

June 12, 2017

To: City of Painesville City Council

Subject: Resolution 38-08 & Policy 413

I come before the Council today to thank the City Manager, Monica Ireland, Chief of Police Powalio and the Council people that have supported Resolution 38-08 and Immigration Violation Policy 413, and ask that you not rescind the resolution, nor the policy.

Before I present my case why the resolution and policy should not be rescinded, I must first make an important point very clear.

My position should not be construed as a desire on my part to demean or denounce the Hispanic community in the City of Painesville, Lake County, or surrounding communities. I welcome all **legal** immigrants to our communities regardless of their national origin. However, I am vehemently opposed to the policy of open borders and **illegal** immigration.

If anyone is to be offended, let them be offended by the truth, and not my attitude or tone.

It is my position that without secure borders, a country loses its sovereignty; and, in time, will cease to be a nation. The federal government's open border policy has had severe negative consequences, and at the local level, will continue to cause problems for all taxpayers of the City of Painesville and the surrounding communities.

My concerns are centered on three basic issues:

1. Obeying our laws
2. Increasing safety for everyone
3. Eliminating increasing costs for taxpayers

1. Obeying our Laws:

As a nation of laws, everyone, citizen and non-citizens alike are expected to abide by the myriad of laws mandated by all levels of government. The citizens of this great country also expect their elected officials to follow all laws.

A. Granted the U.S. Immigration laws are complex. However, there are definite federal statutes dealing with Visas, Refugees, Green Cards, and rules for applying for citizenship. It is quite surprising that so many people have flaunted our laws, illegally entered the United States, and are shocked that American citizens find it appalling that they have a total disregard for our rule of law.

It is clearly a crime to enter the United States without following our immigration laws.

It is stated in **Title 8, Code Section 1325 – Improper entry by alien:**

“Any alien who (1) enters or attempts to enter the United States at any time or place other than as designated by immigration officers, or (2) eludes examination or inspection by immigration officers, or (3) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offense, be fined under title 18 or imprisoned not more than 6 months, or both, and for a subsequent commission of any such offense be fined under title 18, or imprisoned not more than 2 years, or both.”

It is clearly a crime for anyone to violate our immigration laws by aiding and abetting an illegal alien.

B. Title 8, Section 1324 U.S. Immigration Law is a federal statute that is regularly violated by elected officials, employers and well-meaning citizens.

“Subsection 1324 (a) (2) makes it an offense for any person who – knowing or in reckless disregard of the fact that an alien has not received prior authorization to come to, enter, or reside in the United States.....”

“With regard to offenses defined in subsections 1324 (a) (1) (A) (i) dealing with alien smuggling, domestic transporting, harboring, encouraging, inducing, or conspiracy, aiding or abetting each alien with respect to whom a violation occurs constitutes a unit of prosecution.”

“Penalties – The basic statutory maximum penalty for violating Title 8 U.S.C. section 1324 (a) ...is a fine under title 18, and imprisonment for not more than 10 years, or both.

C. Mexican Matricular Consular Card - As a means of supporting nursery owners' need for cheap labor, the Lake County Commissioners Troy, Aufludish, and Sines, working with the Mexican consulate, shamefully agreed to accept this as a valid form of identification in October, 2005.

Since this card does not convey any U.S. immigration status, and has proven to be able to be forged, and is not an accepted identification on the Department of Homeland Security form I-9, I would recommend rescinding the Matricular Consular Card as an acceptable form of identification because it can be used to circumvent our laws.

2. Increasing safety for everyone:

Illegal Aliens Murder at a much higher rate than U.S. Citizens. F.B.I. statistics show that for the years 2003 – 2009 there were 115,717 homicides in the U.S. The Government Accounting Office stated that criminal aliens committed 25,064 (21.7%) of them, while being only 3.52% of the population. [10.8 million of 306.8 million in 2009]

Additional statistics indicate illegals commit a great deal of serious crimes:

- 13.6% of individuals sentenced for committing crimes in the country
- 12% of all murder sentences
- 75% of federal drug sentences in 2014
- a disproportionate amount of illegals are in several state prisons

A. Cooperation saves lives - I would assume that Chief Powalie and his department already have cooperating agreements with other local law enforcement department. It makes sense that that cooperation be extended to State and Federal law enforcement agencies to ensure maximum protection to residents of the City of Painesville.

