

EXHIBIT Q

DECLARATION OF THOMAS STREED, PH.D.

Thomas Streed, Ph.D. declares as follows:

1. The facts set forth below are of my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

2. I have previously qualified and testified in numerous jurisdictions throughout the United States as expert witness in both Superior Courts and Federal Courts in the areas of Local, State and Federal Law Enforcement Procedures, Training, Supervision and Administration, as well as in several other areas as described in my Curriculum Vitae which is attached as Exhibit A.

3. In summary, my qualifications as an expert witness include, but are not limited to the following: I retired in 1991 as a homicide detective from the San Diego County Sheriff's Department and, in the course of my twenty-four year career, I personally investigated and/or consulted on several thousand violent crimes, many of them occurring on the U.S. / Mexican border. These investigations also included interaction with the U.S. Border Patrol regarding cases involving use of force, as well as assaults against U.S Border Patrol agents.

4. In 1975, I received a Master's Degree in Human Behavior (applied psychology) from United States International University. In 1983, I received a Ph.D. in the same field. Since I received my graduate degrees, I have authored and presented numerous professional papers before both national and international forums, which have included various subjects dealing with various aspects of law enforcement procedures as described in my Curriculum Vitae.

5. I hold memberships in the following professional societies and organizations: the American Academy of Forensic Sciences (Fellow); the American Association of Suicidology; the American College of Forensic Examiners International (Diplomat / Fellow), the American Psychological Association; the California Homicide

Investigator's Association; the Canadian Society of Forensic Science (La Societe Canadienne Des Sciences Judiciaires); the Fraternal Order of Police; the International Association of Chiefs of Police International Police Association; the National Sheriff's Association; the Peace Officer's Research Association of California (Retired ~ PORAC); the Retired Deputy Sheriff's Association, San Diego County Sheriff's Department, San Diego, California; the Retired Peace Officer's Association of California; and the San Diego Crime Commission.

6. I am credentialed by the State of California to instruct in the fields of psychology, sociology and police science and I have presented numerous in-service training courses as described in my Curriculum Vita, which have been certified by the State of California (P.O.S.T. – Peace Officer Standards and Training) and/or by the State of California Board of Corrections (S.T.C. - Standards and Training for Corrections), as well as numerous other states.

7. In my work as an expert witness in cases involving the use of force by or against Border Patrol Officers, I have investigated several instances in which Border Patrol Officers were involved in conflict with aliens who are in the process of circumventing designated ports of entry.

8. In addition, I have also conducted training sessions to large groups of Border Patrol Officers about appropriate uses of force and the behavioral reactions to use of force. During these training sessions, I have engaged in substantial discussions with Border Patrol Officers about the threats faced by Border Patrol Officers.

9. In my work as an expert witness and as training instructor, I have learned that Border Patrol Officers are significantly outmanned, outgunned, and are operating at a tactical disadvantage when compared to those persons crossing the Mexico/U.S. border without passing through designated ports of entry. As a result, Border Patrol Officers are operating in a fearful state and do not have operational control of the Mexico/U.S. border.

10. First, Border Patrol Officers are regularly outmanned as the number of

aliens attempting to circumvent designated ports of entry often cross in large groups which significantly outnumber the Border Patrol Agents who attempt to interdict them. In fact, I am aware of instances wherein large groups of aliens gathered at the edge of the border as nightfall approaches. These groups are so substantial that they take on a party-like atmosphere and even attract food vendors. Border Patrol Officers witness the gatherings but are helpless to detain the large crowd when they eventually run the border and begin moving to the interior of the U.S.

11. Second, Border Patrol Officers are outgunned by those persons that engage in the business of smuggling drugs and traffic in humans. The economics of these activities has led to the use of more and more force to protect the “cargo” that is being taken across the border. While there is little need to discuss the economics of drug smuggling, the cost charged by a “coyote” to lead an alien across the Mexico/U.S. border has increased drastically. In 2000, an alien might pay as little as \$200 to cross the border – that same trip now costs approximately \$2,000. As a result of the huge profits to be made, persons engaged in these kinds of illicit activity are regularly arming their “guides” with automatic weapons and other types of weapons that exceed the firepower of Border Patrol Officers. Moreover, these “guides” are also armed with an alarmingly dangerous mindset of doing whatever it takes to avoid losing any of their “cargo.”

12. Third, Border Patrol Officers are at a tactical disadvantage as the people who are smuggling drugs and trafficking in humans are in a position to determine the place, the timing, and the terms of an engagement with Border Patrol Officers. I have found that Border Patrol Officers are at a real risk of, and at times are being attacked by, organized ambushes rather than random conflict. Further, drug smugglers and human traffickers are using increasingly sophisticated combat tactics when they engage in unlawful activity or engage Border Patrol Officers (e.g. Tubutama ambush and the stoning of a Border Patrol Officer who had been lured into a high risk area).

13. Because Border Patrol Officers are outnumbered, outgunned, and at a

tactical disadvantage, it is axiomatic that as long as these conditions persist, Border Patrol Officers will not be able to obtain and maintain operational control of the border.

I declare under penalty of perjury that the foregoing is true and correct.

DATED July 1st, 2010.

Maricopa County, Arizona

By Thomas Streed, Ph.D.
Thomas Streed, Ph.D

11760879

EXHIBIT A

Thomas Streed, Ph.D.

P.O. Box 19250

San Diego, California 92159

619.465.3850 / fax: 619.465.7611 / mobile: 619.997.3700

tstreed@thomasstreed.com // www.forensicinternational.com

CURRICULUM VITAE

(THESE DATA HAVE BEEN FORMATED PURSUANT TO RULE 702 OF THE FEDERAL RULES OF EVIDENCE: [1] EDUCATION, [2] TRAINING, [3] EXPERIENCE, [4] KNOWLEDGE & [5] SKILL)

EDUCATION:

DOCTOR OF PHILOSOPHY (Ph.D.), HUMAN BEHAVIOR

Alliant International University, San Diego, California, 1983

(NOTE: Merged with United States International University, June 2002)

Dissertation: *The Relationship of Hypnotic Susceptibility to Articulated Perceptual Style.*

MASTER OF ARTS (M.A.), HUMAN BEHAVIOR

Alliant International University, San Diego, California, 1975

(NOTE: Merged with United States International University, June 2002)

Master's Thesis: *Description and Analysis of Stress Affecting Law Enforcement Officers.*

BACHELOR OF ARTS (B.A.), POLITICAL SCIENCE

California Western University

San Diego, California, 1973

LICENSURE:

Teaching Credential: State of California; No. 129095 - Subject Area: *Psychology.*

Teaching Credential: State of California; No. 27198 - Subject Area: *Police Science.*

P.O.S.T. Certification: California Peace Officer's Standards and Training (Advanced Certificate).

Private Investigator: State of California - License No. 16048;
State of Arizona - License No. 1516569.

TRAINING:

RESERVE OFFICERS TRAINING ACADEMY, San Diego County Sheriff's Department, 1965.

BASIC P.O.S.T. TRAINING ACADEMY, San Diego County Sheriff's Department, 1967.

P.O.S.T. IN-SERVICE TRAINING ~ Continuing Education @ twenty-four hours per year: 1968-1991.

EXPERIENCE:

CONSULTANT, EXPERT
WITNESS:

Forensic Consultation International - San Diego, California (Owner) ~ 1984.

Consultation:

Crime Scene Reconstruction and Interpretation;
Drug-Induced Violent Behavior;
Police Procedures (Use-of-Force, Tactical Procedures);
Police Administration and Supervision;
Corporate and Personal Security (Violence in the Workplace)

Lecturer/Instructor:

In-Service Training (Criminal Justice Agencies):
Drug Education: Psychopharmacology and Epidemiology of Drug Abuse; Drug Identification and Packaging; Addictions, Compulsions, and Pathological Behavior; and Symptoms of Drug Intoxication.
Forensic Communication: Interviewing and Interrogation; CVA: Control of Verbal Aggression; Effective Courtroom Testimony; and Dealing with the Media.
Aggression and Violence: Behavioral Phenomena of Aggression and Violence; Criminal Personality; Cults, Ritualistic Abuse and Satanism; Suicide: Elements of Self-Destruction; Basic and Advanced Homicide Investigation; and Officer Involved Use-of-Force.

DEPUTY SHERIFF:

San Diego County Sheriff's Department -San Diego, California 1967 - 1991; *Honorably Retired.*

Homicide Division: Death Investigations; Investigation of Officer-Involved Use of Force, 1970 - 1991.

- o Special Recognition: Employee Performance Report ~ 1984 to 1985:
 - > *Deputy Streed has received letters of*

- commendation from other agencies during this rating period, and is held in high esteem with knowledge of death investigations.*
- *Deputy Streed's interview and interrogation techniques are outstanding, a tribute to his superior judgment in dealing with potential witnesses and suspects.*
 - *His endeavor for perfection is reflected in the accuracy and completion of his written reports.*
 - Special Recognition: Employee Performance Report ~ 1985 to 1986:
 - *His 14 year tenure with the detail is evident in the categories dealing with competency; He exceeds the standards expected of a homicide investigator.*
 - *Of particular note is his ability to analyze a crime scene and his reports documenting them; Also noteworthy are his interview and interrogation techniques which are superior.*
 - Special Recognition: Employee Performance Report ~ 1986 to 1987:
 - *This evaluation is a combination of (two) supervisors observations.*
 - *Without a doubt Deputy Streed is considered the most knowledgeable Homicide Investigator on the San Diego Sheriff's Department; This is a view shared by his peers and his supervisors.*
 - *During this rating period, Deputy Streed has had to carry the work load of the three man investigative team he is assigned to. One of the members on the team was new to homicide investigation and one was on extended injury leave for eleven months of this time. In January, one additional untrained investigator was assigned to Deputy Streed. In March, Tommy was given the additional burden of indoctrinating a newly assigned sergeant who had no prior traditional or homicide investigative experience. With a keen sense of humor and exceptional judgment, Tommy managed to keep most of us from embarrassing ourselves or the Department... Tommy handled this additional pressure in a highly satisfactory manner.*
 - *Deputy Streed performs his duties with the slightest of supervision. He keeps his supervisors advised of what he is working on, and the direction of (sic) his cases are going. Tommy is quick to advise of any problems that might arise, keeping his supervisors aware of*

potentially sensitive or embarrassing problems for the Department.

- *Tommy prides himself on being current on any new methods of analyzing homicides. His ability to read and understand technical journals has benefited the Sheriff's Department and his peers. On occasions, Tommy has been guilty of being less than (sic) patient with less knowledgeable peers. The high expectations Tommy places on himself causes him to expect the same of others. Although he is sometimes short or curt with peers, Tommy's overall interpersonal skills are excellent.*
- *Tommy has been rated also in the area of Homicide Training Officer and Sheriff's Academy Staff Instructor. To realize the value of Tommy, you need only spend a short period of time with him. It becomes readily apparent that Tommy is not only a training officer for the newer investigators, but also for senior investigators in the detail. His teaching and training continue on a daily basis in an informal manner. Tommy makes himself available to his fellow investigators for consultation and guidance.*
- *One of Deputy Streed's many areas of expertise is interviewing and interrogation, a subject he teaches at both San Diego Sheriff's Academy and San Jose State University. Tommy's interviewing skill and knowledge are outstanding. His ability to digest the interview and reach logical conclusions is uncanny. Because of his excellent education and his street savvy, Tommy is equally comfortable talking to the bank president or the local gutter snipe. In this area, he is often asked to sit in on interviews or conduct the interview for other teams when special circumstances occur.*
- Special Recognition: Twenty-Year Service Award ~ 1987:
 - *...one of the nations most renowned Homicide Investigators.*
 - *His years of educations and experience, combined with his uncanny ability to interview have qualified him as an expert witness in [1] psychology of criminal violence; [2] mental states and comprehension during criminal interrogation; and [3] psychology of drug-induced violence.*
 - *Established as the foremost expert in the United States on methamphetamine induced violence,*

Tommy has delivered over 10 lectures at the national level this year alone.

- *His reputation has extended to foreign countries such as England and Israel, which have professionally consulted with him on topics such as crime scene interpretation and sadistic death.*
- *Police agencies, medical examiners, forensic institutes and universities throughout the United States have consulted Tommy on subjects which include sadistic death rituals, patterns of serial killing and interrogation techniques.*
- *This professionalism and intense dedication have brought distinction upon the Sheriff's Department, as well as himself.*

Academy Instructor, Sheriff's Academy (TAD):
Defensive Tactics; Crime Scene Investigation, 1971 - 1985.

Patrol Officer: Performance of general law enforcement duties, 1967 to 1970.

LECTURER: **San Jose State University**, San Jose, California.
Department of Administration of Justice, *Investigation of Officer Involved Use of Force; Interviewing and Interrogation*, 1983 to date.

INSTRUCTOR: **Northern Arizona University**, Flagstaff, Arizona.
Department of Criminal Justice, *Criminal Investigation; Criminal Personality*, 2005 to date.

ADJUNCT PROFESSOR: **California State University**, San Marcos, California.
Department of Sociology. *American Law Enforcement*, 1996 to date.

INSTRUCTOR: **Occupational Research and Assessment, Inc.**, Big Rapids, Michigan, *Medicolegal Death Investigation ~ U.S. D.O.J. National Guidelines for Death Investigation*, 1997 to date.

FACULTY / CONSULTANT: **Center for Disease Control (CDC)**, Atlanta, Georgia, *Sudden Unexplained Infant Death Investigation Specialist ~ Book Chapter (In publication): Psychology of Interviewing and Interrogation*, 2005 to date.

INSTRUCTOR: **Grossmont College**, El Cajon, California.
Department of Administration of Justice, *Defensive Tactics; Psychology of Violence*, 1972 to 1989;
Substitute Instructor ~ *Administration of Justice*, 1995 to 2000.

LECTURER: **Western States Information Network**, Sacramento, California; **Rocky Mountain Information Network**, Phoenix, Arizona; **Regional Organized Crime Information Center**, Nashville, Tennessee - *Elements of Drug-Induced*

Violence and Associated Mental States; and Techniques of Interrogation - Drug Abusers; Ritualistic Violence; Basic ~ Advanced Homicide Investigation; and Officer Involved Use-of-Force 1991 to 1995.

INSTRUCTOR: **Southwestern College**, Chula Vista, California.
San Diego Sheriff's Academy, *Crime Scene Investigation*, 1984 to 1991.

PROFESSIONAL SOCIETIES AND ASSOCIATIONS:

- American Academy of Forensic Sciences (Fellow)
- American Association of Suicidology
- American College of Forensic Examiners International (Diplomate / Fellow)
 - American Board of Psychological Specialities (Diplomate)
- American Psychological Association
- California Homicide Investigator's Association
- Canadian Society of Forensic Science (La Societe Canadienne Des Sciences Judiciaires)
- Fraternal Order of Police
- International Association of Chiefs of Police
- International Police Association
- National Sheriff's Association
- Retired Deputy Sheriff's Association, San Diego County Sheriff's Department, San Diego, California
- Retired Peace Officer's Association of California
- San Diego Crime Commission
- United States Association of Professional Investigators

KNOWLEDGE:

EXPERT WITNESS COURT QUALIFICATIONS:

(A listing of the following cases pursuant to 702 FRCP is available upon request)

- **Violent Behavior:**
 - Crime Scene Reconstruction:

Superior Courts: State of California; State of Nevada; State of Arizona; State of New York; Circuit Court of South Dakota.

United States District Courts, Southern District of California; Central District of California.

○ Drug-induced Violence:

Superior Courts: State of California; State of Arizona; State of Louisiana.

○ Suicidal Behavior:

Superior Courts: State of California; State of Arizona.

United States District Court, Central District of California; Eastern District of California; Northern District of California; Circuit Court of Cook County, Illinois; Western District of Missouri; Western District of Oklahoma.

• **Police Procedures:**

○ Police Investigations: Violent Crime Investigation; False Arrest / False Imprisonment.

Superior Courts: State of California; State of Nevada; State of Arizona.

United States District Court, Southern District of California; Central District of California; Eastern District of California; Northern District of California; District of Arizona; Western District of Missouri; Central District of Utah; Eastern District of Louisiana; Northern District of Illinois, Eastern Division.

○ Officer Involved Use-of-Force; Police Procedures; Police Training, Supervision and Administration.

Superior Courts: State of California; State of New York; State of New Mexico; State of Arizona; Iowa District Court; Circuit Court of Cook County, Illinois.

United States District Court, Southern District of California; Central District of California; Eastern District of California; Northern District of California; District of Arizona; Western District of Missouri; Central District of Utah; District of New Mexico; Eastern District of Louisiana; Western District of Oklahoma; Eastern District of New York.

○ Eyewitness Identification (*Perceptual Distortion, Suggestibility, Coercion*)

Superior Courts: State of California; State of Arizona.

United States District Courts: Southern District of California; Northern District of Illinois; District of Arizona; District of New Mexico.

○ Interviewing and Interrogation (*Coerced False Statements*)

Superior Courts: State of California; State of Arizona.

United States District Courts: Southern District of California; Northern District of Illinois; District of Arizona; District of New Mexico.

PUBLICATIONS/QUOTED MATERIALS:

The Death of Meriwether Lewis [Book Chapter], 2009; STREED, Thomas, Ph.D.; River Junction Press, Omaha, Nebraska.

Published Opinion, United States Court of Appeals for the Ninth Circuit, No. 06-35159, D.C. No. CV-04-01178-MWM, Price v. Sery, et al., January 22, 2008: [Excerpts from Declaration] - STREED, Thomas Ph.D.

Homicide Investigation, Training Manual [Book Chapter] - Administrative of Justice Bureau, San Jose State University, 2007 (update ~ 1st Ed. 1989); STREED, Thomas, Ph.D.; *Psychology of Interviewing and Interrogation*.

Homicide Investigation, Training Manual [Chapter] - Administrative of Justice Bureau, San Jose State University, 2007 (update ~ 1st Ed. 1989); STREED, Thomas, Ph.D.; *Investigation of Officer Involved Use of Force*.

Master's Conference for Advanced Death Investigation, Training Manual, [Chapter] - Saint Louis University School of Medicine, 2007; STREED, Thomas, Ph.D.; *Psychological Aspects of Interviewing*.

Sudden Unexplained Infant Death Investigation, Training Manual [Book Chapter] - Center for Disease Control and Prevention (CDC), 2005; STREED, Thomas, Ph.D.; *Psychology of Interviewing and Interrogation*.

Medicolegal Investigation of Death, Training Manual [Chapter] - West Virginia University School of Medicine - FBI National Academy Associates, 2004; STREED, Thomas, Ph.D.; *Psychological Autopsy and Victim Precipitated Homicide*.

The Cutting Edge ~ Coercion, DNA & Closings, Training Manual [Book Chapter] - Maricopa County Public Defender's Office, Federal Public Defender's Office & Maricopa County Legal Defender's Office, 2001; STREED, Thomas, Ph.D.; *Coercion and Extraction of False Confessions*.

Program Abstracts - American Academy of Forensic Sciences, 2001; STREED, Thomas, Ph.D.; *Coerced False Confessions and Human Rights*.

California Homicide Investigator's Association, Training Manual [Book Chapter] - 1998; STREED, Thomas, Ph.D.; *Officer Involved Use of Force and Victim Precipitated Homicide*.

Silver Star, 1997: STREED, Thomas, Ph.D.; *Protect Yourself - Talk to Counsel First: Officer Involved Shooting Protocol*.

The Forensic Examiner, 1996: STREED, Thomas, Ph.D. and DANTO, Bruce, M.D.; *The Serpent and the Dead Man*.

Suicide: Elements of Self-Destruction, (Training Manual) - Forensic Consultation International, 1995; STREED, Thomas, Ph.D.;

CVA: Control of Verbal Aggression, (Training Manual) - Forensic Consultation International, 1995; STREED, Thomas, Ph.D.;

Homicide Investigation, (Training Manual) - Forensic Consultation International, 1995; STREED, Thomas, Ph.D.;

Journal of Forensic Sciences, 1994: STREED, Thomas, Ph.D. and DANTO, Bruce, M.D.; *Death Investigation After the Destruction of Evidence: Psychological Autopsy*.

Program Abstracts - American Academy of Forensic Sciences, 1992; STREED, Thomas, Ph.D.; *Drug-Induced Violence: A Comparative View*.

Program Abstracts - American Academy of Forensic Sciences, 1991; STREED, Thomas, Ph.D.; *Smokable Methamphetamine: Ice Age of the 90's*.

Program Abstracts - American Academy of Forensic Sciences, 1990; STREED, Thomas, Ph.D.; *Ritualistic Violence: The Methamphetamine Connection*.

Designer-Drug Abuse, 1989; McCormick, Michele; Franklin Watts Publishing, New York, (*Quoted in Chapter 4*).

Program Abstracts - American Academy of Forensic Sciences, 1989; STREED, Thomas, Ph.D.; BROWN, Robert S. Jr., MD., and SCOTT, Renee, B.A.; *Science for the Non-scientist: DNA Fingerprinting Method, Applications, Cost, Investigative Utility and Legal Acceptance*. STREED, Thomas, Ph.D.; *Dump-site Analysis and Behavioral Characteristics of Psychopathic Killers*.

