

Is Houston a sanctuary for illegal immigrants?

Horn shooting renews debate, but not all agree on what the label actually means

By [Susan Carroll](#), Copyright 2007 Houston Chronicle Dec 23, 2007

Just when Houston Mayor Bill White figured he had put the long-standing "sanctuary city" debate behind him, Fox News commentator Bill O'Reilly brought it back with a vengeance.

Earlier this month, O'Reilly blamed White and Houston Police Chief Harold Hurtt for the actions of Pasadena resident Joe Horn, who shot to death two illegal immigrants from Colombia who had burglarized his neighbor's home.

"These two illegal aliens are dead because of Houston's sanctuary city policies," O'Reilly said during an interview segment on his cable TV show. "That's why they're dead."

White couldn't disagree more.

"It's a blatant untruth that Houston is a sanctuary city," White said in an interview last week.

Hurtt agreed, blaming O'Reilly's "erroneous reporting" for the sanctuary controversy. Still, the debate shows no signs of diminishing locally or nationally. Even the definition of what constitutes a sanctuary city is hotly contested.

Recently, the term has become a kind of political hand grenade, lobbed around in the GOP presidential debates to make opponents appear soft on illegal immigration. Former New York Mayor Rudy Giuliani has repeatedly been accused by his opponents of running New York as a sanctuary city.

Politics aside, the label could potentially have financial consequences for cities. The U.S. House last week removed from a spending bill a provision to deny Homeland Security funding to "sanctuary cities," which were cast in congressional debates as "aiding and abetting illegal immigration."

What the experts say

So what is a sanctuary city?

Experts said there is no single, universally accepted definition. The phrase is often misused in the news media and by politicians to describe cities with a wide range of policies on treatment of suspected illegal immigrants, critics said.

"It depends on who defines it," said Nestor Rodriguez, a University of Houston sociology professor and co-director of UH's Center for Immigration Research. "People who are

restrictionists tend to see sanctuary cities as any city where police are not required to inquire about immigration status when they stop people for a traffic ticket."

The phrase emerged in the 1980s when certain U.S. cities, including San Francisco, offered sanctuary to Central American immigrants who crossed the border illegally after fleeing wars in their countries.

Even Homeland Security Secretary Michael Chertoff seems confused. He told a congressional committee in September that, "People use the term 'sanctuary city' in different ways, so I'm never quite sure what people mean."

Where does Houston fall?

For years, White has tried to shed the sanctuary label, bestowed on Houston and more than 30 other cities and counties by a 2006 Congressional Research Service report. The report described sanctuary cities as having a "don't ask, don't tell" policy when it comes to questioning illegal immigrants about their immigration status.

White has twice tightened up the policy for dealing with suspected illegal immigrants, most recently after the death of Houston police Officer Rodney Johnson, who was shot in the head during a traffic stop in September 2006. The alleged gunman, Juan Leonardo Quintero, was an illegal immigrant with a criminal record.

In the past year, Houston spent \$800,000 in overtime to improve screening of suspects, including those accused of minor crimes, such as traffic tickets, the mayor's office said.

Under the city's revised policy, officers are required to check the warrant status of everyone who is ticketed, arrested or jailed — if they fail to show proper ID — according to a memo from the police chief.

People arrested for Class B misdemeanors or more serious crimes are booked into jail and asked whether they are U.S. citizens under the policy. Immigration and Customs Enforcement officials also were given full access to city jails and the information collected by HPD.

The policy change also required officers to notify ICE of any suspects with outstanding immigration warrants and previously deported felons. In 2006, HPD referred 54 such cases to ICE. In 2007, it has referred 111, according to an HPD spokesman.

From August 2006 through August 2007, more than 4,606 inmates at the Harris County Jail admitted to being illegal immigrants and had their cases referred to ICE, according to sheriff's department officials. In the previous 18 months, the sheriff's office had identified 1,940 illegal immigrants in the jail.

ICE officials issued a statement last week saying they work closely with HPD.

"Unlike many other cities in the United States, the governing body of the city of Houston has never adopted some sanctuary city policy or resolution," White said. "The Houston Police Department ... cooperates fully with ICE, including undertaking criminal raids against undocumented people who are engaged in criminal activities."

In addition to Houston, the suburb of Katy also made the CRS sanctuary list in 2006, confounding Katy's Assistant Police Chief Bill Hastings.

Katy police participated in a controversial raid in 1994 with the then-Immigration and Naturalization Service, arresting illegal immigrants and some U.S. citizens in street sweeps and checkpoint stops.

The raids resulted in a federal lawsuit, and as part of a settlement reached in 1997, Katy police were prohibited from participating in immigration enforcement for five years, Hastings said. During that time, he said, officers didn't ask anyone about citizenship during the booking process.

Now the Katy Police Department asks everyone who is arrested for a class C violation about their citizenship during the booking process in the local jail. Suspects arrested on more serious charges are sent to Harris County Jail, which also allows ICE access to detainee information, Hastings said.

"We're just like everybody else. We don't actively go out and round up illegals. That's a very hard issue to address," Hastings said. "But we don't condone it. We don't turn our back to it if they're felons. We have a lot more to do than to try and round up every illegal alien that is in the Katy area."

What the residents say

Larry Youngblood isn't buying any of it. The 59-year-old Houston computer consultant said he agrees wholeheartedly with Bill O'Reilly that Houston is a sanctuary city.

Youngblood sits on the sanctuary committee of the anti-illegal immigration organization Texans for Immigration Reform, and he e-mailed O'Reilly this month, blaming Houston's immigration policies for the Horn case.

He argues that Houston police could do more to identify and deport illegal immigrants accused of crimes. Youngblood said he supports the use of a federal statute passed in 1996, called 287 (g). Officers from 34 county and state agencies across the country have been trained under the law, which allows them to make immigration arrests and process

jailed illegal immigrants for deportation. No Texas law enforcement agencies, however, participate in the program, said Leticia Zamarripa, an ICE spokeswoman.

"Crime is the issue," Youngblood said. "We want people who commit a burglary to be arrested and put in jail and deported" if they are illegal immigrants.

The controversial case

Horn shot and killed Diego Ortiz, 30, and Hernando Riascos Torres, 38, on Nov. 14 after catching them burglarizing a neighbor's home.

Riascos Torres had been deported to Colombia in 1999, after a cocaine-related conviction. Ortiz had a prior arrest in Houston in the 1990s for a drug-related charge but presented a valid Texas driver's license, so Houston police would not have cause to believe he was an illegal immigrant, White said. The Department of Public Safety, a state agency, is responsible for issuing driver's licenses.

Rodriguez said Houston simply doesn't fit the definition of a sanctuary city.

"If Houston is a sanctuary city, then immigrants would find refuge here," he said. "But they don't. Immigrants are as likely to be arrested here as they are anywhere else. And ICE and other government agencies pick up immigrants from the city jails and other places and take them away."