

Fox Falsely Claims It Has "Confirmed" That "Feds Ordered Not To Arrest Illegals"

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Despite repeated denials from government officials, Fox claims to have "confirmed" that federal law enforcement officials have been ordered not to arrest undocumented immigrants, supposedly as a way for the government to lessen apprehension numbers at the border. In fact, the weak U.S. economy and the Obama administration's stepped-up enforcement efforts are principal factors in the decline.

Fox News "Exclusive": AZ Sheriff Says Border Patrol Has A "No-Apprehension Policy"

FoxNews.com Reports Arizona Sheriff's Allegations That U.S. Border Patrol Has A "No-Apprehension Policy." In an exclusive story, FoxNews.com reported an Arizona sheriff's allegations that the Border Patrol has a policy of not arresting undocumented immigrants, but instead turns them around and lets them go back to Mexico. The article further reported that Sheriff Larry Dever had received emails, which the article says he turned over to Fox News, from other law enforcement officials that substantiated his allegations. Dever claimed that the Border Patrol's alleged "no-apprehension policy" is the reason the number of undocumented immigrants trying to cross the border is lessening. From the article, headlined: "EXCLUSIVE: Arizona Sheriff Cites Flood of Border Agents Confirming Feds' No-Apprehension Policy":

An Arizona sheriff says he has been flooded with calls and emails of support from local and federal agents who back his claims that the U.S. Border Patrol has effectively ordered them to stop apprehending illegal immigrants crossing the U.S.-Mexican border.

"Upper management has advised supervisors to have agents 'turn back South' (TBS) the illegal aliens (aka bodies) they detect attempting to unlawfully enter the country ... at times you even hear supervisors order the agents over the radio to 'TBS' the aliens instead of catching them," one San Diego border agent wrote in an email to Cochise County Sheriff Larry Dever.

"This only causes more problems as the aliens, as you know, don't just go back to Mexico and give up. They keep trying, sometimes without 10 minutes in-between attempts, to cross illegally," continued the email, which was among a number of communications to Dever reviewed by FoxNews.com. "This makes the job for agents more dangerous. Not only are the aliens more defiant, they also begin to feel like they can get away with breaking our federal laws."

The email is one of more than 100 messages Dever said he received from active and retired Border Patrol agents and law enforcement officers from across the country. Many wrote of what they said was their own experience and first-hand knowledge of Border Patrol's efforts to reduce apprehension numbers by making fewer arrests.

FoxNews.com first reported this month that Dever said several Border Patrol officials, including at least one senior supervisor, told him they had been directed to keep the number of border apprehensions down by

chasing illegal immigrants back toward Mexico. Homeland Security Secretary Janet Napolitano has recently cited a reduction in border apprehensions as evidence of an increasingly secure border. [FoxNews.com, [4/19/11](#)]

U.S. Border Patrol, Homeland Security Deny Allegations

Border Patrol Chief: "That Assertion Is Completely, 100 Percent False." In the same April 19 FoxNews.com article, Fox News reported that Border Patrol chief Michael Fisher "sent a letter to Dever in which he denied the accusations and invited the sheriff on a ride-along with federal agents at border." The article further reported:

"That assertion is completely, 100 percent false," Fisher wrote in the letter. "That it comes from a fellow law enforcement official makes it especially offensive." [FoxNews.com, [4/19/11](#)]

Homeland Security Official: "The Claim ... Is Unequivocally False." The FoxNews.com article also included a statement from Jeffrey Self, the commander of Homeland Security's U.S. Customs and Border Protection Arizona Joint Field Command, denying Dever's allegations. From the article:

In response to request for comment on the new allegations, Homeland Security offered the same statement from Jeffery [sic] Self, commander of the U.S. Customs and Border Protection Joint Field Command, that was provided to FoxNews.com earlier this month:

"As the commander for border enforcement operations in Arizona, I can confirm that the claim that Border Patrol supervisors have been instructed to underreport or manipulate our statistics is unequivocally false. I took an oath that I take very seriously and I find it insulting that anyone, especially a fellow law enforcement officer, would imply that we would put the protection of the American public and security of our nation's borders in danger just for a numbers game. Our mission does not waiver based on political climate and it never will. To suggest that we are ambiguous in enforcing our laws belittles the work of more than 6,000 CBP employees in Arizona who dedicate their lives to protect our borders every day." [FoxNews.com, [4/19/11](#)]

Despite Denials, Fox Hypes Story, Refers To Allegations As "Confirmed"

Fox Nation Falsely Claims It's Been "Confirmed" That "Feds Ordered Not To Arrest Illegals Coming From Mexico." A headline on Fox News' website, the Fox Nation, distorted the FoxNews.com story, claiming that the allegations had been "confirmed." The headline read, "CONFIRMED: Feds Ordered Not To Arrest Illegals Coming From Mexico," despite the fact that the U.S. Border Patrol disputes the allegations in the article. From the Fox Nation:

JUSTICE April 19, 2011

CONFIRMED: Feds Ordered Not to Arrest Illegals Coming From Mexico

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[Fox Nation, [4/19/11](#)]

Fox & Friends Suggests Fox Has "Proof Positive" That The Allegations Are True Despite Border Patrol Official's Repeated Denials. During an interview with U.S. Border Patrol deputy chief Ron Vitiello, who repeatedly denied Dever's allegations, *Fox & Friends* co-host Steve Doocy and guest co-host Peter Johnson Jr. nevertheless continued to suggest that the lower apprehension numbers are "proof positive" that agents are not arresting border crossers, but rather "chasing [them] back to Mexico." Doocy later added that the allegations "make perfect sense when you look at these numbers now." From the segment:

DOOCY: The third war at our Southern border is getting even more intense, and now there are new reports Border Patrol agents are chasing illegals back to Mexico instead of arresting them so that it looks good on paper.

JOHNSON: Joining us now to respond to these allegations is the deputy chief of the Border Patrol, Ron Vitiello. Chief Vitiello, these are awesome allegations. Are these true? Are we really chasing people back to Mexico instead of taking lawful arrests here in the United States and detaining these people?

VITIELLO: No, it's not true. We -- our job at the immediate border is to arrest everybody that comes in. It's not more complicated than that. You have agents on the line that have the kind of equipment that they need to work in the day and the night. They're out there 24-by-7 in very rough terrain at the immediate border -- fencing, lighting, infrared.

Their job simply is to catch everyone that comes in, illegal aliens and their smugglers, narcotics and the smugglers of them. So, it's not more complicated than that. It's a very simple task that we ask Border Patrol agents to do. And -- so their job is to arrest everybody at the immediate border.

[...]

VITIELLO: What I'm saying is, is that the agents at the immediate border, both in Cochise County where Sheriff Dever is at and along the entire Southwest border, specifically in Tucson, their job is to arrest everybody that they see crossing the border illegally. That's what they do.

DOOCY: OK. That's what they do, but what about the people above them? Are they ordering them to step back, to stand down?

VITIELLO: Look, I'm above them. I've got 26 years of history in this job. Our goal in Arizona, in Tucson sector specifically, and across the Southwest border is to bring border security and a level of management across that border that we can all recognize and the communities down there deserve.

JOHNSON: Well, let's synthesize things what's going on here, Chief. Are the numbers up or are the numbers down? Have you spoken to the sheriffs, like Sheriff Babeu, down there as to what's going on? Have you heard their concerns and their complaints on this? What did you say to them specifically and are the numbers higher or lower at this point?

VITIELLO: Well, the numbers across the board are down this year versus last year. Specifically in Tucson we're down about 44 percent from last year. So with regard to the number of arrests that we're making, the numbers are down. So that is one of very -- quite a bit of indicators -- a lot of indicators that we use to recognize whether or not we're making progress or not. And the fact of the matter is, is that in Cochise County --

JOHNSON: As we close out, chief, isn't that proof positive as to what they're saying?

VITIELLO: No. What I'm telling you, that in our experience, when the number of arrests go down, that gives us an indication. Now there are other indicators. That gives us an indication that the work that we're doing is having an impact. People are stopped -- people stop coming to the border in those specific locations.