All Union Institute of Study of Crime and Elaboration of Measures for Crime Prevention, Moscow, U.S.S.R., 1988; STREED, Thomas, Ph.D.; (1) *Psychology of Sadistic Violence*; and (2) *A Comparative View of Drug-induced Violence*.

Program Abstracts - American Academy of Forensic Sciences, 1988; STREED, Thomas, Ph.D. and BROWN, Robert S. Jr., MD.; (1) *Perceptual Distortion in Officer-Involved Shootings*; and (2) *Trends in Illicit Methamphetamine Manufacture*.

National Homicide Symposium VI, Training Manual [Book Chapter] - California District Attorneys' Association, Sacramento, California, 1987; STREED, Thomas, Ph.D.; *Interrogation, Interviews and Re-Interviews: Psychology and State of the Art*.

Program Abstracts - American Academy of Forensic Sciences, 1987; STREED, Thomas, Ph.D. and BROWN, Robert S. Jr., MD.; (1) *An Historical Perspective of Illicit Methamphetamine*; (2) *Description and Analysis of Clandestine Methamphetamine Labs*; and (3) *The Violence Factor in Methamphetamine Users*.

Program Abstracts - American Academy of Forensic Sciences, 1986; STREED, Thomas, Ph.D.; (1) *Beyond Accountability: News Media Versus the Judicial System*; (2) *Satanic Violence: Trademark of the Killer*; and (3) *Patterns of Violent Behavior in Methamphetamine Users*.

Program Abstracts - American Academy of Forensic Sciences, 1985; STREED, Thomas, Ph.D.; (1) *The Role of Symbolic Interactionism in Building a Theory of Violent Crime*; and (2) *Perceptual Style: A Further Index of Witness Credibility*.

The Relationship of Hypnotic Susceptibility to Articulated Perceptual Style, 1983; STREED, Thomas, Ph.D.; Doctoral Dissertation Publishing, UMI; Ann Arbor, Michigan.

NOTABLE PRESENTATIONS / APPEARANCES:

INVITED SPEAKER: Training Seminar, U.S. National Border Patrol Council, Las Vegas, Nevada (*U.S. Border Patrol Use of Force*), 2010

INVITED SPEAKER: Training Seminar, Capital Post-Conviction Project of Louisiana, New Orleans, Louisiana (*Pitfalls of Interviewing*), 2008

INVITED SPEAKER: Master's Conference for Advanced Death Investigation, St. Louis University School of Medicine, St. Louis, Missouri (*Psychology of Interviews*), 2007

INVITED SPEAKER: Symposium: Peace Officer's Research Association of California (PORAC), Temecula, California (*Elements of Suicidal Ideation*), 2007

INVITED SPEAKER: American Academy of Forensic Sciences, 59th Annual Meeting 2007, San Antonio, Texas (Co-chair: Workshop ~ Anatomy of a Wrongful Conviction: A Multidisciplinary Examination of the Ray Krone Case - Paper Presented: *Police Procedures - What Went Wrong*), 2007

INVITED SPEAKER: Center for Disease Control and Prevention (CDC), SUIDI National Training Academies: St. Louis University School of Medicine, St. Louis, Missouri; Center for Disease Control and Prevention (CDC), Atlanta, Georgia; Boston University Medical School, Boston, Massachusetts; Albuquerque, New Mexico; Seattle, Washington ~ (Faculty: National Training Academies: Presentation of Book Chapter ~ *Interviewing Psychology*), 2006, 2007

INVITED SPEAKER: American Society of Criminology, Annual Meeting 2005, Toronto, Canada (Chair: Police Misconduct ~ Papers Presented: *Coerced False Statements and Human Rights*; and *Psychological Autopsy and Victim Precipitated Homicide*), 2005

INVITED SPEAKER: 18th Medicolegal Investigation of Death Seminar - FBI National Academy Associates, West Virginia University School of Medicine, Morgantown, West Virginia, (*Psychological Autopsy and Victim Precipitated Homicide*), 2004

INVITED SPEAKER: San Diego Crime Commission - San Diego, California, (*Violence in the Workplace ~ Profile of the Potentially Dangerous Worker*), 2002

INVITED SPEAKER: 16th Congr s Mondial de l'Association Internationale des Sciences Forensiques, Montpellier, France, (*False Confessions and Human Rights*), 2002 (NOTE: I declined the invitation to present this paper.)

INVITED SPEAKER: Fulton County Medical Examiner's Office - National Death Investigator's Mini-Session, Atlanta, Georgia, (*The Child Death Scene*), 2002

INVITED SPEAKER: 9th European Symposium on Suicide and Suicidal Behaviour, Warwick, Coventry, England, (*Psychological Autopsy and Victim Precipitated Homicide*), 2002 (NOTE: I declined the invitation to present this paper.)

INVITED SPEAKER: Maricopa County Public Defender's Office, Federal Public Defender's Office, and Maricopa County Legal Defender's Office - Seminar: The Cutting Edge ~ Coercion, DNA & Closings, Phoenix, Arizona, (*Coercion and Extraction of False Confessions*), 2001

INVITED SPEAKER: American Academy of Forensic Sciences - 53th Annual Meeting, Seattle, Washington, (*Coerced False Confessions and Human Rights*) 2001

INVITED SPEAKER: California Association of Licensed Investigators, San Diego, California, (*School Violence: Profile of the offender*), 1999

INVITED SPEAKER: California Homicide Investigator's Association - 28th Annual Meeting, Bakersfield, California, (*Use of Force Resulting in Death and Officer Involved Shooting Investigations*), 1998

INVITED SPEAKER: American Academy of Forensic Sciences - 50th Annual Meeting, San Francisco, California, (*Colloquium: The Death of J. Edgar Hoover ~ Applying the Criteria of a Psychological Autopsy to Hoover's Death*) 1998

INVITED SPEAKER: Fifth Annual Scientific Meeting, The American College of Forensic Examiners International, San Diego, California (*The Psychological Autopsy and Victim Precipitated Homicide*) 1997

INVITED SPEAKER: American Academy of Forensic Sciences - 49th Annual Meeting, New York, New York, (*The Value of a Psychology Autopsy - Meriwether Lewis Project*) 1997

INVITED SPEAKER: Fourth Annual Scientific Meeting, The American College of forensic Examiners, San Diego, California, (*Officer Involved Use-of-Force and Drug-Induced Violence; and {Colloquium} Mind Hunter Panel-Profilng Serial and Violent Offenders*) 1996

INVITED SPEAKER: Florida Homicide Investigator's Association - Tenth Annual Conference of the Altamonte Springs, Florida, (*Drug-Induced Violence and Officer Involved Use-of-Force*) 1996

CONSULTANT: Coroner's Inquest, Hohenwald, Tennessee, (*Psychological Autopsy: Death of Meriwether Lewis - 1809*) 1996

INVITED SPEAKER: Mississippi Coroner's Association, Biloxi, Mississippi, (*Drug-Induced Violence and Crime Scene Interpretation*) 1996

INVITED SPEAKER: Third Annual Scientific Meeting, The American College of Forensic Examiners, Springfield, Missouri, (*Death Investigation and Analysis*) 1995

INVITED SPEAKER: Fifth National Conference-Serial Murders, Unidentified Bodies & Missing Persons, Regional Organized Crime Information Center, Ft. Lauderdale, Florida, (*Description and Analysis of Drug-Induced Violence*) 1995

INVITED SPEAKER: Seventh Annual Symposium on Death Investigation, Jefferson Parish Coroner's Office, Metairie, Louisiana, (*Behavioral Responses to Use of Police Force*) 1995

INVITED SPEAKER: American Academy of Forensic Sciences-46th Annual Meeting, San Antonio, Texas, (*Death Investigation After the Destruction of Evidence-Psychological Autopsy*) 1994

INVITED SPEAKER: Southern Institute of Forensic Science, Jackson, Mississippi, Biloxi, Mississippi and New Orleans, Louisiana, (*Cults, Ritualistic Abuse and Satanism*) 1993, 1996

INVITED SPEAKER: Rocky Mountain Information Network, Glasgow, Montana, (*3-day seminar on Basic Homicide Investigation*), 1993 and Coeur d'Alene, Idaho, 1994 and 1995; Gillette, Wyoming (*Psychology of Interviewing and Interrogation - Drug Abusers*) 1993

INVITED SPEAKER: Law Enforcement Foundation, San Diego, California, (*Our Violent Society*) 1993

CHAIRMAN: Multidisciplinary Symposium for Law Enforcement Officers, American Academy of Forensic Sciences - 45th Annual Meeting, Boston, Massachusetts, 1993

INVITED SPEAKER: American Society of Forensic Odontology, Boston, Massachusetts, (*Elements of Perceptual Distortion*) 1993

INVITED SPEAKER: Western Conference on Criminal and Civil Problems, Wichita, Kansas, (*The Art of Interrogation*) 1992

INVITED SPEAKER: Oregon Narcotics Enforcement Association, Newport, Oregon, (*Psychology of Drug-Induced Violence*) 1992

INVITED SPEAKER: American Academy of Forensic Sciences - 44th Annual Meeting, New Orleans, Louisiana, (*Drug Induced Violence: A Comparative View*) 1992

INVITED SPEAKER: Symposium on Death Investigation, Jefferson Parish Coroner's Office, Metairie, Louisiana, (*Psychology of Aggression and Drug-Induced Violence*) 1992

INVITED SPEAKER: Regional Organized Crime Information Center, Lafayette, Louisiana, (*Ritualistic and Drug-Induced Violence*) 1992

INVITED SPEAKER: Idaho Narcotics Officer's Association, Twin Falls, Idaho, (*Drug-Induced Behavioral States*) 1991

INVITED SPEAKER:Parallex Center, Wichita, Kansas, (*Ritualistic Aggression and Drug-Induced States*) 1991

INVITED SPEAKER:Seminar on Violent Behavior, Troy Police Department, Troy, Michigan, (*Domestic, Drug-Induced, and Hate-Crime Violence*) 1991

INVITED SPEAKER:American Academy of Forensic Sciences - 43rd Annual Meeting, Anaheim, California, (*Smokable Methamphetamine: Ice Age of the 90's*) 1991

INVITED SPEAKER:National Law Enforcement Institute, San Diego, California; Pittsburgh, Pennsylvania; and Ann Arbor, Michigan, (*Crime Scene Interpretation, Ritualistic and Drug-Induced Homicide*) 1991

INVITED SPEAKER:San Diego District Attorney Investigator's Association, El Cajon, California, (*Psychology of Officer Involved Shootings*) 1990, 1991

INVITED SPEAKER:Regional Organized Crime Information Center, Nashville, Tennessee, (*Ritualistic Homicide*) 1990

INVITED SPEAKER:Second World Congress of Legal Medicine: Forth Congress of the Pan American Association of Forensic Sciences; and Sixth Congress of the Colombian Society of Legal Medicine and Forensic Sciences, Bogota, Columbia, (*Psychology of Perceptual Distortion; and Ritualistic Behavior in Drug-Induced Violence*) 1990

INVITED SPEAKER:Lansing Community College, Lansing, Michigan, (*Psychology of Aggression and Drug Induced Violence*) 1990, 1991

INVITED SPEAKER:Clandestine Lab Investigator's Association, Portland, Oregon, (*Psychopharmacology of Drug-Induced Violence*) 1990

INVITED SPEAKER:American Jail Association - 9th Annual Training Conference, Reno, Nevada, (*The Psychology of Interviewing and Interrogation in a Jail Setting*) 1990

INVITED SPEAKER:San Diego County Sheriff's Department - In-Service Training for Supervisors, San Diego, California (*Psychology of Officer Involved Shootings*) 1990

INVITED SPEAKER:Western States Information Network, Sacramento, California, (*The Psychology of Drug-Induced Violence*) 1990

INVITED SPEAKER: American Academy of Forensic Sciences - 42nd Annual Meeting, Cincinnati, Ohio (*Ritualistic Violence: The Methamphetamine Connection*) 1990

INVITED SPEAKER:Conference on Death Investigation, Jefferson Parish Coroner's Office, New Orleans, Louisiana, (*Cult, Drug and Sexual Deaths*) 1989

INVITED SPEAKER:Pacific Northwest Study Group, Portland, Oregon, (*Ritualistic Violence*) 1989

INVITED SPEAKER:Clandestine Lab Investigator's Association, Salt Lake City, Utah, (*Methamphetamine Violence and Use*) 1989

INVITED SPEAKER:American Academy of Forensic Sciences - 41st Annual Meeting, Las Vegas, Nevada, (*Dump-site Analysis and Behavioral Characteristics of Psychopathic Killers*; Colloquium - *Science for the Non-scientist: DNA Fingerprinting Method, Applications, Cost, Investigative Utility and Legal Acceptance*) 1989

INVITED SPEAKER:Seventh Annual Workshop in Forensic Sciences, San Diego Museum of Man, San Diego, California, (*Aspects of Serial Killing*) 1988

INVITED SPEAKER:(Colloquium) American Academy of Psychiatry and the Law, San Francisco, California, (*Behavioral Manifestation Among Serial Killers*) 1988; and Coronado, California, (*Forensic Science and the Government: Perspective on an Intimate Relationship*) 1990

INVITED SPEAKER:International Association of Coroners and Medical Examiners, San Diego, California, (*Psychology of Ritualistic Violence*) 1988

INVITED SPEAKER:San Diego Psychology and the Law Society, San Diego, California, (*Psychology of Serial Killing*) 1988

DELEGATION MEMBER: (A.A.F.S.): Union of Soviet Socialist Republics - A three week professional exchange with Soviet Police/Criminal Psychologists in U.S.S.R. (Moscow, Kiev, Tbilisi, Riga and Leningrad) 1988

INVITED SPEAKER:American Academy of Forensic Sciences - 40th Annual Meeting, Philadelphia, Pennsylvania (*Perceptual Distortion in Officer-Involved Shootings; Trends in Illicit Methamphetamine Production in the U.S.*) 1988

INVITED SPEAKER:Symposium for the Institute for Law, Psychology and Public Policy - University of Virginia, Charlottesville, Virginia, (*Psychology of Drug-induced Violence*) 1987

INVITED SPEAKER:Mid-Western Conference on Criminal and Civil Problems, Wichita, Kansas, (*Sadistic Rituals and Violent Death; Ritualistic Violence and Drug Involvement*) 1987, 1988, 1989, 1990

INVITED SPEAKER:National Homicide Symposium, California District Attorneys' Association, Anaheim, California, (*Cognitive Factors in Witness Perception*) 1987

INVITED SPEAKER:National Association of Medical Examiners, San Diego, California, (*Sadistic Rituals at Violent Death Scenes*) 1987

INVITED SPEAKER:(Colloquium) American Academy of Forensic Sciences - 39th Annual Meeting, San Diego, California, (*Illicit Methamphetamine Manufacture and Abuse*) 1987

INVITED SPEAKER:Department of Psychiatry and Behavioral Medicine, University of Virginia, Charlottesville, Virginia, (*Violent Behavior in Methamphetamine Users*) 1986

INVITED SPEAKER:(Colloquium), Eighth Annual Border Crimes Conference, San Diego, California, (*The Challenge of Unidentified Mexican Corpses Found in the U.S.*) 1986

COMMITTEE MEMBER: California Attorney General's U.S./Mexican Commission (Unidentified Deceased Mexican Nationals) 1986

INVITED SPEAKER:Fifth Annual Workshop in Forensic Sciences, San Diego Museum of Man, San Diego, California, (*Satanic Violence: Trademark of the Killer*) 1986

INVITED SPEAKER:American Academy of Forensic Sciences - 38th Annual Meeting, New Orleans, Louisiana, (*The Changing Role of the News Media in Forensic Investigations; Satanic Violence: Trademark of the Killer; Patterns of Violent Behavior in Methamphetamine Users*) 1986

INVITED SPEAKER:(Colloquium), Seminar in Methamphetamine Abuse, U.S. Drug Enforcement Administration, San Diego, California, (*Violence in Methamphetamine Users*) 1985

INVITED SPEAKER:American Academy of Forensic Sciences 37th Annual Meeting, Las Vegas, Nevada, (*The Role of Symbolic Interactionism in Building a Theory of Violent Crime; Perceptual Style: A Further Index of Witness Credibility*) 1985

SKILL:

CERTIFICATIONS / AWARDS:

- AWARD: San Diego County Sheriff's Department - "*Employee of the year, 1987.*"
- AWARD: American Legion - "*Law Enforcement Officer of the Year, 1987.*"
- *Awarded In Recognition Of Outstanding Service And Continuing Loyalty To Your Community And State.*
- AWARD: San Diego County Sheriff's Department - *Distinguished Service Medal, 1988.*
- *Deputy Thomas B. Streed is considered to be the most knowledgeable homicide investigator in the Sheriff's Department, a view shared by both his peers and supervisors.*
 - *He has attained both a Master's Degree and a Doctorate in Human Behavior. This, combined with his vast experience and abilities, has qualified him as an expert witness in the Psychology of Drug-Induced Violence, Mental States and Comprehension During Criminal Interrogation, and the Psychology of Criminal Violence.*
 - *Deputy Streed is often called upon by the District Attorney's Office to rebut the testimony of defense psychologists.*
 - *Recognized throughout the United States as an expert on Drug-Induced Violence, he has presented at least ten lectures nationally on the subject. A special area of expertise for him within this subject is Methamphetamine-Induced Violence.*
 - *Deputy Streed is also an expert in Interviewing and Interrogation, a subject he teaches at both the Sheriff's Academy and at San Jose State University...Realizing the*

value of being able to speak Spanish in a county that borders Mexico, Deputy Streed became fluent in the language. His mastery of the various dialects and inflections of Spanish is a skill that he has employed in numerous investigations.

- *He has served as a consultant to England and Israel and five U.S. States in addition to numerous consultations in California.*
- *For demonstrating exceptional ability, loyalty, devotion and service throughout his long career, Deputy Thomas B. Streed is awarded the Sheriff's Distinguished Service Medal.*

CERTIFICATION: Board on Public Safety Standards and Training, State of Oregon "*Instructor*" (Narcotics and Drugs; Psychology of Aggression and Violence; and Interviewing and Interrogation), 1992.

CERTIFICATION: Federal Bureau of Investigation - "*Behavioral Analysis*" (Psychological Profiling), 1982.

CERTIFICATION: County of San Diego - "*Certificate of Fluency - Spanish Language*," 1971.

####

EXHIBIT R

DECLARATION OF JAMES SWITZER

I, James Switzer, declare as follows:

The facts set forth below are of my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

1. I began serving as an officer of the United States Border Patrol in 1966. I retired from the United States Border Patrol in 2001. Most recently, I served as Border Patrol Chief in Yuma, Arizona. I served as Border Patrol Chief in Yuma from 1995 to 2001. I also served as Border Patrol Chief in Spokane, Washington, from 1991 to 1995. Prior to that, I served as Border Patrol Deputy Chief in Swanton, Vermont, and Border Patrol Assistant Chief in Laredo, Texas. I have also worked as a Border Patrol officer in other Border Patrol sectors throughout the United States.

2. I am a member of the National Association of Former Border Patrol Officers (NAFBPO), and formerly served as Chairman of NAFBPO.

3. In my experience as a Border Patrol Chief, the United States Government has allocated insufficient resources - financial and otherwise - to the Border Patrol's operations. The Border Patrol has lacked sufficient funds in its budget to hire the necessary manpower or obtain the essential resources it needs to safely secure the United States border. This limited budget has severely compromised the safety of Border Patrol agents and has also impaired the ability of Border Patrol agents to properly secure the border.

4. The United States border is divided into twenty Border Patrol sectors. Yuma, Arizona, and Tucson, Arizona, are two of these twenty sectors.

5. At one time, the Border Patrol at the Yuma sector lacked a sufficient number of radios and proper signals to permit agents patrolling the area to maintain constant communications with agents stationed at the headquarters. Thus, agents were often out of radio contact and unable to notify other agents if he/she were in distress and

needed assistance.

6. At one time, the Border Patrol budget was so restricted that the Del Rio, Texas, sector did not have enough funds to purchase gasoline to fill Border Patrol vehicles for agents to patrol the area.

7. The Border Patrol relies heavily on vehicles to patrol the border area, both on and off roads, and also pursue vehicles that have unlawfully entered the United States, often at high speeds. During one period of time, the Border Patrol agents in the Yuma sector were forced to drive unsafe vehicles because the Border Patrol did not have sufficient funds in the budget to make necessary repairs to the Border Patrol vehicles, and did not have sufficient funds to rotate the Border Patrol fleet as it should have been to keep it current.

8. During my experience with the Border Patrol, the Border Patrol regularly had to cut the number of agents it sent out in the field because of a lack of funding for manpower. Border Patrol agents would retire, but the Border Patrol was not able to fill those positions with new agents. With an insufficient number of Border Patrol agents out in the field, unlawful aliens were able to cross the border without detection.

9. In my experience as Border Patrol Chief in Yuma and Spokane, the success of the Border Patrol depends greatly on the assistance and cooperation of state and local law enforcement agencies. I believe that, due to the Border Patrol's insufficient resources and manpower, the Border Patrol would be severely hampered in its enforcement without the assistance of state and local law enforcement officers. On a daily basis, state and local officers assist the Border Patrol in apprehending individuals that have illegally crossed the border. For example, if the Border Patrol learns that a person or vehicle has crossed the border illegally (such as on a video or through an eye witness), the Border Patrol is often able to contact the sheriff's department or state police and request that their officers stop and hold the vehicle until the Border Patrol can arrive at the scene.

