

Exhibit 1

Declaration of Steven Chance Smith

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. My name is Chance Smith. I am 35 years old, and I work on an 87 square mile cattle ranch on the border with Mexico about 33 miles east of the border town of Douglas, Arizona. I live a few miles away from the ranch where I work at 6981 E Hwy 80, Portal, Arizona.

2. My family lived in Wilcox, Arizona before I was born. They lived on a ranch on the border in the Chiricahua Mountains, which has been in my mother's family since the 1800's. My mother's family originally homesteaded the land and much other surrounding area. Parts of the original land has changed hands over time, but my parents still own and live on a small 20 square mile ranch from the original land in Arizona. I grew up ranching, it has always been my way of life. I lived on my family's ranch in Wilcox until graduation from high school, when I went to college in Clarendon, Texas, and then went on to Oklahoma Panhandle State University where I graduated with a bachelor's in animal science.

3. After graduating from school, from about 2009-2011, I worked on a large, 800 square mile ranch in what's called the boot hill of New Mexico. That ranch had about a 40-mile border with Mexico. After that I went back to Arizona and took a job at the ranch I currently work at near Douglas.

4. I love the way of life of ranching. During the day, I ride over the ranch in my horse or my pickup truck, I check on the cattle, I check on the water in the

wells. When I run into illegal border crossers, I generally call the Border Patrol to come pick them up.

5. I have spent almost my whole life on the border, and I have certainly witnessed how the environment changes at the border based on the policies of the U.S. government. The flood of people coming across illegally ebbs and flows based on who is in office. The people who cross are extremely attentive to the promises made by those who are in charge of our immigration agencies like the Department of Homeland Security (DHS). They come if they believe they are being encouraged by our government, and they do not come if they know they will be kept out. They will also respond to policies that allow them to stay once they get here. Being allowed to stay and work and settle in the U.S. is their goal, not just to get through.

6. When President Trump was first elected, the border was absolutely quiet, like I have never seen it in my 35 years of life.

7. It makes a big difference to my daily quality of life when the border is quiet and peaceful, without people illegally crossing. At the beginning of the Trump Administration, I did not feel the constant threat of running into trouble, often in the form of cartel members, that I do when the border is uncontrolled. Ranching means that I ride, on horseback or in my pick-up truck, around alone all day and I am a two-hour's drive away from any law enforcement. When it was peaceful, I could leave my door unlocked without fear. I even felt like I could leave and ride

around the ranch on horseback without packing a pistol, which I really do not like to do. But when I am under constant threat, I have to whether I like it or not.

8. Any time that floods of people cross the borders illegally, my daily life is impacted in all sorts of ways. Life on the border can be stressful because of the constant threats from crossing illegal aliens and cartels, but I grew up here, and I am acclimated to living here. I love the land, and I will always ranch the land here. I have an abundant amount of faith, and I believe that I do it for the purpose of honoring God. He gave us dominion over the land to take care of it, and I believe that it is up to me to keep the area cleaned up and to be a steward of the earth. I am responsible for this land.

9. I certainly worry for my wife and children. When my wife and I first got married, she was 20 years old, and she was from Vail, Arizona which is not on the border. Adjusting to life on an unsecured border was initially very stressful for her. It is nearly impossible to live a normal life when the border is out of control. Men with what we think must be gang tattoos on their faces can show up, and break into our house at any time, and we witness drug smugglers packing dope going through our property. It is hard and stressful, and it certainly affects the quality of our lives and our enjoyment of our home and the land around us on a daily basis. My wife is often, quite reasonably, scared to death, and I am always concerned for her. Even when we don't see them, we know they are still there, just hidden. They leave tracks, and trash behind them all the time even when we don't see them passing through.

10. For instance, recently, we saw drug smugglers from our bedroom window, and I went out on my horse to watch them as they laid down in the tall weeds and grass to hide from sight. We called the Border Patrol, who came and picked them up. But, we later checked the spot, and found that they had buried a pistol in the dirt. It is stressful to know that people with guns pass by our house all the time—for every one we do see, we know there are many that we don't. People cross nearby properties with A-K 47's, we see them all the time on the game cameras. When I worked in New Mexico, I came across a large pile of marijuana, and because I knew where their stash was, the cartels threatened my life constantly. In fact, one of the cartels, though I never found out which, killed a high school classmate of mine who looked a lot like me, and left him on my granddad's doorstep. They wanted to intimidate me so that I would keep quiet about where they leave their drugs. While I left that particular threat behind when I left New Mexico, I know this could happen again at any time when the borders are open, if I in the future accidentally cross paths with the cartels in a way they imagine threatened their business.

11. By now, the cartels treat the smuggling of people and drugs as a business. They know they will lose a certain percentage of people and drugs smuggled to law enforcement, but they simply consider it the costs of doing business. When our government takes a hands off approach, the cartels are free to professionalize drug and human trafficking into this country. I am horrified

particularly by the trafficking—which includes the trafficking of very young children for sexual exploitation.

12. When Biden was inaugurated, the floodgates opened again, and the flow has continued to increase—directing affecting my quality of life and my enjoyment of the land I work on and live on, as the federal immigration agencies implemented actions. Right after inauguration, these agencies took a series of actions to ease illegal entry and allow people who have already crossed to stay in the United States without fear. These actions included the ending of construction on the border wall, ending the Remain in Mexico Policy, preventing the Border Patrol from securing the borders, instructing Immigration and Customs Enforcement to no longer detain and remove illegal aliens in the interior other than those meeting very narrow categories, no longer fining aliens for failing to depart the United States, and making the immigration courts less efficient. These policies work together to systematically dismantle the enforcement apparatus at the border and the system of enforcement in the interior that was working under the Trump Administration. Policies like a well-patrolled wall *work* to control the flow of traffic—I can see that with my own eyes. The Biden Administration has taken actions to dismantle them because they do work—it *wanted* to start the flow up again. These actions, working in concert, cause environmental damage to the borderlands where I live and work.