DOOCY: But, Sheriff, the next sheriff who is about to join us is saying that the numbers are down because you're telling them not to apprehend anybody. That makes perfect sense when you look at these numbers now.

VITIELLO: What makes perfect sense is that it's a very -- it's not more complex than giving the agents the tools that they need to control the border with a very simple instruction: Catch everyone that's there. [Fox News, *Fox & Friends*, 4/21/11]

Fox's Johnson Suggests Lower Apprehension Numbers Are "Evidence That There's Not Really An Effort Going On To Get These Folks." During an interview with Pinal County, Arizona, Sheriff Paul Babeu, who, according to Doocy, "believes border agents are manipulating apprehension numbers," Johnson suggested that the lower apprehension rate is "evidence that there's not really an effort going on to get these folks." At the end of the segment, Doocy said to Babeu: "[W]e know down in your county, you actually do arrest them." From the segment:

DOOCY: We just had that officer from the Border Patrol on. What do you think about what he said?

BABEU: Well, I refer to our Border Patrol as our heroes in the Border Patrol because they do a great job. You see the leaders up top in our government, including the secretary of Homeland Security, are divorced

from the reality here. They -- I would like to believe that they -- as he said simply, we catch everybody who comes across. The majority of illegals that come across are never apprehended. And this is where 219,000 illegals were apprehended just here in Arizona last year. And if the majority, two times that number, got through, how is that a measure or metric of success in anybody's score card?

DOOCY: Sure.

JOHNSON: Well, Sheriff, we questioned Chief Vitiello closely on this apprehension rate and he says it's markedly down this year. Can that be some evidence that there's not really an effort going on to get these folks?

BABEU: And this is what I ask not just him, but Napolitano: What's acceptable? And if simple illegals -- if 400,000-plus illegals can make it through undetected, what does it say about, in the post-9-11 world, when we know about sleeper cells that people with deliberate plans that want to harm the United States? What about their intentions in sneaking through illegally and to harm our country?

So it's a graver national security threat, I believe, than anything we face in Iraq, Afghanistan, certainly as we start to bomb Libya, this is the concern. And Sheriff Dever is one of the most respected sheriffs in America and he has 35-plus years in law enforcement. And also the Border Patrol Labor Council, both Bonner and McCubbins say Sheriff Dever is telling the truth. These are the men that represent all of the 14,000-plus Border Patrol agents.

DOOCY: Sure. And Sheriff, Sheriff Larry Dever has said and was quoted on FoxNews.com as saying essentially that the Border Patrol told his county: "Stop apprehending them. Send -- turn them back south." Right?

BABEU: Right. When the metrics start to measure only those that they apprehended, and of course the numbers are going down, especially if this is true, and -- but they're not tracking the other measurement, how many got away.

DOOCY: Exactly.

BABEU: And that's where we're most vulnerable. And this whole discussion with the president having a conference only with people who agree with his opinion about immigration reform, clearly we fear that this is a path to outright amnesty. And that's -- we're not going to be a part of that here, not just in Arizona; I think across America. You don't reward criminal conduct and behavior. And when we've got tens of millions of other people who are waiting in line, waiting to be processed for a visa or for citizenship and fix that broken system if that's the problem, you don't reward people, 12 million people because all that acts as an incentive.

So the real thing we need to do, secure the border first, then we can have a reasonable dispassionate discussion about what we do. Instead of calling elected sheriffs liars on national TV, why don't we talk about truly what we're going to do to secure the border? And it's going to take armed soldiers in the absence of that when 35,000-plus people have been brutally murdered in Mexico. Mexico is America's number two trading partner. We have an economic interest in their success.

