



MEMORANDUM

August 5, 2010

To: All Virginia Sheriffs Departments
From: Delegate Bob Marshall, (R-13th District)
Re: ID of Illegal Aliens/Terrorists in Virginia

Gang activity in Virginia is at an all time high. Members of these gangs include Middle and Far Eastern terrorists coming through our southern border. The Obama Administration has recognized this in July 22, 2010 testimony to a House of Representatives Subcommittee.

I wanted to make you aware that a General Accounting Office Report issued July 22, 2010, stated, “ ‘Special interest’ aliens from Afghanistan, Iran, Iraq and Pakistan are paying Mexican drug Traffickers to smuggle them into the United States according to testimony from the Obama Administration to a House of Representatives Subcommittee. ‘ ... the southwest border region is the principal entry point for smuggled aliens from Mexico, Central America, and South America. Aliens from countries of special interest to the United States such as Afghanistan, Iran, Iraq, and Pakistan (known as special-interest aliens) also illegally enter the United States through the region.

... Mexican drug trafficking organizations have become increasingly involved in alien smuggling. These organizations collect fees from alien smuggling organizations for the use of specific smuggling routes ... Mexican drug trafficking organizations specialize in smuggling special-interest aliens into the United States. ... Communities across the country are at risk since among those individuals illegally crossing the border are criminal aliens and gang members who pose public safety concerns for communities throughout the country.”

Additionally, the Attorney General’s office issued the attached opinion, issued July 30, 2010, in response to my May 26 request for information concerning whether Virginia could under current statute inquire into the legal presence of individuals arrested in Virginia.

The Attorney General specifically concluded that: “It is my opinion that Virginia law enforcement officers, including conservation officers, may, like Arizona police officers, inquire into the immigration status of persons stopped or arrested; however, persons tasked with enforcing zoning laws lack the authority to investigate criminal violations of the law, including criminal violations of the immigration laws of the United States.”

I also call to your attention a 2004 report prepared by the Congressional Research

Service which agrees with Attorney General Cuccinelli: “Accordingly, the Ninth Circuit declared that local police officers may, subject to state law, constitutionally stop or detain individuals when there is reasonable suspicion or, in the case of arrests, probable cause that such persons have violated, or are violating, the *criminal* provisions of the INA.” (Enforcing Immigration Law: The Role of State and Local Law Enforcement,” 3-11-04, RL32270, page 10)

It has come to my attention that many of the gangs around Virginia are using our state and local parks as places to grow drug crops and as regular meeting places. I would like to encourage you and your deputies to do all that you can using the powers mentioned above to root out these gangs in your area.

Thank you for your consideration of this matter. If you have any questions please contact me on my cell phone at 703-853-4213.