



## **‘Facts’ rely on stat sleight-of-hand**

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In a recent letter to the Chronicle, Bob Messersmith once again spins the argument regarding illegal immigrants and crime to support his worldview. He is not alone. The internet and liberal media are jam-packed with articles that argue his side. The Cato Institute (a favorite Messersmith reference) is firmly on the illegals-do-no-harm bandwagon.

Those who subscribe to the fable that illegal aliens commit crimes at a rate less than native born citizens argue that being here unlawfully is not an offense, it is only a "civil infraction" like jaywalking and should not, therefore, be branded a crime. Because of this confused logic, and other exemptions (omitting drug offenses) afforded only to the undocumented, those advocating the illegals-do-less-crime refrain stand a chance of convincing the public of their position.

U.S. Code Title 8, Chapter 12, Part VIII, Subsection 1325, reads "(a) Improper time or place; avoidance of examination or inspection; misrepresentation and concealment of facts. Any alien who (1) enters or attempts to enter the United States at any time or place other than as designated by immigration officers, or (2) eludes examination or inspection by immigration officers, or (3) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offense, be fined under title 18 or imprisoned not more than 6 months, or both, and, for a subsequent commission of any such offense, be fined under title 18, or imprisoned not more than 2 years, or both." (Note to Mr. Messersmith — we don't imprison jaywalkers.)

I suggest those interested (apologies to all who are sick of this debate) carefully read how the Cato Institute and others conclude the illegal crime rate is less than that of natives. Be prepared, however, to delve into the mystique of statistical regressive analysis. The majority of Cato's published writings deal with total immigrant population and do not provide separate crime data for illegals, yet their studies invariably conclude that illegal immigrants commit less crime. From Cato's own Immigration and Policy Brief No. 1, March 2017: "Illegal immigrant incarceration rates are not well studied..."

Those who argue a contrarian position to the Cato Institute and Mr. Messersmith use available information such as the Texas Criminal Arrest Data or the 2009 GAO11-187 report, Criminal Alien Statistics, that unequivocally demonstrates in 2009, about 25 percent of all prisoners in federal prisons were "criminal aliens" (not my phrasing, it's the GAO's). Since the approximately 11.2 million illegals constitute about 45 percent of the estimated 25 million total non-U.S. citizens permanently in the U.S., it is obvious that illegals are incarcerated in federal lockups at a rate far greater than natives. How do the Cato Institute and Mr. Messersmith explain this?

Simple: They conclude, many, if not all, of these poor souls are confined for just being here illegally or for "minor drug offenses" that can't, according to Cato's and other's analysis, be counted as crimes. So, with the wave of a statistical pencil, Cato disposes of the minor inconvenience of illegal drug offenses and any crime associated with just being here illegally, including felony appropriation of someone else's Social Security number. From April 2017 [thehill.com](http://thehill.com) "the U.S. Sentencing Commission found that 75 percent of all criminal defendants who were convicted and sentenced for federal drug offenses were illegal immigrants. Illegal immigrants were also involved in 17 percent of all drug trafficking sentences and one-third of federal prison sentences."

These are facts, although neither the Cato Institute nor Mr. Messersmith will interpret them as such.