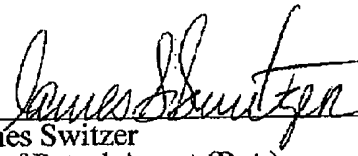
10. During my time with the Border Patrol, I believe that the United States has never had sufficient control over the border. Based on what I know today from speaking with current Border Patrol officers, this has not changed.

I declare under penalty of perjury that the foregoing is true and correct.

DATED July 18, 2010

Kerrville, Texas.

By



James Switzer
Chief Patrol Agent (Ret.)
United States Border Patrol

EXHIBIT S

DECLARATION OF JENIFER MCGLONE

Jenifer McGlone declares as follows:

1. The facts set forth below are of my own personal knowledge and, if called as a witness, I could and would testify competently thereto.
2. I have been employed by the Maricopa County Sheriff's office since November of 2000. I am currently a Lieutenant who oversees the work of officers working for the Maricopa County Sheriff's office who have 287(g) status and who work in what is referred to as "Central Intake."
3. Prior to my current position, I also worked in a Helena, Montana jail for a period of six months and was also a Law Enforcement Specialist in the United States Air Force for approximately four years.
4. In August of 2007, I become 287(g) certified.
5. As a 287(g) certified officer, I have direct access to ICE maintained databases that contain information about a person's immigration status. These databases have the ability to search phonetic spellings and automatically provide likely spellings.
6. Persons arrested within the borders of Maricopa County, Arizona, by any municipality, can be transported to Central Intake for booking.
7. Booking at Central Intake begins when an inmate is taken to medical for an assessment of any injuries or medical conditions that need attention.
8. Next, the arresting officer will "book in" the inmate into the jail. The officer inputs the inmate's name, date of birth, and the charges being brought by the officer.
9. Inmates are subsequently taken to the Mug Shot Officer where 100% of inmates are given a preliminary interview by a 287(g) certified officer. At this time, a 287(g) officer asks the inmate for their name, where they were born, and their social security number provided the inmate can provide one, what country they are a citizen or

national of, and any other questions that will help to determine if they have legal status in the U.S.

10. After having their mug shot taken, inmates are taken to the "ICE Station" where it is determined by a 287(g) officer whether further inquiry is necessary into the immigration status of an inmate.

11. As one initial check, a 287(g) officer may compare a person's social security number with the numbers assigned by the Social Security Administration for the geographical area the inmate identifies as their place of birth. This inquiry is sometimes helpful because the first three digits of a social security number are assigned by geographical location. In other words, if an inmate states that he was born in Arizona, then it is common that the person's social security number would begin with three digits assigned to Arizona's geographic location.

12. In some cases, further inquiry is required to determine an inmate's immigration status. In my experience, I have found that many unlawful aliens will simply admit to their unlawful status.

13. The 287(g) officer will also enter the inmate's name, date of birth, and place of birth into ICE's databases. The 287(g) officer will use the names of the inmate's parents to narrow the list of returned persons so that the 287(g) officer can readily determine that he has identified the proper person. When you enter the name and date of birth of the subject into the ICE databases, one of the common methods used to make sure you have properly identified the subject is to use the subject's parents' names as an additional identifier.

14. When a person's immigration status cannot be readily identified, the 287(g) officer will conduct a "two print" which involves fingerprinting the inmate's two index fingers. The fingerprints are automatically reviewed by certain ICE databases which bring up biographical information when an individual has had prior contact with ICE which lead to prior fingerprinting.

15. Upon determining the immigration status of an inmate, the 287(g) officer will place an Immigration Detainer on the inmate. The hold is then entered into the Jail Management System. At this point, the inmate is accepted by the Acceptance Officer and the inmate is taken to his or her initial hearing.

16. If it is determined that the inmate should be released at the initial appearance court, a 287(g) officer checks the inmate's criminal history and determines what type of Immigration removal process may be applicable to the inmate. There are three types of removal proceedings that the 287(g) officers complete at Central Intake. They are (1) Voluntary Return; (2) Notice to Appear; and (3) Reinstatement. Inmates are asked if they would like to go before an immigration judge. When an inmate wants to go before an immigration judge, a 287(g) officer prepares a notice of appearance.

17. In my experience, the majority of persons who qualify for a Voluntary Return accept a Voluntary Return which allows the inmate to return to their country of origin provided the country of origin is a border country, such as Mexico, without going before an immigration judge.

18. For certain crimes, the inmate is not given the option and must appear before an immigration judge.

19. Inmates that have been determined to be unlawfully present in the U.S. and who are not going to be released as described above are classified by risk in the same matter as a U.S. Citizen inmate.

20. In my experience, the 287(g) officers that I work with are able to determine an inmate's immigration status as described above within a matter of minutes.

21. As long as the arresting officers have criminal charges against an inmate that they book into Central Intake, Senate Bill 1070 will not change operations in the Maricopa County jail system because we already determine the immigration status of 100% of the inmates booked into the Maricopa County jail.

22. Thus, because we determine the immigration status for a 100% of those

persons booked into the jail prior to their release, local law enforcement officers will not need to contact ICE or ICE's Law Enforcement Support Center to determine a person's immigration status because that process will automatically occur at our facility.

23. The determination of a person's immigration status is made by officers who are 287(g) certified. Further, the 287(g) officers work is supervised by an ICE agent who is physically located inside the Maricopa County jail and who is available to make final determinations of immigration status when necessary. It is my understanding that an ICE agent is scheduled to be in the Maricopa County jail around the clock with the lone exception being Friday and Saturday nights.

24. It has been my experience during the last ten years working in the Maricopa County jail system that ICE is appreciative of our work in assisting them to enforce Federal immigration law.

25. Also, ICE (along with other federal agencies) book people nightly into the Maricopa County jail who have been detained by ICE for violating Federal immigration laws. I am aware that ICE houses these persons at the jail because they have been unable to finish processing those persons prior to the end of the day. ICE returns the following morning and completes its processing.

I declare under penalty of perjury that the foregoing is true and correct.

DATED 7/19/2010

Maricopa County, Arizona.

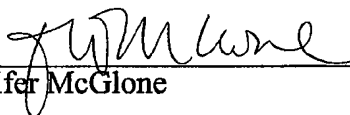
By 
Jenifer McGlone

EXHIBIT T

DECLARATION OF TOM TARDY

Tom Tardy declares as follows:

1. The facts set forth below are of my own personal knowledge and, if called as a witness, I could and would testify competently thereto.
2. In 1994, I entered the police academy and upon completion of my training, I became an employee of the City of Phoenix Police Department as a police officer. I am currently assigned to the Squaw Peak Precinct where I am a patrol officer.
3. I completed my certification by the Arizona Peace Officer Standards and Training Board in 1995. My certification is current and I have completed or exceeded all continuing education requirements, including training on the identification of fraudulent documents.
4. For certain misdemeanor offenses, Phoenix police officers have discretion as to whether or not to arrest and transport a person to jail or whether to issue a citation in lieu of detention as permitted by A.R.S. § 13-3903. For all felonies, and for any misdemeanors involving violence (like assault), Phoenix police officers arrest, transport, and book the suspect into jail.
5. For all other misdemeanor crimes, police officers can issue a citation in lieu of detention. To do so, a police officer must first be able to (1) identify the suspect; (2) be satisfied that the suspect has sufficient ties to the community so that he or she will appear at court and answer the charges; and (3) obtain the written promise from the suspect that he or she will appear at court.
6. To identify the suspect, the police officer will ask for identification. In the substantial majority of cases, the suspect provides a driver's license which is verified either by running the information through databases available to police officers in their car or by calling dispatch for assistance.
7. In those cases where the suspect does not have identification, the police

officer will ask the suspect to provide their name, current address, date of birth and/or their social security number. With some or all of these pieces of information, the police officer can use the databases at their disposal to identify the suspect.

8. If the police officer is unable to identify the suspect, the suspect is not eligible for citation in lieu of detention. As a result, police officers arrest, transport and book the suspect into jail as "John Doe."

9. In those cases where the police officer is able to identify the person, the police officer must still be able to determine that the suspect has sufficient ties to the community so that the police officer is comfortable that the suspect will appear and answer the charges contained in the proposed citation rather than flee the jurisdiction to avoid prosecution.

10. Generally, a person with a valid Arizona driver's license showing that they live in the community is sufficient to provide the police officer with a basis for issuing a citation in lieu of detention.

11. Police officers will not, however, issue a citation in lieu of detention to a person who has a history of failing to appear in court and, in those situations, they will arrest, transport, and book the suspect into jail.

12. When a police officer has probable cause that someone they have identified has committed a misdemeanor crime but lives outside of the community or state, the police officer will not have a sufficient basis consistent with their training to issue a citation in lieu of detention. Thus, in the vast majority of cases, police officers arrest, transport, and book a suspect into jail if they live outside the community or especially if they live outside the State of Arizona.

13. I and the police officers I have worked with have stopped persons who have disclosed that they are not lawfully present in the U.S. In these cases, police officers follow the same steps as outlined above by first identifying the suspect.

14. If a police officer is able to properly identify the suspect, the police officer

must still be comfortable that the suspect who has identified himself or herself as an illegal alien will appear in court and answer the charges. In the vast majority of cases, police officers are unlikely to be comfortable that the illegal alien will present himself or herself in court to answer the charges and, thus, arrest, transport and book the suspect into jail.

15. It is my understanding, and the understanding of the police officers that I work with, that the Maricopa County Jail uses its 287(g) certified officers to determine the immigration status of all persons booked into jail.

I declare under penalty of perjury that the foregoing is true and correct.

DATED 7-19-10 .

Maricopa County, Arizona

By



Tom Tardy

11763498

EXHIBIT U

DECLARATION OF FRANKLIN MARINO

Franklin Marino declares as follows:

1. The facts set forth below are of my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

2. For the last 15 years, I have been employed by the City of Phoenix as a police officer. During this time, I have worked almost exclusively as a patrol officer. I am currently assigned to a unit that works third shift in central Phoenix.

3. Prior to joining the City of Phoenix Police Department, I was a military policeman in the Army National Guard. My unit assigned me to assist the Arizona Department of Public Safety as part of a Joint Counter Narcotics Task Force for a period of approximately three years.

4. I became certified by the Arizona Peace Officer Standards & Training Board ("Az POST") in January of 1995. For more than 10 years I have also been an Az POST instructor. I am currently certified by Az POST to teach following training programs: General Instructor, High Risk Vehicle Stops, Tactical Driving, and Firearms. In addition, I have more than five years of experience serving as a field training officer wherein I would train new police officers.

5. During my career, I have always completed or exceeded the continuing education requirements to maintain my certification. Included among these courses is specific training on identifying fraudulent documents.

6. Also, I have completed the Support Law Enforcement and Safe Neighborhoods Act Training Course that was prepared by Az POST. After receiving the training, I am prepared, when practicable, to assist U.S. Immigration and Customs Enforcement ("ICE") to enforce federal immigration laws in a matter consistent with the U.S. Constitution.

7. As a patrol officer, a large portion of my contacts with the public are

initiated through traffic stops. In any vehicular traffic stop, I and the officers I have trained, begin the stop by asking for identification. It is critical to officer safety, and to the community's safety, that we make a proper identification of a person we have stopped.

8. In most cases, the driver of a vehicle produces a valid Arizona driver's license. At other times, the driver of a vehicle may not have his or her driver's license, may be operating the vehicle while his or her license is suspended, may be operating the vehicle with some other form of identification that has a picture, may be operating the vehicle with identification that does not contain a picture, or may be operating the vehicle without any form of identification whatsoever.

9. Regardless of whether a person provides a valid Arizona driver's license, a driver's license from some other state, a driver's license from some other country, a library card, a gym-membership card, a crumpled-up cable bill, or refuses to provide any form of identification whatsoever, I and the officers that I have trained, attempt to identify the person we have stopped until such time as we are satisfied that we have made a proper identification. If we are unable to identify the person, we are likely to arrest them for violating A.R.S. § 28-1595(b) which makes it a violation of State law for a person operating a vehicle stopped by a police officer to refuse to provide evidence of their identity. The implementation of the Support Law Enforcement and Safe Neighborhoods Act (the "Act") will not change or alter how officers identify persons who we stop.

10. Obtaining a proper identification is critical in keeping police officers and the community safe and allows officers to determine if they have come into contact with someone who is wanted by local police or Federal law enforcement officers.

11. Officers in our department generally have certain tools that assist them in this process. First and foremost, law enforcement officers receive substantial training in how to properly identify a person. Secondly, our department provides all marked units

with computer workstations in our cars that permit us to access key databases that are used to assist in indentifying people and to check for warrants. Third, all officers can call our dispatchers or our Records and Identification Bureau to verify information or tap into various databases. Finally, officers develop a working knowledge each day as they interact with the public and this knowledge, acquired over time, when combined with common sense and good judgment, allows officers to effectively identify a person.

12. In my police cruiser, I have access to databases that allow me access to, among other things, a person's Motor Vehicle Department ("MVD") Records, their criminal history as known by the City of Phoenix, the NCIC database which is maintained by the FBI, a database which will allow me to check if there are any known warrants or protection orders against the person, and records of whether or not the person has a concealed weapons permit. If I am away from my police cruiser, I can call dispatch or the Records and Identification Bureau and ask them to access these same databases.

13. To make a proper identification, I start by asking the person I have stopped for identification. What happens next depends on the information I am provided. Because it is easy to verify a valid Arizona Driver's license, I will focus on what happens when I receive something less reliable and what happens when I am not provided with any identification.

14. Any valid driver's license, regardless of the state, can be run through various databases that are available to me in my police cruiser. For example, if someone from Kentucky provides me with a Kentucky Driver's license I am able to run the information through a database that accesses motor vehicle records for other states which can assist me in properly identifying the person who has provided me with the Kentucky Driver's license. Similarly, if someone provides me with a forged document, I am often able to make a determination that the identification is not valid when I run it through the databases available to me.

15. Even a gym membership card containing a picture tells me some

information that I can rely upon to verify information against a trustworthy database. For example, if the person hands me a gym membership card that contains a picture and provides me with their name, I can run the name and obtain the person's MVD records which will contain a physical description. If the name and picture on the gym membership card does not match the physical description on the MVD records, I will continue to inquire into the identification of the person.

16. When a person is operating their car without any identification, I can often still identify them if they can provide me with at least some of the following information: their name, their date of birth, their current address, and/or their social security number. This information allows me to pull their MVD information and will tell me whether they have simply gone to the gym and left their wallet at home or whether they are operating their vehicle without a valid driver's license.

17. I also have several common sense approaches to assist me in identifying someone. If I am provided with a Permanent Resident Card, or some other form of identification issued by the U.S. government or a foreign government, I am able to call ICE to verify that the card is valid if I have concerns about the identification's authenticity.

18. During my career, I have been involved in instances where the person I have stopped has refused to provide any identification and refused to provide me with any information about their identification – this is a violation of A.R.S. § 28-1595(b) when they are operating a vehicle. When this happens, I place the person under arrest and book them into the Maricopa County jail.

19. Identifying persons can also be important in other situations. I can recall a particular situation when I received a call that a man had been seen peeping into the back window of a home. I and another officer arrived at the scene to investigate and we found the suspect lying underneath some blankets on the side of the house.

20. The suspect refused to produce any identification and refused to tell us his

name. The suspect claimed to have permission to sleep on the property from the owner of the home and stated that he was part of the remodeling crew that was working at the home. The home-owner stated that he did not recognize the suspect and that he had not given anyone permission to sleep at the property.

21. We arrested him for trespassing and took him to the Maricopa County Jail. At the jail, the suspect continued to refuse to provide his identity despite substantial efforts on the part of the jailers to obtain his identity. Ultimately, a team of jailers took a fingerprint of the suspect and ran the print through their databases which also include access to ICE databases. Within minutes, the submission of the fingerprint resulted in the identification of the suspect. We learned that he had been convicted of burglary in California and that he had served seven years in prison before being deported by ICE.

22. Identification is also critical when making a determination of whether to issue a citation in lieu of detention. Consistent with department policy, officers can use their discretion to issue a citation in lieu of detention when they are able to determine a person's identity and establish that the suspect has ties to the community. A citation in lieu of detention allows an officer to issue a citation instead of booking them into jail for a misdemeanor crime.

23. After participating in the Support Law Enforcement and Safe Neighborhoods Act training, I am sufficiently trained to enforce the Act in a manner that is consistent with the Constitution. While I was already familiar with the legal standards for reasonable suspicion, probable cause, and the prohibition on using race or ethnicity as a basis for reasonable suspicion, I did learn some new things that will enable me to efficiently enforce the Act. In particular, I learned about some of the type of documents provided to persons lawfully present in the U.S. and also learned that I can call the Law Enforcement Support Center and provide them with the "A" number that is listed on the document if I suspect that the document may not be valid or if the person does not have his or her official document with them. I was already familiar with most of the

documents that were discussed in the training.

24. Also, I may also call ICE directly just like I have done since approximately 2008 when the City of Phoenix amended Operations Order 1.4.3 which had previously precluded me from inquiring into a person's immigration status even when I had reasonable suspicion that someone was unlawfully present in the U.S.

25. Since Operations Order 1.4.3 has been amended, I have always had a good working relationship with ICE. During this time, ICE has always been able to promptly answer my phone calls and, on most occasions, ICE has simply instructed me to transport the person to them.

26. Because Operations Order 1.4.3 has been amended, I do not anticipate that implementation of the Act will result in a substantial increase in the number of calls I will make to ICE.

27. I am aware of other officers, however, that have felt uncomfortable calling ICE even with the change to Operations Order 1.4.3 because they fear that the administration may negatively react to them working with ICE because of the administration's past comments opposed to inquiring about a person's immigration status. These officers have told me that they will be more comfortable assisting ICE in enforcing federal immigration laws when the Act is implemented on July 29, 2010.

I declare under penalty of perjury that the foregoing is true and correct.

DATED 071610.

Maricopa County, Arizona.

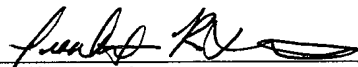
By 
Franklin Marino

EXHIBIT V

1 John J. Bouma (#001358)
2 Robert A. Henry (#015104)
3 Joseph G. Adams (#018210)
4 SNELL & WILMER L.L.P.
5 One Arizona Center
6 400 E. Van Buren
7 Phoenix, AZ 85004-2202
8 Phone: (602) 382-6000
9 Fax: (602) 382-6070
10 jbouma@swlaw.com
11 bhenry@swlaw.com
12 jgadams@swlaw.com

13 Joseph A. Kanefield (#015838)
14 Office of Governor Janice K. Brewer
15 1700 W. Washington, 9th Floor
16 Phoenix, AZ 85007
17 Telephone: (602) 542-1586
18 Fax: (602) 542-7602
19 jkanefield@az.gov

20 *Attorneys for Intervenor Defendants Janice K. Brewer,*
21 *Governor of the State of Arizona, and the State of*
22 *Arizona*

23 **IN THE UNITED STATES DISTRICT COURT**
24 **FOR THE DISTRICT OF ARIZONA**

25 Friendly House, et al.

26 Plaintiffs,

27 v.

28 Michael B. Whiting, Apache County
Attorney, in his official capacity, et al.,

Defendants,

and

Janice K. Brewer, Governor of the State
of Arizona, in her official capacity; and
the State of Arizona,

Intervenor Defendants.

No. CV-10-1061-PHX-SRB

DECLARATION OF LEVI BOLTON

DECLARATION OF LEVI BOLTON

1
2 1. The facts set forth below are of my own personal knowledge and, if called
3 as a witness, I could and would testify competently thereto.

4 2. I am a currently employed as a consultant and lobbyist for Phoenix Law
5 Enforcement Association (“PLEA”). In this role I represent the interests of more than
6 approximately 2300 rank and file police officers.

7 3. Prior to working at PLEA, I was employed by the Phoenix Police
8 Department for more than 32 years. I joined the Phoenix Police Department on June 2,
9 1975 and became certified by AzPOST sometime in October of 1975.

10 4. I have been a member of PLEA since it was formed in 1976. I served as the
11 Vice President (Grievance Chairman) where I oversaw line representation for all
12 grievances and allegations of misconduct against Phoenix police officers from 1997
13 through late 2002. In 2002 I became a Trustee at Large of PLEA. In 2006 I became
14 Chairman of the Board of PLEA until I retired from law enforcement in 2008.

15 5. My involvement with PLEA has allowed me to speak to numerous Phoenix
16 police officers and police officers around the State of Arizona about issues that affect
17 officer safety and officer working conditions.

18 6. In 2001, at the invitation Janet Napolitano, then Arizona Attorney General, I
19 participated in various town hall meetings discussing racial profiling and I served on a
20 steering committee and policy committee that produced two racial profiling training
21 programs. I was one of the trainers who appeared in both racial profiling training
22 programs. The training programs were made available to all Arizona peace officers
23 through AzPOST.

24 7. I was a signatory to the Declaration of Arizona Law Enforcement
25 Condemning Racial Profiling that was attached to the Report on Racial Profiling.

26 8. My certification training included extensive training in reasonable
27 suspicion, probable cause, constitutional law and racial profiling.
28

1 9. Beginning in 1978, I became an AzPOST certified instructor which included
2 teaching officers to write reports, criminal law, and training on (Brady) integrity.

