

**FLIES IN THE OINTMENT:
RUSSELL PEARCE'S IMMIGRATION NUMBERS ARE WRONG**

An analysis by Arizona Employers for Immigration Reform

Misinformation, bad data, incomplete analysis and outright falsehoods make for bad public policy. Unfortunately, the key sponsor of immigration-related bills in the Arizona Legislature consistently uses very few facts in making his case for passing some of the most anti-business and anti-civil rights legislation in the nation. What follows are just a few examples of falsehoods and distortions used by Senator Pearce when he testified before the Senate Public Safety and Human Services Committee hearing of January 20, 2010 on SB1070.

http://azleg.granicus.com/MediaPlayer.php?view_id=13&clip_id=6415

We, too, are fed up with the lack of action on the part of Congress to address the immigration problem. But if this country is to get immigration policy right, we cannot use information that is clearly wrong or used improperly as the basis for developing and implementing solutions.

Pearce Claim: Sen. Pearce refers to a report prepared by the Republican staff at the House Committee on Homeland Security titled "A Line in the Sand: Confronting the Threat at the Southwest Border." Specifically, he cites a statistic that claims "9,000 Americans are killed every year by illegal aliens. 25 (sic) per day, 12 by stabbings and shootings and 13 by DUI and related crimes."

Truth: Unfortunately, these statistics appear nowhere in that report. "A Line in the Sand" makes many unsubstantiated and unverified claims and presents them as fact, knowing the average reader won't notice the lack of underlying supporting information or bother to read the footnotes. For example, in one of its first claims, the report states, "Federal law enforcement estimates that 10 percent to 30 percent of illegal aliens are actually apprehended and 10 percent to 20 percent of drugs are seized" (pg. 3). This statement of fact is accompanied by no supporting data. No facts. No basis other than what the committee authors learned from speaking with border staff, a fact noted only in a footnote at the bottom of the page.

http://www.house.gov/sites/members/tx10_mccaul/pdf/Investigaions-Border-Report.pdf

Truth Part 2: Another claim in the report that would give any serious student of immigration patterns pause is the statement that "in 2005, as many as 10 to 4 million illegal aliens crossed into the United States..." (pg. 3). A few pages later, the report states "Each year, thousands of illegal aliens cling to the sides and tops of the rail cars for the journey to the north." So which is it, millions or thousands? According to the World Bank, Mexico's population grows at about 1% per year. That means that according to the report Pearce uses to justify his claims, that 40% to 100% of the total population born in Mexico over the past ten years is moving illegally to the United States each year. If this were true, then Mexico's population should be close to half of what it was five years ago (e.g., ten million multiplied by

five years is 50 million people). All one has to do is look at Mexico's population growth curve and see that there is no change in the overall growth trend. For this trend to make sense, Mexico's birth rate would have to be at least double the current rate, just to stay even, or higher to show the same level of growth with such a significant outflow of the working-age population.

http://www.google.com/publicdata?ds=wb-wdi&met=sp_pop_totl&idim=country:MEX&dl=en&hl=en&q=mexican+population#met=sp_pop_totl&idim=country:MEX

Truth Part 3: Sen. Pearce claims the report shows that "60% of illegal aliens border crossers have criminal records." The footnote in "Line in the Sand" refers to written testimony of Marcy Forman, as the source of this statement (pg. 16). Upon obtaining a copy of Ms. Forman's testimony and examining her written testimony, that statement or any discussion of the topic of undocumented alien's criminal records is not included in her testimony.

<http://www.access.gpo.gov/congress/senate/pdf/109hrg/28338.pdf>

Falsehood Factor: Unsubstantiated and uncorroborated from a single source and complete fabrication.

Pearce Claim: We trust officers. We put guns on them. They make life and death decisions every day. They investigate crimes; they investigate capital crimes; they investigate sophisticated crimes. But we're afraid they're going to pick up the phone and call ICE. Ninety percent of the time it's a phone call to ICE if they have reason to believe they're in the country illegally.

