

Leegin as well. Congress shouldn't have to pass every bill twice.

It is essential for our economic recovery that the Court respect the intent of Congress when it acts to regulate the markets. And make no mistake, we must reform our financial markets. The last 2 years have given us the final grade on an economic theory that is deeply suspicious of regulation and trusts the markets to police themselves. The grade was an F. America will no longer stand for a system that permits financial institutions to profit from risky bets and then beg the taxpayer for a bailout when those bets go bad. Three decades of deregulation has gone too far. The ability of the greedy and the powerful to enrich themselves at the expense of the taxpayer must be stopped.

Congress can and will enact a dramatically improved regulatory system. The President can and will make sure the relevant enforcement agencies are populated with smart, motivated, and effective agents. My concern is that a Supreme Court resistant to Federal Government involvement in and regulation of markets could undermine those efforts. I am not suggesting that we face a return to the New Deal-era Court, a Court determined to strike down regulatory reform as beyond the authority of Congress, but a Court predisposed against government regulation might chip away at the edges of reform, materially reducing its effectiveness.

That is why my questioning of Judge Sotomayor focused on her experience with business and business cases. She worked as a commercial litigator and business lawyer for 8 years. For the past 17 years, she has served on the most active Federal courts for business disputes—6 years on the Southern District of New York and 11 on the Second Circuit Court of Appeals. Based on that extensive record, and her answers to questions last week, we now know not only that she possesses enormous expertise in business litigation but also that she calls these cases right down the middle, without any bias or agenda. For Judge Sotomayor, the facts and the law, not the identity of the parties, drive the result.

When Justice Souter announced his retirement in May, I suggested that the Court would benefit from a much broader range of experience among its members. My concern at the time wasn't the relative lack of women or racial or ethnic minorities on the Court—though that deficit is glaring. I was pointing to the fact that most of the current Justices, whether they were Black or White, women or men, share roughly the same life experiences.

Judge Sotomayor will bring a much needed breadth of experience to the Court. Unlike the other Justices, who lack extensive experience with private industry and any experience on the trial court, Judge Sotomayor understands the motivation and needs of the

businesses that come before her. Judging from her ability to communicate her thoughts and ideas during the committee hearings last week, I am confident that other Justices, and by extension the entire Court, will benefit by the addition of Judge Sotomayor's voice to its deliberations in business cases.

As we undertake financial regulatory reform and other fixes for our damaged economy, having judges who leave the lawmaking to lawmakers is absolutely essential. Judge Sotomayor told me she understands that "policymaking is up to the Congress" and that "judges can't substitute their own judgment" for that of the Congress, regardless of their view of the wisdom of a policy or regulation.

Throughout her career, she has taken each case that comes without predilection, giving full consideration to the arguments of both sides before reaching a decision. That is precisely the approach to judging we need on today's Supreme Court.

Mr. President, Judge Sotomayor has a superior intellect, broad experience, superb judgment, and unquestioning integrity that would make her an outstanding nominee at any time. But given our current economic crisis and the likely role of the Court in reviewing legislative responses to that crisis, I submit she is the ideal nominee at this time. Her extensive experience as a commercial litigator, business lawyer and judge in business cases, and the passion for the law she has demonstrated throughout her career suggests she will be a leader on the Court at a time when such leadership is essential.

I urge my colleagues to confirm Judge Sonia Sotomayor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

#### SOUTHERN BORDER VIOLENCE

Mr. MCCAIN. Mr. President, I come to the floor today to talk about the violence that continues to plague our southern border region by Mexico's well-armed, well-financed, and very determined drug cartels.

Last weekend, I went to Yuma, AZ, and met with Border Patrol and Customs and other law enforcement agents who do such an outstanding job for our country.

By the way, the temperature was approximately 115 degrees, and our men and women, who are serving so well, were out there trying to secure our border and keep our country safe.

Despite the increased efforts of President Calderon to stamp out these bloodthirsty and vicious drug cartels, violence has increased dramatically, claiming over 6,000 lives in Mexico last year alone. The murderers carrying out these crimes are as violent and dangerous as any in the world. Many have extensive military training and carry out their illegal activities with sophisticated tactical weapons and no regard for human life.

Last week, the Washington Post reported that 12 Mexican Federal agents were murdered and left alongside a mountain road in retaliation for the arrest of the leader of the country's most violent drug cartel, La Familia. According to the article, this act represents "the highest one-day death toll for Federal forces in the 3-year-old drug war." The article provides the deadly details of the violent attack, reporting:

The attacks began at dawn on Saturday . . . shortly after the arrest of the right-hand man of La Familia founder Nazario Moreno Gonzalez. After La Familia gunmen were repelled in their attempt to free (the leader), they went on what police described as a shooting rampage to "avenge" his capture. The attacks, in which convoys of gunmen mounted surprise assaults on government positions in eight cities, went on for 10 hours Saturday and continued sporadically Sunday.

