

## **Senate Rejects Plan to Secure Border First; President Bush Defends Immigration Plans; Troops on Border**

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**Guests:** Jon Kyl, Luis Gutierrez, Tom DeFrank, Joe Klein, Joe Arpaio

**Highlight:** One day after the president's primetime immigration and **border** security speech, the split between the Senate and the House over our illegal immigration and **border** security crisis is widening, not narrowing. The Senate today voted against a proposal that would have required us to secure our **borders** before dealing with other immigration issues. President **Bush** today repeated his call for a temporary guest worker program, a program critics say is simply amnesty for illegal aliens. Critics of the president remain highly skeptical about the National **Guard**'s new role along our southern **border**. The chairman of the Senate Armed Services Committee, Senator John Warner, today said he will hold hearings on the military's new **border** mission. Sheriff Joe Arpaio's aggressive fight against illegal immigration in Maricopa County, Arizona, is succeeding where the federal government has simply failed. As President **Bush** contemplates **sending** National **Guard** troops to the **border**, Nuevo Laredo, Mexico, is literally being torn apart by vicious drug gang violence. The government of Mexico is threatening to sue the United States. Mexico's foreign secretary says his government will "start filing lawsuits" in U.S. courts if National **Guard** troops detain illegal aliens.

### **Body**

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LOU DOBBS, CNN ANCHOR: Tonight, President **Bush**'s efforts to break the congressional deadlock over our illegal immigration and **border** security crises appears to have failed as top lawmakers blast the president's amnesty agenda for illegal aliens.

ANNOUNCER: This is LOU DOBBS TONIGHT, news, debate and opinion for Tuesday, May 16th.

Live from Washington, Lou Dobbs.

DOBBS: Good evening, everybody, from Washington tonight.

One day after the president's prime-time immigration and **border** security speech, the split between the Senate and the House over our illegal immigration and **border** security crisis is widening, not narrowing. The Senate today voted against a proposal that would have required us to secure our **borders** before dealing with other immigration issues. That vote means the Senate is now on a certain collision course with the House, which insists that **border** security must be the president's first priority.

Lisa Sylvester reports.

(BEGIN VIDEOTAPE)

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LISA SYLVESTER, CNN CORRESPONDENT (voice over): The First Amendment debated by the Senate would have required the borders be secured first before a guest worker program is implemented. It was defeated 40-55, a victory for Senator Kennedy, who argued that if it passed, it would unravel a delicate compromise.

SEN. EDWARD KENNEDY (D), MASSACHUSETTS: A three-legged stool. Tough border security, tough legal enforcement here in the United States, and a recognition of our humanity and decency.

SYLVESTER: Opponents fired back, saying the Senate bill, as it stands with an amnesty and guest worker plan, will take away good American jobs.

SEN. BYRON DORGAN (D), NORTH DAKOTA: This is not a three-legged stool and it's not a cheap suit. It's bad policy. It's not guest worker. It's not future flow. It's low-wage replacement workers.

SEN. JOHN CORNYN (R), TEXAS: The American people can be amazingly tolerant. They can be amazingly forgiving. But they won't be mocked. SYLVESTER: The amendment was an indication of the shape of the Senate debate, whether Democrats could hold intact an alliance with pro-business Republicans. The Senate now is on track to pass a bill that's heavy on guest worker and amnesty provisions, lighter on enforcement measures, setting up a battle in the conference committee with the House.

SEN. JOHNNY ISAKSON (R), GEORGIA: There are a lot of us that feel that passing anything without passing border security first is a dangerous precedent. We proved that in 1986. That's what happened in 1986 when we had a problem with three million illegal aliens, and now we have 12 million.

REP. PETE KING (R), NEW YORK: I think we could have a very long, hot summer. I don't see much progress being made if the Senate is going to insist on legalization. I just don't see the House Republicans backing down on that.

SYLVESTER: Unlike the Senate, all of the House representatives are up for re-election, which is one reason they are aligned with public opinion.

STEVEN CAMAROTA, CENTER FOR IMMIGRATION STUDIES: Even pressure from the president may not move the House because they can rightly feel that most Americans agree with them and disagree with him and the Senate.

SYLVESTER: House members opposed to a guest worker and amnesty plan say they would rather see no bill than a bad bill.

(END VIDEOTAPE)

SYLVESTER: Ultimately, it will be up on the speaker of the House to select the House conferees, and so far the House Republican leadership is holding fast and firm to a position of no amnesty, particularly, Lou, Representative Sensenbrenner and House Majority Whip Roy Blunt.

DOBBS: And the Senate, Lisa, as you know, putting forward 26 conferees at this point. This looks like absolute bedlam in the making.

SYLVESTER: Representative King put it to me this way. He says, "We are not going to just need a room, we're going to need a whole arena to get all those conferees in there."

And they are in very different positions, so it's very possible that this thing could be essentially -- well, could essentially stall in conference committee. And you heard that Representative King said, that's not necessarily a bad thing, because he said he would rather see no bill than a bad bill. In other words, no bill rather than amnesty.

DOBBS: Absolutely.

Lisa, thank you very much. Lisa Sylvester.

## Senate Rejects Plan to Secure Border First; President Bush Defends Immigration Plans; Troops on Border

President **Bush** today repeated his call for a temporary guest worker program, a program critics say is simply amnesty for illegal aliens. The president strongly defended his immigration proposals, insisting that a temporary worker program "goes hand in hand with **border** security."

Suzanne Malveaux reports from the White House -- Suzanne.

