

Reports find Linebacker caught 860 immigrants

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By Brandi Grissom / Austin Bureau

AUSTIN -- Although decreasing crime and preventing terrorism is the public mission of Operation Linebacker along the border, internal El Paso County Sheriff's Office documents released this week show that in El Paso, it has been most effective in detaining undocumented immigrants.

The reports -- obtained by the American Civil Liberties Union of Texas -- show that between Jan. 15 and June 3, the El Paso County Sheriff's Office called U.S. Border Patrol agents about at least 860 undocumented immigrants.

"This mission is reducing crime in the communities that we serve, referring undocumented persons who were able to cross our border past Border Patrol to that agency," El Paso County Assistant Chief Deputy Ralph Mitchell wrote in a March 22 summary of the mission.

"We have found that when we came in contact with undocumented persons, they would provide information about where we could find others who have eluded federal officials," Mitchell added.

He goes on to report officers seized no drugs and arrested 78 criminals in the first three months of Operation Linebacker.

"I have determined what I expected: Linebacker works," he wrote.

El Paso County Sheriff's Office spokesman Rick Glancey would not discuss the documents with the El Paso Times, citing ongoing litigation. But he insisted that rounding up undocumented aliens is not a role of Operation Linebacker.

"We just stumble upon them, quite frankly," Glancey said. "There is no goal. I don't even like that word in terms of that."

Each of 16 departments in the Texas Border Sheriff's Coalition is implementing Operation Linebacker, a project the group started in January to help the Border Patrol, a little differently.

Criminal defense and immigration lawyers said no law prevents local law enforcement from finding undocumented immigrants and turning them over to federal officials.

And while other sheriff's departments said they also turn over undocumented immigrants when they find them, none -- including the El Paso County Sheriff's Office -- said it specifically seeks out such scofflaws.

"We could be doing that all day long," Hidalgo County Sheriff Guadalupe "Lupe" Treviño said. "And what's going to happen to the real criminals, the thieves, the pseudo-cop home invaders, the kidnapers?"

In recent months, El Paso County Sheriff Leo Samaniego has come under fire from immigration activists, civil rights groups and politicians for his implementation of Operation Linebacker.

Samaniego has consistently derided the attacks as political vendettas and said his mission is simply to protect the people of El Paso and the United States.

Sheriffs in some other border counties said they also often come across undocumented immigrants in their Operation Linebacker work.

Kinney County Sheriff's Deputy James Blankenship said his department turned over 232 undocumented immigrants in the rural, ranching area in the past five months.

"Our main emphasis is the security and such of the county, looking for drug smuggling and terrorist activity," he said.

He said the 10 deputies assigned to Operation Linebacker patrol border areas and farther into the county, some in unmarked cars, others more visibly. In total, he said, the operation has netted six narcotics arrests and seven stolen vehicles.

In Zapata County, Sheriff Sigifredo Gonzalez said his deputies stick to patrolling the border. "If we come across somebody who looks like an illegal immigrant, we're going to let them go unless we have another reason to stop them," he said.

Hidalgo County's Treviño said his Linebacker operation is composed of a team of investigators who specifically seek out undocumented immigrants who have committed crimes, including kidnapping, murder and sexual assault.

He has instructed his deputies not to ask residents about their immigration status. That practice, he said, has engendered trust in the undocumented immigrant community, making it easier for his deputies to track down those who pose a serious threat.

In the first month of Operation Linebacker, he said, the unit solved four murders and seized about 2,500 pounds marijuana and 90 pounds of cocaine.

"We measure success by the number of criminal illegal immigrants we have identified, apprehended, arrested and prosecuted," Treviño said. "We measure success by the number of contacts made in the community, the avenues of communication we open up in the community."

Keith Hampton is a lawyer and the legislative chairman of the Texas Criminal Defense Association. He said no laws prevent local officers from finding undocumented immigrants and turning them over to federal agents who have jurisdiction over such cases.

"Under state law, they have all sorts of authority," Hampton said.

The law, however, does prevent local and state law enforcement officers from arresting undocumented immigrants unless they commit a criminal offense. Crossing into the country without proper documentation is a federal civil infraction.

"A Texas peace officer may not arrest without warrant an alien solely upon the suspicion that he has entered the country illegally," then Texas Attorney General John Hill ruled in 1977.

While the law does not prevent local law enforcement or anyone else from reporting undocumented immigrants, Austin immigration lawyer Daniel Kowalski said that unless the person has committed a crime, an officer could not legally detain the person.

Republican Gov. Rick Perry has provided almost \$10 million for Operation Linebacker. His spokeswoman, Rachael Novier, said the governor sees the mission's goal as promoting safety and preventing terrorism.

While he encourages local law enforcement to cooperate with other agencies, Novier said, immigration law enforcement remains a federal responsibility.

"The intent of Operation Linebacker and the funding provided to support Operation Linebacker is to reduce border-related crime and violence," she said.

ACLU of Texas Executive Director Will Harrell said he worries that if Samaniego is using Operation Linebacker money -- which was given under the federal Byrne Grant program that does not specify use for immigration law enforcement -- to track down immigrants, he could jeopardize funding for the whole program.

"Everybody is pointing the finger at everybody else, and nobody is taking responsibility for Samaniego's actions," Harrell said.

Westsider Bert Corbell, a nurse at Thomason Hospital, said that Samaniego is only doing his job, and that if other law enforcement officials followed suit, the country would not be experiencing the current divisive debate over how to deal with 11 million undocumented immigrants.

"If they would just enforce the law, we would be fine," she said. "Just enforce the laws that are already on the books and quit molly coddling."

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