DOOCY: And we know down in your county, you actually do arrest them. Sheriff Paul Babeu, we thank you very much for joining us from Phoenix. [Fox News, *Fox & Friends*, 4/21/11]

Fox Business' Lou Dobbs: "Border Patrol Stops Arresting Illegals." On his website, Fox Business host Lou Dobbs wrote a blog post titled: "Border Patrol stops arresting illegals." In the blog post, Dobbs reprinted an email from the FoxNews.com article, which purportedly supported Dever's allegations, and wrote: "Border agents are flooding in with support of an Arizona sheriff, confirming that the U.S. Border Patrol has effectively told them to stop apprehending illegal immigrants crossing the U.S.-Mexican border." [LouDobbs.com, [4/19/11](#)]

Laura Ingraham: " 'Turn Back South,' Our Dangerous Policy On The Border." In the "Need to Know" section of her website, Fox News contributor Laura Ingraham also promoted the FoxNews.com story using the headline, " 'Turn back south,' our dangerous policy on the border." Ingraham included an email from "one San Diego border agent" purporting to back Dever's allegations, which read: "Upper management has advised supervisors to have agents 'turn back South' (TBS) the illegal aliens (aka bodies) they detect attempting to unlawfully enter the country ... at times you even hear supervisors order the agents over the radio to 'TBS' the aliens instead of catching them." [LauraIngraham.com, [4/20/11](#)]

In Fact, Studies Show Weak Economy, Increased Enforcement Efforts Are Reasons For Decline In Apprehensions

Pew Hispanic Center Study: Illegal Immigration Fell In FY 2010 Due To "Economic Distress" And "Changes In The Level Of Immigration Enforcement." In a study on the national and state trends of the unauthorized immigrant population in the United States, Pew Hispanic Center found that "economic distress" and "changes in the level of immigration enforcement" led to a decrease in the number of undocumented immigrants crossing into the United States. From the Pew Hispanic Center:

The decline in the population of unauthorized immigrants from its peak in 2007 appears due mainly to a decrease in the number from Mexico, which went down to 6.5 million in 2010 from 7 million in 2007. Mexicans remain the largest group of unauthorized immigrants, accounting for 58% of the total.

- The number of unauthorized immigrants decreased from 2007 to 2010 in Colorado, Florida, New York and Virginia. The combined population in three contiguous Mountain West states-Arizona, Nevada and Utah-also declined.
- In contrast to the national trend, the combined unauthorized immigrant population in three contiguous West South Central states-Louisiana, Oklahoma and Texas-grew from 2007 to 2010.
- Although the number of unauthorized immigrants in the U.S. is below 2007 levels, it has tripled since 1990, when it was 3.5 million and grown by a third since 2000, when it was 8.4 million.

The estimates are based on data from the U.S. Census Bureau's Current Population Survey, augmented with the Pew Hispanic Center's analysis of the demographic characteristics of the unauthorized immigrant population using a "residual estimation methodology."

Although the estimates indicate trends in the size and composition of the unauthorized-immigrant population, they are not designed to answer the question of why these changes occurred. There are many possible factors. The deep recession that began in the U.S. economy officially ended in 2009, but recovery has been slow to take hold and unemployment remains high. Immigration flows have tended to decrease in previous periods of economic distress.

The period covered by this analysis also has been accompanied by changes in the level of immigration enforcement and in enforcement strategies, not only by the federal government but also at state and local levels. Immigration also is subject to pressure by demographic and economic conditions in sending

countries. This analysis does not attempt to quantify the relative impact of these forces on levels of unauthorized immigration. [Pew Hispanic Center, [2/1/11](#)]

LA Times: "Beefed-Up Enforcement And The Job-Killing Effects Of The Great Recession Have Combined To Reduce The Flood Of Immigrants." In an article reporting on how a plunge in border crossings has left "agents fighting boredom," the *Los Angeles Times* reported that "illegal crossings have dipped to record low levels," adding that the "beefed-up enforcement and the job-killing effects of the great recession have combined to reduce the flood of immigrants in many former hot spots to a trickle." The *Times* further reported:

Apprehensions along the Southwest border overall dropped more than two-thirds from 2000 to 2010, from 1.6 million to 448,000, and almost every region has lonely posts where agents sit for hours staring at the barrier, watching the "fence rust" as some put it.

"When the traffic stops ... of course it's going to be difficult for the agents to stay interested," said Supervisory Agent Ken Quillin, from the agency's Yuma, Ariz., sector. "I understand guys have a tough time staying awake.... they didn't join the border patrol to sit on an X," Quillin added, using the slang term for line watch duty.

