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A Structural Analysis of Sanctuary Cities

by

Malcolm J. McClain

A Thesis

Presented to the Graduate and Research Committee

of Lehigh University

in Candidacy for the Degree of

Master of Arts

in

Sociology

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"A Structural Analysis of Sanctuary Cities"

Malcolm J. McClain

_____
Date Approved

_____
Sirry Alang, Ph.D.
Thesis Advisor

_____
Karen Beck-Pooley, Ph.D.

_____
Ziad Munson, Ph.D.

_____
David Casagrande, Ph.D.
Department Chair

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TABLE OF CONTENTS

List of Figures and Tables vi

Abstract 1

Introduction 2

Literature Review 5

Methods 19

Findings 24

Deciphering the Declined Detainer Outcome Report 24

Quantitative Analysis: Sanctuary vs. Non-Sanctuary Cities 28

Content Analysis of Sanctuary City Policies 31

Discussion 39

Conclusion 46

References 48

Vita 52

LIST OF FIGURES AND TABLES

Figure

Figure 1: Sanctuary Cities in the United States 24

Tables

Table 1: Descriptive Statistics from *Declined Detainer Outcome Report* 25

Table 2: Sanctuary Jurisdictions, ordered by population size 27

Table 3: Descriptive Statistics of Relevant Sanctuary-City Socio-economic Variables 29

ABSTRACT

Sanctuary cities have received intense political scrutiny from the Trump Administration. Based on claims that they violate immigration law and enable non-citizen "criminals" to harm the American public, federal officials have attempted to deny funds to "sanctuary" jurisdictions that have enacted policies limiting cooperation with U.S. Immigration and Customs Enforcement. Unfortunately, a limited body of empirical research has analyzed the phenomenon of sanctuary jurisdictions, including sanctuary cities. This project unearths the city-level structural conditions that impact the adoption of municipal sanctuary city policies. Using data from the U.S. Census and American Community Survey, I utilize *t*-tests to determine the macro-level socio-economic characteristics of 23 sanctuary cities identified by the Department of Homeland Security's *Declined Detainer Outcome Report*. In addition, I perform content analysis on sanctuary-city policy documentation to reconstruct the pro-adoption rationales embedded within. Quantitative findings suggest that demographic (age, education, nativity) and economic (residents below federal poverty level and housing tenure) variables are associated with sanctuary-policy adoption. Findings from content analysis suggest that sanctuary cities have adopted 4 rationales for adoption these policies: community building, supporting law enforcement activity, preserving municipal resources, and maintaining legal authority. Overall, this research demonstrates that socio-economic and political conditions within sanctuary cities are interrelated and each must be incorporated into empirical analyses of 'sanctuary.'

INTRODUCTION

On January 25, 2017–five days after he assumed office— President Donald Trump signed his *fourth* Executive Order: 13768, titled "Enhancing the Public Safety in the Interior of the United States." This Order maintains that "interior enforcement of our Nation's immigration laws is critically important to the national security and public safety of the United States." The Order continues, "sanctuary jurisdictions across the United States willfully violate Federal law in an attempt to shield aliens from removal from the United States. These jurisdictions have caused immeasurable harm to the American people and to the very fabric of our Republic."

The Executive Order sets forth a policy to "ensure that jurisdictions that fail to comply with applicable Federal law do not receive Federal funds, except as mandated by law." In compliance with this policy, the Department of Justice has issued warnings to multiple jurisdictions with 'sanctuary' policies that are in violation of Federal immigration law, threatening those jurisdictions with a loss of federal funds (U.S. Department of Justice 2018).

Currently, there is no unanimous legal nor academic definition for 'sanctuary jurisdictions,' nor a complete list of which jurisdictions in the country would fit such a designation. This lack of a formal definition has given federal officials broad discretion when enforcing policy against sanctuary jurisdictions. The research project outlined below will examine the jurisdictions that have been identified by Immigration and Customs Enforcement as non-compliant with federal immigration enforcement. These jurisdictions—deemed 'sanctuary' by federal government officials—are at risk of losing federal funds, which would drastically alter the lives of individuals and communities

within their borders. Any policy that would have such tremendous impacts should be assessed. Unfortunately, despite the political fervor surrounding sanctuary jurisdictions, there is a lack of empirical research that systematically examines the conditions of these cities, counties, and states in relation to their sanctuary policies.

This research attempts to evaluate the claim that sanctuary jurisdictions "have caused immeasurable harm…to the very fabric of our Republic." Analyzing official government statistics and sanctuary-city policy documentation, I attempt to reconstruct "fabric of our Republic" to determine the extent to which sanctuary jurisdictions are inappropriate policy innovations. In general, this research will add to the body of knowledge of sanctuary jurisdictions. It will ask and begin to answer why sanctuary jurisdictions come about. Specifically, it will examine the macro-level socio-economic conditions that may lend themselves to the adoption of sanctuary policies. These socio-economic conditions are then paired against pro-adoption rationales that are embedded within jurisdictions' sanctuary-policy documentation. These insights begin to lay groundwork for a theorization of 'sanctuary' that takes into relevant social, economic, and political characteristics.

The first section of this report will overview the theoretical and empirical knowledge that currently exists around 'sanctuary' in the United States. I first delve into the fraught definition of "sanctuary" authorized by the Executive branch in 2017. Then, I move into a historical origins of the Sanctuary Movement in the United States. This act of providing political respite form the federal government is then contextualized within American constitutional principles that allow for a legitimate separation and exercise of

government powers. Finally, I review the extant empirical literature that highlights the effects of sanctuary policies on socio-economic conditions in the United States.

The next section provides outlines the data collection and analytic strategies. This research employs a mixed-method approach to uncover the socio-economic and political conditions that undergird sanctuary policies. This section provides specific insight into the selection and data and methods for this project.

The Findings section reports the results of the quantitative and qualitative method. This section begins with breakdown of the information reported on ICE's *Declined Detainer Outcome Report*. Then, it overviews the results of statistical tests that determined any meaningful differences between sanctuary and non-sanctuary cities. Finally, the results of the content analysis are review, uncovering the pro-adoption rationales that sanctuary municipalities have embedded within their policy documentation.

The final section of this write-up contextualizes the quantitative and qualitative analyses in terms of each other. First, I delve into canonical sociological texts that have highlighted the relationship between socio-economic and political structures within societies. Building upon their foundation, I then pair relevant socio-economic characteristics of sanctuary cities with the specific language of their policy documentation. Finally, I explore the broader implications of this work and elaborate on the contemporary importance of its findings.

Overall, this project works to build towards an empirical literature around 'sanctuary' in the United States by uncovering the socio-economic and political conditions that are unique to these jurisdictions in the United States. As the federal

government attempts to regulate against the existence of such jurisdictions—especially by limiting federal funds—it is imperative that these policies are contextualized in terms of the underlying conditions that precipitate them. And as more policies begin to arise that counteract the federal government, we must be aware of why jurisdictions would take such a risk.

LITERATURE REVIEW

A central challenge to the study of sanctuary jurisdictions is definition. What is "sanctuary"? And, what types of policies and actions would earn a jurisdiction such a designation? Unfortunately, there is no uniform legal, academic, nor popular definition that uniquely and comprehensively characterizes sanctuary jurisdictions and their constitutive elements. Perhaps, one explanation for the lack of clarity around "sanctuary" is amount of variation that exists between these policies. Potentially, these policy are too complex to reduce a single, coherent definition. However, as the refrain goes, the absence of evidence is not the evidence of absence. And as *theory* can be defined as "an interrelated set of constructs (or variables) formed into propositions, or hypotheses, that specify the relationship among variables," the lack of theorization about sanctuary jurisdictions may be related to the lack of understanding of the basic variables that make these places unique from their non-sanctuary counterparts (Creswell and Creswell 2018:52). The research explained below attempts to determine the relevant variables that would be included in a theory of sanctuary jurisdictions—specifically, sanctuary cities. In order to move towards a sociological analysis of this phenomenon, I will first review the current popular, legal, and academic understandings of sanctuary jurisdictions.

Federal Designation of Sanctuary in 2017

In Executive Order 13768 *Enhancing Public Safety in the Interior of the United States,* sanctuary jurisdictions are charged with causing "immeasurable harm to the American people and to the very fabric of [the] Republic." In order to disincentivize these jurisdictions, the Order sets forth a policy that these sanctuary jurisdictions "are not able to receive federal grants, except deemed as necessary for law enforcement purposes." But, the question still stands: which jurisdictions should be designated sanctuary and, as a result, lose access to federal funds?