SUZANNE MALVEAUX, CNN WHITE HOUSE CORRESPONDENT: Well, Lou, clearly the White House suspected this was going to be a very tough sell for this president to push forward an immigration reform compromise. The White House is absolutely right in that regard. They are getting it from all sides, both sides, of course.

On one front, from the president's own party, objecting to the guest worker, the temporary worker program, which many look at as this as this earned path to citizenship as possible amnesty. President **Bush** making it very clear that he believed that was an important part of the legislation. Other members, however, making it clear that it's not something that they are willing to sign on to.

(BEGIN VIDEO CLIP)

GEORGE W. **BUSH**, PRESIDENT OF THE UNITED STATES: There ought to be a way for somebody to pay a fine or learn English or, you know, prove that they've been here for a long time working and be able to get in line. Not the head of the line, but the back of the line, in order to become a citizen.

(END VIDEO CLIP)

(BEGIN VIDEO CLIP)

REP. J.D. HAYWORTH (R), ARIZONA: The longer and the more flagrantly you have broken our immigration laws, the easier it will be to get on this so-called path to citizenship. I don't believe the American people will -- will appreciate that, and I think they reject it.

(END VIDEO CLIP)

MALVEAUX: And, of course, Lou, the other front, the part of that plan that the president outlined last night, 6,000 National **Guard** troops to help try to secure the **border** with Mexico, also getting a lot of resistance from governors of **bordering** states. Governor Bill Richardson of New Mexico, Governor Schwarzenegger, both of them saying they don't believe that this is an appropriate way to use the National **Guard**.

Kind of ironic, today, Lou. Perhaps the only people who are speaking out in great support of the president's immigration reform plan are some Democrats, who are saying it's the closest thing to what they're willing to sign on. But clearly, Lou, this is a very difficult situation for this White House and for this president, who has staking quite a bit of political capital on this domestic issue.

DOBBS: Suzanne, the reaction amongst the staff there to the president's speech last night? Do they feel that he set out -- accomplished what he set out to?

MALVEAUX: Well, there are a couple of thing that they said they wanted him to do, essentially kind of supercharge the debate, which we see has taken place today, but certainly not in the president's direction. What they had hoped to do is, at the very least, say that the Republicans in the House, we understand your concerns about **border** security, we're willing to take this one step further.

It seems to me as if there's been quite a bit of backlash to this proposal, and, of course, that the president has put a lot -- he's staked a lot on this particular issue. So we'll have to see.

DOBBS: It is, I think, not unfair to suggest that the president and the Senate are taking an almost condescending attitude toward the House of Representatives, Suzanne. Is there any concern that may be precisely the -- the impression that the House has received from the folks at the White House?

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MALVEAUX: Well, the folks at the White House believe that they've played this pretty neutrally, right along the lines of saying, look, we're trying to appease two different groups, conservative Republicans who want greater border security, and, of course, Hispanics, who they have been working on trying to get greater participation in the Republican Party. It's a very delicate balance that this White House is walking, as you know.

DOBBS: Suzanne, I'm going to say again, and I hope you don't take offense, because I know that this has become the language of this debate, but the White House suggesting that it is appealing to Hispanic citizens, Hispanic-Americans, by taking a view on illegal immigration, of amnesty, I think is -- I think it's incumbent upon us to point out that the Hispanic-American population, the Hispanics of this country are not monolithic, and that we should be very careful in suggesting that Hispanic-Americans are uniformly in support of illegal immigration and a lack of border security. Because that seems to be precisely the language this White House is trying to chart.

MALVEAUX: Well, I think you're absolutely, Lou. I mean, I think it's important. And the president, from time to time, has brought up that issue, that there are divisions among all different groups, and it is a generalization to assume that all Hispanics would feel one way or another on this issue.

DOBBS: Right. Suzanne, thank you very much, as always.

Suzanne Malveaux from the White House.

Another person speaking out for the president's proposal, Homeland Security Secretary Michael Chertoff. Chertoff has found a new and unusual way to describe the president's guest worker proposals.

(BEGIN VIDEO CLIP)

MICHAEL CHERTOFF, HOMELAND SECURITY SECRETARY: It's like trying to dam a river. If you build a dam and you don't have a spillway to drain off some of the excess water in a way that's productive, you will eventually have to either keep building the dam higher and higher, or the dam will break. We have to have a spillway for some of this economic pressure, and that's a temporary worker program.

(END VIDEO CLIP)

DOBBS: If I may say, one of the more lamentable metaphors that emanated from this city in which many lamentable metaphors originate. Chertoff was much clear when he talked about -- he was much clearer, in fact, when he talked about the president's plan to send National Guard troops to the border. Secretary Chertoff said the federal government will consult governors about the Guard's new mission.

Despite Michael Chertoff's remarks, critics of the president remain highly skeptical about the National Guard's new role along our southern border. The chairman of the Senate Armed Services Committee, Senator John Warner, today said he will hold hearings on the military's new border mission.

Barbara Starr reports from the Pentagon.

(BEGIN VIDEOTAPE)

BARBARA STARR, CNN PENTAGON CORRESPONDENT (voice over): Officials say the new border security deployment will simply give the National Guard more experience in their now typical jobs, fighting war and disaster relief, but insists it won't keep them from being ready to do those jobs.

UNIDENTIFIED MALE: Get up there!

STARR: The first of 6,000 troops are expected to arrive on the U.S.-Mexico border next month. Homeland Security Secretary Michael Chertoff says the National Guard will be part of a comprehensive approach to border security.

CHERTOFF: We can have a transformative effect on our immigration problem and illegal migration problem that has plagued this country for over 20 years.

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STARR: The Pentagon says the Guard will be doing some of the same jobs it already handles.