[...]

In the agency's San Diego sector, where apprehensions are at their lowest since the early 1970s, a supervisor last year was caught dozing in his parked vehicle by a television news crew. In the agency's busiest region near Tucson, agents have been left glassy-eyed amid a steep drop in activity. "When you go from 700,000 arrests in a sector to 100,000 ... of course boredom is going to settle in," said Brandon Judd, president of the local border patrol agents' union, using approximate apprehension figures.

Perhaps no area has more action-starved agents than the Yuma sector, a vast expanse of desert and agricultural fields straddling California and Arizona that shares a 126-mile border with Mexico. In 2005, it was the border's most trampled region, a place where immigrant rushes, called banzai runs, sent hundreds of people into backyards and lettuce fields, and teams of drug smugglers shot across the Colorado River atop sandbag bridges.

Outnumbered agents resorted to spinning doughnuts in their vehicles, trying to kick up mini-sandstorms to disorient the hordes. Agents had to prioritize pursuits, focusing on the groups closing in on front lawns. "We were overrun," said agent Jeff Bourne, 34, but "your brain was always working. We were always doing something."

Then double and triple fencing went up. Stadium lighting was installed. Every arrested immigrant, instead of being returned to Mexico, was jailed. Outside town, workers laid steel barriers on previously wide-open borders to block drug-smuggling vehicles from driving through.

From 2005 to 2010, apprehensions of immigrants dropped 95%, from 138,460 to 7,116. Vehicle drive-throughs fell from 2,700 to 21 during the same period. Farmers are now able to plant crops in once-trampled fields. And residents don't find immigrants hiding under their cars anymore.

More than 900 agents, triple the number from 2005, are now stationed in what is one of the slowest sectors along the entire border. [*Los Angeles Times*, [4/21/11](#)]

Cato Institute Scholar: "The Steep Economic Recession" Is "The More Obvious Explanation" For Decline. In a post highlighting the Pew Hispanic Center report on immigration, Daniel Griswold, director of Trade Policy Studies at the Cato Institute, wrote:

A Pew Hispanic Center report released today confirms what has been widely known, that the number of illegal immigrants in the United States has dropped sharply since 2007. The real argument is over what's behind the decline.

According to Pew's Jeffrey Passel and D'Vera Cohn, the annual inflow of unauthorized immigrants dropped by two-thirds during 2007-09 compared to 2000-05. That plunge has contributed to an overall decline in the total number of illegal immigrants in the United States from a peak of 12 million in March 2007 to 11.1 million in March 2009. Pew calls this "the first significant reversal in the growth of this population over the past two decades."

Advocates of more restrictive immigration policies have been quick to credit increased enforcement for the decline, but that thesis doesn't hold up to scrutiny. While enforcement efforts have indeed been ramped up in the past couple of years, the change has not been dramatic. Resources devoted to border and interior enforcement have been increasing pretty steadily since the early 1990s.

[...]

The more obvious explanation is the steep economic recession that began to bite in 2008. The downturn has been especially brutal in the housing and construction industries where many illegal immigrants found employment during the previous boom. As evidence, the decline in the number of illegal immigrants has been steepest in those states, such as Nevada, California, and Florida, where the housing downturn has been the most severe. [The Cato Institute, [9/1/10](#)]

Immigration Policy Center: "The Size Of The Unauthorized Population Continued To Increase Until The Current Recession Hit." After examining the declining rate of the undocumented immigrant population, the American Immigration Council's Immigration Policy Center concluded:

Ultimately, it is impossible to disentangle the impact of the recession from that of enforcement with any degree of certainty. Nevertheless, the available research indicates that the recession is likely playing a major role in discouraging new unauthorized immigrants from entering the country due to the lack of jobs. After all, federal spending on immigration enforcement has been rising steadily since the early 1990s, while the size of the unauthorized population continued to increase until the current recession hit. Research also suggests that when the economy begins to improve again, unauthorized immigration is likely to increase as well -- unless the broken immigration system which spurs unauthorized migration has been fixed by then.

