



Written by [R. Cort Kirkwood](#) on February 21, 2019

16-State Lawsuit Against Trump Twists Data – and Truth

The lawsuit that 16 states filed to block President Trump's declaration of a national emergency to build a border wall doesn't just assert that the declaration is unconstitutional, it also includes cherry-picked data that supposedly show that the number of illegal aliens crossing the border is decreasing, and that illegal aliens are more law-abiding than natives.



The first claim, if true, is irrelevant to the question of whether the number of illegal-alien border jumpers constitute a real threat, and the second is patently false. Illegal aliens are not more law-abiding than real Americans.

The lawsuit, of course, also ignores other compelling data that prove Trump right regarding the immigration crisis.

The Lawsuit

The lawsuit, led by California and its open-borders leftist attorney general, Xavier Becerra, claims that Trump's declaration will hurt the states because it will divert nearly \$7 billion from existing defense and other projects to build the wall.

[The states claim](#) that the president is misappropriating congressionally allocated funds, which would harm the states, and that the border is not in crisis, and so he does not have the authority to declare a national emergency. The order is thus "unconstitutional and unlawful."

But those legally debatable matters are of less concern than some of the data the lawsuit offers that might mislead a judge unfamiliar with the real data.

For instance, citing numbers from Customs and Border Patrol, the lawsuit claims that the number of illegals at the border is decreasing. [The lawsuit also claims](#), citing numbers from the open-borders Cato Institute, that illegal aliens commit fewer crimes than real Americans. The lawsuit uses State Department data to claim that terrorists, contrary to the president's claims, are not crossing the border.

Sheer Numbers and the Sick

Let's start unpacking these myriad claims with CBP's data. Even if border apprehensions are decreasing, agents still face a tsunami of illegals, which would not be a problem if a wall were there.

In December and January, [border agents collared](#) 98,962, and in the first four months of fiscal 2019 alone, border agents caught 201,497 illegals. Last year, the [number was nearly 400,000](#). In other words, the numbers of illegals caught at the border is not decreasing, as the lawsuit argues. Already, the figure is more than half of what it was for all of last year. By fiscal year's end in October, at this pace, border agents will have handled nearly one million illegals.



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That figure does not include inadmissible aliens who present themselves at ports of entry.

And even if the sheer numbers weren't a problem, the number of sick illegal aliens would be.

Health authorities in Houston, Texas, [recently confirmed](#) seven cases of mumps among a batch of illegals, and as *the Washington Times* reported recently, border agents refer 50 illegals a day to medical facilities for everything from pregnancy and the flu to typhus, Chagas disease, and tuberculosis. Transporting those illegals to and from hospitals requires hundreds of hours per week — time those agents don't spend at the border.

In November, the [Mexican government reported](#) that a third of the illegals in Tijuana awaiting entry into the United States were sick.

Crime Data

Beyond handling diseased illegals, CPB and Immigration and Customs Enforcement regularly arrest gang members and sex offenders at the border. Just last week, [federal agents took down](#) a major illegal-alien drug smuggling ring and deported two child molesters who sneaked back into the country after being deported. [The agencies deported](#) 256,085 criminal aliens last year, including 1,641 illegals convicted for some form of homicide, 1,294 convicted of kidnapping, and 4,975 sex criminals, not including those with sex-assault convictions.

As for whether illegal aliens are more law-abiding than real Americans, the [latest report](#) from the Federation for American Immigration Reform, using crime data from the states with the largest number of illegals, [proved that illegal aliens](#) are much more dangerous than citizens.

FAIR cited Texas as an example:

In Texas alone between June 2011 and July 2018, more than 175,000 illegal aliens were booked into state and local jails.... They were charged with more than 273,000 criminal offenses. These crimes included 505 homicide charges, 30,408 assaults, 5,396 burglaries, 34,555 drug offenses, and 365 kidnapping charges. By simply doing the math based on this data alone, then comparing it with the number of illegal aliens residing in the state of Texas, it becomes clear that illegal aliens are incarcerated at a higher rate than U.S. citizens or lawfully-present aliens.

As for terrorists, a report from the Center for Immigration Studies found at least 15 terrorists have been caught at the border since 2001. [ICE recently deported](#) a Pakistani illegal-alien smuggler based in Brazil. Several of those illegals had ties to terror organizations.

The lawsuit did not mention that [illegal aliens awaiting entry](#) to the United States in Tijuana [twice attacked border police](#).

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