Truth: Few beat cops actually investigate crimes, especially capital and sophisticated crimes. That's the job of people with the title of "investigator," and "detective," not "officer."

Falsehood Factor: Gross exaggeration

Pearce Claim: A study shows "1 million sex crimes by illegals; more than 100 sex offenders crossing border daily" and "...about 240,000 illegal immigrant sex offenders in the United States who have had an average of four victims each."

Truth: The study's author, Deborah Schurman-Kauffman, makes serious claims in her study titled "The Dark Side of Illegal Immigration: Nearly One Million Sex Crimes Committed by Illegal Immigrants in the United States," but serious, academic researchers have questioned her data, her methodology and her conclusions. Her primary sources are newspaper articles, not verifiable law enforcement data. This allows her to claim a larger statistical universe while ignoring the fact that newspaper publishers are in the business of selling newspapers, not providing research data. As a result, her study is critically biased to begin with. What is her expertise in immigration research prior to writing this "study?" None whatsoever. What is the name of the peer-reviewed journal in which this study appeared? It was self-published. Has she made or offered her information to others for peer review? No.

<http://www.drdsk.com/articles.html#Illegals>

Falsehood Factor: Single source, questionable research methodology and conclusions

Pearce Claim: Illegal immigrants make up 33% of Federal prison population.

Truth: According to the U.S. Bureau of Prisons, as of February 2010, Mexican-born prisoners make up 18% of the Federal Prison population.

<http://www.bop.gov/news/quick.jsp#2>

Falsehood Factor: +54% overstatement

Pearce Claim: Murders have dropped 50% in Phoenix “in concert” with passage of tough immigration laws.

Truth: Unfortunately, the murder rate in Phoenix has increased in the years since immigration laws have been passed. In fact, in the first two years after passage of Proposition 200 in 2004, the murder rate increased 12.5% in Phoenix. If you measure only the percent change from 2004 to 2008 without taking intervening years into consideration or any other factors or trends that impact murder rates, the decline in raw numbers is 19.2%. <http://phoenix.gov/police/part1v1.html>

Falsehood Factor: +30.8% overstatement

Pearce Claim: Over 60% (reduced to 50% in a 4/16/10 CNN interview) of homicides in Phoenix are committed by illegal immigrants.

Truth: For that to be true, 634 out of the 1,056 murders in Phoenix will have to have been knowingly committed by undocumented immigrants. To prove this, every murderer will have to have been identified and somehow proven to be here illegally. According to official City of Phoenix Crime Statistics, on average, less than 50% of these cases have been solved or cleared, which means the murderer in the other cases likely has not have been identified nor their immigration status determined. There are no official statistics from the FBI or the City of Phoenix to support this claim.

<http://phoenix.gov/police/ucrhistpart1v.pdf>

Falsehood Factor: Total fabrication

Pearce Claim: Illegal immigration has caused a 26-year high in unemployment.

Truth: According to the U.S. Bureau of Labor statistics, Arizona’s unemployment rate generally mirrors the national rate going back to 1980. That remains the case today. During the economic boom years of 2003-2007 when the numbers of undocumented workers purportedly reached their peak, Arizona’s unemployment rate was actually *lower* than the national average, indicating to most serious analysts that anyone who wanted a job could find one. The state’s unemployment rate reached 11.6% in December 1982 and again in January 1983. It has yet to reach that level in this current recession.

<http://data.bls.gov/PDQ/servlet/SurveyOutputServlet>

Falsehood Factor: Gross distortion

Pearce Claim: Said during the Jan. 20, 2010 hearing on SB1070; “According to the Department of Justice, the largest percentage of gangs in America are made up of illegal aliens.”

Truth: The U.S. Dept. of Justice (DoJ) and the Bureau of Justice Statistics (BJS) collect and publish no data on gang membership by immigration status. A 2001 study estimated The 2001 National Youth Gang Survey reported that 49 percent of all gang members were Hispanic/Latino, but nowhere does that report indicate all 49% were in the country illegally.

http://www.ojp.usdoj.gov/BJA/what/2005_threat_assesment.pdf

Falsehood Factor: Gross distortion

Pearce Claim: “It costs the state of Arizona over \$1B a year to educate, medicate and incarcerate illegal immigrants.”

