

COMING TO TERMS WITH AMERICA'S CRIMINAL ALIEN CRISIS

by

U.S. Representative Charlie Norwood

Depending on who you believe, there are somewhere between 8 and 11 million illegal aliens living in the United States today. This staggering influx of individuals entering the country has put a strain on our nation's resources and deserves the attention of this Congress. For a moment, put this group of individuals aside and take a closer look at a subgroup of this population known as "criminal aliens."

Miguel Angelo Gordoba is a child molester illegally in our country. In August 2001, he finished a four-year sentence at Rivers State Prison for molesting a 2-year old girl in Alma, Georgia. On the day he finished his sentence, you would think he would be picked up and deported. Instead, Gordoba registered as a sex offender and vanished into the streets of Georgia. To this day, he has not been located.

What is meant by the term "criminal alien?" Like Miguel Angelo Gordoba, a criminal alien is an individual who enters our nation's borders legally or illegally, commits a crime, serves his or her sentence, but then is released back onto our streets instead of being deported. Understand, the federal law insists these individuals (many of them murderers, rapists, and drug dealers) are to be deported once their debt to society is paid; but, because our federal government provides a system that is frankly unworkable, tens of thousands of these individuals have been simply turned loose and a crisis has been created.

Ultimately, the numbers behind the crisis tell it all. According to estimates from the U.S. Department of Homeland Security's Bureau of Immigration and Customs Enforcement (or ICE), there are roughly 400,000 illegal aliens with standing deportation orders living in America today. Of this figure, 80,000 are criminal aliens who were once in the hands of law enforcement. And finally, approximately 3,700 of these individuals are from al Qaeda-friendly countries. Yet despite this disturbing data, our federal government provides just 2,000 agents at ICE to enforce immigration laws for the entire nation.

Adding insult to injury, the problem is only getting worse. According to a September 14, 2003 *Denver Post* article, an analysis of U.S. Department of Homeland Security data showed that roughly 41% fewer deportable aliens had been found over the previous two years.

At first glance, it would appear the culprit in this crisis is the federal agency charged with finding and deporting criminal aliens, ICE. After all, our nation's newspapers are littered with anecdotal accounts of local and state law enforcement officials who have experienced the inefficiency and unaccountable nature of

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the badly broken system they oversee. But to place blame at the doorstep of ICE is unfair to an agency that is critically out-manned and an oversimplification of a bigger problem.

The fact is, it's Congress that has exhibited a lack of seriousness and will in addressing the crisis in three distinct ways: 1) by not clarifying the jurisdictional authority that exists with local and state law officials to enforce federal immigration laws (much as they already have in enforcing federal drug laws); 2) by not providing adequate resources and reassurances to local and state municipalities in this battle; and 3) by not acting to ensure that ICE is given the help it needs.

There is, however, legislation being considered in Congress that would change all of that and address America's criminal alien crisis once and for all. The bill, known as the "Clear Law Enforcement for criminal Alien Removal Act" (or "CLEAR Act"), was introduced on July 9, 2003 by myself and U.S. Representatives Allen Boyd (D-FL), Melissa Hart (R-PA), and Nathan Deal (R-GA).

The CLEAR Act is a bipartisan and completely voluntary measure that would address the criminal alien crisis in a number of ways. In a direct, but measured manner, it would signal a new day for local and state law enforcement, ICE, criminal aliens, and of course, residents who are endangered by the crisis everyday.

The bill would also see to it that officers receive the training and adequate financial resources to detain and house these individuals, as well as the access to data they currently lack. On the first point, a new grant program would be established for the purchase of equipment for housing and processing of criminal and illegal aliens, and for needed training. In addition, the CLEAR Act quadruples the State Criminal Alien Assistance Program (SCAAP) funding to \$1 billion to help offset the cost to state and local communities for imprisoning criminal aliens. Regarding access to data, the bill would create a new category within the National Crime Information Center (NCIC) database for any and all violators of immigration law — and would make that information readily accessible to every local officer.

Finally, the bill mandates the extension of the Institutional Removal Program (IRP). This means when criminal aliens are detained and serve their sentences, they are deported without being released into the community at anytime in between. If for some reason ICE fails to do their job in this effort, the bill allows state and local police to hold them accountable by setting up an unprecedented administrative review process and fine schedule. Ultimately, the best news for rank and file officers is that their days of arresting and re-arresting the same criminal aliens over and over again would come to an end.

For ICE, they would get much needed help in the form of over 600,000 local and state law officers to help enforce the law, just as local cops have been helping the DEA for years. With their able assistance, ICE will be able to focus its efforts on the extended IRP component — and in ensuring that the federal government lives up to its end of the bargain. Additionally, a new system for ICE to take custody of criminal and illegal aliens from localities and take them to an ICE facility for processing and removal is created. Under the bill, the federal government is also required to either take custody of criminal and illegal aliens or else pay the locality to detain them.

For criminal aliens, it would mean their days of falling between the cracks of a badly broken American immigration system would be numbered. Bringing efficiency, accountability, adequate resources, and common sense to the system would ensure that criminal aliens are actually deported after serving their sentence. And by establishing a financial disincentive for illegally returning to our nation again and again, as the bill does, the likelihood of criminal aliens returning to America is greatly diminished.

Finally, for residents living within our borders peacefully, the CLEAR Act would bring the reassurance that America's federal government and this Congress is doing its best job at making our streets and neighborhoods as safe as they can be — and free of the 80,000 criminal aliens that we put there.