

Linebacker plan catches more immigrants than criminals

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### **Body**

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AUSTIN -- An El Paso Times analysis of reports from state border security operations shows that border sheriffs are using federal dollars meant to fight drugs and violent crime to enforce federal immigration laws.

The reports show **Operation Linebacker**, the program one state security official called the "cornerstone" of Texas border safety efforts, caught suspected undocumented immigrants seven times more often than it apprehended criminals.

Gov. Rick Perry and border sheriffs insist state border security operations are used to deter crime and terrorism, not to enforce federal immigration laws. Yet, the reports do not show even one terrorism-related arrest in six months.

The Times, under the Texas Public Information Act, obtained six months of **Operation Linebacker** reports from the 16 counties receiving federal money for the operation.

Civil rights activists say the analysis indicates that some sheriffs are likely misusing federal dollars by targeting immigrants and could jeopardize millions in funding meant to fight drug-related and violent crime.

"Money the governor is allocating is clearly being misused," said Will Harrell, Texas ACLU executive director.

Some lawmakers said the numbers raise serious concerns about whether the sheriffs warrant the \$100 million Perry wants legislators to allocate for future border security efforts.

"To me, the statistics say that the operation has been, in effect, an immigration operation, not a serious crime operation," said state Sen. Eliot Shapleigh, D-El Paso.

Some lawmakers and activists also worried the security operations could be creating an atmosphere of fear in immigrant communities, causing victims to stop reporting crimes because they are afraid to be deported.

"We in the Legislature don't mind providing them help to fight crime and target drug smugglers, but certainly the money is not intended for them to enforce immigration laws," said state Sen. Juan "Chuy" Hinojosa, D-McAllen.

Perry spokeswoman Kathy Walt said catching undocumented immigrants is a side effect of increased law enforcement presence on the border, and the governor is not concerned about losing funding for his border security programs.

"Law enforcement is sworn to uphold laws," Walt said. "They don't pick and choose which laws to enforce."

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More immigrants than criminals

The Times analyzed **Operation Linebacker** reports from January through June of this year from all 16 counties participating in the program.

Perry gave border county sheriffs about \$10 million in federal grants for the operation. The money was to fund overtime and equipment for sheriffs' deputies to patrol rural border areas the understaffed U.S. Border Patrol often cannot.

The reports indicate sheriffs' deputies in the 16 counties requested Border Patrol assistance with 4,756 undocumented immigrants. Nearly a quarter of those were stopped in El Paso County.

During the same period, according to the reports, border sheriffs arrested 702 individuals, 179 of them on drug charges.

On average, for every one arrest the sheriffs made, analysis indicated they reported seven undocumented immigrants to the Border Patrol.

The sheriffs reported encounters with 85 undocumented immigrants from countries other than Mexico. Most were from El Salvador, Honduras, Guatemala and Nicaragua.

During six months of patrols on the 1,200-mile border, deputies reported contact with one person from Syria, which the U.S. Department of Defense has identified as a country that sponsors terrorism. The Syrian was reported in Val Verde County but was not evidently considered dangerous because no arrest was reported.

Despite those numbers, Perry's director of state homeland security, Steve McCraw, said state border security operations are not intended to round up those who come to the U.S. simply to work or reunite with family.

But, he said, if officers investigating whether an individual is a criminal or terrorist find out instead the person is in the country illegally, they are obligated to contact the Border Patrol.

"No one has figured out a way to look at someone and tell if they're a terrorist, a criminal or an economic émigré," he said. "You just don't know."

McCraw said if sheriffs' deputies were "just randomly pulling people over based on how people look" it would be inappropriate and a waste of time.

Linebacker in El Paso

Border lawmakers and immigrant rights activists have most harshly criticized El Paso County Sheriff Leo Samaniego's border security work.

They lambasted Samaniego's traffic checkpoints, which he insists are not part of **Operation Linebacker**, saying officers are posted in areas around colonias and schools, that deputies target brown-skinned drivers and harass them for proof of citizenship.

"Vehicle stationary checkpoints are completely separate" from **Operation Linebacker**, El Paso County Sheriff's Office spokesman Rick Glancey said. "I don't know how many times I have to say this to you, to other reporters and to everyone else in this community."

It is impossible to decipher from the reports where and how deputies came in contact with immigrants. But the reports clearly show local deputies reported more undocumented immigrants than any of the other departments.

El Paso County deputies intercepted 1,076 undocumented immigrants.

Glancey was adamant that deputies do not target undocumented immigrants, do not conduct racial profiling and do not enforce federal immigration laws.

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"You cannot, in many cases, conduct your own normal law enforcement duties without coming in contact with" undocumented immigrants, he said.

Glancey said **Operation Linebacker** money allows more patrols, increasing the likelihood that deputies contact undocumented immigrants.

During the first six months of the operation, local deputies made 161 arrests, four of them drug-related. For every one arrest they made, local deputies on average reported intercepting seven undocumented immigrants to the Border Patrol.

Money misuse and fear

**Operation Linebacker** money comes from a U.S. Department of Justice grant program that requires law enforcement officials to use the money to fight drug-related and violent crime.

The ACLU's Will Harrell said the numbers indicate some sheriffs are using the money mostly to track down undocumented immigrants.