3 10. While employed as a police officer, I regularly made determinations of
4 reasonable suspicion and probable cause.

5 11. After each felony arrest during my career, my probable cause determinations
6 were tested by the grand jury process or a justice court after the County Attorney or
7 municipal attorney had reviewed my determination of probable cause.

8 12. I have familiarity with Senate Bill 1070 which is set to go into effect on July
9 29, 2010.

10 13. Senate Bill 1070 is needed by line police officers in Arizona to give them
11 access to tools available to prevent crime and to keep officers and their communities safe.

12 14. Line police officers who I have talked with want and need the ability to
13 partner with ICE and Border Patrol when they have reasonable suspicion that they are in
14 contact with someone unlawfully present in the U.S.

15 15. My understanding, and the understanding of police officers I have spoken
16 with, is that Senate Bill 1070 only permits an inquiry into a person's immigration status
17 after the officer has first made a determination of reasonable suspicion that a person has
18 committed or is about to commit a crime and after lawful contact, makes a separate
19 determination that reasonable suspicion exists that a person is unlawfully present in the
20 U.S.

21 16. I understand, and officers I have spoken with understand, that Senate Bill
22 1070 does not authorize an officer to inquire into the immigration status of a victim or
23 witness to a crime. In fact, Senate Bill 1070 allows officers to use discretion in
24 questioning any person if the officer is concerned about hampering the investigation of a
25 crime. Officers who I have talked to understand that Senate Bill 1070 does not permit an
26 officer to inquire about a person's immigration status during consensual stops – or any
27 contact with the public not predicated upon reasonable suspicion or probable cause.

28 17. Since Senate Bill 1070 passed, I am aware that many media outlets have

1 reported that Senate Bill 1070 will result in a greater probability of racial profiling.

2 18. In my experience as a law enforcement officer of more than 32 years, my
3 experience working on the Report of Racial Profiling, and my experience training Arizona
4 police officers about racial profiling, these statements are simply untrue.

5 19. I understand, and the officers I have spoken to understand, that Senate Bill
6 1070 did not redefine reasonable suspicion or probable cause, nor did it grant any
7 expanded authority to stop a person based upon race, ethnicity or skin color.

8 20. I understand, and the officers I have spoken to understand, that Senate Bill
9 1070 does not provide any authority to enforce Senate Bill 1070 beyond what is permitted
10 under the Arizona Constitution and the United States Constitution.

11 21. I do not believe that Senate Bill 1070 increases the likelihood of racial
12 profiling. Before Senate Bill 1070, police officers were already at risk of an allegation of
13 racial profiling whenever failing to articulate a reason for a stop or otherwise failing to
14 acknowledge the sensitivity of certain ethnocentric groups.

15 22. Officers who engage in racial profiling are at risk of both civil and criminal
16 actions under 7 U.S.C 1983 and 18 U.S.C. 241 and 242 for civil rights violations.
17 Officers I have talked with are keenly aware of this risk and face scrutiny by their
18 agencies, the prosecutorial authorities that reviews the documents they prepare, the Court
19 system, the citizens that law enforcement officers serve, AzPOST, and the media. A
20 sustained allegation of racial profiling or bias policing could result in the termination of an
21 officer and the revocation of his certification to be a police officer. Accordingly, in my
22 experience, officers avoid bias policing and racial profiling.

23
24
25
26 ///

27 ///

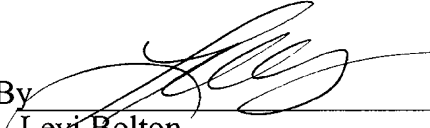
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury that the foregoing is true and correct.

DATED 7-8-10

Maricopa County, Arizona.

By 
Levi Bolton

11709132

Snell & Wilmer

— LLP —
LAW OFFICES
One Arizona Center, 400 E. Van Buren
Phoenix, Arizona 85004-2302
(602) 382-6000

EXHIBIT W

1 Georgia A. Staton, Bar #004863
2 Eileen Dennis GilBride, Bar #009220
3 JONES, SKELTON & HOCHULI, P.L.C.
4 2901 North Central Avenue, Suite 800
5 Phoenix, Arizona 85012
6 Telephone: (602) 263-1700
7 Fax: (602) 200-7827
8 gstaton@jshfirm.com
9 egilbride@jshfirm.com

10 Attorneys for Defendant Andrew P. Thomas,
11 Maricopa County Attorney

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF ARIZONA**

14 ARIZONA CONTRACTORS
15 ASSOCIATION, INC., et. al.,

16 Plaintiffs,

17 v.

18 CRISS CANDELARIA, et. al.,

19 Defendants.

NO. CIV 07-2496-PHX-NVW
(LEAD)

**AFFIDAVIT OF GEORGE
BORJAS**

20 VALLE DEL SOL, INC., et. al.,

21 Plaintiffs,

22 v.

23 TERRY GODDARD, et. al.,

24 Defendants.

NO. CIV 07-2518 PHX FJM
(Consolidated)

25 STATE OF MASSACHUSETTS)

26 County of Middlesex)

ss.

George Borjas, being first duly sworn, upon his oath deposes and says:

1. I am over the age of 18 years and competent to testify to the matters
set forth in this Affidavit.

1 2. I am the Robert W. Scrivner Professor of Economics and Social
2 Policy at the John F. Kennedy School of Government, Harvard University, as well as a
3 Research Associate at the National Bureau of Economic Research. I am an expert in the
4 field of labor economics. A complete list of my qualifications and publications is
5 included in my curriculum vitae, a true and correct copy of which is attached hereto. (See
6 Exhibit 1 at Appendix A).

7 3. I have been retained by Defendant Andrew P. Thomas, Maricopa
8 County Attorney to provide analysis and expert testimony regarding the economic
9 consequences of Arizona's Legal Arizona Worker's Acts ("LAWA").

10 4. A full report detailing my analysis and conclusions is attached as
11 Exhibit 1.

12 5. This report is based on the methodology discussed in my November
13 2003 article, "The Labor Demand Curve *Is* Downward Sloping: Reexamining the Impact
14 of Immigration on the Labor Market," which was published in the *Quarterly Journal of*
15 *Economics*, and in my 2006 article, "Native Internal Migration and the Labor Market
16 Impact of Immigration," which was published in the *Journal of Human Resources*. Both
17 journals are peer-reviewed professional journals.

18 6. For this report, I was asked to examine:

19 a. What general economic effects do unauthorized aliens have on
20 authorized workers both nationally and in Arizona, and why?

21 b. How do these effects differ among people of different socio-
22 economic classes?

23 c. What effect would LAWA have on the cost of labor for
24 employers in Arizona and on the wages of authorized workers in Arizona?

25 7. My research and analysis led to the following conclusions:

26 a. The presence of unauthorized aliens in the Arizona workforce
27 has had a depressing effect on the wage of comparably skilled authorized workers in
28 Arizona. These losses are largest for low-skilled authorized workers.

1 b. My empirical analysis of how interstate wage trends from
2 1960 through 2006 relate to immigration indicates that the presence of unauthorized aliens
3 in the Arizona workforce reduced the earnings of low-skilled authorized workers in
4 Arizona by 4.7%. The total loss accruing to this low-skilled group amounts to more than
5 \$200 million.

6 c. The overall wage depression for all Arizona workers is
7 approximately \$1.4 billion.

8 d. The evidence further indicates that the presence of
9 unauthorized aliens in the Arizona workforce reduced the employment rate of Arizona's
10 low-skilled authorized workers by 1.6% and increased their unemployment rate by 1.4
11 percentage points.

12 8. Additionally, I was asked to review and opine on the report of Judith
13 K. Gans, "Immigrants in Arizona; Fiscal and Economic Impacts," submitted by the
14 Plaintiffs in this case on December 24, 2007. In doing so, I also reviewed Ms. Gans's
15 Declaration and curriculum vitae.

16 9. It is not possible to assess the validity of Ms. Gans's report and her
17 conclusions because the report does not provide the underlying assumptions of the
18 economic model on which she bases her conclusions regarding the Arizona economy.

19 10. I also looked at the IMPLAN website, www.IMPLAN.com, which is
20 the simulation program Ms. Gans uses to reach her conclusions. (See Gans's report at p.
21 40). IMPLAN does not provide any information regarding the assumptions, formulas,
22 and/or the numerical values upon which its simulation relies.

23 11. Without knowing the underlying assumptions of Ms. Gans's
24 economic model or the formulas it uses, the validity of the conclusions of her report
25 cannot be evaluated. For example, we do not know if there is a labor demand curve built
26 into the model she uses. Knowing the shape of the labor demand curve in the simulation
27 is important because the assumed shape will tell us how responsive wages are to
28 immigration induced labor supply shifts.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

12. For these reasons, I cannot offer an opinion on the conclusions reached in Ms. Gans's report.

13. However, I do note that Ms. Gans does not have a Ph.D. in economics, nor has her report been published in a peer review journal. To the best of my knowledge, the report has only been published through the Udall Center for Studies in Public Policy at the University of Arizona and made available on the Udall Center's website.

FURTHER AFFIANT SAYETH NAUGHT.

George Borjas
George Borjas

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, on this 4th day of January, 2008, by George Borjas.

Marita Terefenko
Notary Public

My Commission Expires:
June 2, 2011

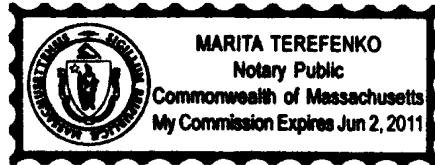


EXHIBIT “1”

**Labor Market Consequences of Unauthorized Aliens in Arizona
January 4, 2008**

A. Qualifications

1. My name is George Borjas and I am the Robert W. Scrivner Professor of Economics and Social Policy at the John F. Kennedy School of Government, Harvard University, as well as a Research Associate at the National Bureau of Economic Research. I am a labor economist. My area of specialization is the application of microeconomic theory, econometrics, and data analysis to labor market issues. I have published over 100 articles in books and scholarly journals, including the *American Economic Review*, the *Journal of Political Economy*, and the *Quarterly Journal of Economics*. I have published or edited several books specifically dealing with the economics of immigration, including *Friends or Strangers: The Impact of Immigrants on the U.S. Economy* and *Heaven's Door: Immigration Policy and the American Economy*. I am also the author of a textbook, *Labor Economics*, which is used to teach labor economics at the undergraduate level at many universities, and is now in its fourth edition.
2. I have been elected a fellow of the Econometric Society and of the Society of Labor Economists. I was an editor of *the Review of Economics and Statistics* between 1998 and 2006, and have been on the editorial boards of the *Quarterly Journal of Economics* and the *International Migration Review*. I am now on the Editorial Board of the *Journal of Human Capital*. I have also been a consultant to the Office of the Attorney General of the State of California, to the World Bank, and to law firms engaged in litigation involving employment and wage-setting in labor markets. I earned my Ph.D. in economics from Columbia University in 1975 where my fields of specialization were labor economics and

econometrics. A list of my professional publications is included in my curriculum vitae, which is attached as Appendix A.

3. I charge a standard hourly rate for work in this matter. My standard billing rate is \$625 per hour. Payment is not contingent on my opinion expressed, or on the outcome of this case.
4. A list of my prior depositions and testimony over the last four years is included in Appendix B.

B. Questions Addressed and Conclusions

5. I have been retained by Counsel for the Defendants to provide analysis and expert testimony regarding the economic consequences of Arizona's Legal Arizona Workers Act (LAWA) that suspends business licenses to employers of unauthorized aliens. In particular, I have been asked to examine: (1) what general economic effects do unauthorized aliens have on authorized workers both nationally and in Arizona and why? (2) How do these effects differ among people of different socio-economic classes? And (3) what effect would LAWA have on the cost of labor for employers in Arizona and on the wages of authorized workers in Arizona?
6. Using conservative assumptions, my analysis of these questions leads me to conclude that the presence of unauthorized aliens in the Arizona workforce has had a depressing effect on the wage of comparably skilled authorized workers in Arizona. These losses are largest for low-skill authorized workers. My empirical analysis of how interstate wage trends from 1960 through 2006 relate to immigration indicates that the presence of unauthorized aliens in the Arizona workforce reduced the earnings of low-skill authorized workers in Arizona by 4.7 percent. In addition, the evidence indicates that the

presence of unauthorized aliens in the Arizona workforce reduced the employment rate of Arizona's low-skill authorized workers by 1.6 percentage points and increased their unemployment rate by 1.4 percentage points.

C. Summary of Existing Evidence on the Labor Market Impact of Immigration

7. Economic theory has clear implications about the impact of an immigrant influx on the economic opportunities of competing “pre-existing” workers (that is, of comparably skilled workers employed in the labor market prior to the influx of immigrants, regardless of whether those pre-existing workers are native- or foreign-born). In particular, an increase in the number of immigrants should lower the wage of competing workers, all other things equal. For example, an influx of foreign-born laborers reduces the economic opportunities for laborers—all laborers now face stiffer competition in the labor market. The lower wage may motivate some persons in the pre-existing workforce to reduce their work hours or to drop out of the labor force altogether. All other things equal, therefore, the immigrant influx will not only reduce the wage, but may also reduce the labor supply of the pre-existing workers.
8. The theoretical implications discussed in the preceding paragraph follow directly from an analysis that assumes that “all other things are equal” after the entry of immigrants into the labor market. Economists typically describe this type of scenario as a “short run” scenario. Over time, the assumption that “all other things are equal” is less tenable because the labor market will inevitably adjust to the immigration-induced increase in the size of the workforce. For example, the lower wage resulting from immigration increases profits, attracting capital flows into the labor market. This adjustment increases the demand for labor and implies that the initial adverse wage effects of immigration would

be muted over time. Economists typically define a “long run” scenario as one where all adjustments that could take place to the initial immigrant influx have, in fact, taken place. Under a standard technical assumption in the academic literature, economic theory predicts that those skill groups that experienced the largest immigrant influx will experience a drop in their wage relative to the groups that experienced the smallest immigrant influx *even in the long run*.¹

9. These theoretical arguments do not distinguish between the impact of authorized and unauthorized aliens. In principle, this distinction may not matter because it is the increase in the size of the workforce—regardless of whether it is authorized or not—that introduces the economic pressures in the labor market. Further, the possibility that unauthorized aliens may be willing to work for lower wages than either authorized aliens or native-born workers (or may be exploited by employers because the unauthorized aliens may hesitate reporting firms who offer unlawful compensation packages or who withhold benefits) suggests that labor market pressures may be even greater when the immigrant influx is predominantly unauthorized, particularly if there is little chance that employers are caught or penalized for their illicit employment practices.
10. My latest estimates on the wage impact of immigration based on an examination of national wage trends in the United States over the period 1960-2000 can be easily summarized: If immigration raises the number of workers in a particular skill group by 10

¹ In particular, if the aggregate production function in the labor market has constant returns to scale (i.e., doubling all inputs in that labor market doubles output), it can be shown that the *average* wage effect of immigration in the long run scenario would be zero. This does not mean, however, that all workers are unaffected by immigration. Even though the average wage effect is zero, there are relative wage effects. The groups that received the largest immigration-induced increase in supply lose relative to the groups that received the smallest immigration-induced increase in supply. A technical discussion of the short and long run impacts of immigration is given by George J. Borjas, “The Economic Analysis of Immigration,” in *Handbook of Labor Economics*, Volume 3A, edited by Orley Ashenfelter and David Card, North-Holland, 1999, pp. 1697-1760.

percent, the wage of that skill group falls by about 3 to 4 percent.² Because immigration at the national level has been disproportionately composed of low-skill workers, the evidence suggests that immigration has had the greatest impact on the economic opportunities of low-skill workers. In a recently published study, Lawrence Katz and I estimated that the wage impact of the immigrant influx that entered the country between 1980 and 2000 reduced the wage of low-skill workers (i.e., high school dropouts) by 8.2 percent in the short run, and by 4.8 percent in the long run.³ The evidence also suggests that the decrease in the wage is accompanied by a reduction in the number of hours that native-born workers offer to the labor market.

11. In sum, the presence of unauthorized alien workers in a community should be expected to lower wages and adversely affect employment opportunities—including the likelihood of being employed—among comparably skilled authorized workers.

D. Review of Existing Literature

12. The policy significance of determining the impact of immigration on the employment opportunities of native-born workers has motivated many economists in the past two decades to develop methods designed to measure this impact. However, there is disagreement in the academic literature over the presumed impact. Because of this disagreement, it is instructive to briefly summarize the literature and the methodological approach that leads to the findings summarized above.

² George J. Borjas, "The Labor Demand Curve Is Downward Sloping: Reexamining the Labor Market Impact of Immigration," *Quarterly Journal of Economics* 118 (November 2003): 1335-1374.

³ George J. Borjas and Lawrence F. Katz, "The Evolution of the Mexican-Born Workforce in the U.S. Labor Market," in *Mexican Immigration to the United States*, edited by George J. Borjas, University of Chicago Press, 2007, pp. 13-55.

13. Immigrants in the United States cluster in a small number of geographic areas. In 2000, for example, 38.4 percent of immigrants lived in four metropolitan areas (New York, Los Angeles, Chicago, and San Francisco), but only 12.2 percent of natives lived in the four metropolitan areas with the largest native-born populations (New York, Chicago, Los Angeles, and Philadelphia).
14. Many of the “first-generation” academic studies exploited this geographic clustering to design the empirical exercise that attempts to measure the labor market impact of immigration.⁴ The typical study defined a metropolitan area as the labor market that is penetrated by immigrants. The study then calculated a cross-city correlation measuring the relation between the native wage in a locality and the relative number of immigrants in that locality. A negative correlation, indicating that native wages are lower in cities with many immigrants, would suggest that immigrants worsen the employment opportunities of competing native workers.
15. Although there is some variation in the findings reported in the academic literature, many of the first-generation studies that used metropolitan areas as the geographic dimension of the labor market reported very weak negative correlations, leading some to conclude that immigrants have little impact on the labor market opportunities of native-born workers. This inference, I believe, is incorrect for three distinct reasons.

⁴ Representative studies include Joseph G. Altonji and David Card, “The Effects of Immigration on the Labor Market Outcomes of Less-Skilled Natives,” in John M. Abowd and Richard B. Freeman, eds., *Immigration, Trade, and the Labor Market* (Chicago: University of Chicago Press, 1991); David Card, “The Impact of the Mariel Boatlift on the Miami Labor Market,” *Industrial and Labor Relations Review* 63 (January 1990): 245-257; David Card, “Immigrant Inflows, Native Outflows, and the Local Labor Market Impacts of Higher Immigration,” *Journal of Labor Economics* 19 (January 2001): 22-64; and Robert J. LaLonde and Robert H. Topel, “Labor Market Adjustments to Increased Immigration,” in John M. Abowd and Richard B. Freeman, eds., *Immigration, Trade, and the Labor Market* (Chicago: University of Chicago Press, 1991). A survey of this literature is given by Rachel M. Friedberg and Jennifer Hunt, “The Impact of Immigration on Host Country Wages, Employment and Growth,” *Journal of Economic Perspectives* 9 (Spring 1995): 23-44.

- a. Immigrants may not be randomly distributed across localities. If immigrants tend to settle in high-wage cities, there would be a built-in positive correlation between immigration and wages.⁵ This positive correlation would certainly attenuate, and perhaps even reverse, whatever negative impact immigration might have had on wages in local labor markets.
- b. Natives may respond to the adverse wage impact of immigration by moving their labor or capital to other cities. As an example, native-born low-skill workers see that cities in Southern California flooded by low-skill immigrants pay lower wages to laborers. Competing native workers may then move to cities outside California that offer higher rewards for their labor. Similarly, many employers who hire laborers will want to relocate to the Southern California area in search of higher profits. The flows of labor and capital tend to equalize economic conditions across cities. As a result, inter-city comparisons of native wage rates may not be very revealing: capital flows and native migration diffuse the impact of immigration across the national economy.⁶ It would not be surprising, therefore, to find that immigration lowers the national wage level, but wages in cities targeted by immigrants are roughly similar to wages in other cities.
- c. The correlation between wages and immigration across cities tends to be underestimated because there is a great deal of measurement error (i.e., noise in

⁵ Evidence that immigrants do indeed settle in high-wage cities is reported in George J. Borjas, "Does Immigration Grease the Wheels of the Labor Market?" *Brookings Papers on Economic Activity*, 2001, pp. 69-119.

⁶ The empirical literature has reached conflicting conclusions on whether native internal migration flows respond to immigration. See, for example, Randall K. Filer, "The Impact of Immigrant Arrivals on Migratory Patterns of Native Workers," in *Immigration and the Work Force: Economic Consequences for the United States and Source Areas*, eds., George J. Borjas and Richard B. Freeman, Chicago: University of Chicago Press 1992, pp. 245-69; David Card, "Immigrant Inflows, Native Outflows, and the Local Labor Market Impacts of Higher Immigration," *Journal of Labor Economics* 19 (January 2001): 22-64; and George J. Borjas, "Native Internal Migration and the Labor Market Impact of Immigration," *Journal of Human Resources* 41 (Spring 2006): 221-258.

the data) in the measure of how many immigrants in narrowly defined skill groups work in any particular locality. This measurement error induces “attenuation bias” on the measured wage impact of immigration.⁷

16. Because of the difficulty of estimating the labor market impact of immigration at the level of a local labor market, some recent studies have examined more aggregated wage trends to measure the impact. In a recent study published in the *Quarterly Journal of Economics* in 2003, I introduced such a methodology to examine the link between immigration and the evolution of wages for specific skill groups between 1960 and 2000.⁸ The study indicated that by analyzing wage trends in the national labor market and by defining skill groups in terms of both years of educational attainment and years of work experience, immigration had an unambiguously adverse impact on the wage of native-born workers. It is this analysis that leads to the conclusion mentioned above that a 10 percent immigration-induced increase in the size of the workforce in a particular skill group reduces the wage of that skill group by 3 to 4 percent.