The bodies of these brave law enforcement officers were accompanied by a note promising future violence from La Familia if the Federal Government continues its law enforcement efforts. I remind my colleagues that this is the same drug cartel that, according to the Washington Post, "announced its presence 2 years ago by rolling five decapitated heads into a dance hall."

Earlier this month, two American citizens with dual citizenship were dragged out of their homes and shot several times in the head in the Mexican state of Chihuahua. The reason was that the victims, according to the Associated Press:

helped lead the town's approximately 2,000 inhabitants in protest against a May 2 kidnapping. The residents refused to pay the \$1 million ransom kidnappers requested and demonstrated in the Chihuahua state capital to demand justice. Even after (the kidnapped victim) was released unharmed a week later, the (town's) people continued to lead marches demanding more law enforcement in the rural, isolated corner of Chihuahua state. They also set up a committee to report any suspicious activities in town to police, quickly becoming an example for other Chihuahua communities.

Yesterday's Washington Post front-page story about these events states:

Chihuahua today is the emblem of a failed state, run by incompetent authorities who have little ability to protect the citizens.

The violence that has terrorized Mexican citizens continues to seep across the border, devastating families and crippling communities. In my hometown of Phoenix, there have been over 700 reported kidnappings in the past year. This has led to Phoenix being declared the "kidnapping capital of the United States," second only to Mexico City in the world. In many cases, kidnap victims are intertwined with criminal elements of society, involved with illegal cross-border smuggling operations.

The police chief of Phoenix testified in April before the Senate's Homeland Security Committee that Phoenix is a transshipment point for illegal drugs and smuggled humans, both coming to Phoenix before being shipped to other points throughout the United States.

Immigrants illegally crossing the border with paid “coyotes” are treated like expendable cargo to be bought, sold, traded, or stolen. In many cases, the immigrants’ families are ransomed for additional funds by bajadores, or takedown crews, to guarantee safe delivery of their loved ones.

As detailed in a Newsweek article from earlier this year:

Kidnap victims have been found bound and gagged, their fingers smashed and their foreheads spattered with blood from pistol whippings. When the bajadores abduct illegal immigrants—hoping to extort more money from relatives—they will sometimes kill someone off immediately to scare the others. There was a case last year where they duct-taped the mouth and nose of one individual and had the others watch while he asphyxiated and defecated on himself.

These are not pleasant things. They are not pleasant things to describe. But they are going on right now as we speak.

Aside from the horrible toll these cartels extract from their victims and the victims’ families, they also severely tax the resources of law enforcement agencies of border communities. The police chief of Phoenix also testified that the Phoenix police receive a kidnapping report almost every night, which can require the efforts of up to 60 officers to find, rescue, and protect kidnap victims.

Lest you believe these activities are limited to border communities, last year the bodies of five Mexican men were discovered bound, gagged, and electrocuted in Birmingham, AL, in an apparent hit by a Mexican cartel. In recent years, arrests of Mexican cartel members have occurred across the South, including Tennessee, North Carolina, and Georgia.

There is no sign that the number of these drug-related arrests will abate in the near future, which is why I support efforts to complete the proposed 700 miles of double-layer fence. But, as we have seen, fencing alone fails to take into account the realities of the southern border and should not be treated as a panacea. These criminal smuggling enterprises are very sophisticated and are not easily deterred, which is why we must work to truly secure our border, not merely fence it.

This past weekend, as I mentioned, I visited the border in Yuma, AZ, and witnessed the extraordinary lengths these cartels go to smuggle their goods across the border. One cartel spent upwards of \$1 million using sophisticated GPS-directed drilling equipment to develop their tunnel far below the surface to move goods underneath fencing and out of sight of law enforcement agencies.

In Nogales, AZ, drug traffickers have used the city’s sewer system to channel drugs across the border. Every other month tunnels are discovered underneath the border. Since 1990, 110 cross-border tunnels have been discovered. Twenty-four tunnels were discovered in 2008 alone.

Not to be deterred, our outstanding law enforcement officials have devel-

oped investigative strategies and tunnel detection equipment to locate and identify subterranean cross-border tunnels.

The latest, by the way, on the part of the drug cartels, is the use of ultralights. Ultralights now are being flown at extremely low altitude, loaded with drugs, across the Mexico-Arizona border and all across the border.

We must also increase personnel on the border to put an end to illegal immigration and protect our citizens from the drug cartel violence occurring in Mexico. For this reason, I was disappointed that the administration rejected Arizona Governor Brewer’s request—and the requests of the Governors of California, New Mexico, and Texas—who also requested National Guard troops to bolster the Joint Counter-Narcotics Terrorism Task Force. But, as we know, the coyotes are aggressive and creative despite our efforts to secure the border with more personnel, more fencing, and more surveillance technology.