While Executive Order 13768 does not list sanctuary jurisdictions, it provides an outline for how federal agencies shall be determined such jurisdictions. The Order describes sanctuary jurisdictions as "jurisdictions across the United States [that] willfully violate Federal law in an attempt to shield aliens from removal from the United States." In particular, the Order writes that sanctuary jurisdictions are to be targeted for their refusal to comply with 8 U.S.C 1373, which states,

> Notwithstanding any other provisions of Federal, State, or local law, a Federal, State, or local government entity may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual" (8 U.S.C 1373).

The Order then goes on to authorize the Secretary of Homeland Security and Attorney General to designate a jurisdiction as sanctuary and enforce against them:

> The Secretary [of Homeland Security] has the authority to designate, in his discretion and to the extent consistent with law, a jurisdiction as a sanctuary jurisdiction. The Attorney General shall take appropriate enforcement action

> against any entity that violates 8 U.S.C 1373, or which has in effect, a statute, policy or practice that prevents or infers the enforcement of Federal law."

Since currently no law exists to determine which types of policies should be identified as sanctuary, the Attorney General and Secretary of DHS have been afforded high amounts discretion in their ability to designate sanctuary jurisdictions. And while 8 U.S.C (quoted above) serves as one guideline offered by Executive Order 13768, the Order allows jurisdictions that do *not* violate this specific law to also be deemed sanctuary. In fact, in a Department of Justice memo issued on May 22, 2017, Attorney General Jeff Sessions demonstrated his broad discretion:

> After consultation with the Secretary of Homeland Security, I have determined that, for purposes of enforcing the Executive Order, the term "sanctuary jurisdiction" will refer only to jurisdictions that 'willfully refuse to comply with 8 U.S.C. 1373. A jurisdiction that does not willfully refuse to comply with section 1373 is not a "sanctuary jurisdiction" as the term is used in section 9(a) [of Executive Order 13768]. While the Executive Order's definition of "sanctuary jurisdiction" is narrow, *nothing in the Executive Order limits the Department of Justice's ability to point out the ways that state and local jurisdictions are undermining our lawful system of immigration or to take enforcement action where state or local practices violate federal laws, regulations, or grant conditions* (Sessions 2017, emphasis added).

So, while Attorney General Sessions is seemingly providing a standard definition that would determine sanctuary jurisdictions based on their 8 U.S.C. 1373, he establishes that the Department of Justice has the ability to take actions against jurisdictions that do not meet this explicit definition.

The Department of Homeland Security, however, has adopted a different definition of sanctuary jurisdictions from that of the DOJ, which has been outlined by Immigration and Customs Enforcement (ICE) in the *Declined Detainer Outcome Report* (DDOR). Mandated by Executive Order 13768, the DDOR "on a weekly basis, make[s]

public a comprehensive list of criminal actions committed by aliens and any jurisdiction that ignored or otherwise failed to honor any detainers[1] with respect to such aliens" (EO). In the DDOR, jurisdictions are identified and listed that have "enacted policies which restrict cooperation with ICE"(DDOR).

Since the Department of Homeland Security is the federal agency specifically tasked with immigration enforcement and providing personnel and since Executive Order 13768 primarily imbued the Secretary of Homeland Security with the "authority to designate, in his discretion and to the extent consistent with law, a jurisdiction as a sanctuary jurisdiction," this research project will move forward utilizing the DHS definition of sanctuary. Otherwise, a comprehensive list would be difficult to determine based on the broad criteria established by the Attorney General or Executive Order 13768.

The following section provides an overview of the history of "sanctuary" in the United States, specifically as it relates to the 1980s Sanctuary Movement. Then, I move into constitutional principles of federalism that undergirds political jurisdictions' ability to legitimately declare sanctuary. This overview will include a description of legal challenges to (anti-)sanctuary enforcement. Finally, I review the existing social science literature on "sanctuary" and highlight the importance contextualizing this political stance in relation to (inter-)national contexts.

[1] Detainers refer to requests made by ICE officials to law enforcement to "notify ICE as early as practicable…before a removable alien is released from criminal custody and then briefly maintain custody of the alien for up to 48 hours to allow DHS to assume custody for removal purposes" (U.S. Department of Homeland Security 2019).While ICE detainers are frequently utilized, they are not warrants signed by a judge and cannot legally enforce. Instead, law enforcement agencies determine on a case-by-case basis whether to honor the detainer and keep the individual in custody.

History of "Sanctuary" in the United States

In the United States, "sanctuary"—as a term used to describe the sheltering of immigrant communities from the federal government—was first associated with the 1980s Sanctuary Movement. As a result of conflict in Central America during the 1980s, there was an increase in migration towards North America, particularly from El Salvador and Guatemala. However, strict Reagan-era immigration policies—which particularly targeted Central American countries—limited the number of migrants who were accepted into the U.S. and granted political asylum. In fact, at the beginning of the sanctuary movement in 1981 and 1982, "out of the fifty-five hundred [Salvadorans] who had applied for political asylum…only two were granted it" (Golden and McConnell 1986:14)

In an effort to support those who traveled internationally to the United States but were not granted asylum because of stringent immigration laws, religious institutions of various faiths began to offer resources to individuals and families. These religious congregations would provide shelter, food, legal resources, community contacts, and more to a population that was being criminalized and targeted by the federal government. In addition to offering means for survival, these churches also offered political respite—"sanctuary"—by shielding migrants from federal immigration officials.

However, sheltering unauthorized persons from federal immigration enforcement is a crimeAs a result of violating federal immigration law by "harboring" unauthorized migrants in the United States, some church leaders were prosecuted by the federal government. Two of the most notable religious activists who were brought before the

court were Jim Corbett and John Fife. In each case, the government was prosecuting on the grounds that these individuals had violated federal immigration law by "illegally escorting undocumented Salvadoran refugees into the United States from Mexico and providing shelter for them in churches and houses" (Chinchilla et. al 2009:105). In response, on March 24, 1982–coincidentally on the anniversary of the assassination of a archbishop Msgr. Oscar Romero—SouthSide Presbyterian Church in Tucson, Arizona declared itself a sanctuary for Central American refugees (Chinchilla et al 2009). The movement gained traction quickly and in 1983–one year later— there were an estimated "45 Sanctuary churches and synagogues throughout the [U.S.] and 600 secondary Sanctuary groups that provided endorsement and support" (Chinchilla et al 2009:106).

The political act of offering sanctuary was not limited to religious institutions, though. In fact, in 1989, San Francisco adopted its "City and Country of Refuge" ordinance, which "prohibits City employees from using City funds or resources to assist Immigration and Customs Enforcement (ICE) in the enforcement of Federal immigration law unless such assistance is required by federal or state law" (City and County of San Francisco 2019). The defiant action of providing sanctuary moved past the sole realm of religious congregations and into state and local political institutions. And since the adoption of San Francisco's policy, other cities and states across the country have adopted policies and legislation that limits cooperation between the federal government and local government officials. Some jurisdictions have even adopted policies that would provide resources to undocumented communities that would otherwise be illegal to obtain because of federal law.

In order to understand sanctuary in the United States as it relates to state and local government enacting policies to defy the federal government, we be conscious of the particularities of the U.S. political institutions. The following sections outline the American government structure that grants state and local government legitimate authority to defy the federal government. This particular political context has lead to conflicts between government entities that are unique from international models of sanctuary.

Multi-Level Governance in the United States

In order to understand the development of sanctuary jurisdictions in the United States, particularly sanctuary cities, we must understand the nature of the relationship between the federal government and lower levels of government; i.e. states, counties, and municipalities. In particular, the *federalist* system that characterizes the U.S. government plays a vital role in the relationship between different levels of government. While the specific form and function of federalism has been debated in political and legal scholarship, the following definition provides a useful description of the tiered system of governance established by the U.S. constitution: "a two-level federal system with an underdeterminate[2] division of political power resulting in a contested jurisdictional line between the federal and state governments" (Ewing 2016:694). Resulting from the lack of clarity around the specific powers divided between federal and state governments, the U.S. federalist system is characterized by the conflicts between those powers.

[2] *Underdeterminacy* is a legal term that refers to situations where "constitutional text does not provide determinate answers to constitutional questions" (Solum 2013:458).

In fact, some of the most important conflicts in United States history were only possible within the political context of American federalism. For instance, Spaulding and Hickok (2007) and other historians have long established that in addition to a contest over continuation of slavery in the Union, the American Civil War was a conflict over the rights of states in relation to a large federal government. The same conflict was debated in the Supreme Court case *Roe v. Wade.* This case re-established the power of the federal government over state government. At the heart of each of these political confrontations was a battle over whether the state government or the federal government was entity with jurisdictional authority governing in certain areas. These debates will likely rage on, but what is important to note is that they can only a take place within a federalist system that recognizes that state and central government are *each as* legitimate entities. As Spaulding and Hickok (2007) explain,

> [Federalism] sets forth the proposition that state sovereignty mattered and should be protected while recognizing the democratic principle that citizens must govern—at the state and national level. It held out the proposition that the nation would benefit from an energetic but limited national government while simultaneously nurturing and being nurtured by sovereign, politically vital states and communities. It carried the promise…that America could benefit from the advantages of both large and small size: a great nation with a competent national government that could meet the threats of other nations, and yet a nation where states mattered and citizenship is nurtured by political participation at the state and local level. A nation of states (15).

