

Congress of the United States

Washington, DC 20515

July 30, 2004

The Honorable John Ashcroft
Attorney General
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Ashcroft:

We write to express our concern with the Department of Justice's current policy of not prosecuting certain alien smugglers. At this time, we ask that you adopt a zero-tolerance policy for alien smuggling. We believe that all cases of alleged immigrant smuggling referred to the Department of Justice by the Department of Homeland Security should be fully pursued and, if the case could reasonably result in a conviction or plea agreement, prosecuted.

It is our understanding that on numerous occasions when the Department of Homeland Security has apprehended alien smugglers and have requested guidance from the U.S. Attorney's office, they have been told to release these criminals. It is unfortunate and unacceptable that anyone in the Department of Justice would deem alien smuggling, on any level or by any person, too low of a priority to warrant prosecution in a timely fashion. In our view, a lack available resources for prosecution is not a valid reason for a decision not to prosecute and, in fact, would signify a mismanagement of your Department's priorities.

Alien smugglers place the safety and well-being of border region communities, Border Patrol officers, local authorities, and illegal immigrants in jeopardy. Smugglers stand at the root of our nation's immigration problem and any failure to prosecute these offenders represents a failure in our nation's current border security strategy.

The House Judiciary Committee is currently requesting information on a known alien smuggler Antonio Amparo-Lopez, who was last arrested on suspicion of alien smuggling and held at the Temecula, California, interior checkpoint. In this particular case, Border Patrol agents contacted the Office of the U.S. Attorney for the Southern District of California for guidance on how to proceed with alien Amparo-Lopez (Alien #A76266395), who has a long documented record that includes multiple deportation proceedings and numerous arrests. He was released after your office declined to prosecute.

Alien smugglers, including Amparo-Lopez, should not be given a second, third, or unlimited number of chances before the Department of Justice decides to pursue

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charges. Alien smuggling is indefensible and when continued unchecked will ultimately lead to far greater taxpayer expenditures than the costs of prosecution and incarceration.

We strongly urge you to consider our request for a zero tolerance alien smuggling policy. If you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

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| <u>Dan Rostenkowski</u> | <u>Randy L. Cunningham</u> |
| <u>Dan Rostenkowski</u> | <u>Ken Calvert</u> |
| <u>Elton Gallegly</u> | <u>Howard O. "Buck" McLean</u> |
| <u>John T. Dornan</u> | <u>Anna H. H. ...</u> |
| <u>Ed Paulink</u> | <u>Mary Bono</u> |
| <u>David Driin</u> | <u>Chris Cox</u> |
| <u>Ed Royce</u> | <u>Jerry Lewis</u> |
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