The United States must keep its focus on securing our southern border and doing all it can to assist President Calderon in his efforts against these violent drug cartels. The prosperity and success of Mexico is essential to the prosperity and success of our own country. We share a border, our economies are intertwined, and we are major trading partners with each other. The United States must show its support for our neighbor to the south and support the Mexican people and the Calderon administration in this fundamental struggle against lawlessness and corruption.

We have a big problem. We have a big problem with these drug cartels. The Mexican Government now has a problem. They just lost an election because the people of Mexico, many of them, believe these drugs are just going through Mexico, intended for the United States of America.

Violence is at an incredibly high level not only on the border but throughout the country of Mexico and, tragically, corruption reaches to very high levels in the government. We have the Merida Initiative. We are working with the Mexican Government. But there is no time like the present, in my view, because we need to not only enforce and increase our efforts on our side of the border but also work as closely as possible with the Mexican Government and people.

It is horrific what is taking place: beatings of people, bodies hung from overpasses. These are amongst the most cruel and terrible people who inhabit this Earth. It is a lot about drugs. It is a lot about a \$16-billion-a-year business, of drugs coming into the United States of America. That is how they can afford to spend easily \$1 million to build a tunnel underneath the border between Yuma, AZ, and Mexico.

I know we have a lot of issues that are affecting the future of our country, including two wars, including relations

with countries, including the Iranian situation, but I hope we can focus a lot of our attention on the problems that are bred on our border by the drug cartels and the human smuggling and the terrible mistreatment of people on both sides of the border as a result of that.

Mr. President, I ask unanimous consent the articles in the Washington Post and Newsweek be printed in the RECORD, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 23, 2009]

AMBUSHED BY A DRUG WAR

(By William Booth)

COLONIA LEBARON, MEXICO—Mormon pioneer Alma Dayer LeBaron had a vision when he moved his breakaway sect of polygamists to this valley 60 years ago: His many children would live in peace and prosperity among the pretty pecan orchards they would plant in the desert.

Prosperity has come, but the peace has been shattered.

In the past three months, American Mormon communities in Mexico have been sucked into a dust devil of violence sweeping the borderlands. Their relative wealth has made them targets: Their telephones ring with threats of extortion. Their children and elders are taken by kidnapers. They have been drawn into the government’s war with the drug cartels.

This month, a leader of their colony was abducted by heavily armed men dressed as police, then beaten and shot dead 10 minutes from town. Benjamin LeBaron, 31, whom everyone called Benji, had dared to denounce the criminals, while refusing to pay a \$1 million ransom demanded by kidnapers who had grabbed his teenage brother from a family ranch in May.

Amid the blood and mesquite at the site of his last breath, Benjamin LeBaron’s killers posted a sign that read: “This is for the leaders of LeBaron who didn’t believe and who still don’t believe.”

“We’re living in a war zone, but it’s a war zone with little kids running all around in the yard,” said Julian LeBaron, a brother of the slain leader. Like most members of the Mormon enclave, he has dual Mexican-American citizenship and speaks Spanish and English fluently.

These Mormons, some who swear and drink beer, are the latest collateral damage in the Mexican government’s U.S.-backed war against criminal organizations.

Here in Chihuahua, the border state south of Texas and New Mexico, conditions are rapidly deteriorating. The violence has left more than 1,000 dead in Ciudad Juarez this year, even though the government has sent 10,000 troops and police officers into the city.

Increasingly the violence is moving from the big cities into the small, usually placid farm towns of the rugged desert mountains. Criminal bands have ambushed the governor’s convoy along the highway, and they have assassinated local police at stop lights and political leaders at will. Gunmen executed the mayor of Namiquipa last week.

“The northeast of Chihuahua is now a zone of devastation,” said Victor Quintana, a state lawmaker, who reports an exodus of business people fleeing kidnapers and farmers refusing to plant their crops because of extortion.

The columnist Alberto Aziz Nassif wrote in El Universal newspaper, “Chihuahua today is the emblem of a failed state, run by incompetent authorities who have little ability to protect the citizens.”

Many of the Mormons have fled north to the United States, and Julian LeBaron said he fears for his life. He has reason. In Ciudad Juarez, a three-hour drive to the north, hand-painted banners were hung from overpasses last week threatening the extended clan.

"All we want to do is live in peace. We want nothing to do with the drug cartels. They can't be stopped. What we want is just to protect ourselves from being kidnapped and killed," said Marco LeBaron, a college student who came home for the funeral of his brother, the slain anti-crime activist. Marco LeBaron is one of 70 Mormons who have volunteered to join a rural police force to protect the town. The Mexican government has given them permission to arm themselves.

#### DRAGGED INTO DRUG FIGHT

For all the violence swirling around them, the Mormons have mostly stayed out of the fight. Their ancestors first settled in Mexico in the 1880s, during the reign of dictator Porfirio Díaz, who offered the religious outcasts refuge from the harassment and prosecution they faced in the United States for their polygamist lifestyles. Some men in Colonia LeBaron and surrounding towns continue to follow what early Mormon prophets called "the Principle," marrying multiple wives and having dozens of children, though the custom here is fading. Polygamy was banned by the Church of Jesus Christ of Latter-Day Saints, the official Mormon Church, in 1890.