PAUL MCHALE, ASST. SECRETARY OF DEFENSE: The missions will include, for example, surveillance and reconnaissance, engineering support, transportation support, logistics support, vehicle dismantling, medical support, as noted by Secretary Chertoff, barrier and infrastructure construction, road building, and linguistics support.

STARR: One of the most sensitive issues, will troops carry weapons and be authorized to shoot? LT. GEN. STEVEN BLUM, CHIEF, NATIONAL GUARD BUREAU: It is something that must be addressed, ma'am, because it's very important that soldiers know what the expectations are and what the rules are for the area they're operating in.

STARR: Guard commanders say they hope to make it all work by sending troops in for perhaps just a few weeks at a time during their scheduled training periods so their families and jobs will not be disrupted.

BLUM: The only thing that we're really going to do is change the location of where they were going to do their training.

STARR: But don't underestimate how complicated this may turn out to be for the Guard. By one estimate, as many as 150,000 National Guardsmen may find themselves doing border security over the next two years.

(END VIDEOTAPE)

STARR: And, Lou, the National Guard is expected to use helicopters and other sensors to watch for people crossing the border. But they will not arrest and detain people. That will be the job of Border Patrol authorities -- Lou.

DOBBS: Is there some judgment there at the Pentagon, Barbara, that this may be an extraordinarily expensive way to provide adjunct support to the U.S. Border Patrol?

STARR: Well, that is the question that, as you say, Senator Warner wants answered on the Senate side tomorrow afternoon, when he calls top officials from this building to a Senate Armed Services Committee hearing. He wants to know how much it's going to cost, where is the money going to come from, and how all of it will work.

One of Senator Warner's major concerns is that National Guardsmen who have served in Iraq and Afghanistan are not also tapped to do this work and that future deployments to Iraq and Afghanistan won't be impacted by this new job for the Guard -- Lou.

DOBBS: Barbara, thank you very much.

Barbara Starr from the Pentagon.

Nearly 20,000 of our National Guard troops are serving now in Iraq, where insurgents are escalating their attacks against our soldiers and Marines. Eleven of our troops have been killed in Iraq over the past four days, 2,448 of our troops have been killed in Iraq since this war started three years ago, 18,088 other troops have been wounded. Of those, 8,302 so seriously wounded that they could not return to duty.

Insurgents and terrorists are launching new attacks against Iraqis. Gunmen today killed five people inside a garage in Baghdad. A car bomb outside that garage then killed 18 other Iraqis who had gathered at the scene. Coming up next here, violence and murder on our southern border. New fears that it will spread into the United States. We'll have exclusive video of the escalating gang war in the Mexican border city of Nuevo Laredo.

Also tonight, a local sheriff in Arizona shows the federal government how to -- how to crack down on illegal immigration. Sheriff Joe Arpaio of Maricopa County is among my guests here tonight.

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And as President **Bush** struggles to sell his immigration and **border** security proposals to members of Congress, a leading senator, Senator Jon Kyl, joins me here next.

Stay with us.

DOBBS: Tonight, many law enforcement officials who are on the front lines of this nation's illegal alien crisis say President **Bush's border** security proposals are too little, too late. They say this nation is already witnesses a militarization of our **border** on the Mexican side.

Tonight, Bill Tucker is live with a report in Laredo, Texas, where a vicious gang war is raging just across the **border** in Nuevo Laredo. And there was more deadly violence in Nuevo Laredo today. Our camera crew was there.

And Casey Wian tonight reporting from Maricopa County in Arizona, where Sheriff Joe Arpaio's aggressive fight against illegal immigration is succeeding where the federal government has simply failed.

We begin with Casey Wian in Maricopa County -- Casey.

CASEY WIAN, CNN CORRESPONDENT: Lou, the crackdown on illegal alien smuggling here in Maricopa County, Arizona, continues tonight. There is still much skepticism, though, about President **Bush's** newfound commitment to **border** security.

(BEGIN VIDEOTAPE)

WIAN (voice over): Two hours after President **Bush** concluded his **border** security speech, Maricopa County, Arizona, sheriff's deputies arrested 19 suspected illegal aliens and their alleged smugglers. Sixteen are now charged under a new state lawmaking illegal alien smuggling or even paying a smuggler a felony. That was news to Victoria Ignacio Pastor (ph), who says she agreed to pay her smuggler \$1,500 once she found work in the United States.

Three illegal aliens were turned over to Immigration and Customs Enforcement for lack of evidence. They'll be deported. The rest could face one and a half to three years in jail.

SHERIFF JOE ARPAIO, MARICOPA COUNTY, ARIZONA: We're going to continue to crack down on this problem. The law is there. I will enforce that law and keep arresting the illegals that come through Maricopa County.

WIAN: Arpaio says simply enforcing existing laws would be a better solution for the federal government than **sending** National **Guard** troops to the **border**. It's a view shared by many in Arizona, the entry point for more than half of the nation's illegal aliens.

Randy Pullen spearheaded Arizona's Proposition 200 which denies illegal aliens some state benefits and prevents them from voting.

RANDY PULLEN, ARIZONA GOP COMMITTEE CHAIRMAN: People are pretty savvy on this issue, especially here in Arizona. And to say that you're going to secure the **border** is one thing. We already had a governor who said she was going to secure the **border** with the National **Guard**, and it never happened.

WIAN: Chris Simcox, the leader of Arizona's most publicized **border** security effort, the minutemen, has often said his volunteers will continue to patrol the **border** until the federal government deploys military force there. They are not leaving yet.