The principles of federalism set forth by the U.S. Constitution continue to guide the legislative actions of the government to this day. There are constantly fights over which levels of government have authority over which matters. This project analyzes conflicts have erupted between municipalities and states and the federal government over the

constitutional legality of sanctuary jurisdictions. This fight has taken off in the courts, particularly as it relates to Executive Order 13768.

Legal challenges to Sanctuary. To date, there has been no direct litigation to determine the legality of sanctuary jurisdictions. Executive Order 13768 is the only federal legal policy to date that has attempted to enforce against sanctuary cities by threatening to deny federal grants to these jurisdictions. And, as sated above, the Order and Department of Justice memos designate sanctuary cities to be those that are in violation of 8 U.S.C 1373. The legal history of sanctuary cities also highlights the importance of 8 U.S.C.1644 which states,

> Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service [now, Immigration and Customs Enforcement] information regarding the immigrant status, lawful or unlawful, of an alien in the United States.

Before Executive Order 13768, there were challenges to these statutes. NewYork City challenged the constitutionality of 8 U.S.C. 1373 and U.S.C. 1644 in the 1999 case *City of New York v. United States*. The claims of the City were that these two federal statutes violated the Tenth Amendment, particularly the anti-commandeering doctrine. This doctrine sets forth that federal government cannot "issue directives requiring the [s]tates to address particular problems, nor command the [s]tate's officers, or those of their political subdivisions, to administer or enforce a federal regularity program" (CRS 2019:7). New York argued that these statutes attempted to control how information was being used at the local level, which was an attempt to commandeer city powers. However, the Court upheld the constitutionality of 8 U.S.C. 13733 and 8 U.S.C. 1644,

arguing that "Congress ha[d] not compelled state and local governments to enact or administer any federal regularity program" (as cited in Bilke 2009). As such, the statutes remain until this day. It is important to note that while this case is not concerning a specific sanctuary-city policy, these two federal statutes form the basis of the Trump Administration's legal justification in enforcing against sanctuary jurisdictions.

Constitutional questions regarding "sanctuary" and enforcement it reemerged after the signing of Executive Order 13768. A number of state, county, and local governments challenged Executive Order 13768 in the courts. In most cases, the Order was challenged on three grounds. First, the Executive Order violated the separation of powers by attempting to regulate the spending of monies appropriated by Congress. Second, they argued that even if the the President had not overstepped his authority to spend, the Order violates the legal parameters set forth by the Spending Clause of the U.S. Constitution[3]. Thirdly, jurisdictions argued that the Order violated the Tenth Amendment by attempting to commandeer state powers to enforce federal immigration laws. In California, a district judge agreed with the three claims argued in *City and County of San Francisco v.* Trump and *County of Santa Clara v. Trump,* and concluded that Section 9(a) of Executive Order 13768 was unconstitutional. As a result, the judge declared a nationwide injunction of the implementation of Section 9(a). In an appeal, the Ninth Circuit court agreed with the findings of the district judge, but "vacated the

[3] "While Congress have significant authority to encourage policy through its spending power, the Supreme Court has articulated a number of limitations to the conditions Congress can place on federal funds…:(1) conditions must be unambiguous and cannot be imposed after funds have already been accepted; (2) there must be a nexus between the federal funds at issue and the federal program's purpose; and (3) the financial inducement cannot be coercive" (*City and County of San Francisco v. Trump* 2018:37)

nationwide injunction…and remanded the case for further factfinding on whether the injunction out to be nationwide in scope" (CRS 2019:21).

Of central importance to future questions about sanctuary jurisdictions is the Court's specific ruling on the Tenth Amendment violations of Executive Order 13768:

> The Executive Order uses coercive means in an attempt to force states and local jurisdictions to honor civil detainer requests, which are voluntary 'requests' *precisely* because the federal government cannot command states to comply with them under the Tenth Amendment. The Executive Order attempts to use coercive methods to circumvent the Tenth Amendment's direct prohibition against conscription (*City and County of San Francisco v. Trump* 2018:41, emphasis added).

Interestingly, the vagueness in Executive Order 13768 around the definition of "sanctuary jurisdictions" has also led to constitutional complications, particularly in relation the Fifth Amendment. The District Court judge of Northern California ruled that "The Executive Order does not make clear what conduct might subject a state or local jurisdiction to defunding or enforcement action, making it impossible for jurisdictions to determine how to modify their conduct, if at all, to avoid the Order's penalties" (41). He continues, "the Order also fails to provide clear standards to the Secretary [of Homeland Security] and the Attorney General to prevent 'arbitrary and discriminatory enforcement.'...[T]he Order gives the Secretary discretion to designate jurisdictions as 'sanctuary jurisdictions' to the extent consistent with law. But there are no laws, besides the Order, outlining what a sanctuary jurisdiction is, leaving the Secretary with unfettered discretion and the Order's vague language to make 'sanctuary jurisdiction' designations" (41).

As a matter of empiricism, Executive Order 13768 is also vague in its claims against sanctuary jurisdictions—that they "have caused immeasurable harm to the

American people and to the very fabric of our Republic." Fortunately, "harm" is a broad term that can be operationalized and measures in any number of forms. In fact, an emerging social science research has begun to evaluate the impacts of sanctuary policy adoption as it relates to harm done to communities, particularly crime. The following section outlines the current body of empirical research that has sought to determine the *effects* of sanctuary-policy adoption.

Existing Empirical Research on Sanctuary Cities

Extant research on sanctuary jurisdictions has primarily evaluated the validity of one of the claims in Executive Order 13768, that these jurisdictions have "cause[d] immeasurable harm to the American people." This research has focused on empirical indicators of crime and violence to test if, in fact, the existence of sanctuary policies and/or immigrants cause civil disorder and unrest.

For example, Gonzalez et al (2017) gathered statistics on violent crime, property crime, and rape crime from the FBI's Uniform Crime Report. They tested whether rates of crime changed in the year following the adoption of a sanctuary policy. Their findings suggest that crime rates are largely unaffected by the adoption of sanctuary policies. They also find that there is no statistically significant difference between comparable cities that do and do not have sanctuary policies in place.

Similarly, Martinez-Schultz and Martinez (2017) also tackle the relationship between sanctuary policies and crime. Using the FBI's Uniform Crime Report, they tested whether the adoption of sanctuary policies is associated with a change in homicide

and robbery counts in the three decades between 1990 and 2010. They found that sanctuary policies corresponded with decreases in robberies but not homicides.

Wong (2017) highlights the effect of sanctuary policies on the economies of sanctuary counties. Analyzing data from the American Community Survey, he uses coarseness exact matching—a statistical technique that "estimates the sample average treatment effect on the treated"—to compare sanctuary counties with their non-sanctuary counterparts. His research suggests that median household incomes are higher in sanctuary counties compared to non-sanctuary ones. Similarly, he finds that poverty is lower in sanctuary counties and that labor force participation is significantly higher in sanctuary counties.

Other research has focused on the effects of sanctuary policies to the wellbeing of immigrants. Potochnick et al (2017) analyzed the Current Population Survey Food Supplemental Survey to determine the health effects of deputizing local officials with immigration-enforcement authority. They found that local enforcement of immigration law was associated with food insecurity risk among Mexican non-citizen household with children.

This research undertaken project is novel in two ways. First, I utilize the only official list of sanctuary jurisdictions released by the federal government. Second, and more importantly, this research attempts to analyze the policies that *lead* to sanctuary-policy adoption. Previous research has focused on the effects of the sanctuary policy once they are enacted. I am interested in *why* a jurisdiction would adopt such a policy in the face of legal threats from the federal government.

Sanctuary in Context. Existing social science scholarship on sanctuary jurisdictions has taken for granted the particular nature of the American political institution that gives rise to certain forms of sanctuary policies. As outlined above, research on sanctuary jurisdictions tends to focus on the effects of sanctuary policies, not the contexts that lead to their creation. However, the particularities of national contexts greatly shape the implementation and effect of sanctuary policies.