The Mormon community based in Colonia LeBaron, numbering about 1,000, has one motel, two grocery stores and lots of schools. There are no ATMs and no liquor sales. Many Mormons are conspicuous not only for their straw-colored hair and pale skin, but also for their new pickup trucks, large suburban-style homes with green front lawns, and big tracts of land for their pecans and cattle. They are wealthy, by the standards of their poor Mexican neighbors. Most of the Mormon men make their money working construction jobs in the United States; a young Mormon might work 10 years hanging drywall in Las Vegas before he has enough money to buy a plot of land to start his own pecan orchard here.

The Mormons were dragged into the drug fight on May 2, when 16-year-old Eric LeBaron and a younger brother were hauling a load of fence posts in their truck to their father's ranch in the Sierra Madre. According to the family's account, five armed men seized Eric and told his brother to run home and tell his father to answer the telephone. When the kidnappers called, they told Joel LeBaron that if he ever wanted to see Eric again, he must pay them \$1 million.

The next day, 150 men gathered at the church house in Colonia LeBaron to debate what to do. They had no confidence in the local police. One of their members, Ariel Ray, the mayor of nearby Galeana, reminded them that someone had put an empty coffin in the bed of his pickup. Some men argued that they should hire professional bounty hunters from the United States to get Eric back. Others wanted to form a posse.

"But we knew the last thing we could do was give them the money, or we would be invaded by this scum," Julian LeBaron said.

Another brother, Craig LeBaron, told the *Deseret News* in Salt Lake City: "If you give them a cookie, they'll want a glass of milk. If we don't make a stand here, it's only a matter of time before it's my kid."

A caravan of hundreds of the LeBaron Mormons, along with Mennonites and others, went to the state capital to protest the crime. This kind of public advocacy is almost unheard of among the Mexican Mormons, who keep to themselves. Led by Ben-

jamin LeBaron, the protesters met with the governor and state attorney general, who quickly dispatched helicopters, police and soldiers to the area. The government forces erected roadblocks and searched the countryside.

Eric LeBaron was freed eight days after his abduction. His kidnappers simply told him to go home. But soon after, another member of the community, Meredith Romney, a 72-year-old bishop related to former Republican presidential candidate Mitt Romney, was taken captive. The state governor sent Colombian security consultants to LeBaron. The Mormons, led by an increasingly public and outspoken Benjamin LeBaron, formed a group called SOS Chihuahua to organize citizens to defend themselves, report crimes and demand results from authorities. LeBaron was featured prominently in the local media. He gave a speech to a graduating class of police cadets. He staged rallies. He got noticed.

#### ATTACK ON FAMILY HOME

Early on July 7, four trucks loaded with men passed through a highway tollbooth, where they were recorded on videotape outside Galeana, where Benjamin LeBaron lived in a sprawling, new stucco home with his wife and five young children. Two trucks stopped at the cemetery outside town and waited. Two pickup trucks filled with 15 to 20 heavily armed men, wearing helmets, bulletproof vests and blue uniforms, came for LeBaron.

They smashed in his home's windows and shouted for him to open the door, as his terrified children cried inside, according to an account given by his brothers. LeBaron's brother-in-law Luis Widmar, 29, who lived across the street, heard the commotion and ran to his aid. Both men were beaten by the gunmen, who threatened to rape LeBaron's wife in front of her children unless the men revealed where LeBaron kept his arsenal of weapons.

"But he didn't have any, because I promise you, if he did, he would have used them to protect his family," Julian LeBaron said.

LeBaron and Widmar were shot in the head outside town. A banner was hung beside their bodies that blamed them for the arrest of 25 gunmen who were seized in June after terrorizing the town of Nicolas Bravo, where they burned down buildings and extorted from business owners. According to Mexican law enforcement officials, the gunmen are members of the Sinaloa drug cartel, which is fighting the Juarez cartel for billion-dollar cocaine-smuggling routes into El Paso.

After the men killed LeBaron and Widmar, a video camera captured their departure at the highway tollbooth—the make, model and year of their vehicles and the license numbers, according to family members. There have been no arrests.

Who killed Benji LeBaron—and why? These questions are difficult to answer in Mexico's drug war, and the unknowns fuel the fear of those left in Colonia LeBaron.

The state attorney general, Patricia González, blamed the group La Línea, the Line, the armed enforcement wing of former police officers and gunmen that works for the Juarez cartel. A few months ago, González said La Línea was an exhausted remnant of dead-enders whose ranks had been decimated by infighting and arrests.

After González said the Juarez cartel was responsible for the killings, banners appeared in Ciudad Juarez that read: "Mrs. Prosecutor, avoid problems for yourself, and don't blame La Línea." The message stated that the LeBaron killings were the work of the Sinaloa cartel. On Wednesday, another banner was hung from an overpass, suggesting that Benji LeBaron was a thief: "Ask yourself where did all his properties come from?"

