



Judicial Watch

Because no one is above the law!

VIA FACSIMILE (401) 444-1105
AND U.S. MAIL

August 28, 2006

Colonel Steven M. Paré
Superintendent
Rhode Island State Police
311 Danielson Pike
Scituate, RI 02857-1907

Re: ACLU Complaint Against Officer Thomas Chabot

Dear Colonel Paré:

Judicial Watch, Inc. is a non-profit, public interest organization that seeks to promote integrity, transparency, and accountability in government and fidelity to the rule of law. In furtherance of its public interest mission, Judicial Watch, Inc. initiates and prosecutes lawsuits seeking to enforce compliance with federal immigration laws. Through its public interest litigation, Judicial Watch, Inc. has developed substantial expertise in the area of immigration law.

Judicial Watch, Inc. recently became aware of complaint filed by the American Civil Liberties Union (“ACLU”) alleging that Officer Thomas Chabot acted improperly during a July 11, 2006 traffic stop on Route 95 in Richmond, Rhode Island. *See* Karen Lee Ziner, “State police to review trooper’s role in immigration case,” *Providence Journal*, August 19, 2006. According to the *Providence Journal*, Officer Chabot detained 14 people he suspected of being in the United States illegally after pulling over a van in which they were riding. *Id.* All 14 were found to be in the country illegally and now face deportation. *Id.*

While Judicial Watch, Inc. has no knowledge of the details of what may or may not have happened during the July 11, 2006 traffic stop, the ACLU appears to be charging that Officer Cabot overstepped his authority by seeking to enforce federal immigration laws. *Id.*

Federal immigration laws make it a crime for any person to transport certain classes of aliens:

Any person who . . . knowingly or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, *transports, or moves or attempts to move such alien within the United States by means of transportation or otherwise*, in furtherance of such violation of law . . . shall be punished as provided in subparagraph (B).

8 U.S.C. § 1324(a)(1)(A)(ii) (emphasis added). This same statute expressly authorizes all law enforcement officers to enforce its provision:

No officer or person shall have authority to make any arrest for a violation of any provision of this section *except* officers and employees of the Service designated by the Attorney General, either individually or as a member of a class, *and all other officers whose duty it is to enforce criminal laws*.

8 U.S.C. § 1324(c); *see also Gonzalez v. Peoria*, 722 F.2d 468 (9th Cir. 1983) (holding that federal law does not preclude local law enforcement of the criminal provisions of the Immigration and Naturalization Act).

The circumstances of this matter -- a traffic stop of a van containing 14 illegal aliens -- fall directly within the scope of 8 U.S.C. § 1324(a)(1)(A)(ii). From the perspective of federal law at least, it would appear that a law enforcement official in Officer Chabot's position had clear authority to take appropriate action.

We also note that the ACLU apparently seeks clarification of state police policies with respect to how the Rhode Island State Police "cooperates or collaborates" with the Bureau of Immigration and Customs Enforcement. Federal law speaks to this issue as well. Specifically, federal law mandates that there can be no limitation or restriction on local officials' ability to communicate freely with federal immigration officials:

Notwithstanding any other provision of Federal, State or local law, a Federal, State, or local government entity or official may not prohibit, or *in any way restrict*, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

See 8 U.S.C. § 1373(a). To the extent the Rhode Island State Police intends to alter or revise its policies regarding cooperation and collaboration with federal immigration officials, it should keep in mind this express requirement of federal law.

I hope Judicial Watch, Inc. has been of assistance to the Rhode Island State Police in this important matter.

Colonel Steven M. Paré

August 28, 2006

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Sincerely,

JUDICIAL WATCH, INC.

A handwritten signature in blue ink, appearing to read "Paul J. Orfanedes", with a long, sweeping horizontal stroke extending to the right.

Paul J. Orfanedes
Director of Litigation