Perry "needs to rein in those departments," Harrell said.

Money from the same grant program was also used to form drug task forces across Texas. Federal money for those operations was nearly entirely cut off after investigations revealed dozens of black residents in Tulia were wrongly charged and convicted of drug offenses.

"The governor needs to withdraw and reallocate the money if he's convinced, as I am, that the money is being misused," Harrell said.

The governor is convinced that his programs are deterring crime, his spokeswoman said.

"These figures represent activities that occur as you are reducing crime," Walt said.

She cited numbers Perry touted during his campaign that indicate crime borderwide declined 60 percent.

The Times previously reported that the governor's own homeland security director acknowledged the state could not prove border operations created a sustained drop in crime from El Paso to Brownsville, that Perry's 60-percent figure did not include crime rates in major border cities and did not account for other factors that may have contributed to crime decreases.

Also disconcerting for civil rights activists and some lawmakers is that sheriffs' deputies who target undocumented immigrants could be causing more crime than they prevent in immigrant communities.

Luis Figueroa, Mexican American Legal Defense and Educational Fund staff attorney, said when immigrants are afraid local police will report them or their family members to federal immigration officials, they will not come forward to help authorities investigate serious crime.

"It promotes fear and forces them deeper into the shadows," Figueroa said.

Immigrant rights activists in El Paso report that is precisely what has happened in some colonias and other areas where sheriffs' deputies have set up checkpoints.

Harrell said one woman told ACLU interviewers in El Paso she was so afraid that she did not report that her daughter was raped.

Priests have reported drop-offs in church attendance, as some parishioners fret to leave their homes and risk being stopped at a checkpoint, turned over to Border Patrol and separated from their families.

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Perry has said he is not concerned with the long-term ramifications of his border security operations in immigrant communities. He said he hopes the programs are short-lived and the federal government will step up border efforts so state funds can be directed elsewhere.

Until Congress acts, though, he wants legislators to approve \$100 million from the state budget to continue his border security programs.

Some border legislators said they are hesitant to allow state money for border security operations if sheriffs are using it more to enforce immigration laws than to apprehend violent criminals.

"State resources should be targeted to serious crime, like drug dealing, human smuggling, murders and rapes, not to roadblocks around schoolhouses," Sen. Shapleigh said.

Sen. Hinojosa said sheriffs don't have training to enforce complex federal immigration laws. He wants to see additional accountability requirements attached to any legislation that approves border security money for sheriffs.

"They dilute their power when they lose focus on criminals and start doing immigration stuff," he said. "It defeats the whole purpose."

Brandi Grissom may be reached at [bgrissom@elpasotimes.com](mailto:bgrissom@elpasotimes.com); (512) 479-6606.

**Operation Linebacker**: By the numbers

From December 2005 to May 2006:

El Paso County

- Overtime hours: 5,357.95. Undocumented immigrants caught: 1,076. Drug arrests: 4. Drugs confiscated: 0.6 pounds. Brewster County Overtime hours: 1,813.5. Undocumented immigrants caught: 71. Drug arrests: 15. Drugs confiscated: 504.64 pounds. Cameron County Overtime hours: 2,818.75. Undocumented immigrants caught: 316. Drug arrests: 47. Drugs confiscated: 2,956.93 pounds. Culberson County Overtime hours: 5,018.5. Undocumented immigrants caught: 121. Drug arrests: 4. Drugs confiscated: 241.9 pounds. Dimmit County Overtime hours: 1,414. Undocumented immigrants caught: 480. Drug arrests: 14. Drugs confiscated: 86 pounds. Hidalgo County Overtime hours: 3,176. Undocumented immigrants caught: 452. Drug arrests: 29. Drugs confiscated: 2,803.93 pounds. Hudspeth County Overtime hours: 3,558.5. Undocumented immigrants caught: 248. Drug arrests: 11. Drugs confiscated: 2,422.093 pounds. Jeff David County Overtime hours: 657. Undocumented immigrants caught: 4. Drug arrests: 7. Drugs confiscated: 84.724 pounds. Kinney County Overtime hours: 7,324. Undocumented immigrants caught: 232. Drug arrests: 2. Drugs confiscated: 0. Maverick County Overtime hours: 48,27.78. Undocumented immigrants caught: 87. Drug arrests: 7. Drugs confiscated: 1,133.87 pounds. Presidio County Overtime hours: 3,334. Undocumented immigrants caught: 0. Drug arrests: 0. Drugs confiscated: 0. Starr County Overtime hours: 6,200.5. Undocumented immigrants caught: 808. Drug arrests: 8. Drugs confiscated: 15,715.12 pounds. Terrell County Overtime hours: 31. Undocumented immigrants caught: 93. Drug arrests: 0. Drugs confiscated: 0.62 pounds. Val Verde County Overtime hours: 2,492.5. Undocumented immigrants caught: 33. Drug arrests: 9. Drugs confiscated: 733 pounds. Webb County Overtime hours: 2,015.5. Undocumented immigrants caught: 721. Drug arrests: 18. Drugs confiscated: 6,527 pounds. Zapata County Overtime hours: 5,405. Undocumented immigrants caught: 153. Drug arrests: 6. Drugs confiscated: 782 pounds.

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