CHRIS SIMCOX, MINUTEMAN CIVIL DEFENSE CORPS.: The president made a good speech. He detailed a lot of issues that we have been trying to get him to address for four years. But 6,000 National **Guard** personnel in a support role where they are not on the front lines is just not near enough.

WIAN: Neither are thousands of civilian volunteers nor one county sheriff, but they are all signs that at least in Arizona **border** security is now a priority.

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(END VIDEOTAPE)

WIAN: People here are anxious to hear what else President Bush has to say about the issue. He'll travel to the border city of Yuma, Arizona, for a speech this Thursday -- Lou.

DOBBS: And as I understand it, will be there approximately two hours, according to the current schedule.

Casey, thank you very much.

Casey Wian.

Sheriff Arpaio joins me now -- later, actually, with his reaction to the president's border security proposals. As President Bush contemplates sending National Guard troops to the border, Nuevo Laredo, Mexico, is literally being torn apart by vicious drug gang violence. The only thing separating the United States from this escalating war on our border is the Rio Grande River.

Bill Tucker reports tonight from Laredo, Texas, just across the border from Nuevo Laredo.

(BEGIN VIDEOTAPE)

BILL TUCKER, CNN CORRESPONDENT (voice over): Shot down by gunmen from behind, the murder is carried out on a city street in broad daylight for everyone to see. The car that the two state police officers were in, riddled with bullets from automatic weapons. Why they were killed, who killed them, no one is saying. It is believed the killings were drug related.

So far, five months into the year, police on the American side of the border in Laredo have intercepted 6,000 pounds of marijuana and 119 pounds of cocaine. That's a lot of money. And that kind of money breeds a different, more violent criminal, one with no respect for authority.

It's not just the Mexican police who are getting shot at.

SHERIFF RICK FLORES, WEBB COUNTY, TEXAS: We've been shot at from people on the other side of the river. And we've had to take cover. Thank god none of our deputies have been hit. Border Patrol, the same thing.

So we're seeing a whole different type of people now willing to confront law enforcement on this side.

TUCKER: So far, there have been no deaths of American law enforcement, but the killings in Nuevo Laredo were the third and fourth this year in the city. Seven other officers have been wounded in the line of duty.

GUILLERMO MARQUEZ, NUEVO LAREDO POLICE (through translator): The job of the police officer is a dangerous one. And I assume that danger. And we understand that. We know we are going to be attacked. That is the nature of the job we have dedicated ourselves to.

TUCKER: Up against these kind of issues, border security becomes a personal issue.

(END VIDEOTAPE)

TUCKER: Law enforcement officials along the border have been warning of these dangers for years but have not been listened to. They now welcome the attention that is finally being directed at the border. And, Lou, they have their doubts about the deployment of the National Guard along this border. They are not trained in police work, and they don't think they are going to do very much good, if any, at all -- Lou.

DOBBS: Whatever their doubts about the National Guard, are there any doubts on their part about why President Vicente Fox has not moved his military to the northern border with the United States to stop the vicious gang wars that is raging there across northern Mexico, as well as to stop illegal immigration?

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TUCKER: You know, law enforcement officers tend to be pretty practical people, Lou, and they worry about what they have to deal with. They look across the river and they don't understand what's going on over there in Mexico or why it's being allowed to continue. They feel -- and they do have things buttoned down on this side, and they are amazed and disappointed in what they see in Mexico. DOBBS: As are we all.

Bill Tucker, thank you very much, reporting from Laredo, Texas, tonight.

Coming up here next, President Vicente Fox says the key to border security is cooperation between the United States and Mexico, but is the Mexican president a reliable partner? He hasn't been for the past five years. We'll have that special report.

And I'll be joined by two lawmakers with very different views and approaches to border security and our illegal immigration crisis. Senator Jon Kyl, Congressman Luis Gutierrez join me here next.

Stay with us.

DOBBS: President Bush's principal adviser, Karl Rove, used the president's own words to tout the administration's record on border security. Rove yesterday said, "We're doing a heck of a job" in dealing with the illegal immigration problem. President Bush, as you will recall, used the same phrase last year, describing the work of former FEMA director Michael Brown's response to Hurricane Katrina just days before Brown was forced out of the administration.

Tonight, the government of Mexico is threatening to sue the United States. Mexico's foreign secretary says his government will "start filing lawsuits" in U.S. courts if National Guard troops detain illegal aliens. His threat exposes President Fox's empty promises to cooperate with the United States to reduce illegal immigration.

Kitty Pilgrim reports.

(BEGIN VIDEOTAPE)

KITTY PILGRIM, CNN CORRESPONDENT (voice over): In meeting after meeting, Mexico's President Fox has made the same false promise, a pledge to help with border security.

PRESIDENT VICENTE FOX, MEXICO (through translator): We are going after the criminals that are promoting illegally the movement of citizens to the United States.

PILGRIM: After he was elected in 2000, the Mexican president invited President Bush to his ranch, vowing to help curb illegal immigration. But since that pledge, millions of Mexicans have crossed into the United States illegally.

Even in his most recent appearance today, President Bush continues to insist Mexico is cooperating with the problem. Yet, President Fox phoned President Bush in advance of his speech to call on the United States not to militarize the border.

BUSH: I made it clear to the country last night that we are not going to militarize our border. Mexico is a friend. PILGRIM: Mexico gains money from the illegal immigration. The larger the number of illegal aliens who cross the border into the United States, the more money they send back to Mexico -- \$13 billion in 2003, soaring to \$20 billion last year. And it's still growing.