17. Although much of the literature focuses on estimating the wage impact of immigration either at the local level or by examining national wage trends, there are some published studies that specifically examine the correlation between wages and immigration *at the state level*. These state-level correlations may be the most relevant for an analysis of how

⁷ This argument is presented in Abdurrahman Aydemir and George J. Borjas, “Attenuation Bias in Measuring the Wage Impact of Immigration,” Working Paper, Harvard University, 2006.

⁸ George J. Borjas, “The Labor Demand Curve Is Downward Sloping: Reexamining the Labor Market Impact of Immigration,” *Quarterly Journal of Economics* 118 (November 2003): 1335-1374. Other studies that use the national approach include Prachi Mishra, “Emigration and Wages in Source Countries: Evidence from Mexico,” *Journal of Development Economics* 82 (January 2007): 180-199; Abdurrahman Aydemir and George J. Borjas, “Cross-Country Variation in the Impact of Immigration: Canada, Mexico, and the United States,” *Journal of the European Economic Association* 4 (June 2007): 663-708; and Gianmarco I.P. Ottaviano and Giovanni Peri, “Rethinking the Effects of Immigration on Wages,” National Bureau of Economic Research Working Paper No. 12497, August 2006.

the Legal Arizona Workers Act alters economic opportunities for authorized workers in Arizona.

18. To the best of my knowledge, the first published state-level correlation between wages and immigration appeared in an article written by George Borjas, Richard Freeman, and Lawrence Katz and published in the *American Economic Review* in 1996.⁹ This article documented a negative correlation between wage growth in a state and the size of the immigrant influx entering that state (see page 248, Table 2, column 4). The most recent published state-level correlation suggests that a 10-percent immigration-induced increase in the supply of a skill group in a particular state lowers the average wage of that group in that state by 1.6 percent.¹⁰ This estimate is based on an examination of interstate differences in wage trends between 1960 and 2000, using decennial Census data.

19. Note that the state-level wage effect reported in paragraph 18 is smaller than the national wage effect reported in paragraph 16. This is not surprising because capital and labor flows may respond to the entry of immigrants in one state and thereby diffuse part of the impact of immigration to other states. As noted earlier, immigration into California may motivate some Californians to move elsewhere (and motivate some non-Californians *not to move* into California), thereby slightly relieving the pressure in the California labor market but increasing the pressure in the labor markets where they migrate. The fact that there remains a sizable negative effect of immigration at the state level suggests that these labor and capital flows are not sufficiently large to completely diffuse the impact of immigration away from the targeted states.

⁹ George J. Borjas, Richard B. Freeman, and Lawrence F. Katz, "Searching for the Effect of Immigration on the Labor Market," *American Economic Review* 86 (May 1996): 246-251.

¹⁰ George J. Borjas, "Native Internal Migration and the Labor Market Impact of Immigration," *Journal of Human Resources* 41 (Spring 2006): 240.

E. Updated Estimates of the Wage Effect of Immigration at the State Level

20. To examine the impact of recent immigration—and specifically of recent unauthorized aliens—on wages in Arizona, I re-estimated the basic statistical model that relates wage trends at the state level to the size of the immigrant influx entering the state. I used data drawn from the 1960, 1970, 1980, 1990, and 2000 decennial Censuses, as well as data from the 2001, 2002, 2003, 2004, 2005, and 2006 American Community Surveys (ACS).¹¹ Appendix C discusses the data in more detail.
21. I used these data to calculate the average (log) annual earnings received by native-born workers in a particular skill group in each state for each year. Following the practice in the recent academic literature, I defined a skill group along the dimensions of both educational attainment and years of work experience. In particular, I defined four education groups (high school dropouts, high school graduates, workers with some college, and college graduates), and for each of the four education groups I classified workers into one of four experience groups (workers with 1-10 years of work experience; 11-20 years, 21-30 years, and 31-40 years). The regression model then attempts to determine if, after controlling for other factors, wage changes observed for a particular skill group in a particular state (e.g., high school dropouts with 11-20 years of experience in Arizona) are affected by the changing number of immigrants in that group in that state. To isolate the impact of immigration, the regression model controls for other factors that may affect wage trends in the state and that may affect wage trends for particular skill groups. Appendix C also gives a technical summary of the regression model.

¹¹ These data are publicly available at <http://usa.ipums.org/usa/>. The American Community Surveys began to be collected by the Census Bureau in 2000.

| Table 1. Estimated effects of immigration (Based on comparisons of interstate wage and employment trends between 1960 and 2006) | |
|--|-------------------|
| | Estimated effect |
| 1. Percent wage change resulting from a 1-percent immigration-induced increase in the size of a skill group | -0.157 (0.037) |
| 2. Change in employment rate (in percentage points) resulting from a 1-percent immigration-induced increase in the size of a skill group | -0.055 (0.013) |
| 3. Change in unemployment rate (in percentage points) resulting from a 1-percent immigration-induced increase in the size of a skill group | +0.046 (0.009) |
| Note: The standard errors are reported in parentheses. | |

22. Table 1 summarizes the results from the statistical analysis. Row 1 indicates that a 10-percent immigration-induced increase in the size of a skill group living in a particular state reduces the average annual earnings of comparably skilled native-born workers in that state by 1.6 percent. This effect is statistically significantly different from zero.
23. I also used the decennial Census and ACS data to calculate the employment rate of native-born workers (i.e., the fraction of native-born persons that worked during the reference week) in a particular skill group in each state for each year. I then re-estimated the regression model to examine how the employment rate of native-born persons responded to immigration. Row 2 of Table 1 indicates that a 10-percent immigration-induced increase in the size of a skill group living in a particular state reduces the employment rate of comparably skilled native-born persons in that state by 0.6 percentage points. This effect is statistically significantly different from zero.
24. Finally, I used the decennial Census and ACS data to calculate the unemployment rate of native-born workers (i.e., the fraction of native-born labor force participants who are unemployed) in a particular skill group in each state for each year. I then re-estimated the regression model to determine the link between the unemployment rate and immigration.

Row 3 of Table 1 indicates that 10-percent immigration-induced increase in the size of a skill group living in a particular state increases the unemployment rate of comparably skilled native-born persons in that state by 0.5 percentage points. This effect is statistically significantly different from zero.

25. The influx of immigrants into a particular skill group will likely affect the employment opportunities of workers in other skill groups. For instance, an immigrant influx of high school dropouts may have a beneficial effect on the earnings of native-born college graduates. As an example, the hiring of low-skill immigrants in such jobs as landscaping and child care services may allow high-skill native-born workers to invest more heavily in their skills and offer greater effort to their jobs, increasing their productivity and earnings. The estimation of the full-blown set of these “across-group” wage responses requires specifying a full-blown theoretical model that summarizes all of the possible interactions in each labor market in a tractable fashion. The danger with this approach is that the model must introduce many restrictions that may not be valid in the data. The last half of my 2003 study published in the *Quarterly Journal of Economics* presented such a model using standard (though very restrictive) technical assumptions in the economics literature. The implied estimates of the effects of immigration of one particular skill group on the wage of other skill groups were uniformly small. Therefore, the potential gains from the production complementarities that may exist between low-skill and high-skill workers are not sufficiently large to reverse the negative effect that immigration has on the wage of comparably skilled workers.

F. Implications for the Arizona Wage Structure

26. In its most recent published calculations, the Department of Homeland Security estimated that 500,000 unauthorized aliens resided in Arizona as of January 2006.¹² Approximately 50,000 of these unauthorized aliens are the result of a single step in the DHS calculation: the undercount rate of unauthorized aliens is assumed to be 10 percent.¹³ In other words, the Census enumeration “found” approximately 450,000 unauthorized aliens in Arizona. The DHS then assumed that the Census Bureau “missed” 10 percent of the unauthorized aliens, so the “true” number of unauthorized aliens in Arizona is obtained by inflating the count by 10 percent. Because the ACS data used below do not correct for the undercounting that presumably also takes place for authorized aliens and for native-born persons, I avoid the comparison of “apples and oranges” by using the “pre-inflated” estimate of 450,000 unauthorized aliens in Arizona. This approach makes the estimated number of unauthorized aliens in Arizona and the counts of foreign-born and native persons available in the ACS strictly comparable (in other words, none of these numbers have been adjusted for a possible undercount). It should be stressed that this is a conservative approach. The wage and employment effects of immigration reported below would be larger if, as is likely, the undercount rate is higher for unauthorized aliens than for authorized aliens and native-born workers.

27. I used the 2006 American Community Survey to calculate the number of foreign-born persons residing in Arizona. The 2006 ACS enumeration reveals 926,000 foreign-born persons residing in Arizona. By combining this information with the (pre-inflated)

¹² Michael Hofer, Nancy Rytina, and Christopher Cambell, “Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2006.” This report is available at http://www.dhs.gov/xlibrary/assets/statistics/publications/ill_pe_2006.pdf.

¹³ See the discussion in Michael Hofer, Nancy Rytina, and Christopher Cambell, “Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2006,” p. 3.

number of unauthorized aliens reported by DHS, one can conclude that 48.6 percent of the foreign-born population in Arizona (or 450,000 divided by 926,000) is composed of unauthorized aliens.

| | Group | | | | |
|--|----------------------|-----------------------|--------------|-------------------|-------------|
| | High school dropouts | High school graduates | Some college | College graduates | All workers |
| 1. Number of workers in Arizona (in 1000s) | 324.5 | 763.1 | 813.5 | 670.2 | 2,571.3 |
| 2. Number of foreign-born workers in Arizona (in 1000s) | 198.5 | 161.1 | 81.1 | 76.6 | 517.4 |
| 3. Estimated number of unauthorized aliens in Arizona: Row 2 \times 0.486 (in 1000s) | 96.4 | 78.3 | 39.4 | 37.2 | 251.3 |
| 4. Unauthorized aliens as percent of total workforce: Row 3 / Row 1 | 29.7% | 10.3% | 4.8% | 5.6% | 9.8% |
| Predicted effects of unauthorized aliens | | | | | |
| 5. Percent change in earnings: Row 4 \times -0.157 | -4.7% | -1.6% | -0.8% | -0.9% | -1.5% |
| 6. Change in employment rate in percentage points: Row 4 \times -0.055 | -1.6 | -0.6 | -0.3 | -0.3 | -0.5 |
| 7. Change in unemployment rate in percentage points: Row 4 \times +0.046 | +1.4 | +0.5 | +0.2 | +0.3 | +0.5 |

28. I also used the 2006 ACS to calculate the size of the workforce as well as the size of the foreign-born workforce in Arizona for each of four education groups. Row 1 of Table 2 gives the total size of the Arizona workforce for each education group, while Row 2 gives the number of foreign-born workers in each group.

29. To estimate the impact of unauthorized aliens on the earnings and employment rates of specific skill groups, one needs to know how many of the foreign-born workers in each education group are unauthorized. The only available estimate of the proportion of unauthorized immigration in the foreign-born population, however, is the 48.6 percent

reported in paragraph 26. I initially assume that this proportion is the same for all education groups. Row 3 of Table 2 then calculates the predicted number of unauthorized alien workers for each education group.

30. To examine the potential impact of unauthorized aliens on the Arizona wage structure, I calculated the fraction of the workforce for each education group that can be attributed to unauthorized aliens. This statistic is given by the ratio of Row 3 to Row 1—and is reported in Row 4 of Table 2. Row 4 shows that unauthorized aliens account for 29.7 percent of all high school dropouts, 10.3 percent of high school graduates, 4.8 percent of workers with some college, and 5.6 percent of college graduates. Overall, unauthorized aliens account for 9.8 percent of Arizona's workforce.
31. Table 1 reported that a 1-percent immigration-induced increase in the supply of workers in a state resulted in a 0.157 percent drop in the wage of comparably skilled native-born workers in that state.¹⁴ As reported in Row 5 of Table 2, this implies that the 29.7 percent increase in the size of the workforce of high school dropouts resulting from the presence of unauthorized aliens lowered the earnings of high school dropouts in Arizona by 4.7 percent (or 29.7 times 0.157).¹⁵ In contrast, the 5.6 percent increase in the size of the workforce of college graduates lowered the wage by 0.9 percent (or 5.6 times 0.157).

¹⁴ I assume that the 0.157 rate of responsiveness also reflects what happens to the earnings of authorized aliens as a result of a one-percentage point immigration-induced increase in the supply of workers in the state.

¹⁵ Ideally, the percent increase in the size of the workforce attributable to unauthorized aliens would be defined by the ratio of the number of unauthorized workers to the number of authorized workers employed prior to the unauthorized influx. The denominator of this ratio is difficult to measure and the use of the current number of authorized workers would overstate the size of the supply increase—as some authorized workers may have left the workforce because of the lower wage. The immigration effects reported in the last two rows of Table 2 are conservative because they use a measure of the percent supply shift that includes both authorized and unauthorized workers in the baseline. This measure of the supply shift understates the actual percent increase in the size of the workforce due to the entry of unauthorized aliens. For example, the 96.4 thousand unauthorized aliens who are high school dropouts represent a 42.3 percent increase over the 228.0 thousand authorized workers who are high school dropouts. If I used the 42.3 percent as the measure of the supply shift due to unauthorized aliens, the wage loss accruing to authorized high school dropouts would rise to 6.6 percent (or 42.3 times 0.157).

Overall, the annual earnings of the typical Arizona worker fell by 1.5 percent (or the 9.8 percent increase in the size of the Arizona workforce times 0.157). Note that the calculation suggests that if “perfect” enforcement of LAWA resulted in the departure of all unauthorized aliens from the Arizona workforce, there would be a sizable increase (of 4.7 percent) in the earnings of low-skill authorized workers in Arizona.

32. The 2006 American Community Survey indicates that the average high school dropout worker in Arizona earned \$20,300 in 2005.¹⁶ Combining this estimate with the estimated wage effect in Row 5 of Table 2 implies that the presence of unauthorized aliens in the Arizona workforce reduced the annual earnings of high school dropouts by around \$950. The statistics summarized in Rows 1 and 3 of Table 2 imply there were 228,000 authorized workers with less than a high school diploma in Arizona in 2006. The total loss accruing to this low-skill group, therefore, is \$217 million (or 228.0 thousand times \$950). The ACS data also indicates that the average college graduate earned \$65,100. Combining this estimate with the estimated wage effect in Row 5 of Table 2 suggests that the presence of unauthorized aliens reduced the annual earnings of college graduates by around \$590. Overall, the average Arizona worker earned \$41,200 in 2005. The presence of unauthorized aliens depressed the earnings of the typical authorized worker by around \$620. It is worth noting that although the per-worker wage depression seems small, the total wage loss accruing to the 2.3 million authorized workers in Arizona is \$1.4 billion.
33. Row 6 of Table 2 reports the predicted effects of unauthorized aliens on the employment rate of authorized persons in Arizona. The presence of unauthorized aliens reduced the

¹⁶ The mean salaries reported in this paragraph are calculated over all workers (in the relevant education group) in Arizona, including unauthorized aliens. To the extent that the salary of unauthorized workers is lower than that of authorized workers, the calculations reported in this paragraph understate the impact of unauthorized aliens on the dollar value of the wage depression experienced by the typical authorized worker.

employment rate of high school dropouts by 1.6 percentage points and that of the typical authorized person in Arizona by 0.5 percentage points.

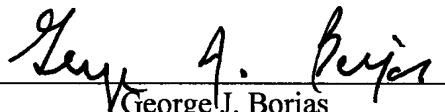
34. Finally, Row 7 of Table 2 reports the predicted effects of unauthorized aliens on the unemployment rate of authorized persons in Arizona. The presence of unauthorized aliens increased the unemployment rate of high school dropouts by 1.4 percentage points and that of the typical authorized person in Arizona by 0.5 percentage points.
35. The estimates of the impact of unauthorized aliens on employment opportunities reported in Table 2 are based on the assumption that 48.6 percent of foreign-born persons in each education group are unauthorized. It is likely that the proportion of unauthorized aliens is larger for groups with less education and lower for groups with more education. If this conjecture were correct, the adverse impact of immigration on earnings, employment rates, and unemployment rates would be even stronger for low-skill workers and weaker for high-skill workers, so that immigration would have an even larger effect on earnings inequality across skill groups in Arizona.
36. The calculations also ignored the undercount problem in the American Community Survey data that is the primary source of the available counts for both unauthorized aliens and other persons in Arizona. If the undercount problem were more severe among unauthorized aliens, the predicted wage and employment effects in Table 2 would understate the “true” adverse impact.
37. Finally, it is important to emphasize that the economic adjustments induced by immigration (such as an influx of capital that would take advantage of the initially lower wages) would help mute the initial wage impact. It is not known if these long-run adjustments take place in 5 years or 10 years or 20 years (or, paraphrasing Keynes, after

we are all dead). Nevertheless, even after all the possible adjustments that could take place in the Arizona economy have, in fact, taken place, it can be shown that under certain technical assumptions the *difference* in the short-run wage effects of high school dropouts and college graduates would give the impact of immigration on the *relative* wage of low-skill workers.¹⁷ Row 5 of Table 2 then suggests that the wage of high school dropouts fell by 3.8 percent in the long run—relative to that of college graduates—as a result of the presence of unauthorized aliens in the Arizona workforce.

H. Conclusion

38. The presence of unauthorized aliens in Arizona has depressed the earnings and employment opportunities of comparably skilled authorized workers in the Arizona labor market. The wage depression is concentrated among low-skill authorized workers. The evidence suggests that the presence of unauthorized workers in Arizona depressed the earnings of comparably skilled authorized high school dropouts in Arizona by 4.7 percent. This finding suggests that, if strictly enforced, the Legal Arizona Workers Act would raise the earnings of authorized workers in Arizona, particularly for the least skilled workers.
39. The findings expressed in this report are within the reasonable degree of certainty that is typical in the field of economics.
40. I reserve the opportunity to supplement the findings of this report with any additional information that may become available during the course of this litigation.

¹⁷ This technical point is discussed in George J. Borjas and Lawrence F. Katz, "The Evolution of the Mexican-Born Workforce in the U.S. Labor Market," in *Mexican Immigration to the United States*, edited by George J. Borjas, University of Chicago Press, 2007, pp. 13-55.


George J. Borjas

APPENDIX

“A”

APPENDIX A: CURRICULUM VITAE

George J. Borjas

Business Address:

John F. Kennedy School of Government
Harvard University
79 John F. Kennedy Street
Cambridge, MA 02138

Telephone: (617) 495-1393
FAX: (617) 496-5960
E-mail: gborjas@harvard.edu
Web: <http://www.borjas.com>
Blog: <http://www.borjas.typepad.com/>

Personal Data:

Born October 15, 1950
Married; three children

Education:

| | |
|------------------------------|---------------------------|
| Ph.D. (Economics) | 1975, Columbia University |
| M.Phil. (Economics) | 1975, Columbia University |
| M.A. (Economics) | 1974, Columbia University |
| B.S. (Economics-Mathematics) | 1971, St. Peter's College |

Honorary Degrees:

| | |
|-----------------------------------|---------------------------|
| L.H.D. (Doctor of Humane Letters) | 2003, St. Peter's College |
|-----------------------------------|---------------------------|

Professional Experience:

| | |
|-----------|---|
| 2002- | Robert W. Scrivner Professor of Economics and Social Policy, Harvard University |
| 1983- | Research Associate, National Bureau of Economic Research |
| 1995-2002 | Pforzheimer Professor of Public Policy, Harvard University |
| 1990-1995 | Professor of Economics, University of California, San Diego |
| 1988-1989 | Visiting Scholar, Harvard University |
| 1982-1990 | Professor of Economics, University of California, Santa Barbara |
| 1980-1982 | Associate Professor of Economics, University of California, Santa Barbara |
| 1978-1980 | Assistant Professor of Economics, University of California, Santa Barbara |
| 1977-1978 | Post-Doctoral Fellow, Department of Economics, University of Chicago |
| 1975-1977 | Assistant Professor of Economics, Queens College of the City University of New York |
| 1972-1978 | Senior Research Analyst, National Bureau of Economic Research |

Honors:

Fellow, Society of Labor Economists, elected in 2004.

Estrada Fellowship in Immigration Studies, 2000.

Fellow, Econometric Society, elected in 1998.

Listed in:

Who's Who in the World

Who's Who in America

Who's Who in Economics

Who's Who in Finance and Industry

Who's Who of Emerging Leaders in America

Who's Who in the West

Outstanding Young Men of America

Member, State of California, Governor Council of Economic Advisors, 1993-1998.

University of California Faculty Development Fellowship, Summer 1979.

National Institute of Mental Health Post-Doctoral Research Fellowship, University of Chicago, 1977-1978.

