



Cato Institute’s “Analysis” on Illegal Alien Crime Latest in Long History of Poor Scholarship

SPENCER RALEY

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Once upon a time, the Cato Institute stood for the empowerment of American citizens by opposing extreme governmental overreach. However, they recently seem more interested in promoting two very different narratives: 1) corporations should hire more foreign-born or illegal labor and fewer American citizens, and 2) illegal aliens are better citizens than, well, actual U.S. citizens.

The latest example of this is an “analysis” by illegal immigration apologist Alex Nowrasteh on illegal alien crime rates in Texas. The piece, which relies almost entirely on data from the federal State Criminal Alien Assistance Program (SCAAP), claims that illegal aliens are less likely to be incarcerated than U.S. citizens. Also, for some reason, Nowrasteh felt compelled to dedicate the middle of his article to attacking FAIR’s 2017 report on the same topic.

These conclusions are fatally flawed on several points.

First, unlike previous years, the 2019 SCAAP data for Texas is woefully incomplete. The primary reason for the recent SCAAP discrepancies stems from the Trump administration’s efforts to send the bulk of SCAAP awards to counties that cooperate with Immigration and Custom’s Enforcement (ICE). While so-called “sanctuary” jurisdictions may still apply for the grants, many have stopped doing so. Texas is no exception. For example, Dallas County (the second most populous county in the state) failed to submit a SCAAP application for 2019. The same is true for numerous border counties that see a significant number of crimes committed by illegal aliens. Because of this, a very large contingent of the illegal alien population is not included in the SCAAP data for Texas – more than enough to close the gap in Nowrasteh’s errant calculations.

Second, Nowrasteh’s claim that SCAAP data routinely covers individual illegal aliens multiple times during the same calendar year is unfounded. As noted in the aforementioned FAIR study on illegal alien crime, the cycle time from arrest to conviction and incarceration is generally six months or longer, making it highly unlikely that many illegal aliens are counted more than once in a given SCAAP reimbursement period. Furthermore, in most counties, as well as Texas state prisons, illegal aliens are typically turned over to ICE once their sentences are complete. So, for the alien to be counted twice in most cases, they would need to be transferred to ICE custody, processed, deported, re-enter the United States, then be arrested again for a SCAAP-eligible offense. This kind of scenario is highly unlikely, and certainly would not impact

the data in any meaningful way. Rather, it is a red herring deployed by open borders proponents to avoid an inconvenient truth.

Finally, the numbers put forth by the Cato Institute simply don't represent reality. Even if we rely solely on the incomplete 2019 SCAAP data, and exclude those individuals who are not yet confirmed as unlawfully present by ICE, illegal aliens are still incarcerated at a higher rate than U.S. citizens and lawful migrants. Using the same tried-and-true formula as employed in the 2017 FAIR study, approximately 0.81 percent of illegal aliens in the state are currently incarcerated in a state or local facility, which is slightly higher than the overall statewide total of approximately 0.75 percent. If we include those incarcerated individuals who are almost certainly illegal aliens, the percentage increases to 1.2 percent – or an incarceration rate that's nearly 65 percent higher than the overall statewide total. Even then, this total does not include those illegal aliens who were incarcerated in Dallas County or most border counties in the state (which consists of more than 25 percent of the Texas population). If proportions in these counties are consistent with SCAAP reporting counties, then the incarceration rate among the illegal alien population in Texas actually increased significantly between 2017 and 2019.

Nowrasteh's analysis is either intentionally misleading, or else he missed obvious holes in the primary data source. Either way, the claims are easily debunked and should be dismissed entirely. Furthermore, this raises an important question: In a time when our country is facing the worst border crisis in years and millions of people are still struggling due to the economic impact of COVID-19, why is the Cato Institute trying so hard to place illegal aliens on a pedestal above hard-working American citizens?