



Written by [Alex Newman](#) on December 31, 2013

U.S. Judge: Obama Homeland Security Aiding Criminal Conspiracies

The Obama administration's Department of Homeland Security is brazenly violating U.S. law and participating in criminal conspiracies to smuggle illegal immigrants into the United States, [U.S. District Judge Andrew Hanen said in a December ruling](#). He also noted that the schemes were helping to fund Mexican drug cartels and jeopardizing the lives of children. According to Hanen, the apparent Obama administration policies in question are part of a trend and represent a "dangerous course of action," costing taxpayers huge sums while enriching criminal syndicates.



The stinging criticism and exposure of Obama's Homeland Security apparatus and its lawless actions focused on a wide array of problems with the controversial human-trafficking machinations. Among other concerns, the judge said the administration was breaking the law; encouraging and rewarding criminals who continue violating the law; ensuring a steady stream of funds for dangerous Mexican drug cartels involved in human smuggling; endangering the lives of children; and much more. The court, Hanen wrote, is "quite concerned with the apparent policy of the Department of Homeland Security of completing mission of individuals who are violating the border security of the United States."

The judge's comments, which have attracted headlines across the nation, focused on one case in particular — the subject of the order. The criminal conspiracy in question involved an illegal immigrant in the United States paying human smugglers to bring her 10-year-old child across the border. The hired trafficker was arrested during the operation. "Despite this setback, the goal of the conspiracy was successfully completed thanks to the actions of the United States Government," the judge wrote, noting that the child was delivered to her mother in Virginia by Homeland Security. The administration did not arrest, prosecute, or deport the mother, despite the crimes, he added.

"This DHS policy is a dangerous course of action," the judge warned, echoing criticism from border groups and critics of the administration's policies. "The DHS, instead of enforcing our border security laws, actually assisted the criminal conspiracy in achieving its illegal goals.... In summary, instead of enforcing the laws of the United States, the Government took direct steps to help the individuals who violated it. A private citizen would, and should, be prosecuted for this conduct."

Beyond the implications of the lawlessness, the judge also ripped the apparent "logic" behind the administration's policy. Among other serious concerns, he said it would put many more children in serious danger by encouraging other actual or potential illegal immigrants to hire cartel-linked human smugglers. While he indicated his sympathy and understanding of prosecutorial discretion and keeping families together, the administration's arguments to justify its actions, Hanen said, are "absurd and



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illogical.”

“The DHS could reunite the parent and child by apprehending the parent who has committed not one, but at least two different crimes,” Judge Hanen wrote in the order. “It would be more efficient for the Government to arrest the individuals who are not only in the country illegally, but while in the country illegally are also fostering illegal conspiracies.... It would also be much cheaper to apprehend those co-conspirators and reunite them at the children’s location,” he added. “Yet, it neither prosecutes nor deports the wrongdoer.” In other words, the administration is “rewarding criminal conduct instead of enforcing the current laws.”

Even more troubling, according to Hanen, is that the controversial and unlawful Homeland Security policies are encouraging other parents to “seriously jeopardize the safety of their children.” He argued that by facilitating and ensuring the success of the criminal conspiracies and human smugglers, many more illegal immigrants would see it as a win-win scenario. While the unaccompanied child in the case in question was transported in a car and ended up safe, the judge pointed out that many others smuggled across the border cross in far more dangerous ways — swimming across the Rio Grande River, for example. Deaths, he added, are not uncommon. In fact, as the court was waiting for the judgment before releasing the order, two drowned, two went missing, and a three-year-old toddler was abandoned in the same area.

The judge also suggested, citing other recent cases in his court, that the troubling case that prompted his now widely publicized opinion was part a pattern — and even administration policy. “This is the fourth case with the same factual situation this Court has had in as many weeks,” wrote Judge Hanen, who serves on the U.S. District Court of the Southern District of Texas. “In all of the cases, human traffickers who smuggled minor children were apprehended short of delivering the children to their ultimate destination. In all cases, a parent, if not both parents, of the children was in this country illegally.... In each case, the DHS completed the criminal conspiracy, instead of enforcing the laws of the United States, by delivering the minors to the custody of the parent illegally living in the United States.”

The court order, signed on December 13, emphasized that it should not be interpreted as commentary on the subject of “immigration reform,” which Obama and some members of Congress are pushing. However, Hanen said, the issues raised in the string of recent cases concern the court for several “unassailable reasons.” First, “and most importantly,” the illegal activities in question help fund drug cartels, which are a “very real danger for both citizens of this country and Mexico.” The government’s conduct, the judge wrote, is “inspiring” the cartels to continue funding “evil and illegal activities.” On top of that, Hanen continued, U.S. citizens are being forced by Homeland Security policy to “fund these evil ventures with their tax dollars.”

Second of all, Homeland Security’s policy undermines the deterrent effect of U.S. law and inspires criminals to continue breaking it. “Even if their co-conspirators are unsuccessful, the Government will finish the job of the human traffickers — mission still accomplished,” he wrote. “It is no wonder these cases are proliferating.” In addition, the machinations are encouraging parents to turn over their children to strangers about whom “only one thing is truly known: they are criminals involved in a criminal conspiracy.”

Finally, Hanen said, the policy is eroding the morale of U.S. Border Patrol agents who risk their lives to enforce the law — only to have Homeland Security deliberately undermine their efforts. The controversial policy of facilitating criminal conspiracies and human smuggling is also making matters



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worse, Hanen observed. According to figures cited in the document, there has been an 81-percent increase in unaccompanied children picked up at the border over a two-year period. That should “tell the DHS that their policy is failing,” the judge said. “If they persist in this policy, more children are going to be harmed, and the DHS will be partly responsible because it encourages this kind of Russian roulette.”

Citing bogus justifications offered by authorities for their actions, Judge Hanen said there was “no explanation” for the unlawful behavior on the part of the administration. “The DHS has simply chosen not to enforce the United States’ border security laws,” he said. Furthermore, the judge continued, there is not even a semblance of legal justification for Homeland Security to turn a “blind eye” to criminal conduct — not to mention “to participate in and complete the mission of a criminal conspiracy or to encourage parents to put their minor children in perilous situations subject to the whims of evil individuals.” The administration’s actions, he added, are “both dangerous and unconscionable.”

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