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SEEKING THEIR OWN REFUGE, SANCTUARY CITIES GO TO COURT

Trump's other executive order on immigration could make America's streets less safe.

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Within days of President Trump's executive order to crack down on so-called sanctuary cities, San Francisco had filed a lawsuit opposing the order, and the mayors of other cities with large immigrant populations – Los Angeles, Chicago, New York – had likewise vowed to defy the administration. In other words, everyone behaved as expected, which is the problem.

There is no established legal definition of a sanctuary city, but the term usually refers to jurisdictions that limit cooperation with federal immigration officials to prevent illegal aliens from being deported. The order threatens to block federal funding to uncooperative cities, while the lawsuit argues that forcing cities to comply is a violation of states' rights under the 10th Amendment.

Defenders of sanctuary policies – including many law-enforcement officials – maintain that cities are safer when illegal immigrants are free to report crimes to police without fear of being deported. During the campaign, however, Mr. Trump vowed to end these renegade policies on the grounds, he said, that sanctuary cities are more prone to violent crime.

In fact, empirical studies have long shown that the foreign-born, regardless of legal status and country of origin, are arrested and incarcerated at lower rates than their native-born counterparts. Net migration from Mexico has been zero or negative in recent years, and illegal border crossings are at their lowest point since the 1970s.

Mr. Trump's claim that illegal immigrants drive murders, rapes, assaults and other violent crime is also divorced from the reality that crime rates in the U.S. plummeted in recent decades even as illegal immigration soared.

From the mid-1990s through the mid-2000s, the country's undocumented population doubled to roughly 12 million. Over the same period violent crime in the U.S. fell by more than a third, and property crime dropped more than 25%, including in border cities like San Diego and El Paso, Texas, which are home to large numbers of illegal immigrants. Violent crime in the U.S., by and large, is homegrown, even if undocumented foreign nationals provide convenient scapegoats for politicians.

Statistical evidence, however compelling, is often no match for a powerful anecdote. And in condemning sanctuary cities Mr. Trump has regularly invoked the tragic death of Kate Steinle, who was murdered in 2015 on a San Francisco pier by an illegal immigrant who had

been convicted of numerous felonies and deported multiple times. If local law enforcement, who had the alleged assailant in custody, had complied with the federal government's request to detain him until it could be determined whether he should be deported, Steinle might still be alive. Her death was a statistical aberration, but that's of little comfort to her family and millions of other sympathetic Americans wondering why our immigration policies don't seem to prioritize their safety.

Which gets us back to the opponents of Mr. Trump's executive order. Sanctuary cities are the exception, not the norm. Most jurisdictions readily comply with federal requests to assist in immigration enforcement. But it's also true that the illegal immigrant population is concentrated in progressive strongholds such as Los Angeles and New York, where defiance of the new president is not only applauded but demanded.

"Given their state's demographic shift, California politicians have no incentive to work with Washington," writes David DeVoss in the Weekly Standard. "Those who fail to muster sufficient outrage invite accusations of racism and bigotry." California is home to about a quarter of the country's 11 million illegal immigrants, he notes, and "Los Angeles remains a city where a Trump bumper sticker is an invitation to have your car keyed." The liberals who run these deep-blue metropolises are dug in against the president.

Nor is it certain that the sanctuary order will fare any better under court challenges than has the temporary travel ban. Last year, a federal judge in Illinois ruled that it was unconstitutional for the Department of Homeland Security to force local jails to detain suspected undocumented immigrants without a warrant. And in a 1997 Supreme Court decision, *Printz v. U.S.*, a 5-4 majority held that the federal government "may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program."

Sanctuary cities are more of an effect than a cause of illegal immigration. The failure of the federal government to pass comprehensive reform has left states and cities fending for themselves. A provocative executive order might fulfill a campaign promise, but it won't solve the underlying problem, which is an immigration system that is ill-equipped to serve the country's economic and security needs in the 21st century. That will take legislation and leadership.