



Written by [R. Cort Kirkwood](#) on May 30, 2011

Bill Would Stop Feds from Releasing Illegal Alien Murderers

Imagine this: An illegal alien murders your son. The killer is caught, but the prosecutors suggest a plea bargain for a lesser crime, promising that the murderer will be deported as soon as his sentence is served. You agree to the plan. After the illegal serves his sentence, Immigration and Customs Enforcement takes him into custody. But instead of deporting him, he's released back on the streets.



Sandra Hutchinson doesn't have to imagine it. [It happened](#) to her. The illegal alien who butchered her son, Charles Ashton Cline-McMurray, is free as a bird. Unsurprisingly, the leftist U.S. Supreme Court [is responsible](#). It ruled in 2001 that illegals or any other resident alien could not be detained indefinitely simply because the government cannot, for whatever reason, deport them.

Rep. [Lamar Smith](#) (R-Texas, pictured above), chairman of the House Judiciary Committee, is trying to rectify the problem with the Keep Our Communities Safe Act, [H.R. 1932](#). It will stop, he says, any more illegal alien murderers from being released, perhaps to kill again.

Nightmare

Hutchinson's nightmare began 11 years ago when her son, who suffered from cerebral palsy, was murdered on the way home from a football game in Revere, Mass. [Hutchinson described](#) for Fox News what the four criminals did to her son:

They stabbed him. They beat him. They beat him with rungs out of stairs. They beat him with a golf club. They stabbed him through his heart a couple of times. And through his lung. They stabbed him in his abdomen. He didn't have a chance, really.

Because the criminals pleaded guilty to lesser crimes, [Fox reports](#), they did not receive mandatory life sentences. When illegal alien Loeun Heng, one of the killers, was paroled, federal authorities took him into custody, hoping to deport him. But because Cambodia, the benighted country from whence this brutal killer emerged, wouldn't allow him to be repatriated, the federal government was forced to release him.

That isn't what the prosecutors had said would happen. They had assured Mrs. Hutchinson that the killers would not go free. [Hutchinson told Fox](#): They said that they would never set foot, basically[,] on American soil again. In other words, they'd be like in jail until they got sent back.

"It's crazy," [she said](#). "They're just letting them back out there to do it to somebody else."



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Why the Killer Went Free and the Response

The killer went free because the U.S. Supreme Court, in 2001 [in the case](#) of *Zadvydas v. Davis*, decided that no matter what crime a foreigner commits, the government may not detain him indefinitely while he awaits deportation for his offense. The immigration authorities, the court ruled, may not hold a foreigner more than six months before deporting him. After that, he must be released. In other words, if his home country won't take him, as in Heng's case, tough luck for the crime victims. The criminal must be freed to protect his constitutional right to walk the streets and commit more crimes.

[According to](#) Fox, ICE says it has released 1,478 criminal aliens since 2008. Rep. Elton Gallegly (R-Calif.), chairman of the House Judiciary Committee's Subcommittee on Immigration Policy and Enforcement, reports that the numbers [are staggering](#). Currently, almost 5,000 aliens, 4,000 of them criminal aliens, are being released into the community each year because of this decision, he said in a prepared statement about Smith's [Safe Communities Act](#).

The law would amend the Immigration and Nationality Act so that federal authorities can detain criminal foreigners until deportation.

In his prepared statement about it, [Smith cites](#) another case where a released criminal killed again:

Abel Arango served time in prison for armed robbery. Since Cuba wouldn't take him back, he was released. He then went on to shoot Ft. Myers, Florida police officer Andrew Widman in the face. Officer Widman never had the opportunity to draw his weapon. The husband and father of three died at the scene. ...

Just because a criminal immigrant cannot be returned to their home country does not mean they should be freed into our communities. Dangerous criminal immigrants need to be detained.

[According to](#) Smith, [the bill](#) would permit the government to detain a foreigner for more than six months if:

- the alien will be removed in the reasonably foreseeable future;
- the alien would be removed but for the alien's refusal to make all reasonable efforts to comply and cooperate with Homeland Security's efforts to remove him;
- the alien has a highly contagious disease;
- release would have serious adverse foreign policy consequences;
- release would threaten national security; or
- release would threaten the safety of the community and the alien either is an aggravated felon or has committed a crime of violence.

[The bill itself says](#) that dangerous foreigners can be detained indefinitely: an alien may be detained ... without limitation, until the alien is subject to a final order of removal.

[Says Gallegly](#), the bill will effectively address the problems created by the *Zadvydas* case. As a result, mothers such as Ms. Hutchinson will be able to rest assured knowing criminal aliens such as Heng will not be released into the community and the American public will be safer.

Between 2001 and 2004, [ICE reported](#), it released 27,947 criminal aliens, adding that 20,967 (75 percent) of these criminal aliens originated from countries where the notorious Mara Salvatrucha (MS-13) gang members are known to be active. [MS-13](#) is the brutally violent gang from El Salvador.



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Between 2001 and 2005, [ICE released](#) 45,008 illegals from countries somehow involved with terrorism either by sponsoring terrorism or supporting the terrorists.



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