The number of unauthorized immigrants in the United States has decreased by roughly one million since 2007 -- due largely to fewer new arrivals from Mexico. [Immigration Policy Center, [9/1/10](#)]

CIS Study: "Increased Immigration Enforcement And The Recession" Explain Declining Trend In Illegal

Immigration. In a July 2009 study examining the downward trend in the undocumented immigrant population, the conservative Center for Immigration Studies concluded: "Both increased immigration enforcement and the recession seem to explain this decline. There is evidence that the decline was caused by both fewer illegal immigrants coming and an increase in the number returning home." CIS found:

There is evidence that the number of new illegal immigrants arriving has fallen by about one-third in the last two years compared to earlier in this decade.

There is also evidence that the number of illegal immigrants returning home has more than doubled in the last two years compared to earlier in this decade.

While migration patterns have fundamentally changed, it must be remembered that the overwhelming majority of illegal immigrants have not left the country, and tens of thousands of new illegal immigrants continue to settle in the country each year.

Our analysis shows that only the illegal immigrant population has declined. The legal immigrant population does not show the same decline. This is also true for Mexico, the top illegal-immigrant-sending country.

The fact that the legal immigrant population does not show the same decline is an indication that stepped up enforcement has played a role.

Another indication that enforcement has played a role in the decline is that the illegal immigrant population began falling before there was a significant rise in their unemployment rate.

While the decline began before unemployment among illegal immigrants rose, unemployment among illegal immigrants has increased dramatically and must now be playing a significant role in reducing their numbers. [Center for Immigration Studies, [July 2009](#)]

Center For Comparative Immigration Studies: "Undocumented Migration Clearly Responds To Changing U.S.

Economic Conditions." In a June 2008 report examining the effectiveness of border enforcement measures, the Center for Comparative Immigration Studies at the University of California-San Diego concluded that "undocumented migration clearly responds to changing U.S. economic conditions, with steep increases in the flow toward the end of expansion phases of the business cycle and significant decreases during economic downturns." CCIS further stated that "the pattern of undocumented migrants responding to economic conditions rather than policy decisions has continued during the border enforcement build-up that began in 1993," and that the "change in migration patterns from cyclical sojourners to permanent settlers" was directly related to "greater availability of permanent, year-round job opportunities for Mexican migrants in the U.S. economy." [Center for Comparative Immigration Studies, [6/10/08](#)]

WSJ: "Slashed Jobs In Construction, Tourism And Other Sectors That Are The Mainstay For Low-Skilled Latin

Americans" Are Reasons For Decline. In an article about the sharp decline of illegal immigration, *The Wall Street Journal* reported that the "mortgage crisis and ensuing economic slump have slashed jobs in construction, tourism and

other sectors that are the mainstay for low-skilled Latin Americans. Immigrants already in the U.S. are struggling, and word of their hardship is dissuading those back home from flocking to the U.S." The article continued:

"People don't want to come now; they know the economy is bad," said Braulio Gonzalez from Guatemala, who has been scraping by as a day laborer outside Los Angeles.

The decrease in the flow of illegal immigrants reported by Pew is supported by new studies from Wayne Cornelius, co-director of the migration research center at the University of California, San Diego.

In 2009, the center found that potential migrants in Mexico were "two times less likely" to plan a move to the U.S. than in the pre-recession year of 2006. Among those already in the U.S., more than half said they had experienced a cut in work hours, according to the field research.

Ms. Napolitano noted earlier this week that Washington has dedicated unprecedented manpower and technology to combat illegal immigration. As a result, she said, the influx of undocumented immigrants was falling.

Mr. Cornelius and others experts say the business cycle, not tighter border security, has played the biggest role in the drop in illegal entrants.

"The intensity of U.S. border enforcement has continued to increase during the recession, but only gradually," said Mr. Cornelius. "What has changed drastically is the demand for Mexican labor in the U.S. economy."

Mr. Cornelius's research team found no evidence that border fortifications were keeping illegal migrants out of the U.S.: More than nine out of 10 succeed at sneaking into the country eventually, he said. [*The Wall Street Journal*, [9/1/10](#)]

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