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What to do about Malvagate

There is a growing clamor for new congressional inquiries into how the Immigration and Naturalization Service recklessly releases illegal aliens like sniper suspect Lee Malvo -- and then watches them disappear to commit brutal crimes against American citizens.

Please, no more hearings. What we need now is action from the White House, not another redundant confab on Capitol Hill.

A year ago this month, the investigations subcommittee of the Senate Governmental Affairs Committee convened an eerily prescient hearing on exactly the kinds of policies that led to illegal alien Malvo's quick and easy release -- despite the Border Patrol's clear warning that Malvo and his mother were "likely to abscond."

On Nov. 13, 2001, Sen. Carl Levin, D-Mich., chaired the hearing on the INS's deadly detention and deportation practices. Levin's tough questions are worth quoting at length.

First, Sen. Levin summarized the problem:

"If the Border Patrol decides to detain a person or set a bond to help assure that a person shows up at the hearing, the INS deportation office can revise that decision and order the person released on a lower bond or on his or her own recognizance. To be released on your own recognizance means that you are released on your promise that you will appear at the scheduled hearing. There is no bond.

"(T)he Border Patrol and the INS release on their own recognizance a significant number of people who are arrested for illegal entry, even though it is clear that most won't show up at their removal hearing. That means that most people who get caught and arrested for illegal entry . . . are allowed to move at will in this country with no constraints other than a written instruction to appear at a hearing that is likely to result in their removal from this country, and that is absurd."

Next, Sen. Levin demanded answers. He asked Michael Pearson, the INS's executive associate commissioner for field operations, to tell him how many illegal aliens released on their own recognizance after being apprehended by the Border Patrol fail to show up for hearings. Pearson's reply:

"I don't know."

When Sen. Levin asked Pearson to simply tell him how many illegal aliens arrested in 2001 in one region of the country -- the Detroit sector of the Border Patrol -- had actually shown up for their hearings, Levin was told:

"The INS doesn't know."

Sen. Levin pressed Pearson on the lack of any INS requirement to conduct criminal background checks on illegal aliens before releasing them on their own recognizance. "Do you know in how many cases where people are released on their own requirement, approximately, there is no criminal background check?" Pearson's reply:

"I do not know, Senator."

Sen. Levin tried again. He asked Pearson: "(Y)ou don't know in what percentage of the cases where people are released on their recognizance that there is a criminal background check(?" Pearson responded:

"Senator, I don't have that data. No, I do not."

Sen. Susan Collins, R-Maine, noted that even after the INS is alerted to no-shows, "INS agents are not routinely sent out to locate the illegal aliens who fail to appear." The catch-and-release scheme is also available to asylum seekers and to illegal aliens who have no verifiable identities, addresses or contact information as required by law. In 1999, some INS district offices released nearly 80 percent of the asylum seekers pending their asylum hearing; as many as one-third of these asylum seekers failed to appear for their asylum hearings, according to Sen. Collins.

In addition, the INS continues its "voluntary departure" program, letting thousands of illegal aliens go free with timid instructions to leave the country within 30 days -- without any process for verifying whether or not they actually leave.

Border Patrol agent Mark Hall, who works along the Detroit sector, cut to the chase: "When illegal aliens are released, we send a disturbing message. The aliens quickly pass along the word about how easy it is to enter this country illegally and remain here. This practice is devastating to a sound border enforcement strategy."

Nine months later, 11 people lay dead and 3 gravely wounded after the release of illegal alien Lee Malvo. The know-nothings at INS are running for cover.

What is President Bush going to *do* about it?

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