At the LeBaron funeral, attended by more than 2,000 people, including the Chihuahua state governor and attorney general, Benji's uncle Adrian LeBaron said, "The men who murdered them have no children, no parents, no mother. They are the spawn of evil."

[From *Newsweek*, Mar. 14, 2009]

#### THE ENEMY WITHIN

(By Eve Conant and Arian Campo-Flores)

As Manuel exited the Radio Shack in Phoenix with his family one afternoon last month, a group of Hispanic men standing in the parking lot watched him closely. "Do it now, do it now," one said to another in Spanish, according to a witness. One of the men approached Manuel, pointed a revolver at his head and tried to force him into a Ford Expedition parked close by. "Please, I'll get into the car, just don't touch me," Manuel pleaded as he entered the vehicle, his wife told police. Nearby, she said, another man in a Chrysler sedan aimed a rifle or shotgun out the driver's side window. At some point, shots were fired, said witnesses, although apparently no one was hit. Then the vehicles tore off with a screech of tires.

Later that evening, the phone rang. When Manuel's wife picked up, a male voice said in Spanish, "Don't call the police," and then played a recording of Manuel saying, "Tell the kids I'm OK." The man said he'd call again, then hung up. Despite the warning, Manuel's wife contacted the cops. In subsequent calls, the kidnappers told her Manuel owed money for drugs, and they demanded \$1 million and his Cadillac Escalade as ransom.

When two men later retrieved the Escalade and drove off, the cops chased them and forced them off the road. Both men, illegal immigrants from Mexico, said they'd been paid by a man (who authorities believe has high-level drug connections) to drive the vehicle to Tucson. So far, police say, Manuel hasn't reappeared, and his family has been reluctant to cooperate further with law enforcement. "He's a drug dealer, and he lost a load," says Lt. Lauri Burgett of the Phoenix Police Department's recently created kidnapping squad. "He was probably brought to Mexico to answer for that."

Surprising as it may seem, Phoenix has become America's kidnapping capital. Last year 368 abductions were reported, compared with 117 in 2000. Police say the real number is likely much higher, since many go unreported. Though in the past most of the nabblings stemmed from domestic-violence incidents, now the majority are linked to drug-trafficking and human-smuggling operations that pervade the Arizona corridor. It's still unclear to what extent the snatchings are being directly ordered by Mexican cartels, but authorities say they're undoubtedly a byproduct of the drug-fueled mayhem south of the border. "The tactics are moving north," says assistant police chief Andy Anderson. "We don't have the violence they have in Mexico yet—the killing of police officers and the beheadings—but in terms of kidnappings and home invasions, it has come."

That raises an unnerving prospect: that the turmoil in Mexico—where drug violence claimed more than 6,000 lives last year—is finally seeping across the border. According to a December report by the Justice Department's National Drug Intelligence Center, Mexican drug-trafficking organizations have established a presence in 230 U.S. cities, including such remote places as Anchorage, Alaska, and Sheboygan, Wis.

The issue is preoccupying American officials. "This is getting the highest level of attention," including the president's, says Homeland Security Secretary Janet Napolitano. She tells *NEWSWEEK* that the

administration is dispatching additional Customs and Border Protection and Immigration and Customs Enforcement personnel to the border, and it's reviewing requests from the governors of Arizona and Texas for help from National Guard troops. Earlier this month, Adm. Mike Mullen, chairman of the Joint Chiefs of Staff, visited Mexico to discuss assistance and to share potentially relevant lessons that the United States has learned in Iraq and Afghanistan, says a senior Pentagon official familiar with details of the trip who wasn't authorized to speak on the record.

All the attention has stoked public debate on a particularly fraught question—whether Mexico is a failing state. A U.S. Joint Forces Command study released last November floated that scenario, grouping the country with Pakistan as a potential candidate for “sudden and rapid collapse.” Such a comparison is excessive, says Eric Olson of the Woodrow Wilson Center's Mexico Institute in Washington, D.C., though the Mexican government confronts “real problems of sovereignty in certain areas” of the country. Administration officials are striving to tone down the rhetoric and focus on ways to help. Among the priorities, says Olson: to cut American demand for drugs, to provide additional training and equipment to law-enforcement and military personnel in Mexico, and to clamp down on drug cash—an estimated \$23 billion per year—and assault weapons flowing into the country from the United States.

As the violence continues to spiral in Mexico, reports of cartel-related activity are on the rise in American cities far removed from the border. Last August the bodies of five Mexican men were discovered bound, gagged and electrocuted in Birmingham, Ala., in what was believed to be a hit ordered by Mexican narcotraffickers. A few months later, 33 people with cartel ties were indicted in Greeneville, Tenn., for distributing 24,000 pounds of marijuana. In neighboring North Carolina, “there are cartel cells . . . that are a direct extension from Mexico,” says John Emerson, the Drug Enforcement Administration's special agent in charge in the state.