TIM KANE, HERITAGE FOUNDATION: It's more money than they get from all foreign direct investment, and it's almost as much money as they get from their oil exports. So it's tremendously important and it would cause a recession if they lost that.

PILGRIM: Politically, President Fox gains from the hemorrhage of poor and unskilled Mexicans across the border, a safety valve for the Mexican government to export its unemployment problem. President Fox and his party gain from playing the United States on immigration, winning popular approval at the expense of the Bush administration. Those approval ratings will factor heavily in the upcoming Mexican elections in July.



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(END VIDEOTAPE)

PILGRIM: The Mexican president today promised cooperation, called for a comprehensive solution to the border problem. But Mexico's cooperation is something promised before with no real results -- Lou.

DOBBS: Kitty, thank you very much.

Kitty Pilgrim.

That brings us to the subject of our poll tonight. Do you believe the United States government should first secure our borders and ports before even discussing so-called immigration reform? Yes or no?

Please cast your vote at loudobbs.com. We'll have the results coming up here later.

Time now for some of your thoughts on the president's speech last night on immigration reform and border security.

Jeff in Connecticut wrote in to say, "Hi, Lou. It seems like the only victor in that speech was corporate America."

Cathy in Michigan, "I wonder what would happen if you or I went to Mexico and demanded anything, let alone amnesty for a crime. Only in America."

And June in Texas, "Hey, Lou, since the National Guard will only be on the border to observe and report, not confront nor apprehend, they sort of sound like Mr. Bush's vigilantes, don't they?"

And Gerardo in Florida, "Of course it is amnesty. About 20 of my relatives in Argentina are lining up at the American Embassy to get a visa to visit Disney World. They will stay no matter what, and five years from now they will be full-fledged U.S. citizens." Larry in Illinois, "Lou, what a sad state of affairs when our elected leaders are more concerned about the legal citizens of another country, rather than the legal citizens of their own."

Send us your thoughts at loudobbs.com. We'll have more of your thoughts coming up here in a matter of moments.

In Maricopa County, Arizona, Sheriff Joe Arpaio is already waging war against illegal immigration without the help of additional National Guard troops and without federal help. Just after the president's speech last night, in fact, Sheriff Arpaio's deputies hit the road and rounded up illegal alien suspects on Arizona roadways and deserts. The president said the sheriff's volunteer posse patrol was also out in full force last night, hundreds of illegal aliens caught in Maricopa County are now being held in the county's tent city jail. Sheriff Arpaio joins me tonight with his reaction to the president's proposals of last night. Sheriff good to have you with us.

SHERIFF JOE ARPAIO, MARICOPA COUNTY, ARIZONA: Thank you. My pleasure.

DOBBS: You heard the president talk about border security, immigration reform, as he styles it. What's your reaction?

ARPAIO: Well, you know I was a director with the U.S. Drug Enforcement in Mexico.

DOBBS: Right.

ARPAIO: And fought the drug wars and now we're fighting a different battle. The president's trying to do what he can, he's trying to lead this problem with the National Guard, that's the supportive role. However, I can't understand why they don't enforce the law, because it is a federal misdemeanor, six months in jail, so I feel they should start putting these people in jail now when they cross the border. I'm doing the same thing under the new state law, and the only law enforcement agency locking up illegals associated with smugglers and placing them in the county jail. So I would see more toughness in putting these people in jail that violate the laws.

DOBBS: They violate the laws, and the United States government, I think, there could be a good case made that the United States government is failing to enforce the laws across a broad range of laws. Dereliction of duty, some

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would use stronger language. As you suggest, you don't know why we're not enforcing them. Go back to your experience, if you would, sheriff, as the head of DEA in Mexico, and I've worked along the border and worked with DEA agents there years ago. What kind of partner is Mexico in stemming illegal immigration? Stemming the drug traffic, a war that we've been fighting for three decades, what kind of partner is Mexico?

ARPAIO: Well, it was a good partner when I was there, because President Nixon, and I ran this operation, closed the border in a sense, in operation intercept in 1969. That straightened out the Mexican government, and I took over right after that. Believe me, it wasn't easy to get the Mexican government to cooperate, but they learned a lesson when you close the border or get tough at the border, things changed in the cooperation field.

DOBBS: Why is it 4 1/2 years, in your estimation, after September 11th, this government has refused to secure our borders and our ports? Why is it three decades of a war against drugs Mexico remains the greatest source of illegal drugs, meth, cocaine, heroin and marijuana entering the United States, why is there no political will amongst our elected officials here in Washington to shut it down for the benefit and the protection of the American people?

ARPAIO: And that's a good point. President Nixon led that fight, and we were very successful. I'm not going to criticize President Bush, he has other problems with terrorism, but it can be done. We're a great country, and we should never use money as a reason why you can't arrest people and put them in jail.

DOBBS: Are you afraid, by the way, concerned President Fox's government saying that they're going to sue the United States if the National Guard were to detain any illegal alien? Are you afraid you might get sued by the government of Mexico?

ARPAIO: Well, I don't know. They're ready to sue me, for -- so I get sued when I go to the toilet, so I don't worry about all these lawsuits.

DOBBS: Yeah, let me ask you another thing. You are so popular in the state of Arizona with your tough approach and no-nonsense approach, carrying out your duties as you see them. You could be, I'm told, handedly elected governor. Any interest?

ARPAIO: No. To me that's a demotion. I'd rather be the sheriff. I've been the sheriff 14 years, and I'm going to keep running.

DOBBS: Sheriff Joe Arpaio, we thank you very much for being here.

ARPAIO: Thank you.