Bauder (2016) overviews how different national contexts inspire different agendas for sanctuary policies. In the United Kingdom, for example, "Cities of Sanctuary" attempt to get involved in the discourse around migrants. For these municipalities, it is particularly important to share the stories of refugees so that other residents of the city can have more insight into the journey and difficulties that led to their migration. As a result, sanctuary policies in the U.K. are commitments to facilitating relations between residents rather than defying federal immigration law. This is different than the U.S. and Canada where sanctuary-city policies attempt to facilitate immigrants' incorporation into political institutions. In Canada, unlike in the U.S., however, municipal law enforcement in sanctuary cities routinely and actively cooperate with federal immigration authorities, often making the call themselves (Bauder 2016). This is squarely different from the United States where sanctuary policies are specifically designed to direct the local law enforcement officials, and often other municipal employees, to not cooperate with federal immigration enforcement.

This research attempts to unearth the social contexts that are meaningful to sanctuary cities in the United States. Through statistical analysis, I attempt to identify the socio-economic conditions that are unique among sanctuary cities as compared to other

non-sanctuary municipalities. Then, through content analysis I re-construct the conditions that sanctuary cities identify as relevant to their adoption of sanctuary policy. Pairing these data, I set out to begin constructing a literature around 'sanctuary' in the United States, particularly around why jurisdictions would adopt such a political stance.

METHODS

This research attempts to uncover sociological context of sanctuary cities that impact the adoption of sanctuary policies, particularly within municipalities. To this end, a mixed method approach has been utilized. The quantitative methods of this research use official data from the U.S. government to unearth the social and economic (socio-economic) conditions in sanctuary cities that make them unique from their non-sanctuary counterparts. This inductive approach employs statistical techniques to unearth the relevant variables that must be included as researchers build an empirical body of knowledge around sanctuary cities. The qualitative methods are used to answer the same question—what factors contribute to the adoption of sanctuary policies?—but allow us to delve into the specific content of particular sanctuary policies. Through the qualitative analysis of this project, we are able to reconstruct the explicit and implicit narratives that sanctuary cities have embedded within policy documentation to justify policy adoption.

Data

The primary data from this research were gathered from Immigration and Custom Enforcement's (ICE) *Declined Detainer Outcome Report* (DDOR). The DDOR is a report mandated by Executive Order 13768 to "make public a comprehensive list of

criminal actions committed by aliens and any jurisdiction that ignored or otherwise failed to honor any detainers with respect to such aliens." The report analyzed for this research is the third and final report publically released by ICE, which reported relevant information as of and between February 11-February 17, 2017. The DDOR is organized into three tables of data: I) jurisdictions with the highest volume of declined detainers during the reporting period, II) all jurisdictions that declined ICE detainers during the reporting period, and III) jurisdictions that "have enacted policies which restrict cooperation with ICE" as of and between February 11-February 17, 2017. Table III is the most comprehensive publicly available list of sanctuary jurisdictions designated by the federal government and provides the sample for this research.

Supplementary data were gathered from the U.S. Census Bureau's *American Community Survey* (ACS) 2017 5-year estimates. The ACS is an annual survey that collects data from housing units (HU) and group quarters (GQ) in the United States. Each year the ACS samples approximately 3.54 million HUs and 94,000 small and 68,000 large GQ facilities. Data for this project were gathered and analyzed for the 29,323 unique places[4] identified by the 2017 ACS. Data were collected on population size, demographics, education, (un)employment, nativity, housing tenure, race, age, and income.

[4] In the *American Community Survey*, "places" refer to the incorporated places and census designated places (CDPs). Incorporated places are those "reported to the Census Bureau as legally in existence as of January 1, 2010." CDPs are "delineated to provide data for settled concentrations of population that are identifiable but are not legally incorporated under the laws of the state in which they are located." Place include cities, towns, villages, and boroughs (https://www.census.gov/content/dam/Census/data/developers/understandingplace.pdf**).**

The final set of data are municipal policy documents that have restricted cooperation between government officials and ICE. Relevant policies were identified by Table III of the DDOR: "Table of Jurisdictions that have Enacted Policies which Restrict Cooperation with ICE." Each municipal sanctuary policy was identified and collected from official municipal websites and databases. In total, 20 municipal policies were identified, gathered, and analyzed for 19 of municipal jurisdictions identified by the DDOR.

Dependent Variable: Sanctuary Policies

Municipalities that have adopted policies which limit cooperation with ICE were designated sanctuary by the DDOR. For this study, the operationalization of "sanctuary" policies are those that are defined by ICE: "policies which limit cooperation with ICE." For each of the 29, 393 places identified by the ACS, the presence of a sanctuary policy was coded as 1, while absence of such a policy was coded as 0. There were 23total sanctuary cities.

Independent Variables

Demographic. Social science literature has focused extensively on the impact demographic characteristics have on societal outcomes. By measuring the demographic landscape of sanctuary and non-sanctuary cities, this research attempts to test how whether certain political actions (i.e. the adoption of sanctuary policies) are associated with particular demographic characteristics. Data were gathered from the ACS on age, income, educational attainment, race, and nativity for all places in the United States.

Economic. As similar body of research has also established the importance of economic factors in determining policy innovations. A variety of variables were gathered from the ACS to gauge the economic health of municipalities. This data includes municipal information on unemployment rates, the proportion residents below the federal poverty level, and housing tenure.

Analytic Strategy

Table III of the *Declined Detainer Outcome Report* identifies states, counties, and municipalities that have enacted policies to restrict cooperation with Immigration & Customs Enforcement. As such, the first step of this research involved manually transferring the text on the PDF document into an electronic spreadsheet. All sanctuary jurisdictions and policies analyzed in this project were derived only from this spreadsheet.

Once all data were in an electronic format, it was analyzed using the statistical software package Stata. Since federal action has specifically targeted sanctuary cities, further stages of the research excluded counties, states, and other jurisdictions and only analyzed data as it related to municipalities. Supplementary data were gathered from the *ACS* for all places in the United States. Then, using Stata, *t*-tests were performed in order to determine any meaningful differences between sanctuary and non-sanctuary cities, in terms of their demographic and economic characteristics.

While the first stage of this research involved uncovering the underlying structural socio-economic conditions that undergird sanctuary cities, the second is concerned with uncovering the (un)stated rationales that municipalities have provided for

adopting sanctuary policies within their legal documentation. To this end, I performed qualitative content analysis on those municipal policies designated by the DDOR that limit local cooperation with ICE officials. In total 20 policy documents were analyzed.

The approach to the content analysis is also inductive, but instead of heading into the data analysis without direction, I used the research question to guide the specific content that was captured: what reasons do cities give for adopting sanctuary policies? As I discovered answers to this question within the policy documentation, I developed 'codes[5].' This technique of coding is referred to as *open coding*. Open coding "involves applying codes that are derived from the text (emergent codes)…The codes that are applied during open coding are not *a priori* codes and the researcher should not try to impose his/her own codes" (Blair 2015:17-18). This coding technique was deemed most appropriate because it allows for an analysis that is responsive to the data. Compared to other techniques, like template coding, open coding does not require a predetermined set of codes or themes that all data must fit into to be analyzed. Since sanctuary jurisdictions have been severely undertheorized in social science literature, a coding technique was required that allowed for a responsiveness to the data.

Policy documentation was analyzed using Atlas.ti, a computer-assisted qualitative data analysis software. To begin, we each policy document was uploaded into Atlas.ti and analyzed using an open coding technique. In order to verify the reliability of the codes, each document was reviewed three times. Overall, the quantitative and qualitative

[5] "A code in qualitative inquiry is most often a word or short phrase that symbolically assigns a summative, salient, essence-capturing, and/or evocative attribute for a portion of language-based or visual data" (An introduction to codes and coding 3)

variables that present themselves as meaningful will help guide further research into sanctuary jurisdictions.

FINDINGS

Deciphering the Declined Detainer Outcome Report

The Declined Detainer Outcome Report (DDOR) "make[s] public a comprehensive list of criminal actions committed by aliens and *any jurisdiction that ignored or otherwise failed to honor any detainers with respect to such aliens (emphasis added)*" (EO 13768). As such, the DDOR is currently the only official list of sanctuary jurisdictions publicly released by the Federal government. Of particular interest is Table III of the DDOR, which lists "jurisdictions that have enacted policies which restrict cooperation with ICE." For each sanctuary jurisdiction, Table III includes the name of the jurisdiction, the date its sanctuary policy was enacted, the source of the policy, and the criteria under which the jurisdiction *would* honor an immigration detainer. The following information was translated from Section III of the DDOR.

Figure 1: Sanctuary Cities in the United States
Source: *Declined Detainer Outcome Report*

The findings from the DDOR are noted in Table 1. In total, 142 jurisdictions are identified by the DDOR as having policies which restrict cooperation with immigration officials. As shown in Table 1, these jurisdictions include two states, 114 counties, 23 municipalities, and three other jurisdictions. Other jurisdictions include detention centers and other state facilities.