Editorial Boards:

Board of Editors, *Journal of Human Capital*, 2007-present

Editor, *Review of Economics and Statistics*, 1998-2006

Editorial Board, *International Migration Review*, 1992-present

Editorial Board, *Quarterly Journal of Economics*, 1992-1998

Editorial Board, *Review of Economics and Statistics*, 1997-1998

Other Professional Experience:

Faculty, Law and Economics Center, George Mason University, 2000-present.

Senior Research Affiliate, National Poverty Center, University of Michigan, 2003-present.

Member, Policy Board, Center for Immigration Studies, 2003-2004.

Elected to Policy Council, Association for Public Policy Analysis and Management, 2000-2003.

Member, Program Committee, Association for Public Policy Analysis and Management, October 1998.

Consultant, The World Bank, 1998.

Senior Affiliate, Joint Center for Poverty Research, 1998-2003.

Member, External Advisory Board, Joint Center for Poverty Research, 1998-present.

Chair, Committee of Visitors, National Science Foundation, Economics Program, 1996.

Co-Chair, Harvard Refugee Project, Institute for Social and Economic Policy in the Middle East, John F. Kennedy School of Government, 1996-1998.

Member, Program Committee, 1996 Meetings of the American Economic Association

Member, Panel on Demographic and Economic Impacts of Immigration, National Academy of Sciences, 1995-1997.

Member, Social Science and Population Study Section, National Institutes of Health, 1995-1997.

Committee of Visitors, National Science Foundation, Economics Program, 1992.

Member, Program Committee, 1993 North-American Winter Meetings of the Econometric Society.

Other Professional Experience (Continued):

Faculty, Foundation for American Communications, 1991.
Economist, Unicon Research Corporation, 1983-1991.
Member, American Economic Association, Committee on the Status of Minority Groups in the Economics Profession, 1986-1992.
Member, Advisory Panel in Economics, National Science Foundation, 1988-1990.
Vice-Chairman, Department of Economics, University of California, Santa Barbara, 1984-1988.
Director of Graduate Program, Department of Economics, University of California, Santa Barbara, 1984-1988.
Member, Panel on Immigration Statistics, National Academy of Sciences, 1983-1984.
Member, Advisory Panel, Social Science Research Council, National Commission for Research on the 1980 Census, 1983-1985.
Visiting Fellow, Department of Economics, University of Warwick, England, Summer 1982.
Editorial Consultant, *American Economic Review*, 1977-1980.

Publications:

1. Books and Monographs

Wage Policy in the Federal Bureaucracy, American Enterprise Institute, Washington, D.C., 1980.
Hispanics in the U.S. Economy (edited with Marta Tienda), Academic Press, 1985.
International Differences in the Labor Market Performance of Immigrants, W.E. Upjohn Institute for Employment Research, 1988.
Friends or Strangers: The Impact of Immigrants on the U.S. Economy, Basic Books, 1990; Paperback edition, 1991.
Immigration and the Work Force: Economic Consequences for the United States and Source Areas (edited with Richard B. Freeman), University of Chicago Press, 1992.
Heaven's Door: Immigration Policy and the American Economy, Princeton University Press, 1999; Paperback edition, 2001.
Labor Economics, McGraw-Hill, 1996; Second Edition, 2000; Greek Translation, 2003; Chinese Translation, forthcoming 2004; Third Edition, 2005; Fourth Edition 2008.
Issues in the Economics of Immigration, editor, University of Chicago Press, 2000.
Poverty, International Migration and Asylum (edited with Jeff Crisp), Palgrave Macmillan, 2005.
Mexican Immigration to the United States, editor, University of Chicago Press, 2007.

Publications (Continued)

2. Articles

“Specific Training and Its Effects on the Human Capital Investment Profile” (with Ann P. Bartel), *Southern Economic Journal*, October 1977, pp. 333-341.

“Middle-Age Job Mobility: Its Determinants and Consequences” (with Ann P. Bartel), in *Men in the Pre-Retirement Years*, edited by Seymour Wolfbein, Temple University Press, 1977, pp. 39-97.

“The Economics of Job Search: A Comment” (with Matthew S. Goldberg), *Economic Inquiry*, January 1978, pp. 119-125.

“The Distribution of Earnings Profiles in Longitudinal Data” (with Jacob Mincer), in *Income Distribution and Economic Inequality*, edited by Zvi Griliches, et al., Halsted Press, 1978, pp. 175-197.

“Discrimination in HEW: Is the Doctor Sick or Are the Patients Healthy?” *Journal of Law and Economics*, April 1978, pp. 97-110. Reprinted in *Chicago Studies in Political Economy*, edited by George J. Stigler, University of Chicago Press, 1988, pp. 426-440.

“Biased Screening and Discrimination in the Labor Market” (with Matthew S. Goldberg), *American Economic Review*, December 1978, pp. 918-922.

“Labor Supply Estimates for Public Policy Evaluation” (with James J. Heckman), *Proceedings of the Thirty-First Annual Meetings of the Industrial Relations Research Association*, 1979, pp. 320-331.

“Job Satisfaction, Wages, and Unions,” *Journal of Human Resources*, Winter 1979, pp. 21-40. Reprinted in *Should the Federal Government Significantly Curtail the Powers of Labor Unions in the United States?* U.S. House of Representatives Document 97-89, U.S. Government Printing Office, 1981, pp. 209-228.

Union Control of Pension Funds: Will the North Rise Again? Institute for Contemporary Studies, San Francisco, CA, 1979.

“Income Effects in Quality-Quantity Models,” *Economics Letters*, Vol. 3, No. 2, 1979, pp. 125-131.

“Income Prospects and Job Mobility of Younger Men” (with Sherwin Rosen), *Research in Labor Economics*, Vol. 3, 1980, pp. 159-181.

“The Structure of Wages and Turnover in the Federal Government,” *Research in Labor Economics*, Vol. 3, 1980, pp. 195-240.

Publications (Continued)

- “Does Unemployment Cause Future Unemployment? Definitions, Questions and Answers From a Continuous Time Model of Heterogeneity and State Dependence” (with James J. Heckman), *Economica*, August 1980, pp. 247-283. Reprinted in *The Economics of Unemployment*, edited by P. N. Junankar, Edward Elgar Publishing, 1997.
- “The Relationship Between Wages and Weekly Hours of Work: The Role of Division Bias,” *Journal of Human Resources*, Summer 1980, pp. 409-423.
- “Promotions and Wage Discrimination in the Federal Government: Evidence from H.E.W.,” *Economics Letters*, Vol. 6, No. 4, 1980, pp. 381-385
- “Wage Determination in the Federal Government: The Role of Constituents and Bureaucrats,” *Journal of Political Economy*, December 1980, pp. 1110-1147.
- “Job Mobility and Earnings Over the Life Cycle,” *Industrial and Labor Relations Review*, April 1981, pp. 365-376.
- “Wage Growth and Job Turnover: An Empirical Analysis” (with Ann P. Bartel), in *Studies in Labor Markets*, edited by Sherwin Rosen, University of Chicago Press, 1981, pp. 65-90.
- “Consumer Discrimination and the Firm's Demand for Black Labor,” *Economics Letters*, Vol. 8, No. 4, 1981, pp. 385-391.
- “The Earnings of Male Hispanic Immigrants in the United States,” *Industrial and Labor Relations Review*, April 1982, pp. 343-353.
- “The Politics of Employment Discrimination in the Federal Bureaucracy,” *Journal of Law and Economics*, October 1982, pp. 271-299.
- “Labor Turnover in the U.S. Federal Bureaucracy,” *Journal of Public Economics*, November 1982, pp. 187-202. Translated and reprinted in “Il Fenomeno del Turnover nell'Amministrazione Pubblica Statunitense,” *Problemi di Amministrazione Pubblica*, 1983, No. 4, pp. 37-66.
- “On Regressing Regression Coefficients,” *Journal of Statistical Planning and Inference*, December 1982, pp. 131-137.
- “The Substitutability of Black, Hispanic, and White Labor,” *Economic Inquiry*, January 1983, pp. 93-106. Reprinted in *Economics and Discrimination*, edited by William Darity, Jr., Edward Elgar Publishing, 1995.
- “Property Rights and Wages: The Case of Nursing Homes,” (with H.E. Frech and Paul Ginsburg), *Journal of Human Resources*, Spring 1983, pp. 231-246.
- “The Measurement of Race and Gender Wage Differentials: Evidence From the Federal Sector,” *Industrial and Labor Relations Review*, October 1983, pp. 79-91.

Publications (Continued)

- "The Labor Supply of Male Hispanic Immigrants in the United States," *International Migration Review*, Winter 1983, pp. 653-671.
- "Race, Labor Turnover, and Male Earnings," *Industrial Relations*, Winter 1984, pp. 73-89.
- "The Economic Status of Male Hispanic Migrants and Natives in the U.S.," *Research in Labor Economics*, Vol. 6, 1984, pp. 65-122.
- "Electoral Cycles and the Earnings of Federal Bureaucrats," *Economic Inquiry*, October 1984, pp. 447-459.
- "The Impact of Immigrants on the Earnings of the Native-Born," in *Immigration: Issues and Policies*, edited by Vernon M. Briggs, Jr. and Marta Tienda, Olympus Publishing Company, 1984, pp. 85-126.
- "Jobs and Employment for Hispanics," in *Hispanics in the United States: A New Social Agenda*, edited by P. Cafferty and W. McCready, Transaction Press, 1985, pp. 147-157.
- "Assimilation, Changes in Cohort Quality, and the Earnings of Immigrants," *Journal of Labor Economics*, October 1985, pp. 463-489. Reprinted in *Labor Economics*, Volume 4, edited by Orley C. Ashenfelter and Kevin F. Hallock, Edward Elgar Publishing, 1995, pp. 324-350; reprinted in *The Economics of Migration*, Volume 2, edited by Klaus P. Zimmermann and Thomas K. Bauer, Edward Elgar Publishing, 2002, pp. 28-54.
- "The Post-Service Earnings of Military Retirees" (with Finis Welch), in *Army Manpower Economics*, edited by Curtis Gilroy, Westview Press, 1986, pp. 295-313.
- "The Sensitivity of Labor Demand Functions to Choice of Dependent Variable," *Review of Economics and Statistics*, February 1986, pp. 58-66.
- "The Earnings of State Government Employees in the United States," *Journal of Urban Economics*, March 1986, pp. 156-173.
- "The Demographic Determinants of the Demand for Black Labor," in *The Black Youth Employment Crisis*, edited by Richard B. Freeman and Harry J. Holzer, University of Chicago Press, 1986, pp. 191-230.
- "Immigrants and the U.S. Labor Market," in *Essays on Legal and Illegal Immigration*, edited by Susan Pozo, W.E. Upjohn Institute for Employment Research, 1986, pp. 7-20.
- "The Self-Employment Experience of Immigrants," *Journal of Human Resources*, Fall 1986, pp. 485-506. Reprinted in *The Economics of Migration*, Volume 3, edited by Klaus P. Zimmermann and Thomas K. Bauer, Edward Elgar Publishing, 2002, pp. 259-280; reprinted in *The Economics of Entrepreneurship*, edited by Simon C. Parker, Edward Elgar Publishing, forthcoming 2005.

Publications (Continued)

- “The Post-Service Earnings of Military Retirees: Evidence from the Air Force” (with Finis Welch), *Research in Labor Economics*, Vol. 8, 1986, pp. 57-83.
- “The Economic Consequences of Immigration” (with Marta Tienda), *Science*, February 6, 1987, pp. 645-651.
- “Immigrants, Minorities, and Labor Market Competition,” *Industrial and Labor Relations Review*, April 1987, pp. 382-392.
- “Self-Selection and the Earnings of Immigrants,” *American Economic Review*, September 1987, pp. 531-553. Reprinted in *Labor Economics*, Volume 4, edited by Orley C. Ashenfelter and Kevin F. Hallock, Edward Elgar Publishing, 1995, pp. 351-373; reprinted in *Labor Economics: Worth Series in Outstanding Contributions*, edited by Orley Ashenfelter, Worth Publishers, 1999, pp. 305-335; reprinted in *The Economics of Migration*, Volume 2, edited by Klaus P. Zimmermann and Thomas K. Bauer, Edward Elgar Publishing, 2002, pp. 332-354.
- “Summing Up: What Do We Know About the Economics of Immigration?” in *The Economics of Immigration*, edited by Lyle Baker and Paul Miller, Australian Government Publishing Service, 1988, pp. 249-256.
- “Earnings Determination: A Survey of the Neoclassical Approach,” in *Three Worlds of Labor Economics*, edited by Garth Mangum and Peter Phillips, M.E. Sharpe Publishers, 1988, pp. 21-50.
- “Immigrant and Emigrant Earnings: A Longitudinal Study,” *Economic Inquiry*, January 1989, pp. 21-37.
- “Consumer Discrimination and Self-Employment” (with Stephen G. Bronars), *Journal of Political Economy*, June 1989, pp. 581-605; reprinted in *The Economics of Entrepreneurship*, edited by Simon C. Parker, Edward Elgar Publishing, forthcoming 2005.
- “Economic Theory and International Migration,” *International Migration Review*, Fall 1989, pp. 457-485.
- “Job Search With Belated Information and Wage Signalling: A Comment” (with Matthew S. Goldberg), *Journal of Economic Dynamics and Control*, February 1990, pp. 187-192.
- “Self-Selection and the Earnings of Immigrants: A Reply,” *American Economic Review*, March 1990, pp. 305-308.
- “Immigrant Participation in the Welfare System” (with Stephen J. Trejo), *Industrial and Labor Relations Review*, January 1991, pp. 195-211. Reprinted in *The Economics of Migration*, Volume 3, edited by Klaus P. Zimmermann and Thomas K. Bauer, Edward Elgar Publishing, pp. 364-380.

Publications (Continued)

- “Immigration and the Family” (with Stephen G. Bronars), *Journal of Labor Economics*, April 1991, pp. 123-148. Reprinted in *The Economics of Migration*, Volume 1, edited by Klaus P. Zimmermann and Thomas K. Bauer, Edward Elgar Publishing, 2002, pp. 203-228.
- “Immigration and Self-Selection,” in *Immigration, Trade, and the Labor Market*, edited by John M. Abowd and Richard B. Freeman, University of Chicago Press, 1991, pp. 29-76.
- “Undocumented Mexican-Born Workers in the U.S.: How Many, How Permanent?” (with Richard B. Freeman and Kevin Lang), in *Immigration, Trade, and the Labor Market*, edited by John M. Abowd and Richard B. Freeman, University of Chicago Press, 1991, pp. 77-100.
- “Immigrants in the U.S. Labor Market: 1940-1980,” *American Economic Review*, May 1991, pp. 287-291.
- “Skills and Productivity in the American Economy,” *Advances in the Study of Entrepreneurship, Innovation, and Economic Growth*, Volume 5, 1991, pp. 17-40.
- “Assimilation and the Earnings of Young Internal Migrants” (with Stephen G. Bronars and Stephen J. Trejo), *Review of Economics and Statistics*, February 1992, pp. 170-175.
- “Ethnic Capital and Intergenerational Mobility,” *Quarterly Journal of Economics*, February 1992, pp. 123-150.
- “Self-Selection and Internal Migration in the United States” (with Stephen G. Bronars and Stephen J. Trejo), *Journal of Urban Economics*, September 1992, pp. 159-185.
- “National Origin and the Skills of Immigrants in the Postwar Period,” in *Immigration and the Work Force: Economic Consequences for the United States and Source Areas*, edited by George J. Borjas and Richard B. Freeman, University of Chicago Press, 1992, pp. 17-47. Reprinted in *The Economics of Migration*, Volume 3, edited by Klaus P. Zimmermann and Thomas K. Bauer, Edward Elgar Publishing, 2002, pp. 39-69.
- “On the Labor Market Effects of Immigration and Trade” (with Richard B. Freeman and Lawrence F. Katz), in *Immigration and the Work Force: Economic Consequences for the United States and Source Areas*, edited by George J. Borjas and Richard B. Freeman, University of Chicago Press, 1992, pp. 213-244.
- “Immigration Research in the 1980s: A Turbulent Decade,” in *Research Frontiers in Industrial Relations and Human Resources*, edited by David Lewin, Olivia S. Mitchell, and Peter D. Sherer, Industrial Relations and Research Association, 1992, pp. 417-446.
- “The Intergenerational Mobility of Immigrants,” *Journal of Labor Economics*, January 1993, pp. 113-135. Reprinted in *The Economics of Migration*, Volume 3, edited by Klaus P. Zimmermann and Thomas K. Bauer, Edward Elgar Publishing, pp. 446-468.

Publications (Continued)

- “National Origin and Immigrant Welfare Reciprocity” (with Stephen J. Trejo), *Journal of Public Economics*, March 1993, pp. 325-344.
- “The Impact of Immigrants on Employment Opportunities of Natives,” in *The Changing Course of Immigration*, Organization for Economic Cooperation and Development, 1993, pp. 191-198. Reprinted in *The Immigration Reader: America in a Multidisciplinary Perspective*, edited by David Jacobson, Blackwell Publishers, 1998, pp. 217-230.
- “Immigration Policy, National Origin, and Immigrant Skills: A Comparison of Canada and the United States,” in *Small Differences That Matter: Labor Markets and Income Maintenance in Canada and the United States*, edited by David Card and Richard B. Freeman, University of Chicago Press, 1993, pp. 21-43.
- “Immigration,” in *The Fortune Encyclopedia of Economics*, edited by David R. Henderson, Time-Warner Books, 1993, pp. 484-490. Excerpted as “Why We Are Losing the Immigration Game,” *Fortune*, October 18, 1993, pp. 114-115.
- “The Employment and Wages of Legalized Immigrants” (with Marta Tienda), *International Migration Review*, Winter 1993, pp. 712-747.
- “The Relationship Between Wage Inequality and Trade” (with Valerie A. Ramey), in *The Changing Distribution of Income in an Open U.S. Economy*, edited by Jeffrey .H. Bergstrand, Thomas F. Cosimano, John W. Houck, and Richard G. Sheehan, Elsevier Science Publishers, 1994, pp. 217-241.
- “Time-Series Evidence on the Sources of Trends in Wage Inequality” (with Valerie A. Ramey), *American Economic Review*, May 1994, pp. 10-16.
- “Immigration, Ethnic Identity, and Assimilation: The Intergenerational Transmission of Immigrant Skills,” in *Economic Aspects of International Migration*, edited by Herbert Giersch, Springer-Verlag, 1994, pp. 139-154.
- “Immigrant Skills and Ethnic Spillovers,” *Journal of Population Economics*, June 1994, pp. 99-118.
- “Long-Run Convergence of Ethnic Skill Differentials: The Children and Grandchildren of the Great Migration,” *Industrial and Labor Relations Review*, July 1994, pp. 553-573.
- “A Two-Stage Estimator for Probit Models with Structural Group Effects” (with Glenn T. Sueyoshi), *Journal of Econometrics*, September/October 1994, pp. 165-182.
- “The Economics of Immigration,” *Journal of Economic Literature*, December 1994, pp. 1667-1717.
- “The Internationalization of the U.S. Labor Market,” *Federal Reserve Bank of New York Economic Policy Review*, January 1995, pp. 3-8.

Publications (Continued)

- “Assimilation and Changes in Cohort Quality Revisited: What Happened to Immigrant Earnings in the 1980s?” *Journal of Labor Economics*, April 1995, pp. 201-245.
- “The Economic Analysis of Immigration,” in *The New Economics of Human Behavior*, edited by Mariano Tommasi and Kathryn Ierulli, Cambridge University Press, 1995, pp. 27-39.
- “The Economic Benefits from Immigration,” *Journal of Economic Perspectives*, Spring 1995, pp. 3-22. Reprinted in *The Economics of Migration*, Volume 4, edited by Klaus P. Zimmermann and Thomas K. Bauer, Edward Elgar Publishing, 2002, pp. 103-122.
- “Ethnicity, Neighborhoods, and Human-Capital Externalities,” *American Economic Review*, June 1995, pp. 365-390.
- “Immigration and Welfare: 1970-1990,” *Research in Labor Economics*, Volume 14, 1995, pp. 253-282.
- “Foreign Competition, Market Power, and Wage Inequality” (with Valerie A. Ramey), *Quarterly Journal of Economics*, November 1995, pp. 1075-1110.
- “Who Leaves? The Outmigration of the Foreign-Born” (with Bernt Bratsberg), *Review of Economics and Statistics*, February 1996, pp.165-176. Reprinted in *The Economics of Migration*, Volume 1, edited by Klaus P. Zimmermann and Thomas K. Bauer, Edward Elgar Publishing, 2002, pp. 270-281.
- “Searching for the Effect of Immigration on the Labor Market” (with Richard B. Freeman and Lawrence F. Katz), *American Economic Review*, May 1996, pp. 246-251.
- “Immigration and the Welfare State: Immigrant Participation in Means-Tested Entitlement Programs” (with Lynette Hilton), *Quarterly Journal of Economics*, May 1996, pp. 575-604. Reprinted in *The Economics of Migration*, Volume 3, edited by Klaus P. Zimmermann and Thomas K. Bauer, 2002, Edward Elgar Publishing, pp. 408-437.
- “The Earnings of Mexican Immigrants in the United States,” *Journal of Development Economics*, October 1996, pp. 69-98.
- “The New Economics of Immigration,” *The Atlantic Monthly*, November 1996, pp. 72-80. Translated, extracted, and reprinted as “Adapter l’ouverture des frontières à la conjoncture,” *Le Monde*, December 3, 1996. Reprinted in: Robert K. Miller, editor, *The Informed Argument*, Harcourt Brace, 1997, pp. 230-240; Don Cole, editor, *Annual Editions: Microeconomics 98/99*, Dushkin-McGraw Hill, pp. 138-143; Don Cole, editor, *Annual Editions: Microeconomics 00/01*, Dushkin-McGraw-Hill, pp. 108-113; Henry L. Tischler, editor, *Debating Points: Race and Ethnic Relations*, Prentice-Hall, 2000, pp. 17-20.
- “The Economic Impact of Mexican Immigration,” in *Coming Together: Mexico-U.S. Relations*, edited by Barry P. Bosworth, Susan M. Collins, and Nora Claudia Lustig, Brookings Institution Press, 1997, pp. 155-171.

