

## Along Part of the Border, A Zero-Tolerance Zone

Tough Program Is Discouraging Illegal Crossings

WASHINGTON POST

JUNE 18, 2006

DEL RIO, Tex. -- On June 1, the three Ordaz-Valtierra brothers from Mexico illegally crossed the Rio Grande with the same dream that so many other Latin American immigrants have: head north from the border, get jobs and start sending money home.

Their journey, instead, ended in a federal courthouse here, where, dressed in orange prison jumpsuits, each was charged with the federal misdemeanor crime of entry without inspection. Each pleaded guilty and was sentenced by a U.S. magistrate judge to 15 days. Under guard of U.S. marshals, they were put in shackles and bused to a West Texas jail to serve their time and await deportation home.

"I'm sorry," Juan Carlos Ordaz-Valtierra, 27, said through an interpreter as he stood before U.S. Magistrate Judge Dennis G. Green. "I didn't think it was this difficult to cross into your country."

It wasn't. But this year, a 190-mile stretch of riverbank that includes the small border cities of Eagle Pass and Del Rio became a "zero-tolerance zone." If apprehended by the U.S. Border Patrol, illegal immigrants are prosecuted by federal authorities for a misdemeanor, sent to jail for 15 to 180 days and then deported. If they are caught illegally entering the country a second time, they are eligible for a felony charge of illegal entry and as much as two years in federal prison.

"Catch and release" -- in which Mexican citizens are returned promptly to Mexico, but citizens of other countries are given a notice to appear in immigration court at a later date, set free and never tracked down by authorities -- would end here, said Department of Homeland Security officials at a Washington news conference this year. "Catch and remove" would start. And, officials predicted, as this tough policy became known, immigrants would be discouraged from crossing through this slice of southwest Texas.

As Congress discusses tightening immigration laws -- from criminalizing the estimated 12 million illegal immigrants living in the United States to instituting a guest-worker program -- this federal experiment, called Operation Streamline II, has shown what it takes to stop the flow of illegal immigrants: aggressive enforcement of the laws on the books. That entails putting the fate of each illegal border crosser in the hands of not only the Border Patrol, but also the local offices of the U.S. attorney and the U.S. Marshals Service, the Federal Bureau of Prisons, and the regional Immigration and Customs Enforcement office of the Department of Homeland Security.

The coordination is complicated, and the logistics -- finding jail space over an eight-county area as far away as Odessa, more than 300 miles northwest of Del Rio, and transporting immigrants to and from the far-flung jails -- are a "headache," said Pete Acosta, a deputy

U.S. marshal in San Antonio. The Del Rio U.S. marshal's office comes under the jurisdiction of the San Antonio office.

Still, this pilot project, which the Border Patrol is considering implementing along other parts of the 2,000-mile border with Mexico, has been worthwhile, officials said.

"Although it continues to be a big challenge for everyone involved, it's been at least manageable," said Johnny Sutton, the U.S. attorney for the Western District of Texas, which covers 93,000 square miles and 660 miles of border from El Paso to just beyond Eagle Pass. "The results, plus the morale boost for the Border Patrol -- the agents in the field making these arrests -- is a big payoff."

Agents on the line, such as Arthur Malacara and Mario Mata, concur.

Maneuvering their airboat along the shoals of the Rio Grande between the two bridges that connect Eagle Pass with its Mexican neighbor, Piedras Negras, they recalled the days when dozens of immigrants at a time would wade across the river and give themselves up to the Border Patrol. That was just last fall. Illegal immigrants knew they would be processed, given court-appearance slips and released.

"They had no regard for us," Malacara said.

"We would be processing [paperwork] all day," Mata said.

"Then we'd watch them walk out," Malacara said. "Do all that work, watch them walk out and never see them again."

"Now we're holding them back," Mata said. "It's a drastic change, drastic."

They are, said Randy Clark, the agent in charge of field operations in the Eagle Pass Border Patrol office, "the most dynamic results I've seen in my 19 years in the Border Patrol."

As of June 5, apprehensions of illegal immigrants in Eagle Pass, where Operation Streamline II began Dec. 6, were down 51 percent, and they were down 32 percent in Del Rio, compared with the same period a year ago. Apprehensions of drug smugglers increased substantially between Dec. 6 and June 5, because agents were no longer tied up processing illegal immigrants, Clark said. Since the program began, the value of narcotics seizures has increased 309 percent to \$13 million in Eagle Pass and by 176 percent to almost \$40 million in Del Rio, he said.

But as with many border enforcement programs, the positive effects are often offset by negative consequences. "It's plugging one hole here and creating holes somewhere else," said one federal official who asked not to be identified because he is involved in enforcing the program. "If it's only done right here, everybody might go elsewhere."

That appears to be happening. While border crossings are down in Del Rio and Eagle Pass, Border Patrol spokeswoman Maria Valencia said apprehensions between Oct. 1 and Wednesday increased by 9 percent in Laredo, the neighboring sector. Apprehensions for the same period increased by 24 percent in the San Diego and El Centro, Calif., sectors and by 20 percent in El Paso. "Everything has shifted over," she said.

For now, Eagle Pass is quiet, a far cry from the days last fall when groups of 20, 30 and 40 illegal immigrants, most of them from El Salvador, Honduras and Guatemala, could be seen walking through the tiny downtown.

"We were getting overwhelmed," said Eagle Pass Police Chief Tony Castañeda.

"Fortunately, we didn't have a crime wave with these people. They just wanted their [court appearance] papers, to get money wired here from their families up north and to get on a bus out of town. They came into the police station asking for their papers. It was crazy, man."