Truth: The source for these claims is a report by the Federation for American Immigration Reform (FAIR), entitled “The Costs of Illegal Immigration to Arizonans.” That report has significant flaws, the least of which it refers to data and documents that don’t exist. For example, the report states:

“Arizona had the second highest proportion in the country of illegal immigrants in its population in 2000. The estimate by the Immigration and Naturalization Service was that there were 283,000 aliens residing illegally in the state. That represented more than 5.5 percent of the state’s population.” (pg., 2).

The report cites as its source, the “2000 Statistical Yearbook of the Immigration and Naturalization Service.” Unfortunately, the FAIR estimate of “283,000 aliens residing illegally” in Arizona appears nowhere in the report. The only reference to any undocumented population appears on page 271, where it estimates Arizona’s “Estimated Illegal Immigrant Population” at 115,000 for 1996—14 years ago—and ranks Arizona as having the seventh-largest undocumented population. It should be also noted that this report estimates the undocumented population was increasing at a rate of “275,000 per year.” Since this shows that FAIR’s initial numbers are off by over 50%, all of their remaining conclusions would be exaggerated at least to an equal extent.

<http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2000/Yearbook2000.pdf>

Another problem with the FAIR report is that it relies on its own research (and therefore conclusions) and those of her sister organization, the Center for Immigration Statistics (CIS) and opinion pieces that in themselves rely on FAIR and CIS reports. For example, it refers to an opinion piece by Rachel Alexander, who in turn refers to studies by CIS and FAIR to argue the costs of illegal immigration on the state of Arizona.

Falsehood Factor: 50%+ exaggeration, distortion, misrepresentation and self-reliance on their own studies

Pearce Claim: “It costs Arizona over \$330M a year to educate the children of illegal immigrants.”

Truth: This claim is also based on a FAIR study that itself relies on a 1997 by Rice University professor Dr. Donald Huddle. The report was prepared for a group called the “Carrying Capacity Network (CCN),” who is another organization, like FAIR and CIS, who lobby for restrictive immigration policies. It is not uncommon for these organizations to refer to each other’s research and findings, though little or no reference to opposing viewpoints.

According to a report by the Urban Institute titled “Immigration and Immigrants: Setting the Record Straight,” there are three major problems with the Huddle study:

Three major errors affect Huddle’s revenue estimates (Passel 1994). First, he generalizes from the wrong immigrant population. Huddle relies on the ISD study’s income estimates for legal immigrants in Los Angeles County. The ISD estimates are for Los Angeles’ legal immigrants who entered during the 1980s, but Huddle uses them to represent all legal immigrants who entered the United States during the period 1970–1992. The incomes of these groups, in fact, differ substantially. The assumptions underlying the ISD figures used by Huddle yield an average income estimate for legal immigrants entering L.A. County between 1980 and 1990 of about \$9,700 a year. Census data for 1990 yield income estimates of legal immigrants entering the U.S. between 1970 and 1990 averaging more than \$14,000 a year, or almost 45 percent more than the ISD estimates. Second, underestimating incomes leads inevitably to an understatement of the rates at which immigrants are taxed. Third, in addition to undercounting taxes paid, the study omits several significant revenue sources that are included in the ISD study—notably Social Security contributions, unemployment insurance, and gasoline taxes. These taxes all have large impacts on people who are in the low- and middle-income brackets— including most immigrants (p. 60-61).

The result of these errors on Huddle’s assessment of education spending is overstating immigrant enrollment’s impact on public school spending by \$3.4 billion.

Huddle’s assessment of immigrant costs fails to take into account the impacts of programs on natives or society at large. The single largest component of immigrant-related public sector costs is the cost of providing public primary and secondary education, which is approximately \$11 billion annually for immigrants. The actual recipients of these expenditures are, for the most part, native-born teachers, school administrators, maintenance staffs, and others employed in school administration, maintenance, and construction. In addition, the benefits realized by society from the additional education given to the immigrant children are not recognized in the analysis (p. 62).

