



A dangerous anti-immigrant policy O'Reilly dreamed up on Fox's airtime could become the law of the land

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Congress is expected to vote on a new version of “Kate’s Law,” an anti-immigrant law that was first proposed by Bill O’Reilly when he was a Fox News host.

Named after Kate Steinle, a young woman who was fatally shot by an undocumented immigrant in 2015, O’Reilly’s proposed legislation was part of a wave of anti-immigrant reactions to Steinle’s death. Like others in right-wing media, O’Reilly immediately fixated on the alleged assailant’s immigration status and exploited Steinle to push his anti-immigration policy ideas to the forefront. Focusing on the fact that the shooter had been deported and repeatedly re-entered the country illegally, O’Reilly subsequently used his Fox News platform to launch a relentless lobbying campaign to pressure lawmakers into passing a law that would mandate a five-year minimum prison sentence for certain illegal re-entries. After he first proposed it on air, a Nexis search of transcripts of *The O’Reilly Factor* during the month of July in 2015 shows the former host devoted at least sixteen episodes to hyping his proposed policy.

Ousted Fox News host Bill O’Reilly first proposed the original Kate’s Law on July 6, 2015, on his now-defunct show *The O’Reilly Factor*:

The next day, O’Reilly proposed language about the mandatory minimums:

O’Reilly’s campaign for Kate’s Law employed the familiar right-wing media tactic of wildly stereotyping and fear-mongering about immigrants. In the past, conservative media have used Ebola fears to cast immigrants as disease-carrying invaders and seized upon terror attacks in Europe to curry favor for President Trump’s ban on refugees. One of these outlets' favorite constructed narratives is the false link between immigrants and crime.

Breitbart and others have endless caches of articles depicting immigrants as murderers. When two undocumented immigrants were initially accused of allegedly raping a girl in Rockville, Maryland, right-wing outlets led by Fox’s Tucker Carlson touted the story at length and then hardly whispered when both immigrants were cleared.

Right-wing media’s supposed evidence of an immigrant-crime crisis holds no water when faced with statistics, but Republicans have ignored the facts and offer policy solutions to a problem that doesn’t exist. Now, in an environment riddled with conservative media lies about

immigrants, O'Reilly's anti-immigrant sentiments have a chance of being imminently voted on in Congress.

The legislation the House is expected to vote on is different than O'Reilly's original proposal, but would still lead to the overcriminalization of a problem of widespread immigrant crime that does not exist, by expanding the two-year maximum prison sentence for re-entering the country to a 10-year maximum and expanding the penalty for re-entry after being convicted of criminal offenses -- including nonviolent ones -- to up to 25 years.

As The Daily Beast pointed out with O'Reilly's original proposal, Kate's Law "could sizably increase the prison population by forcing nonviolent offenders to spend years in prison—and, conservative criminal justice experts say, without having a sizable impact on how many deported immigrants unlawfully return to the United States." Moving away from mandatory minimum sentences has gained bipartisan support, especially given that "skyrocketing federal prison budgets are stealing critical funding for investigators, police, and prosecutors," which could have a negative impact on public safety, according to a study by the Families Against Mandatory Minimums. In fact, the libertarian Cato Institute already stated its opposition to the legislation, citing its outsized cost and low effectiveness.

Because of a slow bipartisan move away from ineffective and wasteful sentencing policies, Kate's Law was repeatedly killed in the Senate. But the fact that it has been brought to a vote multiple times shows the dangerous power that right-wing media's xenophobia still wields over legislators.