Bloomberg

A Law to Deter Violence That Won't

Francis Wilkinson

June 29, 2017

Legislation is often reactive. Crime rises, and in response legislatures fund cops, prosecutors, prisons. A high-rise burns, and a new law requiring fire-retardant construction materials is readied.

Kate's Law is both reactive and proactive. Named for Kate Steinle, a 32-year-old American who was shot dead in July 2015 in San Francisco, the House of Representatives passed the legislation on Thursday. The bill would raise maximum sentences for immigrants caught entering the U.S. illegally, with the penalties escalating for repeat offenses.

Steinle was shot on San Francisco's Pier 14. Police arrested an undocumented Mexican immigrant named Juan Francisco Lopez-Sanchez, who had a long rap sheet of drug arrests and five deportations in his record.

A few days after the killing, Lopez-Sanchez told a local television station that he had been wandering around the pier after having found sleeping pills in a dumpster. He claimed he had found the gun, as well, wrapped in a T-shirt, and that the gun, previously stolen, fired three times when he picked it up.

Whether Lopez-Sanchez's story is mostly, partly or not remotely true is hard to say. One expert said that the bullet that killed Steinle had ricocheted off the pier's pavement before hitting her. Defense lawyers said that showed that the gun hadn't been aimed at her. A police witness testified that it showed no such thing.

Sanchez admitted his responsibility for the death to the TV reporter. In Spanish, he said that he had earned severe punishment, and he no longer wanted to live.

It's a messy and tragic story, but not the sort that leads to ready public policy solutions. Immigration restrictionists would like Lopez-Sanchez to serve as a warning about the nation's supposedly porous, easily exploited border. As a candidate, Donald Trump called it "yet another example of why we must secure our border immediately."

Yet Lopez-Sanchez is a human billboard for the rigors of U.S. border security. As David Bier of the Cato Institute wrote:

After his deportation in 1997, Border Patrol agents apprehended and deported him in January 1998. They caught him again in February 1998 at which point he was imprisoned for felony illegal reentry until his fourth deportation in March 2003. In July 2003, Border Patrol apprehended him again, and he was imprisoned for felony reentry a second time until his fifth deportation in June 2009. Less than three months later, Border Patrol caught him a fourth time, and he was imprisoned until March 2015.

Indeed, Lopez-Sanchez spent years in U.S. jails precisely because he repeatedly failed to exploit vulnerabilities in the U.S. border. His fatal encounter with Steinle occurred because he was released from prison into the custody of San Francisco authorities on an old marijuana charge, which San Francisco had no interest in prosecuting. He should've been deported yet again. But bureaucratic mistakes, probably exacerbated by San Francisco's reluctance to work with immigration agents, instead led to his release. (The House is also voting on legislation cracking down on "sanctuary cities" such as San Francisco.)

Increasing the penalties for illegal border crossing, which is the heart of Kate's Law, would have posed no deterrent to Lopez-Sanchez, who served some 15 years in U.S. jails for doing precisely that.

But the law nonetheless has purpose. Among the few consistent themes of Donald Trump's presidential campaign and administration is that immigrants are a pervasive criminal danger. Actual data suggests that immigrants are less criminally inclined than native-born Americans. But any population of 11 million -- roughly equivalent to Ohio's -- contains criminals.

Kate's Law presents an opportunity to highlight the link between immigrants and crime. It gives administration allies in Congress, conservative media and the roiling Trump propaganda sphere a talking point based on an actual tragedy in which a young white woman was killed by a brown-skinned undocumented immigrant.

Kate's Law is unlikely to deter violence. But it is a proactive approach to the tragedy. It inflames passions and advances the administration's anti-immigrant propaganda. For Republicans in the House, that'll do.