

# Illegal Alien Crime and Violence

*We're all victims*

By PETER B. GEMMA

At first glance, the statistics are jolting. According to the United Nations, about 97 percent of the illegal immigrants who enter the U.S. clandestinely do so across the almost 2,000-mile border between the U.S. and Mexico, but only 20 percent of those who cross the border illegally are caught.

The *New York Times* reports that about 4.5 million illegal aliens in the U.S. drive on a regular basis, many without licenses or insurance, or even the ability to read road signs written in English.<sup>1</sup> (Meanwhile, the California legislature has just voted to give driver's licenses to illegal aliens.) Yahoo.com writer J.C. Grant notes, "There is a statistically significant correlation between state per capita illegal immigration rates and car thefts. This correlation is particularly strong: the odds are less than two in one million that the correlation is a chance occurrence."<sup>2</sup>



If it were car thievery that was the main concern, it would be an important problem to address. However, the Office of Immigration Statistics reported that of the 188,382 deportations of illegal aliens in 2011, 23 percent had committed criminal traffic offenses (primarily driving under the influence). Congressman Steve King (R-IA) estimates 13 Americans are killed by drunk illegal alien drivers every day — that's a death toll 4,745 per year.<sup>3</sup>

The 23 percent criminal traffic offenders figure is only part of the overall picture. According to the Center

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for Immigration Studies, another 23 percent, more than 43,000 illegal aliens, were convicted of drug offenses. The violent crime category of assault, robbery, sexual assault, and family offenses comes to 12 percent. The non-violent crime grouping of larceny, fraud, and burglary totaled seven percent, and on the list goes — equaling 100 percent of illegal aliens who have been through the criminal justice system and inflicted thousands to millions in cost per alien on the system, for issues having nothing to do with their illegal entry into the country.<sup>4</sup>

In an interview with this author, Pinal County, Arizona Sheriff Paul Babeu stated, "Pinal County has followed the trend of the majority of counties across the United States, so we have seen most of our major crime statistics drop during the past few years. The one area we have not seen drop — which has seen dramatic increases in fact — is crimes tied to illegal immigration. Our high-speed vehicle pursuits have rapidly increased each year from 142 in 2007 to 340 such incidents in 2010. Marijuana seizures have spiked from a low in 2008 of about 19,600 pounds to over 45,500 pounds in 2010. My deputies are telling me more and more that they are apprehending guns and high tech communication equipment from cartel operatives."

Sheriff Babeu went on to make this point:

Pinal County is roughly 70 miles north of the border. In 2010, the U.S. Border Patrol reported 212,202 illegal aliens were caught in the Tucson sector alone. The Border Patrol admits for everyone captured, another 2.7 make it into the United States undetected. Of the individuals who are apprehended, as many as 30 percent of them already have a criminal record in the United States.

The liberal *Huffington Post* writer Chris Kirkham recently noted that, "this year, more than 60 percent of all federal criminal convictions have been for immigration-related crimes, federal data show." He went on to observe in his August 23 piece, "In Texas' southern federal court district this year, where nearly 90 percent of all new prosecutions were for illegal entry and reentry into the United States, federal authorities are look-

ing for more room to hold detainees, many of whom are charged with immigration crimes.”<sup>5</sup>

### The figures get worse

According to TracImmigration.com, the independent and nonpartisan resource site for information about federal immigration enforcement, illegal *reentry* under Title 8, Section 1326 of the United States Code was the most commonly recorded lead charge brought by federal prosecutors during the first half of fiscal year (FY) 2011. It alone accounted for 47 percent of all criminal immigration prosecutions filed. The average prison sentence was 14 months for those convicted where illegal reentry was recorded as the lead charge<sup>6</sup> (at an estimated cost of \$134 per day per inmate<sup>7</sup>).

And the recidivism rate is on the rise. An April 19, 2013 story from the *Miami Herald* reveals that, “New figures show that the number of federal prosecution cases against previously deported immigrants is increasing nationwide.”<sup>8</sup>

An investigative news piece in the *Columbus Dispatch* included this finding:

Nationwide, the number of people prosecuted for coming back illegally after being deported has increased by 175 percent since 2005, according to a report by Syracuse University’s Transactional Records Access Clearinghouse, or TRAC, which gathers and analyzes data from public agencies.

