



Written by [Bruce Walker](#) on February 3, 2011

N.M.'s Gov. Martinez Takes Stand Against Violent Illegal Immigrants

Martinez explained her action as necessary to keep New Mexicans safe:

This order takes the handcuffs off of New Mexico's law enforcement officers in their mission to keep our communities safe. The criminal justice system should have the authority to determine the immigration status of all criminals, regardless of race or ethnicity, and report illegal immigrants who commit crimes to federal authorities.



Meanwhile, it is important that we safeguard the ability of victims and witnesses to report crimes to law enforcement officers without fear of repercussion.

Scott Darnell, a member of the Governor's staff, explained that state police will not ask about the immigration status of motorists stopped for traffic violations, but only of individuals arrested for crimes.

The issue of crimes committed by illegal aliens is gaining increasing attention; the National Conference of State Legislatures reports that 1,400 bills and resolutions have been introduced by state lawmakers across the nation. The group places illegal immigration as one of the top 10 state legislative issues this year — remarkable considering not only that immigration is primarily a federal policy issue, but that states are facing a host of other issues — bankrupt treasuries, actuarially unsound pensions, redistricting of congressional and state legislative districts, and challenges to ObamaCare, to name a few.

A number of states are moving along the same path as is New Mexico. In January the Mississippi House passed a bill (by a 70-40 vote) that would allow law-enforcement officers to check the immigration status of anyone they suspect is in the country illegally. On February 2, however, the [State Senate](#) rejected the measure and sent it back to conference committee. The principal point of contention between the two chambers appears to be the House rejection of a Senate prohibition on cities and counties employing illegal immigrants. So it seems very likely that, though its details are not yet clear, Mississippi will pass a tough immigration law.

Oklahoma has been taking the issue of illegal immigrants very seriously as well. State Representative Randy Terrill recently declared:

The federal government's failure to enforce our border has functionally turned every state into a border state. This is federalism in action. The states are stepping in and filling the void left by the federal government.



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In 2007, Terrill authored HB 1804, which allowed law enforcement to check the immigration status of anyone who had been arrested — similar to Governor Martinez’s executive order in New Mexico. The Oklahoma law — which made it a felony to knowingly hire illegal immigrants — was the toughest immigration law in the nation, until Arizona took a stand last year.

The 2010 [Arizona law](#), signed by Governor Jan Brewer, ignited a national firestorm of protests and threats of boycotts against the state — although the gist of the measure simply required state and local police to enforce existing federal immigration laws. The Obama Justice Department filed suit in federal court against the Arizona law. The popularity of the measure in Arizona, which has a large Hispanic population, was demonstrated in the gubernatorial election last November. Brewer — who had assumed the office of Governor when Janet Napolitano resigned to become Secretary of Homeland Security in the Obama Administration — faced a difficult election. But then, amid the flurry of threats from private groups and even local governments in California and other states, Arizonans rallied behind their Governor, and Jan Brewer — by her resolute defense of the law — coasted to victory in 2010.

The attacks on Brewer also provided an opportunity for other state candidates who support enforcement of immigration laws to support each other. Last year in Oklahoma, for example, gubernatorial candidate [Mary Fallin](#) stood behind Governor Brewer, stating:

She’s trying to protect her state. So they passed a very tough immigration reform law in Arizona that actually just mirrors what the federal law says. I’d be standing up and fighting [for] that because it’s the states’ rights to protect their borders and to be able to protect against illegal immigration.

Last July, in the middle of Oklahoma’s campaign, Governor Brewer endorsed Fallin, observing:

At a time when many have been willing to attack the common sense, rule-of-law reforms we’ve put into place, Mary has stood with the people of Arizona and defended our right to enforce our laws and protect our citizens.

Governor Fallin also won by a landslide in November.

Rick Perry, Governor of Texas — another border state with a very large Hispanic population — told the state legislature several weeks ago that immigration enforcement was not only the duty of federal officials but state officials as well. Attacking sanctuary cities, Perry also declared that although immigration enforcement is the federal government’s responsibility, “We cannot compound their failure by preventing Texas peace officers from doing their jobs.” He was criticized for his remarks by the same groups that have attacked Governor Brewer.

Martinez’ executive order in New Mexico has drawn predictable ire from a number of groups, including the state’s American Civil Liberties Union, whose executive director Peter Simonson insisted:

This executive order invites racial profiling by giving an incentive to police to arrest people who look and sound “foreign.” New Mexicans should not have to fear that a broken taillight or other pretextual stop will lead to their arrest because of the color of their skin.

Interestingly, in last November’s elections, those state politicians who favored tougher state laws against illegal immigration won races in much of the South and Southwest.

Governor Martinez’ executive order also raises a couple of salient political points. She is the first Hispanic woman to be elected Governor in American history. It is impossible to make a serious rhetorical argument that Martinez is anti-Hispanic (just as it is impossible to argue that Governors



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Bobby Jindal of Louisiana and Nikki Haley of South Carolina — both the children of immigrants — are somehow hostile to immigrants). Additionally, Governor Martinez built her political reputation upon protecting the public from crime, particularly violent crime. As a former prosecutor who worked with law enforcement and crime victims' groups, she has firsthand knowledge of how New Mexicans have suffered at the hands of violent criminals illegally in the country.

Governor Martinez occupies a strategic position in the political battle over illegal immigration, encouraging those who favor secure borders.

Photo of Governor Susana Martinez: AP Images



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