

THE ILLEGAL ALIEN CRIME WAVE

Illegal immigration is not a new problem in America. Various laws to control who could immigrate to the United States have been enacted since the Civil War. The problem became a national issue in the 1980s as the U. S. economy grew and millions of mostly poor, uneducated people crossed America's largely unpoliced borders seeking jobs and benefits, along with a smaller but significant number of foreign criminals trafficking in illegal drugs. In 1986, President Reagan made a bargain with Congress: a one-time amnesty for roughly 3 million illegals in exchange for securing the nation's borders. The President signed the Immigration Reform and Control Act of 1986 (Simpson-Mazzoli Act) into law and granted the amnesty, but Congress failed to authorize the funding necessary for true border security.

At about the same time that the 1986 immigration law was enacted, laws were passed in Congress and many states that increased the sentences for drug dealers, habitual felons, and violent criminals. Federal laws included the Federal Armed Career Criminal Act of 1984, which sentenced serious felons caught with guns to 15 years to life, and the federal Anti-Drug Abuse Act of 1986, which increased sentences for drug users and traffickers. California, which had suffered intolerable crime rates due to its weak sentencing laws, porous southern border, and violent street gangs, adopted the nation's first Victims' Bill of Rights initiative in 1982. Several other states followed suit, adopting similar laws cracking down on habitual felons. In the years after the sentencing laws were enacted, while illegals were still crossing the border, many who came to commit crimes were going to prison, along with thousands of American-born criminals whose careers had flourished during the nation's 15-year flirtation with alternative sentencing.

By 2012, an estimated 11.5 million illegal immigrants were living in the U. S. For years, those in favor of amnesty for illegals have told us that these immigrants are taking the jobs that Americans don't want, paying taxes, and strengthening the economy. An exhaustive 2013 study by The Heritage Foundation found that while America's 3.4 million illegal immigrant households pay an annual average of \$10,334 in state and federal taxes, those households receive an average of \$24,721 in yearly state and federal benefits. U. S. citizens and *legal* immigrants are paying the difference, which totals just under \$49 billion per year.

While illegal immigrants make up roughly 3.5% of the U. S. population, the Bureau of Justice Statistics reports that they make up over 25% of criminals in federal prisons, and another 297,000 are serving time in state prisons, amounting to 21% of state inmates. Annual federal

incarceration costs for illegals are estimated to run \$7.8 billion, while state costs are \$8.7 billion. In Los Angeles, an estimated 60% of Hispanic street gang members are in the U. S. illegally.

These reports indicate that illegal immigrants constitute a major economic drag on the American economy, while committing a disproportionate number of crimes.

While illegal immigration has remained a prominent political issue over the last 25 years, the failure of succeeding presidents and congressional majorities to agree on how to approach the problem has prevented any meaningful action. That is, until the election of Barack Obama.

In 2008, the last year of the Bush Administration, 1,171,000 illegal



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aliens were deported. Beginning in 2009, deportations have dropped every year during the Obama Administration reaching 616,793 in fiscal year 2013. Over that period, U. S. Immigration and Customs Enforcement (ICE) officials have reported to Congress that they have been regularly prohibited by administration appointees from arresting illegals, and have been required to release tens of thousands of illegals from custody. The same officials report that since 2011, deportations of convicted illegal alien criminals have declined by 39%, with 167,000 of them released back into U. S. communities and currently are at large. This has occurred as the Administration reported that it is deporting illegals in record numbers and that it is "going after felons, not families."

Under the President's 2012 Deferred Action for Childhood Arrivals (DACA) initiative, an estimated 1.8 million illegals under the age of 31 qualify to stay in the country legally for two years. Under DACA, immigration officers have been instructed to accept an illegal alien's claim that he or she qualifies and release them from custody. One agent told a congressional committee, "every person we encounter in the jails now claims to qualify for release under DACA." In November 2014, the President announced the expansion of DACA to include illegals who entered the U. S. prior to 2010, waive the age requirement, and

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CJLF legal arguments filed, press releases, publications, and information on the ongoing fight against AB109 are available on our website at:

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The Criminal Justice Legal Foundation has filed a scholarly *amicus curiae* (friend of the court) brief, arguing that the Eighth Amendment does not require that executions be totally pain free, but prohibits torturous methods. Oklahoma has been forced to select alternative execution drugs because of a restriction on the availability of preferred drugs by European death penalty opponents. Overturning the enforcement of a lawful sentence due to the actions of foreign governments is an assault on the sovereignty of the United States. The CJLF brief also notes that the petitioners' claim that Warner's execution was painful because of his "on fire" statement is further evidence of deception by defense lawyers and death penalty opponents. The Foundation's brief cites a 2014 Associated Press report that prior to his execution, Ohio murderer Dennis McGuire told guards that his defense attorney counseled him to make a show of his death that would, perhaps, lead to abolition of the death penalty.

"The campaign by death penalty opponents to prevent states from acquiring for executions the same drug used to painlessly euthanize thousands of pets every year has forced the use of alternatives. If executions are more painful because of this, the blame falls on them and should not be the basis for overturning a lawful sentence for the worst murderers," said Foundation Legal Director Kent Scheidegger.

The Court's decision on **Glossip v. Gross** will be announced later this year.

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lengthen the grace period to three years. All of this was done without the approval of Congress.

These policies have overwhelmed America's southern border with children and families who believe that the Obama Administration will welcome them, along with thousands of criminals, many previously deported, who are returning to commit more crimes. Border Patrol and Drug Enforcement agents report that South American drug cartels are now expanding distribution to hundreds of new U. S. cities, with heroin re-emerging due to its low cost and ease of smuggling. Border Patrol agents estimate that for every illegal caught three enter the country undetected, with criminals and drug traffickers most adept at avoiding arrest.

The human cost of current policies cannot be ignored. Earlier this year, 25-year-old illegal alien Hermes Rivera was charged with multiple rapes of a 10-year-old girl in the small town of Kenner, Louisiana. In February, 27-year-old Ramiro Ajualip was charged with first-degree rape and sodomy of a 10-year-old girl in Russellville, Alabama. Ajualip had only been in the country four weeks when he attacked the little girl. Last February, illegal alien Emmanuel Jesus Rangel-Hernandez, a known gang member, was charged with four counts of first-degree murder for killing model Mirjana Puhar and three others in Charlotte, North Carolina. In 2013, Hernandez had qualified to stay in the country under the President's DACA initiative. Last New Year's Eve, Spencer Golvach, a popular musician in Harris County, Texas, dropped off his girlfriend and, while waiting at a stoplight on his way home, was shot dead, by illegal immigrant Victor Manuel Reyes. Reyes, who had been linked to another murder that day, had been sentenced to prison for drug dealing in 2010, but was not deported after his release.

Americans have been lied to about the real cost of illegal immigration by elitists representing both political parties in Congress and particularly by President Obama. The narrative about compassion, bringing families together and welcoming workers to strengthen our economy is false. Like the financial cost of illegal immigration, the blood of the victims of illegal immigrant criminals belongs on the steps of the White House.

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