The *Columbus Dispatch* story goes on to report that locally, “illegal re-entry cases represent about a third of the caseload for the federal public-defender’s office, according to Gordon G. Hobson, a senior litigator for the federal public-defender’s office. ‘Ten years ago, it was about five percent,’ he said. ‘Not everyone who comes back illegally and is caught a second time is prosecuted.’”<sup>9</sup>

Recently there has been a surge of crossings as talks about new restrictions in trade for amnesty are taking place. “We’ve seen the number of illegal aliens double, maybe even triple since amnesty talk started happening,” says one border agent who asked to remain unnamed due to fears of retaliation within Customs and Border Protection, something he said is common. “A lot of these people, although not the majority, are criminals or aggravated felons. This is a direct danger to our communities,” he warned.<sup>10</sup>

A new study published by the Migration Policy Institute and the Wilson Center sheds light on the passage of Central Americans through Mexico, in a phenomenon called “transmigration.” Among the findings cited is the fact that arrests by the U.S. Border Patrol of individuals from countries other than Mexico have increased from 59,000 in FY 2010 to 99,000 in FY 2012.<sup>11</sup>

Fox News, obtained reports by the House Judiciary Committee and nonpartisan Congressional Research Service. They are the result of the committee’s subpoena request for Department of Homeland Security records from October 2008 to July 2011. The information was analyzed by the Congressional Research Service (CRS) and show 276,412 reported charges against illegal and criminal immigrants over that three-year period as identified by Secure Communities, a federal program that essentially attempts to make best use of resources by identifying and prioritizing which illegal immigrants pose the biggest threat to public safety and should be arrested or deported. Fox News reports, “Of the 160,000 people in the database, more than 26,000 were re-arrested — accounting for nearly 58,000 crimes and violations. They allegedly committed nearly 8,500 drunken-driving offenses and more than 6,000 drug-related violations. The records also show major criminal offenses, which included murder, battery, rape, kidnapping and nearly 3,000 thefts. Roughly two percent of the crimes included child molestation, lynching, and torture, according to the 13-page CRS report.”<sup>12</sup>



Pinal County Arizona Sheriff Paul Babeu

Sheriff Paul Babeu observed, “The Mexican drug cartels have almost toppled the Mexican Government and they are crossing into Arizona at will. In Mexico, over 42,000 lives have been lost to their wars and that number is rising by the hour. Their illegal drug trade is a forty billion dollar a year industry. The stakes are so high and the competition so fierce, that Mexican warlords are sparing no expense. Pinal County has seen mass murders, execution-style slayings, sexual assaults, kidnappings, shootings, armed robberies, burglaries and more — all tied to illegal immigration.”

### An in-your-face crime spree

The overall perspective of the criminal behavior of illegal aliens is grim. In a 2007 Government Accountability Office study of 55,322 illegal aliens, analysts discovered that they were arrested at least a total of 459,614 times, averaging about eight arrests per illegal alien: 70 percent had between two and 10 arrests, and 26 percent

(about 15,000) had 11 or more arrests. Drug or immigration offenses accounted for 45 percent of all offenses, and approximately 12 percent (over 6,600 illegal aliens) were arrested for violent offenses such as murder, robbery, assault, and sex-related crimes.<sup>13</sup>

An FBI crime study also shows heavy illegal alien involvement in criminal activity revealed by these statistics:

- 75 percent of those on the most wanted criminals list in Los Angeles, Phoenix, and Albuquerque are illegal aliens.
- One quarter of all inmates in California detention centers are Mexican nationals, as are more than 40 percent of all inmates in Arizona and 48 percent in New Mexico jails.
- Over 53 percent of all investigated burglaries reported in California, New Mexico, Nevada, Arizona, and Texas are perpetrated by illegal aliens.
- 63 percent of cited drivers in Arizona have no license, no insurance, and no registration for the vehicle. Of that number, 97 percent are illegal aliens. 66 percent of cited drivers in New Mexico have no license, no insurance, and no registration for the vehicle. Of that 66 percent, 98 percent are illegal aliens.<sup>14</sup>

The numbers don't show attitude or intent. "United States is stupid...I come back every time," asserted Mexican national Rolando Mota-Campos to a Virginia-based immigration agent after his 11<sup>th</sup> arrest — for crimes ranging from abduction, assault, four DUIs, vehicular assault, attempted robbery, and domestic violence. Mota-Campos has been deported three times and has vowed to return again.<sup>15</sup>

And the numbers don't show the depth of depravity of some illegal alien criminals. In Arizona, Mexican national Santana Batiz Aceves was charged with 47 counts of rape based on DNA evidence. He has already been deported twice for drug charges in California. Aceves also faces charges of kidnapping, aggravated assault, sexual abuse of a minor, giving police false information, providing false documents, and trespassing.<sup>16</sup>

The statistics are traumatic, but the anecdotal stories are horrifying.

