings:

- Does the Border Patrol have a record of the specific crossings that were witnessed over the last 12 months on the Ladd Ranch?
- Were any of those involved in the witnessed crossings apprehended by the Border Patrol and if so where were they apprehended?
- To what extent was drug trafficking involved and to the Border Patrol's knowledge were any of those crossing armed at the time?
- If any were apprehended, was anyone charged and what was the ultimate disposition of those apprehended?
- Given that the area appears to be frequented by those seeking unlawful entry in into the U.S., what has been the Border Patrol's presence in the area over the last 12 months?
- What is the Border Patrol's plan for addressing what appears to be an area frequented by those seeking to cross illegally?

An attitude of 'at least it's not as bad as it used to be' is slim comfort to border area residents continuing to be faced with an unsafe situation. Like it or not, the U.S. public will be loath to trust the federal government to move forward with the reforms necessary to address widespread issues presented by our broken immigration system unless steps are taken to address security at the border. Toward that end, I look forward to your responses to the questions posed.

Sincerely,



JEFF FLAKE
U.S. Senator