

Suffolk Official Sponsors Plan To Sue I.N.S. to Spur Action

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Body

Blaming undocumented Hispanic workers for rising crime rates in Farmingville, a **Suffolk** County legislator wants to bring court **action** to compel the Immigration and Naturalization Service to move against illegal immigrants in the county.

The measure, **sponsored** by Joseph Caracappa, a Republican from Selden, says that enforcement of immigration laws would reduce the public safety threat that undocumented people pose in areas like Farmingville, where Hispanic men congregate daily near street corners awaiting job offers as day laborers.

But the **Suffolk** police commissioner, John C. Gallagher, said that there was no evidence linking an increase in crimes and arrests in Farmingville to undocumented workers. "What I can confirm is that there has been an increase in reported crimes and arrests of individuals in the area who are citizens of other countries," Mr. Gallagher said. "But the numbers do not justify calling it a serious crime increase."

Mr. Caracappa's measure, which cites "a recent spate of alleged criminal acts by undocumented or illegal aliens," lists 28 arrests in a one-year period ending in July, ranging in seriousness from one on a rape charge to three for driving without a license.

Mr. Caracappa did not answer telephone messages left at his legislative office on Thursday. But he has asserted that police records show about 10,000 arrests of foreign nationals in the county from January 1998 to July of this year. That figure is about 10 percent of total arrests in the county during that period, based on police statistics.

His proposal, which would direct the county attorney to **sue** the **I.N.S.** in federal court, is set for a vote on Thursday. An opponent of the measure, Maxine S. Postal, a Democratic legislator from Amityville, said she was afraid it could pass. "There is a lot of hysteria and fear out there," she said.

Nadia Marin-Molina, a lawyer with the Workplace Project, a Hempstead group that assists immigrant workers, said there was no evidence that undocumented people "commit more crimes than other people on Long Island."

"This legislation seems to be an attempt to tell the **I.N.S.** to pick up people based on their skin color, and the **I.N.S.** can't do that," she said.

Paul Sabatino, the counsel to the **Suffolk** County Legislature, said the county could bring a suit against the **I.N.S.** in federal court "based upon the county's constitutional obligation to exercise the police power to protect the safety of its citizens."

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"To the extent that you can show the county's ability to do that is being undercut by a federal agency's failure to fulfill its obligations under federal law," Mr. Sabatino said, "you have the ability to get a federal court to hold that agency responsible."

Mark Thorn, an I.N.S. spokesman, said the agency policy was to withhold comment on "proposed or passed legislation." But, he said, "I.N.S. agents cannot simply approach a group of people and ask for their documentation without probable cause."

Mr. Gallagher noted that determining whether a person was an illegal immigrant was not part of an arrest.

An earlier county proposal to make it illegal for contractors to stop their vehicles to solicit day laborers was defeated last year. The Town of Brookhaven, which includes the Farmingville hamlet, has passed an ordinance limiting the number of people who may occupy a residence. Ms. Marin-Molia said the ordinance was aimed at Hispanic workers.

But in Farmingville and other Long Island communities where informal shape-ups of Hispanic men are common, residents have complained about traffic hazards, a decline in quality of life and housing values, and perceived increases in crime.

Barbara J. Olshansky, a lawyer with the Center for Constitutional Rights in Manhattan, said that the Suffolk measure was "an effort to intimidate people who are seeking a better life here."

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