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## In Case You Missed It

### **Democratic group's ad unfairly attacks Martinez** *DGA Ad Doesn't Pass "Smell Test"*

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*NM Politics.Net*

By Heath Haussamen

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Read this online at: <http://www.nmpolitics.net/index/2010/08/democratic-group%e2%80%99s-ad-unfairly-attacks-martinez/>

The Democratic Governors Association's [new ad](#) accusing Republican gubernatorial candidate [Susana Martinez](#) of wasting taxpayer money on "special bonuses for insiders" doesn't pass the smell test – and the DGA's own [fact sheet](#) in support of its ad actually helps prove that the ad's attack is unfair.

Here's the ad:

[http://www.youtube.com/watch?v=Js3uMUKRUNA&feature=player\\_embedded](http://www.youtube.com/watch?v=Js3uMUKRUNA&feature=player_embedded)

"Another political scandal. \$350,000 of taxpayer money wasted on special bonuses for insiders," the ad's narrator states. "... Martinez, a local prosecutor, should have used the money to protect our borders. But newspapers caught her giving big bonuses to friends in her office – bonuses nearly three times higher than any other district."

From fiscal years 2006 to 2009, Martinez gave employees \$477,000 in "out of cycle salary increases." About three-fourths of that money came from a federal program called the Southwest Border Prosecution Initiative, the Martinez campaign said in a statement.

Martinez has said the money went to employees in her office – the vast majority of them prosecutors – because of the additional caseload and responsibility related to prosecuting border-related crime and based on performance.

**The problem for the DGA? One of the articles it cites in its fact sheet in support of the ad, from [The Santa Fe New Mexican](#), includes this:**

**“But Ernesto Ortiz, director of the High Intensity Drug Traffic Area in New Mexico, said Tuesday that using Southwest Border Prosecution Initiative funds to give raises to prosecutors is legitimate.**

**“The funds, he said, are available to district attorneys in border states. Some district attorneys have used the funds for salaries, while others have used funds for such things as training and equipment, he said.”**

There are other statements in the DGA’s fact sheet that support using the funds to pay prosecutors for the increased workload related to prosecuting border-related crime. In one, New Mexico’s U.S. senators – both Democrats – are quoted as arguing earlier this year, when the Southwest Border Prosecution Initiative program was cut, that the program needed to be restored because it reimburses “state, county, parish, tribal, and municipal governments for costs associated with the prosecution and pre-trial detention of federally-initiated criminal cases declined by local offices of the United States Attorneys.”

“...Drug trafficking in the Southwest region is a serious threat to our homeland security and the federal government must provide meaningful support so that we can prosecute these crimes and stem the flow of illegal drugs throughout the United States,” the senators said, according to the DGA fact sheet.

The DGA fact sheet also quotes a San Antonio Express-News article as stating earlier this year that “Lawmakers from Southwest border states pleaded with colleagues on a Senate appropriations panel... to restore \$31 million to a program that reimburses local governments for prosecuting drug smuggling cases. The Southwest Border Prosecution Initiative has been a frequent target of budget cutters... Sen. John Cornyn, R-Texas, said that decision ‘puts our local law enforcement officials at a serious disadvantage in the war on drugs.’”

It’s true that Martinez gave significantly larger out-of-cycle increases to employees in her office than other DAs around the state. But the DGA has provided no evidence to show that the size of the increases wasn’t allowed.

The evidence shows that such salary increases were one way prosecutors were allowed to use the funds.

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