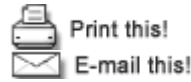


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Editorial: Local Police Should Join the Fight Against Illegal Immigration



Source: *Immigration Report*

by **Scipio Garling**

There's a new ally in the fight against illegal immigration: the police.

Most citizens are well aware that illegal immigration is a serious problem in the United States. The INS estimates there are over 5 million illegal aliens living in our country, and an additional 1 million 'transient' aliens here illegally at any point. To put it another way, there are enough illegal aliens in the U.S. to make two cities the size of Chicago.

This high number of illegal aliens is despite the fact that over three million illegal aliens were given amnesty in the late 1980s, when Congress attempted to 'magically' solve the illegal immigration problem by turning illegal aliens into legal immigrants. Or perhaps the current high number of illegal aliens is not despite the amnesty, but rather because of it. Ever since the first amnesty was passed, the hope of another one has lurked in the background, encouraging illegal aliens to wait for the day when they may be forgiven for 'breaking and entering' into our country.

Given the large illegal alien population, most people would expect federal, state and local law enforcers to cooperate in dealing with the situation in a joint effort to remove these proven lawbreakers from our midst. But until recently, it has been the common wisdom that 'local police can't enforce immigration law' and so were powerless against illegal aliens. Immigration law, it was argued, was solely the province of the federal government, and state and local law enforcers had to butt out.

So hamstrung were local cops by this belief that Congress actually had to pass a law in 1996 authorizing the Immigration and Naturalization Service to 'empower' local law enforcement to cooperate with them in policing illegal aliens through special programs (although neither INS Commissioner Doris Meissner nor her boss, Attorney General Janet Reno have deigned to use that authority by starting cooperation programs with any police department anywhere in the United States).

But where Congress and the Executive Branch have failed, the courts have apparently come through. In two recent cases, the courts held that local police have always had the power to enforce the laws against illegal immigration.

In October, the Supreme Court refused to hear an appeal of a landmark decision by the 10th Circuit Court of Appeals, which confirms that state and local police officers are free to arrest illegal aliens to the full extent permitted by their state law. Finding that local police have a general authority to enforce federal law and that recent laws have made clear Congress's intent to allow them to help fight illegal immigration, the 10th Circuit decision (*U.S. v. Ontoniel Vasquez-Alvarez*) strikes down the myth that local police are powerless to arrest illegal aliens.

According to the 10th Circuit decision, local and state police officers can,

with 'probable cause', investigate and arrest people suspected of federal immigration crimes, including illegal entry, illegal presence, smuggling, harboring, or transporting illegal aliens, use of false documents or lying about their immigration status. States could still pass laws that would forbid their police from enforcing immigration laws, but they would have to go out of their way to do so.

A similar decision has been handed down recently in the 5th Circuit, which held that the Ohio Highway Patrol can question motorists about their immigration status who've been pulled over for traffic violations.

All citizens should welcome this new era, when to the meager numbers of the INS are added the legions of police officers nationwide, who can now act when they suspect they have encountered illegal aliens. Perhaps now, with the help of the courts, we can begin to turn the tide in the county's fight against illegal immigration.

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Local Police Enforcement of Immigration Law

There are encouraging signs that local police enforcement of immigration law is on the upswing. In January, the sheriff's department in Kenedy County, Texas, began to arrest illegal aliens "simply for being in the country," as one amazed reporter phrased it. With the unanimous backing of the County Commissioners, Sheriff Rafael Cuellar used the law for the first time with the arrest of six illegal immigrants. In the past, he could have arrested them only if they were breaking some state law.

"They were hiding under a trailer and then we got a call about them," Cuellar said. "We went and detained them, and then turned them over to Border Patrol. It was very simple."

County Commissioner Tobin Armstrong was the force behind the change in the sheriff's department policy. "It is a matter of duty," he said. "They have taken a solemn oath to uphold the Constitution and the law of the land. If they don't do it, we are headed toward anarchy." Commissioner Armstrong and other county ranchers have complained that illegal aliens tear up fences and water lines, and leave trash on ranches as they pass through the rural county.

Sheriff Cuellar said it's nice to have more power to deter immigrant smugglers, known as coyotes. "I recently found on my own property, waiting to pick up a load of immigrants," Cuellar said. "We see them all over the streets of town."

Source: *Kenedy Caller-Times*.

03/2000