Table 1: Descriptive Statistics from *Declined Detainer Outcome Report* (n=142)

Sanctuary Jurisdictions	Count	Percentage
States	2	1%
Counties	112	79%
Municipalities	25	17%
Other Jurisdictions	3	2%
Region	Count	Percentage
Northeast	35	24%
Midwest	15	11%
South	10	7%
West	82	58%
Types of 'Sanctuary' Policies	Count	Percentage
Executive Order	5	4%
Law or Ordinance	25	18%
Law Enforcement Policy	112	79%

Source: *Declined Detainer Outcome Report,* Feb. 11-17, 2017

Sanctuary jurisdictions are found throughout the country, though the majority—58%—are located in the Western region of the U.S.. However, a disaggregated view of the jurisdictions highlights that sanctuary counties and sanctuary cities differ in where they are clustered. The Western region of the country has the highest concentration of sanctuary *counties.* But, as illustrated in Figure 1 and detailed in Appendix A, the Northeast has the highest frequency of sanctuary *municipalities* in the country—13 of the

23 (57%) sanctuary cities are in the Northeast region, 4 (17%) are in the West, 3 (13%) are in the Mideast, and 3 (13%) are in the South.

Finally, the DDOR identifies policies that have been adopted by jurisdictions that limit cooperation with ICE, or make a jurisdiction 'sanctuary.' Policies fall into three types: legislation, executive order, and law enforcement policy & procedure. Legislative policies are those laws, resolutions, and ordinances that have been formally passed by a legislative body within a jurisdiction. Executive orders are the policies that have been formally signed by the executive office within a jurisdiction. These include mayoral executive order and directives from country executives. Finally, law enforcement policies are the policies that have been adopted by law enforcement separately from a governing power. This category is the most broad and includes county sheriff decisions, county jail decisions, and policy manuals.

For all types of sanctuary jurisdictions, the majority of policy (79%) that limits cooperation with ICE is set forth by law enforcement. Roughly one-fifth (18%) of jurisdictions' sanctuary status are decided by a legislative body, and 4% have been declared by an executive. In municipalities however, the source of sanctuary policies most often arise from legislative bodies (61%). 26% of sanctuary cities policies were set forth by a local police department and 13% city policies were declared by mayoral executive order.

This research is particularly interested in sanctuary municipalities, known popularly as, sanctuary cities. The DDOR has identified 23 cities that have adopted policies that limit cooperation with ICE. Table 2 displays a list of the 23 sanctuary cities organized by their population size. Note the vast range of population sizes—from less

than 1,000 persons to over 8 million. The following section analyzes government statistics to determine any meaningful similarities between the 23 sanctuary cities that significantly distinguishes them from their non-sanctuary counterparts.

Table 2: Sanctuary Jurisdictions, ordered by population size

Jursidiction	**Population**	**Sanctuary-Policy Type**
New York, NY	8,461,961	Legislative
Chicago, IL	2,717,017	Legislative
Philadelphia, PA	1,559,938	Executive Order
San Francisco, CA	850,282	Legislative
Seattle, WA	668,849	Legislative
Washington D.C.	659,009	Legislative
Boston, MA	658,279	Legislative
Baltimore, MD	621,000	Police Policy
Milwaukee, WI	598,672	Legislative
New Orleans, LA	382,922	Police Policy
Newark, NJ	280,139	Police Policy
Providence, RI	178,851	Legislative
Hartford, CT	124,320	Legistlative
Cambridge, MA	108,757	Legistlative
Boulder, CO	105,420	Legislative
Somerville, MA	79,507	Executive Order
Iowa City, IA	72,385	Legistlative
Ithaca, NY	61,664	Legistlative
East Haven, CT	29,015	Police Policy
Northampton, PA	28,534	Executive Order
Amherst, MA	20,037	Legislative
Bernalillo, VT	8,676	Police Policy
Montpelier, NM	7,662	Police Policy

Sources: *Declined Detainer Outcome Report,* Feb. 11-17, 2017; *American Community Survey, 2017 5-Year Estimates*

Quantitative Analysis: Sanctuary Cities

The question that guides the quantitative methods of the research is generally, what social contexts are unique? In particular, in what ways are sanctuary cities meaningfully different from non-sanctuary cities? This research seeks to determine socio-economic variables between sanctuary and non-sanctuary cities. In order to determine whether (statically) significant differences exist between sanctuary and non-sanctuary cities, *t*-tests were performed with regards to relevant demographic and economic variables. Table 2 provides descriptive statistics for relevant demographic and economic variables as it relates to sanctuary and non-sanctuary cities. Table 2 also designates variables are significantly differences exist between sanctuary cities and their non-sanctuary counterparts.

Demographic Characteristics. In terms of demographic differences, sanctuary cities are overall younger, more educated, and less white than their non-sanctuary counterparts. The median age in sanctuary jurisdiction is 34 years while that of non-sanctuary cities is 42. Also, 45% of residents in sanctuary cities have at least a bachelor's degree compared to 22% in non-sanctuary cities. Neither median nor mean incomes are associated with sanctuary policies. Statistical analysis did not find significant differences between sanctuary and non-sanctuary cities in terms of median income, mean income, or the proportion of individuals with at least a high school education.

Table 3: Descriptive Statistics of Relevant Socio-economic Variables

	Sanctuary Cities (n=23)		Non-Sanctuary Cities (n=29,323)
Demographic			
Median age	33.8	***	41.52
Median income	$55,637.78		$54,612.88
Mean income	$81,015.65		$68,089.83
Educational attainment (over 25 y/o)			
HS or equivalent and higher	87.43%		86.50%
Bachelor's or higher	44.82%	***	21.63%
Race			
White	61.31%	***	85.88%
Black	23.11%	***	7.91%
American Indian or Alaskan Native	1.47%		3.89%
Asian	9.55%	***	2.33%
Native Hawaiian or Pacific Islander	0.27%		0.33%
Other Race	8.32%	***	2.49%
Nativity			
% US-born citizens	82.10%	***	94.34%
% naturalized citizens	8.14%	***	2.57%
% not US citizen	9.78%	***	3.08%
Economic			
Unemployment rate	8.07		6.95
Population above 18 below FPL	20.53%	**	14.12%
Housing Tenure			
Owner-occupied	53.27%	***	71.20%
Renter-occupied	46.72%	***	28.80%
Income from past 12 months			
Owner-occupied	$87,259.87	***	$64,025.99
Renter-occupied	$38,825.87		$37,083.20

***p≤0.001, **p≤0.01, *p≤0.1

Source: *American Community Survey,* 2017 5 -Year Estimates

Sanctuary cities on average have greater proportions of nonwhite residents. In non-sanctuary cities 86% of the population in white compared to an average 61% of

white residents in sanctuary cities. In sanctuary cities, about 1 in 4 residents is Black compared to 1 in 12 in non-sanctuary cities. Also, in sanctuary cities there are four times as many Asian residents compared to non-sanctuary municipalities. And individuals of 'others races' composed 8% of sanctuary cities compared to about 3% in non-sanctuary cities. Sanctuary cities were not associated with the proportion of American Indian or Alaskan Native nor Native Hawaiian or Pacific Islander racial categories.

Sanctuary cities also have higher proportions of residents who are non-U.S. born citizens. In sanctuary cities 82% of residents are U.S. born citizens compared to 94% in non-sanctuary cities. Significantly, 8% and 10% of residents in sanctuary cities are naturalized U.S. citizens or not US citizens, respectively. In non-sanctuary cities, 3% of residents are naturalized citizens and 3% are not citizens. Importantly, for every measure of nativity, sanctuary city ties are significantly different from their non-sanctuary counterparts. Overall, the trend is that sanctuary jurisdictions are more demographically diverse, especially in terms of racial background and national origin.

Economic Characteristics Sanctuary cities also have higher concentrations of impoverished residents over 18 years old below the federal poverty level (FPL). In sanctuary cities, 1 in 5 residents lived below the FPL in sanctuary cities compared to 1 in 7 in non-sanctuary cities. Also, in sanctuary cities there are higher proportions of renters compared to non-sanctuary cities, 47% to 29%. Interestingly, though, in sanctuary cities, homeowners on average have higher incomes compared to their counterparts in non-sanctuary cities, $87k and 64k, respectively.. The unemployment rate of the municipality was not associated with the presence of sanctuary policies.