A year after Baltimore's mayor signed an order officially converting the city into a sanctuary for illegal immigrants, federal authorities arrested an undocumented Ecuadorian national wanted for the brutal rape of a nine year old girl.<sup>17</sup>

Carlos Martinelly-Montano, a Bolivian national who killed a Virginia nun in a drunk-driving accident, was on a new federal gov-

ernment supervised release program, allowing the illegal alien — who committed a series of crimes — to remain on the streets despite being subject to deportation. Rather than detaining Montano, authorities determined that he was a candidate for the Alternatives to Detention (ATD) program, which supposedly monitored his whereabouts.<sup>18</sup>

California sheriff's dispatcher Dominick Durden was killed by Guatemalan illegal alien Juan Tzun. In 2008, Tzun was charged with two felonies. He pled guilty to one felony and the other was dropped. Tzun was given 3 years probation but should have been deported. A year later he was caught driving drunk. Three more years probation, but again, no deportation. Another year later, Tzun was caught driving drunk a second time and was released — two months later he drove into Durden and instantly killed him. Finally, ICE detained Tzun until an immigration judge freed him on bond. Tzun spent all of 35 days in jail, and is now in detention pending deportation.<sup>19</sup>

### Open borders politics

During election season last year, a new initiative by the Obama Administration was described by Neil Munro, White House Correspondent for the daily caller.com, in his story headlined, "Obama immigration policy opens work permit door to ID thieves, jailed illegals, uninsured drivers":

The [new] White House immigration policy would not prevent illegal aliens who have committed identity theft or have been driving cars without licenses from obtaining work permits, an administration official told reporters during a press conference on Friday. It will also be extended to some illegals already in jail and to some who have already been approved for deportation by judges, he said.... The presidential policy — which was pitched by officials as a large-scale exercise of 'prosecutorial discretion' — has been credited by Democrats with boosting Obama's support among Hispanic voters into the 70 percent level.<sup>20</sup>

The continuing — actually increasing<sup>21</sup> — crime wave by illegal aliens can be linked to a series of policy actions taken by the Obama Administration as part of their open borders advocacy. The Heritage Foundation reports, "Congress has repeatedly considered, and rejected, a bill known as the Dream Act that would effectively grant amnesty to many illegal aliens. Yet

in June 2012, six months before the election, Department of Homeland Security Secretary Janet Napolitano issued a directive to immigration officials instructing them to defer deportation proceedings against an estimated 1.7 million illegal aliens. Oddly, this happened about a year after President Obama admitted that ‘the President doesn’t have the authority to simply ignore Congress and say we’re not going to enforce the laws you’ve passed.’”<sup>22</sup>

Also last year, the Obama Justice Department announced it would stop deporting illegal immigrants who come to the country at a young age and meet certain requirements. The new rules apply to those who came to the United States before they were 16 and who are younger than 30, if they have lived here for five years, have no criminal history, graduated from a U.S. high school, or served in the military. The change in policy could allow as many as 800,000 immigrants who came to the United States illegally not only to remain in the country but to do so without fear of being deported.

