IMMIGRATION BORDER PATROL.

QUESTIONS XIII, XIV, XV and XXI.

State the various offenses with reference to which the Immigration Border Patrol may act.

Indicate which of these offenses are also within the jurisdiction of the States.

Indicate which of these offenses are also known to be within the jurisdiction of some other Federal agency.

Do members of the Immigration Border Patrol have power of arrest for offenses other than those specifically assigned to them by law? If so, explain.

These questions are so closely related that they are grouped together.

The criminal offenses against the Immigration laws of most concern to Immigration Patrol Inspectors are those of initial illegal entry into and of illegal return to the United States (Act of March 4, 1929; 45 Stat.1551, Sections 1 and 2). In addition to these, the principal offenses created by the Immigration and Chinese Exclusion laws are enumerated in the indicated sections of several of the Acts, as follows:

Act of May 6, 1882, as amended (22 Stat.58; 23 Stat.115), Sections 2, 7, 11 and 15.
Act of September 13, 1888 (25 Stat.476), Sections 7,9,& 11.
Act of May 5, 1892 (27 Stat.25), Section 8.
General Immigration Act of February 5, 1917 (39 Stat.874), Sections 4, 5, 6, 7, 8, 10 as amended, 16 and 28.
Act of October 16, 1918, as amended by the Act of June 5, 1920 (40 Stat.1012; 41 Stat.1008).
Immigration Act of 1924 (43 Stat.153), Section 22.

For ready reference copies of the several sections are attached, marked Exhibits 13-A to G, inclusive.

As is indicated in the answer to Question I, Immigration Patrol Inspectors are invested with authority to act as to the following:

"* * * (1) to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission of aliens, and to take such alien immediately for examination before an immigrant inspector or other official having authority to examine aliens as to their right to admission to the United States, and (2) to board and search for aliens any vessel within the territorial waters of the United States, railway car, conveyance or vehicle, in which he believes aliens are being brought into the United States; and such employee shall have power to execute any warrant or other process issued by any officer under any law regulating the admission, exclusion or expulsion of aliens." (Act of Feb. 27, 1925; 43 Stat. 1049. Under Question I is also quoted the enabling Regulation, Par. 1, Subd.F, Rule 29).

Aside from the offenses covered by specific statutory authority, the offenses as to which Immigration Border Patrol officers may act can be stated briefly as those concerning which any private citizen may act. These are, broadly speaking, as set forth in the common law and in the various state statutes, to-wit:

(1) Any misdemeanor or breach of the peace being committed in the presence or view of the officer or citizen, and

(2) Any case where a felony is being or has been committed or reasonable grounds exist for belief that a felony has been committed.

It is under such broad general authority that Immigration Patrol officers have arrested persons other than violators of the Immigration and Chinese Exclusion laws--numbering 17,770 during the fiscal years 1925 to 1935 inclusive--for offenses ranging from violation of the Customs laws to robbery and murder; and this of

necessity includes many offenses coming within the jurisdiction of other federal agencies and of various state and local authorities.