The report gives a much more detailed description of other problems with Huddle's study and it is worth the read. In short, "Since Huddle estimates a "net cost" for immigrants in 1992 of \$42.5 billion, his *underestimation* of revenue by \$50 billion more than off- sets his entire net cost estimate. Within the context of his own methods, in other words, immigrants show a net surplus."

http://www.urban.org/UploadedPDF/305184_immigration_immigrants.pdf

Falsehood Factor: Questionable conclusions, overstatement of problems

Pearce Claim: "Communities write laws to prohibit the specific enforcement of our laws."

Truth: Not a single Arizona community has passed any law that prohibits law enforcement from enforcing laws as they are on the books. The questions arise from how some in law enforcement interpret the laws and the purpose of the bill is for the State to dictate how local governments manage their own affairs. What Pearce is saying is that he doesn't agree with local police agencies making decisions about how to prioritize their law enforcement efforts and he wants their priorities to agree with his.

Falsehood Factor: Gross exaggeration

Pearce Claim: "Nine out of fifteen Sheriffs on both sides of the Party have endorsed this bill and the reason is there is no personal liability on doing your job."

Truth: Two problems: Firstly, that support would evaporate if there were personally liability for any false claims they made against citizens and business. Second, the liability for false claims is transferred to the cities and towns who will have to bear the brunt and cost defending themselves against claims made by "any person" on the face of the earth who felt Federal immigration law wasn't being carried out "to the full extent permitted by federal law." It's not "their" money at risk; it's the cities, towns, and county's money that will be spent. SB1070 is public funding for lawyers who wish to build a practice or case law on immigration on the backs of Arizona's taxpayers.

Falsehood Factor: Denial of the bill's impact on the local governments these Sheriffs are elected to protect.

Pearce Claim: "This language is carefully written and vetted by national folks, by local folks, and local prosecutors and attorneys."

Truth: To our knowledge, no attorney or prosecutor outside of the Senator's usual circle (e.g., Center for Immigration Studies (CIS), Federation of Americans for Immigration Reform (FAIR)) have ever been directly or indirectly consulted on SB1070's language.

Falsehood Factor: Misleading the public

Pearce Claim: "This is a carefully written piece of legislation that moves the State of Arizona forward in a very positive way to protect our citizens, enforce our laws, and take the political handcuffs off law enforcement to let them do their jobs."

Truth: The economic impacts on communities, business and the creation of fear in the Latino and minority community have been clearly ignored in favor of an

oppressive and dangerous expansion of state police powers based upon faulty logic, bad data and misinterpretation of so-called facts. Any action by the state that does not value the right and freedom of businesses and individuals to conduct their affairs without the threat of government harassment or frivolous lawsuit cannot possibly be viewed as “moving the state forward in a very positive way.” The United States has never been a country where someone is guilty until proven innocent.

Falsehood Factor: Misleading the public

Pearce Claim: That SB1070 does not codify racial profiling.

Truth: Sen. Pearce cannot understand the text or implications of his own bill. In his testimony to his colleagues in the legislature and on blogs where he is posting a call to supporters, Pearce says SB1070 “(s)tipulates that a law enforcement official or agency cannot solely consider race, color or national origin when implementing these provisions...” It says “cannot solely consider.” That means they can consider race AND color AND national origin together or in parts, just not one of them.

Falsehood Factor: Gross negligence

Pearce Claim: This bill does not increase police powers.

Truth: SB1070 holds law enforcement officers and their bosses harmless against lawsuits that could be claimed against them for abuse of their authority under this bill. SB1070 turns the Constitution on its head by making anyone whom any law enforcement officer decides, using his or her own criteria, may be undocumented are guilty until proven innocent. If this and making every law enforcement officer and government employee official immigration enforcement judge and jury and jailer, isn't expanding police power, what is?

Falsehood Factor: Misleading the public