DOBBS: Coming up next, I'll be talking with Senator Jon Kyl, he voted to put border security ahead of any discussion of immigration reform today. Congressman Luis Gutierrez, a strong supporter of illegal alien amnesty, and later here, three of the country's leading political analysts join me to assess the president's speech, the president's policies and the critical issues facing this nation. Stay with us.

DOBBS: Tonight, the first test of so-called immigration reform on Capitol Hill, since the president's speech last night, the senate rejected an amendment that would have required that our borders be secured before addressing a guest-worker programs and amnesty for illegal aliens. Senator Jon Kyl voted in favor of that amendment to put border security first. He joins us tonight from Capitol Hill. Senator, good to have you with us.

SEN. JON KYL, (R) JUDICIARY COMMITTEE: Thank you, Lou.

DOBBS: That's pretty -- pretty remarkable that you-all in the senate decided -- I know you voted against it, but you couldn't put security ahead of immigration reform and guest-worker proposals? What do you think the American people are going to say when they take a look at all those names?

KYL: Well, I think the American people want us to secure the border, and they want that done first. I had hoped that last night the president would make it crystal clear that that was his goal as well, because people are, frankly, not going to be very open-minded about some of the other provisions until they are sure that we're going to enforce the

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law and secure the border. My own view Lou is that we can do several things simultaneously here, but I thought that was a very good vote to at least make the point that we've got to get serious about closing -- about securing the border, and so far, I'm not sure that we have actually committed the resources to making sure that that can get done.

DOBBS: Yeah. There has been a -- perhaps in years past, it would have been an interesting political game being played by this White House and the U.S. senate, to some degree, we'll find out to what degree the leadership of the house as well. But this game is not working. Senator Cornyn, your co-sponsor on the Kyl/Cornyn legislation, which is the most reasonable legislation put forward to my assessment in the senate this year, over the past year. The idea that they're going -- as Senator Cornyn said, the American people are not going to stand to be mocked. And it - - apparently 55 people in the senate don't quite understand that.

KYL: There is another explanation for the vote. You know, they might have simply had the view that we've got to simultaneously attack all of the problems, and that this sent the wrong message. As I said, our comprehensive legislation does attempt to simultaneously attack all these problems, but we wanted to make the very strong statement that we're listening to the people, we understand their desire that we put this as our first commitment, our first priority. And there's no reason that we can't do that. It just takes will power and devote the resources that are necessary to build the fences to hire the border patrol agents, to do all of the other things that can accomplish a secure border.

DOBBS: Senator, today, moving forward with your amendment to not at least allow convicted -- criminals to become part of an amnesty program. Where does that stand?

KYL: Well, we finally had a chance to lay that down tonight, and we're going to have a vote on it tomorrow, finally, after all these weeks. At first the opposition said, this is a poison pill. They thought that if it passed that somehow or other it would jeopardize the bill. It's quite the opposite. It's going to pass overwhelmingly tomorrow, and I think people will, therefore, say it made the bill better. The bottom line is, criminals, convicted felons should not become citizens of the United States under this bill. (INAUDIBLE) assures that. DOBBS: And certainly it shows the rather hasty and, perhaps, I think it's fair to say, ill-considered aspects of this immigration reform, comprehensive immigration reform juggernaut that we're on here. You have about two weeks to pass a legislation. Let me ask you a question. Is there any provision in any part of the discussions so far, forget the legislation itself being crafted, to actually determine whether or not somebody is a convicted criminal amongst the illegal alien population of the United States, whether that's 12 million or 20 million?

KYL: Well, actually, that's a very perceptive question.

DOBBS: Thank you.

KYL: Theoretically, there are provisions that say that people have to present themselves for a criminal check. Now, the details of that are totally lacking. And as you infer from your question, that's got to be done, before this legislation is finally passed, if there is a bill, because otherwise it's fairly meaningless. But even with the provision for a criminal check, nothing happened after that. So the criminal check could provide that you're a felon, you'd still get the benefit of the legislation, unless our amendment passes.

DOBBS: Senator Kyl, I think you're one of the most able folks sitting on the judiciary committee and serving the U.S. senate, but I got to be honest, about 100 of you folks altogether at a time, you scare me a little. The idea that there is no urgency to securing that border, that the president's talking about 2008 and 3 million illegal aliens crossing the border and I mean, this is approaching dithering, isn't it?

KYL: There are so many more things we could have done. There are things we could do right now. I'll compliment the president on at least saying let's send the guard down there. Now, 6,000, I don't know if that's all we can spare at the moment, we could probably use a lot more than that, and nobody should worry that they're going to go around shooting people or arresting people, that's not what they'll be doing there. But for every job that they can take at the border, they can relieve a member of the customs service or the border patrol so that they can get out and do the apprehending and that's a good thing.

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DOBBS: Well Senator Kyl, we thank you for being here. We appreciate it. We look forward to seeing how that amendment works, we wish you well with it.

KYL: Thanks Lou.

DOBBS: Senator Jon Kyl.

Still ahead here, I'll be talking with Congressman Luis Gutierrez, a supporter of illegal amnesty, one of the leading advocates in the country. He says immigration reform can pass congress this year. He's my guest. And three of the country's most respected political analysts will be here as well. Stay with us.

DOBBS: Congressman Luis Gutierrez of Illinois says the house and senate can agree on illegal immigration legislation this year, despite their widening split on that issue as of today. Congressman Gutierrez is the chairman of the Democratic Caucus Immigration Task Force, a strong supporter of illegal alien amnesty and one of the country's leading advocates, joining us here tonight. Good to have you with us congressman.

REP. LUIS GUTIERREZ, (D) ILLINOIS: A pleasure to be with you Lou.