Publications (Continued)

- “How Much Do Immigration and Trade Affect Labor Market Outcomes?” (with Richard B. Freeman and Lawrence F. Katz), *Brookings Papers on Economic Activity*, 1997, pp. 1-67. Reprinted in *The Economics of Migration*, Volume 4, edited by Klaus P. Zimmermann and Thomas K. Bauer, Edward Elgar Publishing, 2002, pp. 218-289.
- “Ethnicity and the Intergenerational Transmission of Welfare Dependency” (with Glenn T. Sueyoshi), *Research in Labor Economics*, Volume 16, 1997, pp. 271-295.
- “Immigration and Welfare: A Review of the Evidence,” in *The Debate in the United States over Immigration*, edited by Peter J. Duignan and L. H. Gann, Hoover Institution Press, 1998, pp. 121-144.
- “Do Blacks Gain or Lose from Immigration,” in *Help or Hindrance? The Economic Implications of Immigration for African-Americans*, edited by Daniel S. Hamermesh and Frank D. Bean, Russell Sage Press, 1998, pp. 51-74.
- “To Ghetto or Not to Ghetto: Ethnicity and Residential Segregation,” *Journal of Urban Economics*, September 1998, pp. 228-253.
- Economic Research on the Determinants of Immigration: Lessons for the European Union*, World Bank Technical Paper No. 438, September 1999.
- “Immigration and Welfare Magnets,” *Journal of Labor Economics*, October 1999, pp. 607-637.
- “The Economic Analysis of Immigration,” in *Handbook of Labor Economics*, Volume 3A, edited by Orley Ashenfelter and David Card, North-Holland, 1999, pp. 1697-1760.
- “The Economic Progress of Immigrants,” in *Issues in the Economics of Immigration*, edited by George J. Borjas, University of Chicago Press, 2000, pp. 15-49.
- “Economic Research and the Debate Over Immigration Policy,” in *Social Dimensions of U.S. Trade Policy*, edited by Alan V. Deardorff and Robert M. Stern, University of Michigan Press, 2000, pp. 65-82.
- “Foreign-Born Teaching Assistants and the Academic Performance of Undergraduates,” *American Economic Review*, May 2000, pp. 355-359.
- “Ethnic Enclaves and Assimilation,” *Swedish Economic Policy Review*, Fall 2000, pp. 91-122.
- “Dollarization and the Mexican Labor Market” (with Eric O’N. Fisher), *Journal of Money, Credit, and Banking*, May 2001, pp. 626-647.
- “Does Immigration Grease the Wheels of the Labor Market?” *Brookings Papers on Economic Activity*, 2001, pp. 69-119.
- “Long-Run Convergence of Ethnic Skill Differentials, Revisited,” *Demography*, August 2001, pp. 357-361.

Publications (Continued)

- “Welfare Reform and Immigration,” in *The New World of Welfare: An Agenda for Reauthorization and Beyond*, edited by Rebecca Blank and Ron Haskins, Brookings Press, 2001, pp. 369-385.
- “Economics of Migration,” in *International Encyclopedia of the Social and Behavioral Sciences*, Elsevier, 2001, pp. 9803-9809.
- “Recursos Públicos y Educación en los Años Noventa” (with Olga Lucía Acosta), in *Reformas Institucionales en Colombia*, edited by Alberto Alesina, Alfaomega, 2002, pp. 169-199.
- “Immigrazione Qualificata e Ricongiungimento Familiare: l’esperienza degli Stati Uniti,” in *Conflitti, Migrazioni e Diritti dell’Uomo*, edited by Maurice Aymard and Fabrizio Barca, Rubbettino, 2002, pp. 213-221.
- “Homeownership in the Immigrant Population,” *Journal of Urban Economics*, November 2002, pp. 448-476.
- “Welfare Reform and Immigrant Participation in Welfare Programs,” *International Migration Review*, Winter 2002, pp. 1093-1123. Reprinted in *Host Societies and the Reception of Immigrants*, edited by Jeffrey G. Reitz, La Jolla, CA: Center for Comparative Immigration Studies, 2003, pp. 289-325.
- “Immigration,” *Encyclopedia of Population*, edited by Paul Demeny and Geoffrey McNicoll, Thomson-Gale, 2003, pp. 509-512.
- “Wage Structures and the Sorting of Workers into the Public Sector,” in *For the People: Can We Fix Public Service?*, edited by John D. Donahue and Joseph S. Nye, Brookings Institution Press, pp. 29-54.
- “Welfare Reform, Labor Supply, and Health Insurance in the Immigrant Population,” *Journal of Health Economics*, November 2003, pp. 933-958.
- “The Labor Demand Curve Is Downward Sloping: Reexamining the Impact of Immigration on the Labor Market,” *Quarterly Journal of Economics*, November 2003, pp. 1335-1374.
- “Economic Assimilation,” in *Reinventing the Melting Pot: How Assimilation Can Work for the New Immigrants*, edited by Tamar Jacoby, Basic Books, 2003, pp. 199-210.
- “*Pacem in Terris* and the Problem of Immigration,” *Journal of Catholic Social Thought*, Winter 2004, pp. 137-155.
- “Food Insecurity and Public Assistance,” *Journal of Public Economics*, July 2004, pp. 1421-1443.
- “Educational Reform in Colombia” (with Olga Lucia Acosta), in *Institutional Reforms*, edited by Alberto Alesina, MIT Press, 2005, pp. 245-271.

Publications (Continued)

- "Globalization and Immigration," in *Globalization: What's New?*, edited by Michael M. Weinstein, Columbia University Press, 2005, pp. 77-95.
- "The Economic Integration of Immigrants in the United States: Lessons for Policy," in *Poverty, International Migration and Asylum*, edited by George J. Borjas and Jeff Crisp, Palgrave Macmillan, 2005, pp. 241-250.
- "The Labor Market Impact of High Skill Immigration," *American Economic Review*, May 2005, pp. 56-60.
- "Immigration Trends in the New York Metropolitan Area," *Economic Policy Review*, December 2005, pp. 91-101.
- "Native Internal Migration and the Labor Market Impact of Immigration," *Journal of Human Resources*, Spring 2006, pp. 221-258.
- "Making It in America: Social Mobility in the Immigrant Population," *The Future of Children*, Fall 2006, pp. 55-71.
- "Wage Trends Among Disadvantaged Minorities," in *Working and Poor: How Economic Conditions and Policy Changes Affect Low-Wage Workers*, edited by Rebecca Blank, Sheldon Danziger, and Robert Schoeni, Russell Sage Foundation, 2006, pp. 59-86.
- "Immigration Policy and Human Capital," in *Workforce Policies for a Changing Economy*, edited by Harry J. Holzer and Demetra S. Nightingale, Urban Institute, 2007, pp. 183-200.
- "The Evolution of the Mexican-Born Workforce in the U.S. Labor Market" (with Lawrence F. Katz), in *Mexican Immigration to the United States*, edited by George J. Borjas, University of Chicago Press, 2007, pp. 13-55.
- "Cross-Country Variation in the Impact of International Migration: Canada, Mexico, and the United States" (with Abdurrahman Aydemir), *Journal of the European Economic Association*, June 2007, pp. 663-708.
- "Do Foreign Students Crowd Out Native Students from Graduate Programs," in *Science and the University*, edited by Ronald G. Ehrenberg and Paula E. Stephan, University of Wisconsin Press, 2007, pp. 134-149.
- "International Migration," in *The New Palgrave Dictionary of Economics*, 2nd Edition, edited by Larry Blume and Steven Durlauf, Palgrave Macmillan, forthcoming 2007.
- "Labor Outflows and Labor Inflows in Puerto Rico," *Journal of Human Capital*, forthcoming 2008.

3. Other Published Work

"Hispanics in the Labor Market: Their Status and Their Impact." Testimony presented before the Committee on Post Office and Civil Service, Subcommittee on Census and Population, U.S. House of Representatives, September 13, 1983. In *The Hispanic Population: A Demographic and Issue Profile*, Serial No. 98-10, U.S. Government Printing Office, 1983. pp. 44-56.

"Immigrants in the U.S. Labor Market." Testimony presented before the Joint Economic Committee, Subcommittee on Economic Resources, Competitiveness, and Security Economics, U.S. Congress, May 22, 1986. In *Economic and Demographic Consequences of Immigration*, Serial No. 99-1070, U.S. Government Printing Office, 1987, pp. 222-233.

"Immigration," in *NBER Reporter*, National Bureau of Economic Research, Fall 1987, pp. 6-9.

"Who Are the Immigrants," in *Immigration, Trade, and the Labor Market: NBER Summary Report*, 1988, pp. 8-14.

"The U.S. Takes the Wrong Immigrants." Editorial in *The Wall Street Journal*, April 5, 1990.

"Immigrants: Do They Cost Us?" Editorial in *The Miami Herald*, April 29, 1990.

"Can We Afford an Open Door?" Editorial in *New York Newsday*, May 22, 1990.

"Immigrants--Not What They Used To Be." Editorial in *The Wall Street Journal*, November 8, 1990.

Review of *Opening and Closing the Doors: Evaluating Immigration Reform and Control* by Frank D. Bean, Georges Vernez, and Charles B. Keeley, *Industrial and Labor Relations Review*, January 1991, pp. 371-372.

Review of *The Economic Consequences of Immigration* by Julian L. Simon, *Journal of Economic Literature*, March 1991, pp. 115-116.

Review of *The New Chosen People: Immigrants in the United States* by Guillermina Jasso and Mark R. Rosenzweig, *Contemporary Sociology*, September 1991, pp. 740-741.

"Immigration and the Economy," *The Senior Economist*, February 1992, pp. 3-5.

"Commentary on: Why Control the Borders," *National Review*, February 1, 1993, pp. 29-30.

Review of *Inequality at Work: Hispanics in the U.S. Labor Force* by Gregory DeFreitas, *Industrial and Labor Relations Review*, July 1993, pp. 733-734.

"Labor Loses Ground" (with Valerie A. Ramey), Editorial in *San Diego Daily Transcript*, September 10, 1993.

Publications (Continued)

- “Immigration and Ethnicity,” *NBER Reporter*, National Bureau of Economic Research, Fall 1993, pp. 9-11.
- “Tired, Poor, On Welfare,” *National Review*, December 13, 1993, pp. 40-42. Excerpted in Nicolaus Mills, editor, *Arguing Immigration*. New York: Simon & Schuster, 1994, pp. 76-80. Reprinted in John J. Miller, editor, *Strangers at Our Gate: Immigration in the 1990s*. New York: Manhattan Institute, 1994, pp. 38-44.
- “The Immigration Problem,” *Jobs & Capital*, Milken Institute for Job & Capital Formation, Summer 1994, pp. 22-24.
- “Know the Flow: Nine Immigration Myths,” *National Review*, April 17, 1995, pp. 44-50. Reprinted in Nicholas Capaldi, editor, *Immigration: Debating the Issues*. Amherst, New York: Prometheus Books, 1997, pp. 188-196.
- “The Welfare Magnet,” *National Review*, March 11, 1996, pp. 48-50. Reprinted in Tamara L. Roleff, editor, *Immigration: Opposing Viewpoints*. San Diego, CA: Greenhaven Press, 1998, pp. 97-102.
- “Punish Employers, Not Children,” Editorial in *The New York Times*, July 11, 1996.
- “Reply to Julian Simon’s Rejoinder,” *Journal of Economic Literature*, September 1996, pp. 1332-1333.
- “Immigrants and Welfare: Evidence from the Survey of Income and Program Participation” (with Lynette S. Hilton), *Focus*, Fall/Winter 1996-97, pp. 47-49.
- “Immigration & Welfare: Solving the Welfare Problem Will Solve the Welfare Problem—Not the Immigration Problem,” *National Review*, June 16, 1997, pp. 34-38.
- “Findings We Never Found” (with Richard B. Freeman), Editorial in *The New York Times*, December 10, 1997.
- “How Not to Save American Jobs,” *National Review*, December 22, 1997, p. 20.
- Review of *Strangers among Us: How Latino Immigration is Transforming America*, by Roberto Suro, *National Review*, May 18, 1998, pp. 54-55.
- “Immigration: The Issue-in-Waiting,” Editorial in *The New York Times*, April 2, 1999.
- Excerpt from *Heaven’s Door: Immigration Policy and the American Economy*, in *The Milken Institute Review*, Third Quarter, 1999, pp. 57-80.
- “The Top Ten Symptoms of Immigration,” Excerpt from *Heaven’s Door: Immigration Policy and the American Economy*, Chapter 1, in *Backgrounder*, Center for Immigration Studies, November 1999.

Publications (Continued)

“Immigration,” *NBER Reporter*, National Bureau of Economic Research, Fall 1999, pp.14-16.

“Let Elián Remain Free,” Editorial in *The New York Times*, January 12, 2000.

Comment on “Trade Flows and Wage Premiums: Does Who or What Matter?” by Mary E. Lovely and J. David Richardson, in *The Impact of International Trade on Wages*, edited by Robert C. Feenstra, University of Chicago Press, 2000, pp. 344-348.

“Mexico’s One-Way Remedy,” Editorial in *The New York Times*, July 18, 2000.

Comment on “Human Capital and Growth: The Cost of Rent Seeking Activities,” by Jean-Claude Berthélemy, Christopher Pissarides, and Aristomene Varoudakis, in *The Determinants of Economic Growth*, edited by M.S. Oosterbaan, Thijs de Ruyter van Steveninck, and N. van der Windt, Kluwer Academic Publishers, 2000, pp. 230-234.

“The Case for Choosing More Skilled Immigrants,” *The American Enterprise*, December 2000, pp. 30-31.

“Immigration Policy: A Proposal,” in *Blueprints for an Ideal Legal Immigration Policy*, edited by Richard D. Lamm and Alan Simpson, Center for Immigration Studies, March 2001.

“Labor Union,” in *Encarta Encyclopedia 2002*, CD-ROM, Microsoft, 2002.

“Let’s Be Clear About Whom We Want to Let In,” Editorial in *The Washington Post*, December 23, 2001.

The Impact of Welfare Reform on Immigrant Welfare Use, Center for Immigration Studies, Washington, DC, 2002.

“Rethinking Foreign Students,” *National Review*, June 17, 2002, pp. 38-41.

Comment on “Immigration and the US Economy: Labour-Market Impacts, Illegal Entry, and Policy Choices,” by G.H. Hanson, K.F. Scheve, M.J. Slaughter, and A. Spilimbergo, in *Immigration Policy and the Welfare System*, edited by Tito Boeri, Gordon Hanson, and Barry McCormick, Oxford University Press, 2002, pp. 289-302.

An Evaluation of the Foreign Student Program, Center for Immigration Studies, Washington, DC, 2002.

“Symposium: Are Taxpayer Subsidies to Foreign Students in the U.S. Serving the National Interest?” *Insight*, August 26, 2002, pp. 40-43

“The Student Program Is Deeply Flawed,” Editorial in *The Boston Globe*, September 15, 2002.

“Making It Worse: President Bush Has Tackled the Immigration Problem—Wrongly,” *National Review*, February 9, 2004, pp. 24-26.

Publications (Continued)

Comment on "Inequality in America," by Alan B. Krueger, and Pedro Carneiro and James J. Heckman in *Inequality in America: What Role for Human Capital Policies?*, edited by Benjamin M. Friedman, MIT Press, 2004, pp. 241-251.

Increasing the Supply of Labor Through Immigration: Measuring the Impact on Native-born Workers, Center for Immigration Studies, Washington, DC, May 2004.

Contribution to "Time Forum on Immigration," *Time Magazine*, April 10, 2006, p. 41.

"For a Few Dollars Less," Editorial in *The Wall Street Journal*, April 17, 2006.

"Immigrants In, Wages Down: How To Do the Figuring," *National Review*, May 8, 2006, pp. 40-42.

"A Lemon in the Senate: The Immigration Deal Is a Travesty of a Mockery of a Sham," *National Review Online*, May 17, 2007.

Research Grants:

"Race, Labor Turnover, and Male Earnings," Department of Labor, 1978-1979.

"Wage Discrimination in the Federal Government," Department of Labor, 1979-1981.

"The Economic Status of Male Hispanic Migrants and Natives in the U.S.: A Human Capital Approach," Department of Labor, 1980-1982.

"The Impact of Immigrants on the Earnings of Natives in the U.S.," Rockefeller Foundation, 1983-1985.

"Youth Labor Market Issues" (with Finis Welch), Department of Labor, 1983-1985.

"Dynamic Models of Habitual Criminal Behavior" (with Thomas F. Cooley), National Institute of Justice, 1984-1986.

"Immigration, Self-Selection, and the Choice of Destination: The Cases of Australia, Canada, and the United States," W.E. Upjohn Institute for Employment Research, 1986-1987.

"Self-Employment in the Labor Market: An Analysis of the Differences Among Racial and Ethnic Groups" (with Stephen G. Bronars), Department of Commerce, 1986-1988.

"The Immigration of Scientific Personnel into the United States: Assimilation, Cohort Quality, and Labor Market Outcomes," National Science Foundation, 1986-1989.

"Immigration and the Family" (with Stephen G. Bronars), Alfred P. Sloan Foundation, 1987-1989.

"Immigrant Assimilation and Changes in Cohort Quality: A Study of Inter-Country Differentials," National Institute for Child Health and Human Development, 1987-1989.

Research Grants (Continued)

- “Self-Selection and Internal Migration” (with Stephen G. Bronars and Stephen J. Trejo), Department of Labor, 1987-1989.
- “Immigration to the United States: 1940-1980,” National Science Foundation, 1988-1991.
- “Immigration and Welfare” (with Stephen J. Trejo), Alfred P. Sloan Foundation, 1989-1991.
- “The Intergenerational Mobility of Immigrants,” Russell Sage Foundation, 1991-1993.
- “Foreign-Born Professional and Technical Manpower in the United States,” Alfred P. Sloan Foundation, 1991-1994.
- “Immigration and Ethnicity: A Research Agenda,” National Science Foundation (funded jointly by Economics and Sociology programs), 1992-1994.
- “The Economics of Immigration and Ethnicity,” National Science Foundation (funded jointly by Economics and Geography programs), 1994-1997.
- “National Origin and the Economic Assimilation of Immigrants,” Department of Labor, 1995-1996.
- “Harvard Project on Palestinian Refugees” (with Dani Rodrik), Joyce Mertz Gilmore Foundation, 1997-1998.
- “Topics in Immigration and Ethnicity,” National Science Foundation, 1997-2001.
- “Immigration and the Food Assistance Program,” Joint Center for Poverty Research, 1998-1999.
- “Immigration and the Demand for Owner-Occupied Housing,” Research Institute for Housing America, 2000-2001.
- “Food Security among Immigrant Households in the United States,” Economic Research Service, U.S. Department of Agriculture, 2000-2002.
- “The Labor Market Impact of Immigration,” Smith Richardson Foundation, 2001-2003.
- “Welfare Reform and Health Insurance in the Immigrant Population,” Economic Research Initiative on the Uninsured, University of Michigan, 2002-2003.
- “The Foreign Student Visa Program: A Cost-Benefit Analysis,” Sloan Foundation, 2002-2006.
- “The Labor Supply Behavior of Elderly Immigrants,” Retirement Research Center, Social Security Administration, 2006-2007.
- “The Labor Market Impact of Elderly Immigrants,” Retirement Research Center, Social Security Administration, 2007-2008.

Working Papers:

“Market Responses to Interindustry Wage Differentials” (with Valerie A. Ramey), July 2000.

“The Wage Structure and Self-Selection into Self-Employment,” November 2001.

“Does Welfare Reduce Poverty?” January 2003.

“Attenuation Bias in Measuring the Wage Impact of Immigration” (with Abdurrahman Aydemir), October 2005.

“Immigration in High-Skill Labor Markets: The Impact of Foreign Students on the Earnings of Doctorates,” January 2006.

“The Immigrant Earnings Turnaround of the 1990s” (with Rachel M. Friedberg), July 2006.

“Immigration and African-American Employment Opportunities: The Response of Wages, Employment, and Incarceration to Labor Supply Shocks” (with Jeffrey Grogger and Gordon H. Hanson), August 2006.