Law enforcement in Atlanta, where a maze of interstates provides distribution routes throughout the Southeast, has dubbed the city “the new Southwest border.” “All those trends are coming here,” says Fred Stephens of the Georgia Bureau of Investigations. “We are seeing alarming patterns, the same violence.” He ticks off a spate of cartel-linked crimes in the state—assaults, abductions, executions. Last May authorities in Gwinnett County found a kidnap victim, along with 11 kilos of cocaine and \$7.65 million in shrink-wrapped bundles, in a house rented by an alleged Gulf cartel cell leader. A few months later, a suspected drug dealer in Lawrenceville was abducted by six men, dressed commando-style in black, and held for a \$2 million ransom (he escaped).

Nothing rivals the rash of kidnappings in Phoenix, however. As border enforcement has tightened the screws on the California and Texas crossings, Arizona has become a prime gateway for illicit trafficking—in both directions. “The drugs and people come north, the guns go south,” says Elizabeth Kempshall, the DEA's special agent in charge of the Phoenix division. Arizona is mostly dominated by the Sinaloa cartel, which authorities say is trying to assert greater control over the U.S. drug trade. Yet analysts believe the organization has fractured—most notably last summer, when the Beltran Leyva brothers reportedly split from leader Joaquín (El Chapo) Guzmán.

That interneine conflict, along with cartel encroachment north of the border, has created something of a free-for-all in Phoe-

nix's criminal underworld. Among the groups that have stepped into the breach: roving Mexican gangsters called *bajadores*, or “takedown” crews, who are responsible for many of the city's kidnappings. Often operating in packs of five, they typically cross the border to commit crimes, then retreat south, say police. Some work as enforcers for the cartels, collecting payment from dealers who have stiffed the capos or lost their loads. Others function as freelancers, stealing shipments of drugs or illegal immigrants from traffickers. “We've seen an uptick in the *bajadores* since last summer,” says Al Richard, a Phoenix police detective. “We are seeing a lot more professionals coming up here now.”

*Bajadores* are renowned for their ruthlessness. Kidnap victims have been found bound and gagged, their fingers smashed and their foreheads spattered with blood from pistol-whippings. When the crews abduct illegal immigrants—hoping to extort more money from relatives—they will sometimes kill someone off immediately to scare the others,” says Richard. “There was a case last year where they duct-taped the mouth and nose of one individual and had the others watch while he asphyxiated and defecated on himself.” Some *bajadores* have branched out to home invasions. In one incident last June, a gang broke into a home, outfitted in Phoenix police gear and Kevlar vests—a hallmark of criminal enterprises across the border.

To combat the problem, police in Phoenix created the kidnapping squad—known officially as Home Invasion Kidnapping Enforcement—last September. Led by Lieutenant Burgett, the team of 10 lead investigators has already busted 31 crime cells and made more than 220 arrests. But “it never stops,” she says. “It's like a Texas ant hill.” One of the squad's main objectives: to keep the abductions confined to the criminal world. “Most of the time, our victims are as bad as our suspects,” says Sgt. Phil Roberts. “We give them five to 10 minutes to hug their wife, and then they are off to jail themselves.” If average citizens begin to get ensnared, the result could be widespread panic. “We don't want what happens in Mexico to happen here, where they are kidnapping bank presidents,” he says. “We don't want the president of Wells Fargo to need a bodyguard.”

Last Tuesday afternoon, the squad was working a case involving a suspected marijuana middleman. As police later learned, a few days earlier, he'd allegedly brokered a deal between a group of sellers and two buyers for 150 pounds of pot. But when the parties gathered at a suburban house, the two buyers held up the others and made off with \$40,000 worth of dope and cash. The man tried to escape, but a woman at the house pulled a gun on him. “You're not leaving,” she said, according to the middleman's subsequent account to police. “You set up this deal.” The stolen goods were now his debt. Eventually released, he scrambled to cobble together \$40,000 worth of possessions—three vehicles, 10 pounds of pot, some cash—while a man who called himself “Chuco” rang him every hour. But it wasn't enough. On Tuesday morning, Chuco arrived at the man's house. “I've got to go,” the man told his girlfriend, according to her statements to police. “If I don't pay, they're going to hurt me.” His abductors, he said, worked for El Chapo (an unconfirmed allegation).

Later that day, the man's girlfriend arrived at the police station. Sleepless and frantic, she fielded repeated calls from her boyfriend, who pleaded for her to raise additional cash. The cops urged her to remain calm. “I know you are stressed, but you need to keep talking,” said one of the detectives. “You are the only one who can do the negoti-

ating.” She had already called some family members and asked them to draw money from an equity line. But it wasn't arriving quickly enough. “I don't have it yet, baby,” she told her boyfriend on a subsequent call, as he grew more distressed. “I'm doing everything I can.”