Content Analysis: Sanctuary City Policies

Immigration and Customs Enforcement's *Declined Detainer Outcome Report* identified 23 municipalities with sanctuary policies. As stated above, three types of policies exist: legislative policy, executive policy, and law enforcement policy. For in sanctuary cities, 14 policies were adopted by a legislative body; these include municipal ordinances and city council resolutions. Three sanctuary policies were decreed by mayoral executive order. And six policies were set forth by police departments to instruct the conduct of law enforcement personnel. Four of the six law enforcement policies indicated by the DDOR were either public statements or their origins were unclear, so they were excluded from the analysis. In total, 20 documents were analyzed for 19 municipalities.

I performed a content analysis of sanctuary city policy documentation by using an inductive, open coding approach. As such, all codes arose from the content of the documentation, rather than being predetermined before the analysis began. The question driving code development was: what rationales do cities give for adoption this (sanctuary) policy? Any time I came across a new answer to the question, I developed a code. I then applied codes appropriately to similar text found in other policy documentation. In order to check for accuracy, policies were review three times once the coding criteria is settled.

The *community* code encompassed moments where municipalities explicitly reaffirmed thewas applied when the document makes notes of the importance of immigrants to the fabric of the community. The *policing* code refers to any moment when the policy refers to a rationale that would benefit the work of law enforcement. This code

includes mentions of building community trust with the end goal of sharing information with law enforcement. The *resources* code was applied to any line where the policy mentioned a need to conserve municipal resources. The *law* code was reserved for any time where the the policy mentioned that the author(s) of the document were empowered or compelled by the law to adopt a sanctuary policy. The following sections are descriptions of the key themes that arose from content analysis of municipal sanctuary policy documents.

Community. Municipalities are more than the organization of government at the local level; they also act as one of the first levels of political organization that individuals are embedded within. Indeed, scholars have noted that for immigrants, the municipal government is extremely influential in their lives (Huang and Liu 2018).

For some municipalities, immigrant communities have historically been an important demographic bloc. For example, in Boston, 27% and 28% of residents were foreign born in 2010 and 2017, respectively[6]. It is unsurprising, then, that a municipality with Boston's demographic makeup would have clear statements about the need for inclusive communities. In "An Ordinance Establishing a Boston Trust Act," the Boston City Council approves the following:

> WHEREAS, The City of Boston seeks to ensure that all immigrants are able to fully participate in the civic ad economic life of their neighborhoods *and nurture and grow the spirit of unity* in our city; and
>
> WHEREAS, The City of Boston desires to provide opportunity, access, and equality for immigrants, and *highlight the essential role immigrants have played and continue to play in moving Boston forward*…" (2014, emphasis added)

[6] *American Community Survey* 5-year estimates, 2010 and 2017

Boston's assertive declaration of support for the immigrant members of their communities is in matched, if not exceeded, in passion by the City of Seattle's Resolution 31730, which states,

> Seattle will *celebrate its diversity by welcoming and supporting immigrants and refugees from all nationalities, religions, and backgrounds* with policies and programs that foster inclusion for all. Seattle elected officials and employees shall support the efforts of elected officials and staff in local jurisdictions throughout Washington in developing policies protecting immigrants ,refugges, LGBTQ people, women, and other populations whose rights may be abrogated and interests harmed by those hostile to maintaining or expanding protections to these communities and who would unconstitutionally and illegally misuse the power of the federal government to do so (2017, emphasis added).

Seattle, WA and Boston, MA are each mid-sized cities with populations around 680,000. Even though Seattle has a lower proportion of foreign-born residents—about 1 in 5 as the resolution states—there still remains a strong commitment to ensuring that all residents know that they are valued by the city. However, city size may not be the factor that contributes to positive affirmations of immigrant communities. For example, Boulder, Colorado—a city with a population just over 100,000—writes in its municipal ordinance,

> The City of Boulder is committed to fostering and ensuring equity, social justice and freedom from persecution and is committed to protecting the human rights of all persons regardless of immigration status (2017).

In sanctuary cities, symbolically supporting immigrant residents seems to be of particular importance. The sanctuary policy allows municipalities to publicly re-establish their commitment to all members of their community.

Policing. As "community policing" initiatives continue to spread around the country, law enforcement is increasingly cautious in endorsing policies that would damage their relationship with the local community. Research has established that

positive community perceptions of law enforcement are particularly important for communities with high proportions of immigrants (Bilke 2009; Congressional Research Service 2007). If residents perceive that the local police are collaborating with immigration officials, they are less likely to report crimes and act as witnesses. In fact, immigrants are overall less likely to utilize city services, including hospitals and libraries, if they believe that officials in their communities will report them to immigration authorities.

Several of the policy documents make reference to community policing efforts in their rationale for adopting the policy. For instance, in his Mayor Executive order, Mayor Narkewicz of Northampton, Massachusetts writes,

> Northampton is a welcoming city that seeks to ensure the highest level of public safety while *building trust between law enforcement and all community residents and visitors.* Although the Northampton Police Department (NPD) is and has been committed to the respectful treatment of immigrants, the formalization of that commitment in NPD policies and procedures is an important step in communicating and strengthening that trust relationship with our city's immigrant communities (2014, emphasis added).

Unlike other cities in Massachusetts that make firm declarations affirming the importance of immigrants to the city community, the policy of Northampton focuses exclusively on the relationship between immigrants and the Northampton Police Department. The City of San Francisco adoptions similar sentiments within their sanctuary policy. The "City and County of Refuge" ordinance asserts that "civil immigration detainers and notifications regarding release undermine community trust of law enforcement by instilling fear in immigrant communities of coming onward to report crimes and cooperate with local law enforcement agencies" (1989).The ordinance goes on to cite a

2013 study that found hat “at least 40% of Latinos surveyed are less likely to provide information to police because they fear exposing themselves, family, or friends to a risk of deportation” (Lake 2013, as cited in 2017). Whereas broad community building may be a long-term goal of some municipalities, others focus on the immediate benefit of beneficial community-policy relations.

Resources **.** Local law enforcement are sometimes hesitant to cooperate with federal immigration officials because of the cost burden. Research has established that while some times agreements are made between the federal government and local law enforcement to cover the reimbursement of costs, local departments are often left with the bill of federal immigration enforcement (Congressional Research Service 2017).

In several of the policies analyzed, local law enforcement were prohibited from utilizing any municipal resources. According Washington D.C.’s Council ordinance, “the District shall not provide to any ICE agent an office, booth, or any facility or equipment for a generalized search of or inquiry about inmates” (2012).

Another major hesitation for local law officials to participate in the enforcement of federal immigration law is that there is a high risk of unconstitutional behavior in the enforcement of immigration law. Research suggests that local law enforcement are often do not have enough knowledge of the intricacies of immigration enforcement, and in fact, there is a risk that these local officers will participate in unconstitutional enforcement actions (Bilke 2009). This sentiment is extended by the Boston’s resolution: “honoring civil immigration detainer requests based on less than probably cause has been ruled a violation of the Fourth Amendment, exposing local law enforcement agencies to liability under 42 U.S.C. 1983” (2014). In an effort to avoid legal repercussions of immigration

enforcement, municipalities are opting out altogether. This sentiment is expressed explicitly in Chicago, Illinois's sanctuary documentation:

> Due to the City's limited resources; the complexity of immigration laws; the clear need to foster the trust of and cooperation from the public, including members of the immigrant communities; and to effectuate the City's goals, the City Council finds that there is a need to clarify the communications and enforcement relationship between the City and the federal government and to clarify what specific conduct by City employees is prohibited because such conduct significantly harms the City's relationship with immigrant communities.

Within Chicago's policy documentation, we see evidence that resources are as important a rationale for sanctuary policy adoption as. Interestingly, all policies that referenced a need to preserve resources were larger cities: Phiadelphia, D.C., San Francisco, Boston, Chicago, and Milwaukee, each cities with populations around or above 600,000 residents.

Law. The finale rationale found with the policy documents has to do with legal rationales for adopting the policy. As autonomous government jurisdictions, municipalities are empowered to create their own legislation. The City Council resolution in Cambridge, MA assets that "there is no legal authority upon which the federal government may compel an expenditure of City resources to comply with an ICE detainer request" (2014). Similarly, the Policies & Procedures of the East Haven, CT writes that the enforcement of federal immigration laws is out of the jurisdiction of local law enforcement:

> ICE Requests for Assistnace
> A. The U.S. Bureau of Immigrations and Customs Enforcement has jurisdiction for enforcement of the provisions to Title 8, U.S. Code dealing with illegal entry into the United States by foreign nationals.
>
> 1)East Haven Police officers have *no authority to enforce federal immigration laws* and shall not make any arrest based solely on a suspected. Violation of immigration laws

> B. East Haven Police Officers shall not directly participate in any ICE operations solely for the civil enforcement of federal immigration laws unless at least one of the following conditions is met:
>
> 1) Participation is in direct response to a request for assistance on a temporary basis for "Officer Safety" purposes.
>
> 2)Participation calls for assistance in the apprehension of any individual who is also wanted on a *criminal warrant* from Connecticut or other jurisdiction which remains in full force and effect at the time of the request (2014, emphasis added).