That new directive earned this remark from House Judiciary Committee Chairman Bob Goodlatte (R-VA):

President Obama has once again abused his authority and unilaterally refused to enforce our current immigration laws by directing U.S. Immigration and Customs Enforcement agents to stop removing broad categories of unlawful immigrants. The primary reason why our immigration system is broken today is because our immigration laws have largely been ignored by past and present administrations. It’s imperative that we prevent this from happening again by taking away the enforcement ‘on/off’ switch from the President.<sup>23</sup>

According to a statement by National Border Patrol Council, Local 2544, “This... [is] more of the ‘wait until they kill, rape, beat or molest someone here in America, then we’ll deport them’ logic. Any victims want to step up to the plate so they can make sure an illegal alien becomes a ‘felon’, making him deportable under the Obama and Napolitano rules? Brilliant strategy. They say they’ll deport ‘gang members’ as well. The illegal alien cheerleaders will love this new strategy. Those of us who actually have to put our lives on the line and enforce the laws? Not so much.”<sup>24</sup>

In August of 2013, the Obama Administration issued the latest in a line of policy directives granting amnesty by default. This latest directive instructs Immigration and Customs Enforcement (ICE) officials not to enforce immigration laws in cases where an illegal alien is the primary provider for any minor child — regardless of the child’s immigration status — or the parent or guardian of a child who is a U.S. citizen or legal permanent resident.

Also in August, a U.S. Equal Employment Opportunity Commission news release (“EEOC’S Miami District Office and Mexican Consulate Offices Sign Historic Outreach Agreement”), hailed a Memorandum of Understanding (MOU) it signed with the Consulate General of Mexico in Miami and Consulate of Mexico. The pact “establishes an ongoing collaboration between these entities to provide Mexican nationals with information, guidance, and access to resources on the prevention of discrimination in the workplace regardless of immigration status ... The EEOC’s Miami District Office is currently involved in plans for the agency’s participation in various ‘Labor Rights Week’ events scheduled throughout the state at the end of August by the Miami Consulate General and Orlando Consulate offices. ‘Labor Rights Week’ is an initiative to educate Mexican nationals and other Latinos about their civil rights, workplace safety, minimum wage laws, and human trafficking.”

### Ganging up on America

The invasion of illegal aliens has established a bloody battlefield in the form of street gangs.

What fuels the growth of gangs is money — easily obtainable via drug smuggling. A 2011 report from the National Gang Intelligence Center makes the connections between the Mexican drug cartels and various U.S.-based gangs, especially illegal alien rings such as Los Aztecas and MS-13.

U.S.-based gangs have established strong working relationships with Central American and MDTOs (Mexican Drug Trafficking Organizations) to perpetrate illicit cross-border activity, as well as with some organized crime groups in some regions of the United States. U.S.-based gangs and MDTOs are establishing wide-reaching drug networks; assisting in the smuggling of drugs, weapons and illegal immigrants along the Southwest Border; and serving as enforcers of MDTOs interests on the U.S. side of the border.<sup>25</sup>

The report notes that, “Federal, state, and local law enforcement officials are observing a growing nexus between the Mexican drug cartels, illegal alien smuggling rings, and U.S.-based gangs. It is estimated that criminals earn billions of dollars each year by smuggling aliens through Mexico into the United States.”<sup>26</sup>

One of the better-known illegal alien gangs is the violent MS-13, the abbreviation for *Mara Salvatrucha* (loosely translated as “street smart clique”) — dubbed the “The World’s Most Dangerous Gang” by usually restrained *National Geographic*. Michael Sullivan, a former director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, says the Salvadoran gang’s use

of brute force to keep control of its operations has kept MS-13 from being infiltrated. "MS-13's foothold in the U.S. is expanding," Sullivan says, with known affiliates in 42 states, up from 33 in 2005. The FBI believes that the gang's L.A. members have a higher status among the group. The gang typically targets high school and even middle school students for recruitment. Aaron Escorza, chief of the FBI's MS-13 National Gang Task Force, says a "revolving door" on the border has kept the gang's numbers steady even as many illegal immigrant members are deported.<sup>27</sup> Reporter Dave Gibson notes that according to FBI records, there are at least 70,000 MS-13 gang members operating between Central America and the United States.<sup>28</sup>

Another rapidly expanding gang, Florencia 13, works closely with the Mexican Mafia and is based out of South Los Angeles. Florencia 13 is part of a terrifying gang war scene that has turned L.A. into one of the most dangerous counties in the country. It also has members and influence in states like Virginia and Iowa. The gang has racked up charges ranging from piracy to conspiracy to sell drugs and murder over the last few years. They also have been cited for infiltrating the U.S. military.