DOBBS: So let me guess, when you watched the president last night, you were excited.

GUTIERREZ: Well, I have to admit, Lou, that when the president first spoke in January of 2004 and said --

DOBBS: Right.

GUTIERREZ: -- three-year visa, maybe we'll extend it for three and then you got to go, last December he said, I love Sensenbrenner. That's the way to go. Last night was really refreshing to hear the president take on a holistic, comprehensive approach, which includes English classes, getting their fingerprints and making sure we don't let anybody who's violated the law get in the program, paying a penalty and making sure that the penalty fits the violation of the law.

DOBBS: Which agency's going to do all that?

GUTIERREZ: I think we're going to have to create that agency.

DOBBS: Ah.

GUTIERREZ: I think we're absolutely going to create. Homeland Security is going to be there as the principal agency.

DOBBS: You're scaring me already. Homeland Security can't inspect cargo, 95 percent of it comes through our ports, uninspected. Three million illegal aliens crossing our borders every year, just exactly what does that \$40 billion buy American citizens?

GUTIERREZ: Well let me share the following with you. 1986 we passed the immigration control act.

DOBBS: 1986.

GUTIERREZ: 1986, Immigration Reform and Control, we passed it, three million people successfully went through the program. Most of them are American citizens today, contributing to our great nation. I think we can do that again and set up that infrastructure again.

DOBBS: Are we going to be on, like, what would you think about a 20-year cycle? Next year, next time the ten-year cycle. What's it going to be? GUTIERREZ: Ten-year cycle for?

DOBBS: Amnesty.

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GUTIERREZ: No. Here's why I think this process is so important, no amnesty, let's double, triple the fines on employers that hire anybody in this country that doesn't have proper documentation and let's enforce the law. But at the same time, let's have a rational approach which allows new immigrants -- Look, Lou, when the Irish came, when the Italians came there was Ellis Island. There is no Ellis Island for the new immigrant workforce to come to America. There is nothing. And yet we need that workforce to continue to come.

DOBBS: Congressman, I always love talking with you, but we've got to go back in history just this one time.

GUTIERREZ: All right.

DOBBS: When is the last time that we had an estimated 5 to 10 million illegal aliens enter this country in a five year period? Because that's what's different this time.

GUTIERREZ: Well we have --

DOBBS: When's the last time it happened when we were in a global war on terror?

GUTIERREZ: Well let me suggest the following -- we have 12 million undocumented workers in the United States. We have passed very harsh, very slowing down of our immigration, and, yet, we have an economy and a workforce that needs those skilled -- I know you don't agree with it. But it's true! It's just true.

DOBBS: It's not true.

GUTIERREZ: Lou, our unemployment rate is what, about 5 percent?

DOBBS: 4.7.

GUTIERREZ: Okay. And they represent 5 percent of the workforce, right? So even if you eliminated every undocumented worker, there would still be jobs available for people.

DOBBS: Explain something to me. First let's talk this crazy guest-worker program. Let's call it what it is. That's just crazy. A guest-worker program and bringing in more illegal aliens to be exploited by basically corporate America. We are watching wages in this country decline in the lowest quintile of wage earners that suggests a clear surplus of labor not a deficit. There's no economist in the world who would suggest otherwise, so what in the world are we talking about?

GUTIERREZ: Let me suggest the following to you. Somebody is going to have to pick the tomatoes in Florida. Somebody is going to have to pick the grapes in California. Somebody's going to have to wash the dishes --  
DOBBS: We have agricultural visas we don't need any special program.

GUTIERREZ: But that truly is a new guest worker. It's a legal avenue so that people don't have to lose their lives, crossing the border. Lou, they come here. I wish I could bring --

DOBBS: But that's why I want to secure the border so people won't do that and that's why I want to tell President Fox and the government of Mexico, get your act together. Because I'm sick and tired of watching you -- watching you permit your drugs, your marijuana, your meth, your cocaine and heroin come across our borders.

GUTIERREZ: Two things, Lou --

DOBBS: And when I ask, why is the congress and this president permitting that border to be a sieve --

GUTIERREZ: Can I say a couple of things Lou?

DOBBS: Sure.

GUTIERREZ: Look, I can't respond for the president of Mexico, I'm an American citizen, born in America.

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DOBBS: How about the president of the United States?

GUTIERREZ: I did come here to relate to you to the president of the United States, I'm a member of congress, that's fitting, but I can't respond to it. The other thing is, Lou, we've lost the war on drugs here, so let's also assume the responsibility for our own consumption of the drugs that come across --

DOBBS: I'm happy -- But you know what I think? I think that this congress, not -- you weren't serving in it, but a congress that declared a war on drugs 30 years ago and then doesn't have the -- the guts and the intelligence and the vitality to actually win the war --

GUTIERREZ: Okay.

DOBBS: -- scares me to death.

GUTIERREZ: But, Lou, a couple of things. "A," we're not going to deport 11 to 12 million people. It's not going to happen. And second --

DOBBS: You know what, that's good. Because I don't want to deport anybody. So we're going to have to finish on agreement there.

GUTIERREZ: All right, Lou. Thanks for having me on.

DOBBS: Thank you congressman.

Coming up here next, President **Bush sends** the National **Guard** -- well he's going to he says, to the **border** and he **sends** a message to congress, any illegal immigration legislation must include guest worker amnesty. Well a guest worker program, illegal alien amnesty, it gets complicated, the fact is one doesn't have anything to do with the other, we'll be talking about that with three of the country's leading political analysts. They'll assess the president's election year gambit. Stay with us.