Unbeknownst to the woman, the kidnapping squad had received information on her boyfriend's possible location. As cops approached the suspected house a little after midnight, an SUV suddenly sped away. Police pursued it and pulled it over. “Tell us where he is!” a detective told the passengers. Just then, a Chevy Impala took off from the house. Another chase ensued, and eventually the driver was forced to stop. Inside were four passengers, with the middleman in the rear, flanked by two men armed with weapons. Back at the station, detectives questioned the parties; as of late last week, charges were likely against four abductors, but not the victim, due to a lack of evidence in the suspected marijuana deal. But now he's on the cops' radar, says Burgett. “We do proactive follow-up on victims as well.”

Though much of Phoenix's kidnapping epidemic stems from alleged drug deals gone awry, plenty are linked to the human-smuggling trade. That work used to be dominated by small “mom and pop” outfits, but in time, the cartels have muscled in on it. Any group that wants to use their trafficking routes has to pay up—about \$2,000 per week for Mexicans and \$10,000 per week for “exotics,” like Chinese and Middle Easterners, says Richard, the Phoenix detective. That added business cost has encouraged some smugglers to try to extort more money from their human loads—known as *pollos*, or “chickens”—once they've crossed the border. More and more, *pollos* may change hands several times among *dueños*, or “owners”—a new, more violent breed of smugglers. The drop houses used to stash immigrants are also becoming more barbaric.

One recent night, the Human Smuggling Unit of the Maricopa County sheriffs office received a tip on a drop house in a middle-class neighborhood in Phoenix. Relatives of an immigrant being held there had received an extortion call demanding \$3,500. Joined by a SWAT team, the unit made its move, breaching windows and doors, which were boarded up (a typical precaution taken by smugglers). A half dozen men tried to escape but were grabbed, says Lt. Joe Sousa, the unit commander. Inside were several dozen illegal immigrants, all shoeless and famished. Authorities confiscated two pistols, a sawed-off shotgun and a Taser-like device—“used against people when they're put on the phone, begging their relatives for cash,” says Sousa. It was a good bust, he says, but “within a week or two, that same organization will be back up and running.” Sousa moved to Phoenix because he thought it was a nice place to raise a family. But the violence is out of control, he says. “Soon as I retire, I'm out of here.”

Many area residents who have had encounters with the smuggling world share the sentiment. At a takedown of a suspected drop house a few days earlier in nearby Avondale, a neighbor became inconsolable describing the terror he experienced living next door to what locals fear is a home to ruthless criminals. “It's been hell,” said the man, who refused to be named because he was scared. “I have five kids. I've been sleeping with two machine guns under my bed for two years.” He's planning to foreclose on his property and flee with his family as soon as possible. Despite the bust, the smugglers “will be back,” he said. “Right now, they are headed to the border, they'll chill out for a month, and they'll be back.” As overwrought as he may have been, he was probably right.

[From the Washington Post, July 15, 2009]  
 12 FEDERAL AGENTS ARE SLAIN IN MEXICO  
 (By William Booth)

NUEVO CASAS GRANDES, MEXICO, JULY 14.—Mexican authorities said Tuesday that a super-violent drug cartel called La Familia was responsible for torturing and killing 12 federal agents whose bodies were found dumped alongside a mountain road in the western state of Michoacan late Monday.

The agents, who included one woman, had been investigating organized crime in Michoacan, where gunmen launched a series of highly coordinated commando attacks against police officers and soldiers over the weekend.

The abduction, torture and execution of such a large group of federal agents marks a steep escalation in President Felipe Calderón's war with the drug cartels. Though drug mafias often clash with local police officials they fail to intimidate or corrupt, a direct counterattack against federal forces is almost unheard-of. The 12 agents represent the highest one-day death toll for federal forces in the three-year-old drug war.

Placed beside the corpses of the agents, who were off-duty when they were abducted, was a sign threatening police, Monte Alejandro Rubido, a senior federal security official, said at a news conference.

Federal officials say they think the attacks by La Familia, a mini-cartel that announced its presence two years ago by rolling five decapitated heads into a dance hall, were carried out in retaliation for the capture of one of the group's leaders.

The attacks began at dawn Saturday in Michoacan's capital, Morelia, shortly after the arrest of Arnold Rueda Medina, reported to be the right-hand man of La Familia founder Nazario Moreno Gonzalez, known as "El Mas Loco," or the Craziest One.

After La Familia gunmen were repelled in their attempt to free Rueda, they went on what police described as a shooting rampage to "avenge" his capture. The attacks, in which convoys of gunmen mounted surprise assaults on government positions in eight cities, went on for 10 hours Saturday and continued sporadically Sunday.

Mexican law enforcement officials say La Familia is a different kind of cartel, combining a code of extreme violence with a commitment to protect Michoacan residents from outsiders—which would include federal agents and army soldiers.