The National Association of Counties 2016- 2017 platform concerning “Justice and Public Safety” supports the following **Cooperation** policy:

“The control of crime and the improvement of criminal justice are basically local concerns, and, as such, all efforts to alleviate and prevent crime must begin at the local level. Counties (and therefore, by extension, municipalities) are encouraged to have a written policy that specifies the objectives and priorities that will guide agency’s delivery of police services”. (page 102 American County Platform and Resolution for 2016 - 2017)

The National Association of Counties also recommends governmental agencies working together to prevent and control gang violence.

“NACo supports federal efforts that strengthen local governments in implementing a comprehensive approach to the prevention of control of gang violence.” (page 108)

The National Association of Counties believes that sharing of information between the U.S. agencies and local governments is an integral step in ensuring safety for citizens.

“The U.S. Department of Homeland Security (DHS), DOJ, and other relevant federal agencies must preserve progress to date and continue to expand and implement efforts to ensure timely and effective sharing of information with counties. Information sharing that incorporates local governments should be consistent and constant. (page 110)

B. Painesville's Policy 413 dealing with "Immigration Violations" is a progressive approach and, clearly, is in keeping with the spirit of cooperation with the Department of Homeland Security. It is an excellent complement to the Resolution 38-08 passed on July 21, 2008 supporting the enforcement of the U.S. immigration laws. In my opinion, it seems to be fair and a common sense approach to ensure the safety of Painesville residents, and, by default, the citizens of surrounding communities.

3. Eliminating Increasing Costs to Taxpayers:

The nursery owners' need for illegal aliens and their cheap labor comes at a cost to the rest of the taxpayers. This corporate welfare program has created unfair welfare and educational costs to the taxpayers of the City of Painesville and the surrounding communities. If this continues, we are going to see the need for increased property taxes to support illegal aliens, and we may start pricing seniors on a fixed income out of their homes.

In 2006, it was stated publicly by a local Hispanic advocacy group that there were between 4,000 to 5,000 illegal aliens in the County.

A. Welfare Costs - In September 2015, the Center for Immigration Studies published a report on welfare use, showing that 51% of immigrant-headed households used at least one federal welfare program – cash, food, housing or medical care – compared to 30% of native households.

The average immigrant household headed by an immigrant (legal or illegal) cost taxpayers \$6,234 in federal welfare benefits, which is 41% higher than the \$4,431 received by the average native household.

The average immigrant household consumes 33% more cash welfare, 57% more food assistance, and 44% more Medicaid dollars than the average native household.

At \$8,251, households headed by immigrants from Central America and Mexico have the highest welfare costs of any sending region – 86% higher than the costs of native households.

Illegal immigrant households cost an average of \$5,692 (driven largely by the presence of U.S. born children), while legal immigrant household cost \$6,378.

The greater consumption of welfare dollars by immigrants can be explained in large part by their lower level of education and larger number of children compared to natives. Over 24% of immigrant households are headed by a high school dropout, compared to just 8% of native households. In addition, 13% of immigrant households have three or more children, versus just 6% of native households.

B. Education Costs – The Federation for American Immigration Reform (FAIR) estimated that it cost \$12,128 per illegal immigrant student for the 2015 -2016 school year. Taxpayers across the country spent nearly \$60 billion on non-English proficient students and the vast majority of this taxpayer cost was born by state and local taxpayers.

The Riverside school district had to hire 5 Spanish to English translator to ensure the students met the 3 grade proficiency tests so that the school district would not lose their funding. For every 100 illegal children in our local schools on average it cost the taxpayers \$1,212,800 per year to educate them.

C. Sanctuary Cities - The U.S. Department of Justice (DOJ) operationally enforces a legal definition of a sanctuary city. Under Federal law Title 8, U.S.C. Section 1373, the DOJ defines sanctuary cities as a local government entity not reporting to federal authorities: ‘aliens in custody’.

If the resolution 38-08 and policy 413 are rescinded you risk being labeled a sanctuary city and the City and County may lose federal funding that may be currently received. The loss of funds will need to be replaced by additional State funding, increasing taxes for existing citizens, or the need to eliminate services.

In summary, I know that you will be faced with many challenges, both from within and outside the city. It is, at times, difficult to do what is right, and much easier to buckle under the pressure. The City of Painesville can be the leader in Lake County by following all of our laws, protecting its citizens, and, hopefully, the other communities, and County Commissioners will follow your lead.

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