13. Because of these policies, the number of illegal aliens I see traveling across the ranch is eight or nine times what it was before the beginning of the

Biden Administration. This increase happened specifically because of the new immigration policies. There have been times since January where I ride on the ranch, and I do not see a single Border Patrol agent patrolling. The Administration pulled out all their cameras and sensors, and there is zero documentation of what is happening. I talk to members of the Border Patrol, and those agents who want to do their job and protect the borders are completely demoralized. What people need to realize is that there are total blind spots in the border, that are unprotected, so that people can come through, and that the Biden Administration has *deliberately* created those blind spots. The cartels are in control now, and the American government allows it in order to encourage the flow of people into the interior.

14. In the past few months I have seen lots of signs of traffic: new blankets, new campsites, new carpet booties (which migrants wear to not leave tracks). This environmental degradation of the land disturbs me. The constant flow of human traffic affects how much I enjoy working outdoors. For instance, I may spend days herding cattle, spending days and great amounts of energy to get them into a smaller enclosed area, just to have border crossers open the gates, and all of my work is undone. I have to start all over again. All the stresses of life on the border increase the less secure the border is, and my pleasure in working on the ranch on the border is diminished.

15. Public health in the area I live and work is also facing increased hazards. In the border town, we are angry at the restrictions the government puts out, supposedly because of Covid-19. There are restrictions on Americans, but not

on illegal aliens. People are certainly coming across the border with Covid-19 and being released into the country, and what's more, clearly the massive human and drug smuggling operations cause other public health dangers. Those who are trafficked up from Central America often ride on the way up north packed into in tight quarters in poorly ventilated vehicles, under great stress throughout the journey.

16. Border crises certainly exacerbate the health dangers I face on my property. For instance, when I was growing up, my family found a dead body on our property of an illegal border crosser, and while we never found out what he died of, we suspected he had gotten something very contagious because even the vultures avoided him. After that encounter, my father developed a mystery illness and was in and out of the hospital for months. We never found out what he had, but, we certainly know that we are on the front lines for diseases from all over the world since so many travel to cross the border illegally. If the federal government truly cared about public health, it would not take so many actions to positively create a border crisis with great potential to spread communicable diseases. I therefore know that I face greater risks to my health because of the border crisis.

17. My very way of life is under threat. As a rancher, sustainability is essential. We know that we must take care of and conserve the land, or it would not be a resource for future generations. All this crossing damages the land so much. The cattle are too stressed to thrive. Having the threat of border crossers is almost like having another predator in the local ecosystem. Lately, illegal border

crossers have become so bold that they have set fires. They have set two fires since the last presidential election, one in November and one in April. This has burned a lot of the federal land which we lease and so it is hard for us to sustain the ranch since we cannot graze there. In the long term, open borders directly threaten the only way of life I have known, and they make the work I do outdoors less rewarding.

18. Not only has the border traffic gone up so dramatically since Biden was inaugurated, but the border crossers are bolder than I have ever seen before in my life. For instance, a few months ago, an illegal border crosser actually threw himself onto my stopped pickup truck while I was checking the wells on the ranch. I called the border patrol, who later in the day caught him, and brought him to the hospital for heat stroke. At the hospital, he claimed I was responsible for his injuries. Charges were brought against me later that night, even though he had no injuries that could have been caused by my truck, which the sheriff then agreed to drop. The whole experience was outrageous. The Administration's new policies have so emboldened border crossers I am clearly under a kind of threat I have never been under before. The presence of so much border traffic also affects the safety of the local public roads that I and my family drive on when we leave our house. For instance, recently, local law enforcement left spike strips on the roads in order to capture illegal crossers in a vehicle. Trying to evade capture, the vehicle blew out their tires crossing these spike strips, and then ran into a friend of mine on the highway, nearly causing him and his family injury. Something like this

could happen to me at any time. Illegal border crossers also often drive vehicles without their light on, even in the dark, on local country roads. This is another hazard to my health and safety, and the health and safety of my family, as we have no choice but to drive on these roads, that has been increased by the heightened border crisis.

19. I do not believe the American public would support what is going on or the leaders who allow it if they knew. This is why it is so important for the government to have hearings that expose what they are doing. The cartels, and the federal government, and any members of local and state governments who enable the border crisis as well, are able to get away with what they are doing only through deception and secrecy—they know the American people would hate what is going on at the border if they knew about it.

20. I have been told that National Environmental Policy Act (NEPA). NEPA makes it illegal for an administration to take actions that the immigration agencies under the Biden have taken without being transparent, considering the environmental consequences, and letting the public weigh in. The Biden Administration has taken these actions, such as ending construction on the border wall, ending the Remain in Mexico Policy and reinstating catch and release by the Border Patrol, without process to Americans affected by these actions, such as

myself, any say.

21. If our immigration agencies, especially the Department of Homeland Security, Department of State, and Department of Justice, had to be open and transparent, and to consider the consequences and answer to the American public before it carried out these actions, the Biden Administration might well have changed its mind rather than face the political consequences of unleashing a border crisis first, and hoping to cover it up later. The daily environment I work in, threats to my safety, health, and way of life, might never have occurred if DHS had followed the law under NEPA rather than acting under the radar to implement a series of actions that, taken together, opened the floodgates at the southern border.

Executed this 15th day of December, 2021


Steven Chance Smith