Members of La Familia are recruited from rural militias and drug treatment centers. Federal authorities swept into city halls in Michoacan and arrested 10 mayors in May on suspicion of colluding with the gang.

La Familia is fighting for control of cocaine-smuggling routes that lead from the port of Lazaro Cardenas toward the United States. The group also operates clandestine methamphetamine labs and marijuana farms in the mountains.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

#### SOTOMAYOR NOMINATION

Mr. CORNYN. Mr. President, I would like to address the nomination of Judge Sonia Sotomayor to be an Associate Justice of the U.S. Supreme Court.

The Constitution confers upon the Senate the power to provide advice and consent on judicial nominations as one of the most solemn responsibilities we have. Supreme Court Justices have al-

ways had tremendous power within our constitutional system of separated and enumerated powers. In recent decades, growing concern has arisen over judicial activism on the Court, which has the necessary consequence of taking power away from the elected representatives, and thus the people themselves, and conferring it to those with life tenure, unelected judges who have occasionally used this power conferred upon them in the Constitution to impose their own views and their own agenda on the American people and substituting that for the views of their elected representatives.

We now see that five votes on the U.S. Supreme Court can invent new rights that are not found in the Constitution or narrow the scope of rights that generations of Americans have come to view as fundamental. Each Justice serves for life, so every time a nominee comes before us I think it is entirely appropriate, indeed required, that we exercise due care in exercising this power of advice and consent.

Yes, Senators exercise the power, and also the responsibility we have under the Constitution with great care and I believe with great respect for every nominee. Sadly, over recent years we have seen judicial nominees treated with the opposite of respect and fairness. Some nominations have become quickly politicized, before the nominees have even had a chance to speak for themselves or to answer important questions or, perhaps, to put their record in context. We have seen outrageous accusations used to score political points and to damage a nominee in the court of public opinion before they have had an opportunity to even answer those concerns themselves.

It is no secret that I remain deeply frustrated by the treatment of nominees such as Miguel Estrada, who was nominated by President George W. Bush to the District of Columbia Court of Appeals, sometimes acknowledged as the second highest court in the land. Mr. Estrada was filibustered seven times by the Democratic minority and refused an up-or-down vote on the Senate floor—something that was literally unheard of in previous times. Many Senators share my view that had he been confirmed to the District of Columbia Court of Appeals, he could have been the first Hispanic nominated to the U.S. Supreme Court. Instead, that honor goes to the nominee we have before us, Judge Sonia Sotomayor.

From the beginning I was determined to make sure Judge Sotomayor's nomination process and hearing would be different from that given to Miguel Estrada and others. When I first met with her in June, I pledged to her that I would do everything in my power to see that she was treated with fairness and respect. When individuals, and some organizations, said or did things that cheapened the process, I said so. When supporters and opponents of Judge Sotomayor made accusations of racism, I repudiated them because I be-

lieve all such accusations are incompatible with the respectful and dignified consideration of her nomination. In the end, I was pleased that Judge Sotomayor said she could not have received a more fair hearing and more fair treatment during the confirmation process.

I believe a fair process and fair hearing means neither prejudging nor preconfirming a judicial nominee. Fair treatment means looking at the judge's record, including her public statements about the role of a judge in our separated powers of government. Fair treatment means giving the judge, the nominee, an opportunity to explain her record and her comments, and to put those in the appropriate context.

Going into the hearings, I found much to admire about Judge Sotomayor's record. She is an experienced judge with an excellent academic background. She appears to be a tough judge—which may be to her credit—and demands a lot of the lawyers who appear in oral argument before her court. For the most part, her decisions as a district court judge and as a member of the court of appeals were within the mainstream of American jurisprudence.

Yet going into the hearings I also had some very serious questions that I thought it was appropriate to ask her and that she needed to answer. While, as I said, her judicial record is generally in the mainstream, several of her discussions demonstrated cause for concern about the kind of liberal judicial activism that has steered the courts in the wrong direction over the past few years, and many of her public statements reflected a surprisingly radical view of the law.

Some have said we just have to ignore her public statements and speeches and just focus on her decisions as a lower court judge. I disagree with that position. Judges on the lower courts; that is, the district court and the court of appeals, have less room to maneuver than a Supreme Court Justice who is not subject to any kind of appellate review. Supreme Court Justices can thus more easily ignore precedents or reject them.

This is why Judge Sotomayor's speeches and writings on judicial philosophy should matter, and they concern me a great deal. These speeches and writings contain very radical ideas on the role of a judge. In her speeches she said things such as there is no objectivity, no neutrality in the law, just a matter of perspective. She said courts do, in fact, make policy and seemed to say that was an appropriate role for the courts of appeals. She even suggested that ethnicity and gender can and should impact on a judge's decisionmaking process.

For 13 years of my life I served as a State court judge, a trial judge, and a member of the Texas Supreme Court. I strongly disagree with the view of the law that says there is no impartiality, no objectivity, no law, with a capital