Similarly to Boston's rationale that enforcing ICE's detainers would subject the city of lawsuits, the East Haven Police Department is taking a hands-off approach to those constitutional powers of which they are not explicitly vested. The East Haven PD is not completely removed from law enforcement, though. The policy explicitly states that officers are empowered to assistant in criminal matters, as opposed to civil.

The City of San Francisco also questions the legality of federal practices:

> Given that civil immigration detainers are issued by immigration officers without judicial oversight, and the regulation authorizing civil immigration detainers provides no minimum standard of proof for their issuance, *there are serious questions as to their constitutionality*. Unlike criminal warrants, which must be supported by probably cause and issued by a neutral magistrate, there are no such requirements for issuance of a civil immigration detainer. Several feeder courts have ruled that because civil immigration detainers and other ICE "Notice of Action" documents are issued without probably cause of criminal conduct, *they do not meet the Fourth Amendment requirement for state or local law enforcement officials to arrest and hold an individual in custody* (1989, emphasis added).

The use of legal argumentation to justify their policy puts the City of San Francisco in a more oppositional stance towards the federal government than other municipalities. Other municipalities stopped short of legal argumentation. For example, the "Resolution of the City Council" of Providence, RI focuses on the legal precarious of ICE detainers:

> WHEREAS, Immigration detainers are defined as "requests" from ICE to a law-enforcement agency that the agency hold a detainee of interest for an addition 48 hours beyond the time when said detainee would otherwise be released, thus *discretion lies with the law-enforcement agency on whether or not to honor that request* [emphasis added[(2011)

Instead of taking the stance against the federal government directly, Providence's city council specifically highlights how the detainer process—instead of the federal government's attempt to use the locality to enforce federal immigration laws—is one of the main grievances it has with ICE. This is especially unique from the policy of [], which more forcefully challenges the federal government on the grounds of the Tenth Amendment:

References to the anti-commandeering doctrine laid out in the Tenth Amendment make the same arguments that were upheld by the District Court of Northern California and the Ninth Circuit Court of appeals: the federal government's attempts to regulate against sanctuary cities are an unconstitutional violation of local government powers.

Overall, statistical analysis of sanctuary cities' socio-economic conditions and content analysis of their sanctuary policy documentation has uncovered a complex set of municipal-level variables that are associated with sanctuary status. The following section more closely connects the quantitative and qualitative analyses in order to build a more coherent understanding of how socio-economic and political factors may work together to encourage the adoption of sanctuary-city policies.

DISCUSSION

This research seeks to move towards the development of a sociological theory of 'sanctuary' cities by uncovering the relevant variables that distinguish sanctuary cities from their non-sanctuary counterparts. Based the statistical analyses, it was determined that demographic (age, education, nativity) and economic (proportion of the population below the federal poverty level and rates of housing tenure) characteristics are crucial to unpacking the complexity behind sanctuary municipalities. The content analysis of policy documentation revealed that sanctuary jurisdictions are particularly concerned about community, resources, legal precedent, and policing outcomes when developing their policies.

In Executive Order 13768, sanctuary jurisdictions are charged with causing "immeasurable harm to the American people and to the very fabric of our Republic." This research has begun to assess the second claim by identifying the various city-level socio-economic conditions that coincide with sanctuary policies.Attempting to connect the socio-economic and political variables, this project asks, is there an association between municipalities' demographic and economic characteristics and the specific form of their sanctuary policies? The following section contextualizes the quantitative and qualitative findings of this research in terms of sociological theories on substructure and superstructure, which theorizes on the relationship between social, economic, and political environments.

Substructure and Superstructure of Sanctuary Cities

Sociologists have long theorized on the relationship between the economic and political institutions. In his canonical *Economy and Society,* Max Weber determined that societal stresses, particularly economic, impact individual's political actions and party affiliations (Weber 1922). Emile Durkheim also highlights the relationship between economy and politics/policy in his study *Division of Labour in Society.* Durkheim (1893) theorizes the particularities of labor organization in a society are related to the complexity of economic and political institutions of that society. Operating within the theoretical tradition of structural functionalism, Durkheim's proposal of the relationship between social and political institutions works towards the maintenance of stasis is within society. Karl Marx, as opposed to Weber and Durkheim, theorized a more concrete relationship between political and socio-economic structures. In *A Contribution to the Critique of Political Economy,* Marx writes,

> In the social production of their existence, men inevitably enter into definite relations, which are independent of their will, namely relations of production appropriate to a given stage in the development of their material forces of production. The totality of these relations of production constitutes the *economic structure of society*, the real foundation, on which arises a *legal and political superstructure* and to which correspond definite forms of social consciousness. At a certain stage of development, the material productive forces of society come into conflict with the existing relations of production or…with the property relations within the framework of which they have operated hiterto. From the forms of development of the productive forecasting these relations turn into their fetters. Then begins the era of social revolution. The changes in the economic foundation lead sooner or later to the transformation of the whole immense superstructure (Marx 1859:4)

To summarize, substructure refers to the economic, "real foundation" of society. The substructure defines—and is defined by—individuals' relationship to the means of

production. Critical Marxist scholars have highlighted that other social conditions, aside from access to means of production, also impact the social relationships of individuals. In *Black Marxism* Cedric Robinson (1983) reminds us that

> "Racialism insinuated not only medieval, feudal, and capitalist social structures, forms of property, and modes of production, but as well the very values and traditions of consciousness through which peoples of these ages came to understand their worlds and their experiences" (66).

Robinson's insights highlight that the substructure of society is not solely based on economic relations, since *social* relations also shape the core forms of relations between individuals. Substructure, then, must be understood as a relationship between social and economic (socio-economic) structure.

Building upon the "foundation" of the socio-economic substructure, a political superstructure is formed, which, as Marx writes, "corresponds [with] definite forms of social consciousness." As such, social consciousness and, importantly, political acts are borne from the nature of the socio-economic relationships in a particular society. And it follows, that if we are to understand the particularities of political acts (i.e. policies) we must look beyond those acts to the socio-economic structure that precipitated them.

This research project seeks to understand the discourses codified within sanctuary policy (superstructure) as it relates to its socio-economic conditions (substructure). Based on the findings of this research, the socio-economic substructure of sanctuary cities is characterized by significant differences in age, educational attainment, race, citizenship status, unemployment rate, and housing tenure from their non-sanctuary municipalities. The analysis of policy documentation uncovers that the political superstructure of sanctuary cities is concerned with four municipal-level factors:

community building, policing efforts, resource management, and legal precedent. As we begin to relate the quantitative and qualitative analyses to one another, we simultaneously develop a more coherent picture of the relationship between substructure and superstructure in sanctuary cities.

Demographic Characteristics, Community, and Policing. Sanctuary cities have more racial diversity than their non-sanctuary counterparts. On average, 2 in 5 residents in sanctuary cities are non-white compared to about 1 in 7 in non-sanctuary cities. More strikingly, 1 in 5 residents in sanctuary cities are foreign born compared to 1 in 20 residents non-sanctuary citizens. It is unsurprising, then, that policy documentation made reference to the importance of *community*. For instance,

Past research has established that relatively large populations of immigrants have a variety of impacts on the socio-economic conditions of municipalities (Clark et. al 2015; Hanson et. al 2001). Research in this field has widely supported the *immigrant revitalization* perspective, proponents of which argue that "large and growing immigrant populations …improve the local economic structures and social ties" (Ramey 2013:598). The sentiment that immigrants better the community are also expressed in various policies.

As local law enforcement continues to implement community policing strategies, it is unsurprising that cities with higher proportions of immigrants are concerned about immigrant-police relations. Research has established that local police must be careful to maintain positive relationships with immigrant communities in order to ensure greater public trust and active participation with law enforcement activity (Silver and Miller 2004; Velez 2001;Carr 2005, as cited in Lyons et. al 2013). When these community ties

break down, local law enforcement find it difficult to effectively respond to community crime and violence (CRS 2007).

Poverty, Housing, and Resources. Sanctuary policy documentation also revealed a concern for resources. For instance, San Francisco's sanctuary policy specifically cites "limited resources" as a motivation for policy adoption (1989). These findings align from those of the Congressional Research Service (2007), which indicates that local law enforcement departments are particularly concerned about the cost of doing business with ICE.

In sanctuary cities, there are higher concentrations of poverty, as indicated by the proportion of residents who live below the federal poverty level. Additionally, analysis of housing tenure indicates that the difference in the proportion of residents who own their homes in sanctuary compared to non-sanctuary cities is statistically significant—53% compared to 71%, respectively. Previous research has indicated that higher concentrations of poverty and higher proportions of renters is associated with greater neighborhood disadvantage (U.S. Housing and Urban Development 2011; Santiago et. al 2011).