DOBBS: "THE SITUATION ROOM" with Wolf Blitzer coming right up. Wolf?

WOLF BLITZER, CNN ANCHOR: Thanks very much, Lou, and don't go too far away, because you're going to be right here in the "THE SITUATION ROOM" with me.

Also the mayor of Los Angeles, Antonio Villaraigosa, two very different perspectives on the immigration divide, Lou and the mayor, that's coming up live here in "THE SITUATION ROOM."

Plus, the attorney general of the United States, Alberto Gonzales, a remarkably candid and personal conversation, Lou. Our viewers are going to be surprised by his answer to the question -- were his own grandparents legal or illegal immigrants?

Also, new video on the 9/11 attack on the pentagon. Will it finally put to rest all those conspiracy theories? We're talking a much closer look.

And emotions running very high, the new White House press secretary Tony Snow gets choked up on his first day. We're going to tell you why.

And demanding access to reporters' notebooks. We're going to take you inside the courtroom with the latest on the CIA leak case. Lou, we've got a full story coming up in "THE SITUATION ROOM."

DOBBS: Looking forward to it, thank you very much Wolf.

Joining me now, "Time" magazine columnist, Joe Klein, Washington bureau chief of the "New York Daily News," Tom DeFrank, and CNN's senior political analyst, Bill Schneider. Good to have you all with us. Joe it's been a while, let's ask you, what's the big takeaway from the president's maneuver yesterday?

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JOE KLEIN, TIME MAGAZINE: Maneuver, I thought it was a speech. I thought it was a --

DOBBS: I'm sorry, I described motivation.

KLEIN: You did. I thought it was a very solid, comprehensive, rational, reasonable speech.

DOBBS: How about you, Tom?

TOM DEFRANK, NEW YORK DAILY NEWS: Well, I agree with all of that. I think it was an attempt at statesmanship, but the problem the president has is it's hard to be a leader when you're at 30 percent in the polls, and a good portion of your own party is fighting what you want to propose. And it just made it much more difficult for him.

BILL SCHNEIDER, SR. POLITICAL ANALYST: It doesn't seem to be working. I'm hearing nothing but criticism today, particularly from the president's own party, who had a motion in the senate that didn't pass, to require that nobody -- nobody's legal status changed, nobody be given citizenship until they enforce border security and got six democratic votes as well as a lot of republicans.

DOBBS: It's interesting, you're enthusiastic, Joe. I'm enthusiastic, too, because I believe that the president, either by design or otherwise, did begin to raise the consciousness of the -- of the public about the issues we're confronting. In some of the outright lack of reporting, certainly, and lack of honesty about what is a very confounded and confused immigration system.

KLEIN: Look, this is a deeply held position with the president. I would watch him during the 2000 campaign night after night go into country club, conservative republican audiences and be asked hostile questions about immigration and take essentially the same position he took last night. I -- I think that it's really important for journalists to acknowledge it, when a politician goes up against his base as he's going up against the conservative base of the Republican Party on a matter of conscience.

DOBBS: That's an interesting point of view, although, I would perhaps take a different interpretation, which would be, that this president is serving as, frankly, this is almost a subservience to corporate America, it's dominating both political parties and is exploiting the illegal labor that is permitted to come in. So there is another view to that as well, I won't assert which is correct. And I will give him credit for his conscience.

KLEIN: Both views can be correct.

DEFRANK: And part of his fundamental problem, Lou, as he was trying to check off all the boxes last night. If you're trying to do a comprehensive program, you need to try to do that, but several of the boxes are going to infuriate various constituencies, including his own conservative base.

DOBBS: What do you think, Bill, what should this president be doing right now, from your likes?

SCHNEIDER: He has to work with his base to try to bring them along, and right now they're just not there. I thought the most interesting thing that he said, and this was pretty impressive, last night he talked about ending the catch-and-release system. That is urgent. That is very impressive.

DOBBS: (INAUDIBLE) been talking about that for eight months, Michael Chertoff has paid lip service to that, we're still engaged in it.

SCHNEIDER: He ought to do something about it. He talked about it last night and he said he's going to put some more money into it. Legal changes -- DOBBS: They said they're going to bring in 10,000 border patrol agents with the legislation passed last week, we got 1,500 new bodies. We've got offices but not bodies for those jobs. Tom, what would you have the president do here?

DEFRANK: I think he's just got to stay at the bully pulpit, he's going to Yuma, Arizona on Thursday, he won't be there long. But I think he can't just give a speech, go to one border state and then drop it, he's got to be back at it,

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and he's got to be jawboning his own party, because his big problem on the legislation at the moment, Lou is not with the democrats, not with the independents or the moderates, but with his own base, and he's got to beat them up some.

KLEIN: He also has to show some results at the border. I mean, there has -- this has to improve things, some. And what Bill is saying is true, that catch-and-release, if they can diminish it, some, if they can -- if they can show that they're being tougher on the border, will have an impact and may well make it possible to pass comprehensive immigration reform.

DOBBS: Joe Klein, Tom DeFrank, Bill Schneider, good to have you with us. Thank you, gentlemen.

Still ahead here, we'll have the results of our poll and a few more of your thoughts. Stay with us.

DOBBS: Now, the results of our poll. And it is overwhelming. 98 percent of you say the United States government should first secure our borders and ports before even discussing so-called immigration reform. The White House and the senate, I suppose, might take some note of that. We'll see.

Time now for a look at more of your thoughts. Peggy in Texas saying, "About sending troops to the border, is that to protect Americans from illegal aliens or to protect illegal aliens from being caught by the border patrol or the Minutemen."

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