Originally based out of El Paso, Los Aztecas have become a powerful paramilitary force on both sides of the Mexico border. Now many of the gang's members are recruited from Texas prisons, and some of its work takes place inside prison walls, such as heroin production. Los Aztecas work with the Juarez and Los Zetas cartels running drugs, smuggling illegal aliens, and murdering consulate officials. In March 2011, 35 members of the gang were charged with a variety of crimes, including 10 gangsters involved in the murder of a U.S. Consulate employee and several family members.

The ultra-violent Trinitarios has its roots in New York's prison system in the 1980s, but quickly spread to the streets as inmates were released. Its influence is now felt in all five boroughs of New York and in at least 10 states covering all corners of the country. The predominantly Dominican gang, with deadly rivalries with other Hispanic gangs, is notorious for recruiting in high schools throughout New York and New Jersey, and is said to be behind a number of teen shootings and machete deaths.

A quick scan of the Internet finds sickening evidence of the carnage caused by illegal alien gangs on the prowl.

- Police in the Sanctuary City of Austin, TX arrested two Mexican nationals who reportedly participated in the gang-rape of a 13-year-old girl on June 29. As many as 13 men took turns sexually assaulting the girl. Many cheered and filmed the crime on their cell phones. Juan Lozano Ortega, 25,

and Edgar Gerardo Guzman Perez, 26, were charged with aggravated sexual assault of a child. Both men, Mexican nationals, are currently being held in the Travis County Jail on immigration detainers.<sup>29</sup>

- Pinal County Arizona Sheriff Babeu recounts this story: "On December 14th 2010, Border Patrol Agent Brian Terry was patrolling with three other members of his tactical team in Peck Canyon that is a notorious drug-smuggling corridor. At the same time five illegal aliens, all of whom were armed with weapons, were also patrolling in the same canyon. According to one of them who was later arrested, at least two of the illegal aliens carried their assault rifles "at the ready position." After the Border Patrol agents identified themselves in Spanish as police officers, one of the illegal aliens opened fire striking Brian Terry in the back. The bullet pierced his aorta and he began to bleed profusely. He died at the scene. At the time of the shooting, Brian Terry was armed with a 'less lethal' beanbag shotgun [*the weapon is designed to deliver a blow that will briefly render a violent suspect immobile*]. Two of AK-47s recovered at the scene came from the failed 'Fast and Furious'<sup>30</sup> operation."

### Is the future predictable?

The 2012 illegal alien population in the United States, based on Pew Research Center estimates, is an estimated 11.7 million, up from a recent low of 11.3 million in 2009. Since 1990, the illegal alien population has more than tripled, and shows no sign of slowing.

Financial analyst and economics journalist, Edwin Rubenstein, Ph.D., noted in this journal that there "are the divergent trends [in criminal incarcerations] of the two most recent years for which we have data. From 2008 to 2009 the number of white male inmates declined by 15,000 (-2.6 percent); black male inmates declined by 5,000 (-0.6 percent); while the count of incarcerated Hispanic males rose by 15,000 (+3.5 percent)." He also observed that, "Hispanic males were 37 percent more likely to be incarcerated than non-Hispanic males. More importantly, the gap is growing. From 2000 to 2009 non-Hispanic incarceration rates declined while Hispanic incarceration rates rose."<sup>31</sup> The only change seems to be a growing number of illegal alien criminals.

The *Washington Times* reports that, "14.7 percent of removal cases filed by the administration this year have alleged criminal violations. That figure has dropped steadily from 16.6 percent in 2010."<sup>32</sup> More illegal alien criminals, but fewer deportations.

Is immigration reform doomed? Is there a light at the end of the tunnel illegal aliens have burrowed in America? According to commentator Pat Buchanan, “The crisis of the West is a collapsing culture and vanishing peoples, mounts the greatest invasion in history of the world. If we do not shake off our paralysis, the West comes to an end.”<sup>33</sup>

The answer may lie somewhere in these numbers. Approximately 42 percent of eligible voters did not go to the polls last year.<sup>34</sup> Public approval of the way Congress is running the country hovers under 20 percent.<sup>35</sup> About 53 percent of U.S. citizens believe that most or all illegal aliens should be deported while 36 percent want all or most to stay. A remarkable 55 percent of registered voters disapprove of Obama’s handling of immigration policy.<sup>36</sup>

In this writer’s opinion, Buchanan’s wise advice to shake off our paralysis *is* in those numbers. ■

### Endnotes

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