Combatting neighborhood level disadvantage is one of the primary responsibilities of municipal governments. Here, we see a direct line between the socio-economic substructure and the political superstructure. As cities that have higher levels of disadvantage to manage, sanctuary cities must also be more intentional with their resources. And, as research has indicated, local governments and law enforcement potentially have a lot to lose, financially, as they cooperate in immigration enforcement (Congressional Research Service 2017).

Boston's policy also points out that sanctuary cities are also concern about [exposure of] local law enforcement agencies to liability" if they are involved in the wrongful or inappropriate enforcement of immigration laws (2014). Research has indicated that local law enforcement are particularly vulnerable to unconstitutional enforcement of federal immigration laws (Bilke 2009. Since sanctuary cities have a relatively less stable economic system than their non-sanctuary counterparts, it becomes particularly important to allocate resources effectively. Payment for litigation or settlement is a waste of valuable resources. Also, considering that 1 in 10 residents are not citizens in sanctuary compared to 1 in 10,000 in non-sanctuary cities, there are numerically more points of interaction between immigrants and law enforcement that could turn into a litigable offense.

This research attempted to uncover the economic substructure that may have influenced a municipalities' adoption of sanctuary policies. Even though traditional economic indicators like income and unemployment rate were not shown to be associated with sanctuary cities, other measures still highlight difference in the economic substructure of sanctuary and non-sanctuary cities. Importantly, the economic substructure does not only refer to the how much money is earned by individuals, it is also characterized by the nature of the relationship between different economic classes.

Law and Defiant Innovations. The final rationale prevalent within sanctuary policy documentation revolved around legal precedent concerning sanctuary jurisdiction. On multiple occasions, municipalities rearticulated the constitutional rights that grants them the authority to adopt sanctuary policies. Since there has yet to be a formal legal case brought against sanctuary cities and no federal laws currently exist to legislate

against these jurisdictions, there is an overall uncertainty about the true legality of sanctuary designations. What is clear, however, is that the federal government does not have broad authority to enforce against sanctuary policies. In various policies, municipalities reaffirm arguments of the Courts, that attempt of the federal government to compel jurisdiction to enforce civil immigration law is a violation of the anti-commandeering doctrine set forth by the Tenth Amendment. As a result, sanctuary cities have had relative freedom in developing their sanctuary policies.

Sanctuary-city policies are unique because to combat federal immigration policy. Hannah and Mallinson 2017) highlight that most often, policies adopted by state legislatures (and their political subdivisions) are in a position of cooperation or neutrality with the federal government—either federal government agrees to help with the implementation of the policy or it is hands off. What is less common, however, is instances where lower levels of government adopt policies that going against the policy signals of the federal government. Hannah and Mallinson term these policies *defiant innovations*—"a process whereby states, through initiatives or the legislature, pass laws that not only circumvent, but also reimagine federal law" (Hannah and Mallinson 2017:403). Their research specifically focuses on the ways in which states adopted medical marijuana policies which defied the policy signals sent by the federal government in relation to the substance. Hannah and Mallinson's research departs from typical policy diffusion research that typically assumes cooperation or apathy from the federal government towards state policies and highlights the active role that lower levels of government can play in successfully adopting defiant innovations. .

Sanctuary policies, like cannabis policy, stand in opposition to the signals of the federal government. Unlike cannabis policy, however, the federal government has taken a more active position against sanctuary policies, as indicated by Executive Order 13768. The analysis offered above has attempted to give rationales for *why* sanctuary cities would take such a stance. As social science literature delves more deeply developing a theory on 'sanctuary,' this research has made apparent that socio-economic factors—particularly age, education, race, nativity, employment, and housing tenure—are associated with motivations to adopt sanctuary policies.

CONCLUSION

On April 12, 2019, President Trump tweeted, "Due to the fact that Democrats are unwilling to change our very dangerous immigration laws, we are indeed, as reported, giving strong considerations to placing Illegal Immigrants in Sanctuary Cities…" (Trump). From the start of his presidency to the current moment, the Trump Administration has attempted to use executive policy to take enforcement action against sanctuary cities. However, as interpretations of the U.S. Constitution make clear that the federal government cannot compel states to enforce federal laws, anti-sanctuary actions have found to be unconstitutional. The President's tweet, however, highlights that his Administration is not willing to let sanctuary jurisdictions go unchallenged.

This research project has analyzed the most recent, official list of sanctuary cities released by the federal government. Quantitative findings suggest that, overall, sanctuary cities are more racially diverse, younger, and more educated than their non-sanctuary counterparts. However, we also see that sanctuary cities have higher levels of poverty and

lower levels of homeownership. The qualitative findings of this research highlight that as sanctuary cities are devising their policy documentation, there are concerns about community relations, immigrant-police cooperation, municipal resources, and legal precedent about constitutional authority. Overall, this research suggests that sanctuary policies are related the social and economic conditions of their jurisdictions. As the federal government attempts to regulate sanctuary cities, these socio-economic conditions must remain at the forefront of policy conversations, as they make sanctuary cities unique from other municipalities.

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Wong, Tom K. 2017. "The Effects of Sanctuary Policies on Crime and the Economy." Los Angeles: National Immigration Law Center.

VITA

Summary: Researcher and data analyst with training in quantitative, qualitative, and mixed method techniques. Creative, critical thinker with a strong ability to devise and answer appropriate, efficient, and scientifically rigorous research questions.

Education

M.A., Sociology, Lehigh University (expected May 2019)
Master's Thesis Project: "A Structural Analysis of Sanctuary Cities"

B.A., Sociology, Muhlenberg College
Senior Project: "Use and Perception of the Multicultural Center at Muhlenberg College"
Award: Lucille Cafarous Award in Sociology for Most Outstanding Contribution to the Department of Sociology & Anthropology

Relevant Coursework:

Advanced Qualitative Research Methods ('18)
Advanced Quantitative Research Methods ('18)
Methods of Policy Analysis ('18)
Data Analysis for Policy Making ('18)
Statistics for Sociological Inquiry ('17)
Quantitative Methods for Social Data ('17)

Relevant Experience

Research & Data Analysis

- Developed research questions, performed in-depth literature reviews, and collected data for various academic and professional projects
- Collected, cleaned, and analyzed data from Twitter, Google, and other social media platforms
- Collected, cleaned, and analyzed data from the U.S. Census, American Community Survey, Bureau of Justice Statistics, and other nationally representative federal databases
- Developed research question and currently executing M.A. Thesis project
- Collected and prepared raw quantitative (survey) and qualitative (interviews, ethnography) data for computer analysis
- Performed and evaluated statistical analyses to determine the relationship between project-relevant variables

Data Presentation

- Developed short, informative policy reports on the relevant conditions of municipalities, counties, and states
- Transformed complex models of social data into easy-to-understand, accurate visualizations
- Presented research at academic conferences

Team Management & Instruction

- Developed lesson plans to condense highly technical information for non-major undergraduates
- Instructed recitations of 20 undergraduates and facilitated discussions of real-word social events
- Coordinated programming efforts of nine unique student organizations
- Managed up to 40 college first years, helping them transition into higher education
- Managed and mentored 20 high school seniors in urban farming techniques

Work Experience

Teaching Assistant, *Lehigh University, Bethlehem, PA* August 2017-May 2019
Research Assistant, *Lehigh University, Bethlehem, PA* August 2017-December 2017
Primary Researcher: Frangy Pozo, M.A.
Research Assistant, *Muhlenberg College, Allentown, PA* August 2016-May 2017
Primary Researcher: Carolyn Chernoff, Ph.D.
Urban Farming Mentor, *Greater Newark Conservancy, Newark, NJ* May 2016-August 2016
Sociology Student Coordinator, *Muhlenberg College, Allentown, PA* August 2015-May 2017
Resident Advisor, *Muhlenberg College, Allentown, PA* August 2014-May 2017

Scholarly Presentation

Eastern Sociological Society. "A Structural Analysis of Sanctuary Cities."
March 2019

Institutional Service

Graduate Unit Representative, *Lehigh University* August 2017-May 2019
President's Diversity Advisory Council, *Muhlenberg College* January 2016-May 2017
Co-President, Multicultural Council, *Muhlenberg College* August 2014-May 2016
VP of Student Affairs/Dean of Students Hiring Committee, *Muhlenberg College* January 2016-June 2016

Computer Skills

Microsoft Office (Excel, Word, Access)
Geographic Information System (ArcMap)
Statistical Packages (STATA, SPSS)