APPENDIX “B”

APPENDIX B

TESTIMONY WITHIN THE PAST FOUR YEARS

1. United States District Court, Eastern District of Tennessee
Birda Trollinger, et al. v. Tyson Foods, Inc., Case No. 4:02-cv-23
Deposition and Hearing Testimony
2. United States Senate, Committee on Health, Education, Labor, and Pensions, Presented to Subcommittee on Immigration and Claims, Employment Based Immigration: An Examination of the Canadian Point System for Skilled Workers and Business Immigrants—September 14, 2006
Congressional Testimony
3. United States District Court, Northern District of California
Jane Doe I, et al. v. Lakireddy Bali Reddy, et al., Case No. C 02-05570 WHA -2005
Deposition Testimony
4. United States District Court, Middle District of Pennsylvania
Lozano, et al. v. City of Hazleton, Case No. 3:2006cv01586 - March 2007
Courtroom Testimony

APPENDIX

“C”

APPENDIX C

DESCRIPTION OF DATA AND REGRESSION MODEL

The results reported in Table 1 are obtained from a regression model estimated using microdata drawn from the 1960, 1970, 1980, 1990, and 2000 decennial Censuses, and the 2001, 2002, 2003, 2004, 2005, and 2006 American Community Surveys. The 1960 and 1970 Censuses form a 1 percent sample of the population; the 1980-2000 Censuses form a 5 percent sample; the 2001-2004 American Community Surveys form approximately a 0.4 percent sample; and the 2005-2006 American Community Surveys form a 1 percent sample.

The analysis is restricted to persons aged 18-64. A person is classified as an immigrant if he or she was born abroad and is either a non-citizen or a naturalized citizen; all other persons are classified as natives. Sampling weights are used in all calculations. Persons are classified into one of four education groups: high school dropouts, high school graduates, persons with some college, and college graduates. For each of these education categories, workers are then classified into one of four work experience groups: 1-10 years of work experience, 11-20 years, 21-30 years, and 31-40 years. The analysis is restricted to persons who had between 1 and 40 years of work experience. By construction, there are a total of 16 skill groups in each state in each survey.

The counts of immigrants and natives in each of the state-skill-year cells are calculated using the sample of persons who do not reside in group quarters, work at some point in the calendar year prior to the survey, are not enrolled in school, and are not in the military during the survey week. The average log annual earnings for each of the groups is calculated using the sample of wage-and-salary workers who do not reside in group quarters, report working a positive number of weeks and hours, report a positive number for annual earnings, are not

enrolled in school, and are not in the military in the reference week. The employment rate gives the proportion of persons in each of the groups who worked during the reference week, and is calculated in the sample of persons who do not reside in group quarters, are not enrolled in school, and are not in the military in the reference week. The unemployment rate gives the proportion of labor force participants in each of the groups that is unemployed during the reference week, and is calculated in the sample of persons who do not reside in group quarters, are not enrolled in school, and are not in the military in the reference week.

Let y_{rst} denote the mean value of a particular socioeconomic outcome (such as mean log annual earnings, the employment rate, or the unemployment rate) for native-born persons who live in state r , belong to skill group s , and are observed at time t . Similarly, let p_{rst} be the fraction of the workforce that is foreign-born for the relevant state-skill-time group. I stacked the data across surveys and estimated the regression model:

$$y_{rst} = \theta p_{rst} + R + S + T + (R \times T) + (S \times T) + (R \times S) + \varepsilon_{rst},$$

where R is a vector of fixed effects indicating the state of residence; S is a vector of fixed effects indicating the skills of the group; and T is a vector of fixed effects indicating the time period. The linear fixed effects in the regression model control for differences in labor market outcomes across states, across skill groups, and over time. The interactions $(R \times T)$ control for the possibility that wages may be evolving differently across states, and the interactions $(S \times T)$ control for the possibility that wages may be evolving differently for different skill groups. The inclusion of the interactions $(R \times S)$ indicates that the labor market impact of immigration is identified using time variation within state-skill cells. The regressions are weighted by the size of the sample used to calculate the dependent variable. The standard errors are clustered by state-skill cells to adjust for possible serial correlation.

The coefficient of interest is the parameter θ . This coefficient was estimated to be -0.197 (with a standard error of 0.046) in the regression that uses log annual earnings as the dependent variable; -0.069 (with a standard error of 0.016) in the regression that uses employment rates as the dependent variable; and +0.057 (with a standard error of 0.011) in the regression that uses the unemployment rate as the dependent variable. These coefficients are easier to interpret by converting them into a form that gives the change in the dependent variable associated with a one-percent change in the size of the skill group in the state. Let m_{rst} give the ratio of the number of immigrants to the number of natives in the state-skill-time group. Algebraic manipulation indicates that the change in the dependent variable associated with an immigration-induced percent increase in the size of the skill group is given by:

$$\frac{\partial y_{rst}}{\partial m_{rst}} = \theta(1 - p_{rst})^2.$$

The wage and employment effects reported in Table 1 evaluate this derivative at the mean immigrant share observed across all the data used in estimating the regression model, which is 0.106.

EXHIBIT X

2. I make this declaration based upon my personal knowledge and information obtained from agency records.

BACKGROUND

3. CBP is the federal agency within the Department of Homeland Security that acts as the guardian of our Nation's border. The priority mission of CBP is to prevent terrorists and terrorist weapons from entering the United States. Among other responsibilities in its mission, CBP also is charged with preventing illegal entry, human smuggling, and narcotics interdiction.

4. Within CBP, the Office of Border Patrol has primary responsibility for monitoring and responding to illicit border intrusions across thousands of miles of border between U.S. ports of entry. The CBP Border Patrol's expertise in countering these threats is critical to ensuring the security of the United States.

5. The Secure Border Initiative ("SBI") is a comprehensive multi-year plan established by the Department of Homeland Security (DHS) to secure America's borders and reduce illegal cross border activity. *SBI_{net}* is the component of SBI charged with developing and installing technology and tactical infrastructure solutions to help U.S. Customs and Border Protection (CBP) agents and officers gain effective control of our Nation's borders. The goal of *SBI_{net}* is to field the most effective proven technology, infrastructure, staffing, and response platforms and integrate them into a single comprehensive border security solution for the Department. *SBI_{net}* incorporates best practices and lessons learned from previous programs to provide the most operationally

effective solution that will enable the frontline agents and officers to gain effective control of the borders. CBP is the executive agent for *SBlnet* — leading, managing and working with contractors to implement this important program.

6. In Fiscal Year 2007, CBP Border Patrol apprehended 876,704 individuals seeking to illegally enter the United States. Of those apprehensions, 858,638 were in the Southwest Border area. The Tucson Sector, of which the SPRNCA is a part, accounted for 378,239 of these apprehensions.

7. Illegal cross border traffic has created thousands of new trails and roads on Federal lands in southern Arizona. For example, according to a Defenders of Wildlife Report, 180 miles of illegal roads have been created in the Cabeza Prieta National Wildlife Refuge alone since 2002.

8. One of the most effective forms of border infrastructure in areas of high activity or areas that can easily be exploited by smuggling organizations is fencing. Past experience has shown that border fencing leads to more effective border security, reduction in cross-border traffic, is a force multiplier for the Border Patrol, and has positive environmental effects. For example, in the CBP Border Patrol's San Diego Sector, after the completion of certain segments of fence, apprehensions decreased from 19,615 (in year 2000) to 4,545 (in 2003.) At the same time, the fence has resulted in the return of protected species that have not been reported in the area for many years.

9. The project at issue in Plaintiffs' Motion for Temporary Restraining Order (the "Project"), which involves the construction of 1.54 miles of primary fencing and bollard fencing in the San Pedro Riparian National Conservation Area, is being implemented as a part of the *SBinet* Program.

THE SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA

10. Based on the effectiveness of fencing in other locations on the Southern Border of the United States, the San Pedro Riparian National Conservation Area and the areas that surround it (the "San Pedro Region"), was identified as an area of the border that would benefit from tactical infrastructure, to include fencing. The San Pedro Riparian National Conservation Area ("SPRNCA") covers over 58,000 acres.

11. The SPRNCA has been an area of high illegal entry and activity. In Fiscal Year 2007, there were over 19,000 apprehensions of illegal entrants and over 21,000 illegal entries in the area, which figures represent a significant increase compared to Fiscal Year 2006. Also in Fiscal Year 2007, there were 17 so-called "drive throughs" in this area. (A drive through is any conveyance that illegally crosses the international boundary at a place not designated as a Port of Entry without inspection or admission.) Unfortunately, 14 illegal entrants died in the SPRNCA in Fiscal Year 2007, including one deceased individual located just yesterday. Further, enforcement in this area has proven difficult, as aliens and narcotic smugglers utilize the San Pedro River area because it offers cover, concealment, water, and a staging area in Mexico.

12. Operationally, construction of tactical infrastructure will greatly increase CBP Border Patrol's ability to gain and maintain operational control of this area. Namely, it will impact illegal entrants by preventing vehicles from driving directly through the area and create a pedestrian obstacle. It will allow CBP Border Patrol to more effectively utilize its agents, as the presence of a physical barrier will allow CBP Border Patrol to spread its patrols across a wider area. Further, it will give CBP Border Patrol agents additional time to react to attempted illegal entries.

13. The Project encompasses approximately 11 acres in a 60'-wide area along 1.54 miles of the border. In total, this project covers approximately 0.019% of the SPRNCA. Construction work will clear approximately 5 acres of those acres involved in the Project. This area consists of former farmland and was covered by tumbleweed, non-native plantings and Johnson grass; this was not an area of pristine natural vegetation. Additionally, a 20'-wide road along the border was already in place.

14. As of close of operation on October 8, 2007, all of the clear and grub work for the fencing has been completed, with the exception of an area of historic corrals and an archeological site awaiting BLM clearance to proceed. Additionally, work has been completed on the existing 20'-wide road which consisted of repairs for construction traffic, grading and filling in wash-out ruts, also with the exception of the historic corrals and archeological site. 49% of trenching is complete. No fencing has been completed, although 9% of posts for primary fence are set in concrete, and 26% of the low water

THE PROJECT IS VITAL TO NATIONAL SECURITY

19. Due to the increasing number of illegal entrants in this area, construction of fencing is also vital to protecting the Nation from threats. As stated above, fencing aids apprehension, and apprehension is the only way to verify the nature of potentially deadly cargo. In fact, the potential exists for a single individual or small group to cross the border at the SPRNCA undetected with biological or chemical weapons, weapons of mass effect, or other implements of terrorism.

20. It is particularly relevant to note that 103 criminal aliens who crossed the border at the SPRNCA have been apprehended and prosecuted since 2004.

ANY DELAY IN CONSTRUCTION WILL CAUSE IRREPARABLE HARM

21. Further, historical data indicates that gaps in the border infrastructure become funneling points. Because CBP plans to construct tactical infrastructure on either side of the San Pedro Riparian National Conservation Area, an injunction would force an infrastructure gap in the conservation area and thus increase illegal entries as well as patrol activity within that environment.

22. Should construction be halted at this point, there is a potential for adverse environmental impacts. Because the 60 foot easement along the 1.54 miles of border has already been scraped, an erosion problem may result if the road is not contoured and some sort of aggregate base put down. Furthermore, due to its depth, the open trench is a

OCT-09-2007 12:26 From: OFF. OF CHIEF COUNSEL 20234439503 Filed 10/09/07 Page 11 of 12 P.11/12
Case 1:07-cv-01801-ESH Document 53

safety hazard for both wildlife and anyone who is walking in the area. Water can also flow into the trench and away from its intended washes since the water flows north in that area.

23. The urgent need to gain and maintain operational control of the border in this area is clearly evident. Because, as set forth above, this is an area of high illegal entry and activity, any delay, no matter how brief, is unwarranted. As I indicated above, during Fiscal Year 2007, there were over 19,000 apprehensions of illegal entrants in the SPRNCA, which translates to an average of *greater than 52 apprehensions every day*. Furthermore, agency records indicate that approximately 11% of these illegal entrants, on average *more than 5 individuals each day in this area alone*, have a criminal background. These individuals present an unacceptable risk of harm to the United States and its citizens. Aside from the obvious national security concerns, the environmental impacts of illegal entrants and activities in the area are pervasive and can be significantly mitigated by operational control of the border in that area.

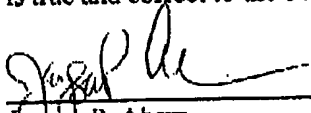
24. Should a TRO be entered, the resulting delay to the project will more than likely extend far beyond the length of the injunction. If the construction workers are laid off, there is a high likelihood that up to 100 new workers will need to be recruited, hired and trained before construction can continue. Welded wire mesh and steel is being delivered daily to the site; delay in construction will cause back up in the supply chain and likely cause future delays upon re-start.

OCT-09-2007 12:27 From: OFC. OF CHIEF COUNSEL 2023448953 Filed 10/09/07 Page 12 of 12 P.12/12
Case 1:07-cv-01801-ESH Document 5-3

25. Additionally, delay will compound costs to the government. The worksite and the materials located therein will need to be guarded continuously to prevent damage from vandals and theft.

26. For all of these reasons, any delay in the construction of tactical infrastructure in the San Pedro Riparian National Conservation Area presents a risk of irreparable harm to the Nation's security interest, its efforts to reduce illegal immigration, and the environment.

I declare under the penalty of perjury and the laws of the United States that the foregoing is true and correct to the best of my information and belief.



Jayson P. Ahern
Deputy Commissioner
U.S. Customs and Border Protection

10-9-07

Date

OCT-09-2007 12:26 From: OFC DE CHIEF COUNSEL 2023442958 To: 98823850506
Case 1:07-cv-01861-ESH Document 3-3 Filed 10/09/07 Page 7 of 12 P. 7/12

crossing bollard has been excavated but not installed pending approval of the fence design at washes.

THE PROJECT WILL IMPROVE THE ENVIRONMENT IN THE SPRNCA

15. Although Plaintiffs claim that the Project will cause irreparable harm to the environment, the Bureau of Land Management (“BLM”), the federal agency charged with administering and protecting the SPRNCA, has already determined that the Project will not significantly impact the environment. Further, despite Plaintiffs’ claims regarding the threats the Project poses to Threatened or Endangered species, it is my understanding that the U.S. Fish and Wildlife Service (“USFWS”) stated in a Biological Opinion that no Threatened or Endangered Species would be adversely affected by the construction of fencing encompassed within this Project. Moreover, CBP is taking measures described in the 2007 Environmental Assessment (EA) and Finding of No Significant Impact (FONSI)—measures that were developed by both BLM and USFWS—to mitigate the environmental impacts associated with the Project. For example, low water crossing Bollard Fence is engineered to prevent erosion, sediment build-up, or downstream sedimentation.

16. In fact, BLM and CBP believe that construction of this fencing will minimize the environmental impacts caused by illegal entry. Some of these documented harmful effects of illegal entrants include the following:

(a) Illegal roads divert the normal flow of water and rob native plant cover of the moisture it depends on to survive. The proliferation of trails and roads damages and destroys cactus and other sensitive vegetation, disrupts or prohibits re-vegetation, disturbs wildlife and their cover and travel routes, causes soil compaction and erosion and impacts stream bank stability.

(b) Furthermore, tons of trash and high concentrations of human waste are left behind by illegal entrants. This impacts wildlife, vegetation and water quality. This trash is also ingested by wildlife and livestock, sometimes resulting in illness and death.

(c) Vehicles used by illegal entrants are often damaged and abandoned, resulting in the emission of pollutants and spreading of hazardous debris, which soak into the ground and can reach water sources. Removal of these vehicles compounds the damage as tow trucks and other equipment navigate the lands to reach them.

(d) When illegal entrants fill water bottles in wetland locations, they can infest these protected Federal wetlands with invasive parasites and diseases which can doom native fish and wildlife. In fact, one Congressional report indicates that new tapeworms and fungus have already impacted populations of endangered fish and frogs.

(c) Additionally, hundreds of wildfires caused by campfires of illegal immigrants have caused a significant threat to human safety and the lands along the border, as well as increased impacts to soils, vegetation, cultural sites, and other sensitive resources.

17. Although Plaintiffs claim that the Project may impair their use and enjoyment of the San Pedro River, the illegal cross border traffic is a real and well-documented detracting factor that fencing will address. For example, the trash and debris left behind by the thousands of illegal entrants both detracts from the scenic qualities of the area, but also can affect human and animal health through the spread of bacteria and disease. Additionally, fencing will aid in the protection of the historic corrals in the area from further damage and destruction for firewood, as well as the preservation of the other archaeological and cultural sites along the river.

18. Furthermore, given the current level of illegal entry and the dangers it poses, BLM has placed restrictions against public recreation in this portion of the river. I have been advised that BLM has closed this area at night and actively discourages daytime use due to smuggling activity, vehicle thefts and assaults. Fencing and better enforcement may enable BLM to allow those who value recreational activities to use the area again.

EXHIBIT Y

DECLARATION OF LARRY A. DEVER

Pursuant to 28 U.S.C. 1746, I, Larry A. Dever, declare and state as follows:

1. I am the Sheriff of Cochise County in Arizona and I make this Declaration in my official capacity as Cochise County Sheriff.

2. I sit on the National Sheriff Association's (NSA) Board of Directors, and serve as Chairman of the NSA Immigration and Border Security Committee. I am also a Past President of the Arizona Sheriff's Association.

3. Additionally, I am a member of the U.S. Attorney's Law Enforcement Coordinating Committee, the Arizona Border Sheriff's Alliance, the Border States Sheriff's Association, the Western States Sheriff's Association, the International Association of Chiefs of Police and the National Association of Search and Rescue.

4. I was elected to my first term as Cochise County Sheriff in 1996. I am currently serving my fourth term as Cochise County Sheriff.

5. Prior to being elected as Cochise County Sheriff, I had a distinguished 20-year career working in the trenches of Cochise County law enforcement.

6. Cochise County shares its entire southern border with Mexico. Cochise County lies in the southeast corner of Arizona and shares 83.5 miles of international border with Mexico. Thirty of those statutory miles are private property. The remainder of the boundary is property owned by the State of Arizona (State Trust Land), and the U.S. Government (Forest Service, Bureau of Land Management, Park Service and U.S. Fish and Wildlife.)

7. There are two Ports of Entry (Douglas and Naco.) The remainder is defined by metal fence, vehicle barriers and barbed wire.

8. Cochise County is part of the Tucson Sector of the Border Patrol which is the busiest sector in the country, accounting for almost half of all the marijuana seized and illegal aliens apprehended in the entire nation. While this area is one of the primary smuggling corridors, most of the contraband and aliens move through Cochise County on their way to the major transportation hub cities of Tucson and Phoenix.

9. The Cochise County Sheriff's Office hosts a multi-agency narcotics task force which is supported in part by funding through the High Intensity Drug Smuggling (H.I.D.T.A.) initiative. The Cochise County Attorney's Office prosecutes the second highest number of drug cases under this initiative in the entire State of Arizona.

10. Border Patrol reports that 17% of the illegal immigrants captured have previous serious criminal records in the United States where individuals have been charged, convicted, deported and have returned. I do not know how many illegal immigrants have serious criminal records in their countries of origin, but it stands to reason that it is substantial.

11. As Sheriff of Cochise County, I have a sworn duty to enforce the United States Constitution and all Arizona State Statutes, including those dealing with homeland security.

12. In the spring of 2009, I attended a law enforcement meeting at the Department of Homeland Security's ("DHS") headquarters in Washington, D.C. At the meeting, DHS presented ways to empower state and local law enforcement agencies to support homeland security measures. Specifically, DHS encouraged state and local law enforcement agencies to share resources and share intelligence

with the federal government and work together for the general benefit of national homeland security. S.B. 1070 is consistent with the goals outlined at the DHS presentation.

13. Sheriffs, because of their constitutional office, have authority of commission, which effectively deputizes federal officers under the powers, duties and responsibilities of the Sheriff's office. Federal agencies authorize local law enforcement officers to enforce federal immigration and border security law after a process of training and vetting. Sheriffs have the ability to commission federal officers to enforce state laws. This authority furthers the partnership concept between state and local law enforcement, on the one hand, and federal law enforcement on the other hand.

14. I have read the Declaration of Tony Estrada dated June 28, 2010 and respectfully disagree with Sheriff Estrada on several key points.

15. S.B. 1070, once in effect, will not require my deputies in each and every encounter to detain individuals while immigration status is being determined. Rather, the law specifically acknowledges that my deputies and officers will continue to be able to use their reasonable discretion as to detention while immigration status is being determined.

16. ICE is, and still will be, responsible for detention and deportation of all illegal immigrants arrested for crimes in the State of Arizona.

17. S.B. 1070 **will not** undermine my ability to set law enforcement priorities for my agency.

18. All law enforcement personnel use discretion on a daily basis as to misdemeanor offenses. This will not change as a result of the implementation of S.B. 1070.

19. The implementation of S.B. 1070 will not divert my priorities from arresting people, whether illegal or legal, for committing crimes.

20. All law enforcement officials set priorities and exercise discretion. My priorities or exercise of discretion will not be adversely affected, in any manner, as a result of S.B. 1070's implementation.

21. S.B. 1070 will not interfere with my law enforcement team's relationships with Border Patrol or ICE.

22. Once implemented, either ICE or Border Patrol will continue to determine status of suspected illegal immigrants. S.B. 1070 will not require my deputies to independently determine immigration status of a suspected illegal immigrant. That function will continue to be carried out by the federal government and its agencies.

23. S.B. 1070 will be beneficial to the Cochise County law enforcement community because, among other things, it will assist in more quickly and efficiently moving illegal immigrants through the deportation process.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2010.

By: /s/ Larry A. Dever
Sheriff Larry A. Dever
Cochise County Sheriff