

HEARING OF THE IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW SUBCOMMITTEE OF THE HOUSE JUDICIARY COMMITTEE; SUBJECT: "THE ETHICAL IMPERATIVE FOR REFORM OF OUR IMMIGRATION SYSTEM"; CHAIRED BY: REPRESENTATIVE ZOE LOFGREN (D-CA); WITNESSES: RICHARD LAND, PRESIDENT, ETHICS AND RELIGIOUS LIBERTY COMMITTEE, SOUTHERN BAPTIST CONVENTION; GERALD KICANAS, VICE-PRESIDENT, U.S. CONFERENCE OF CATHOLIC BISHOPS; MATHEW STAVEN, DEAN AND PROFESSOR OF LAW, LIBERTY UNIVERSITY SCHOOL OF LAW; JAMES EDWARDS, JR., FELLOW, CENTER FOR IMMIGRATION STUDIES; LOCATION: 2141 RAYBURN HOUSE OFFICE BUILDING, WASHINGTON, D.C.

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Body

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REP. LOFGREN: This hearing of the Subcommittee on **Immigration**, Citizenship, Refugees, Border Security, and International Law will come to order. I'd like to welcome our witnesses, members of the **immigration** subcommittee, and others who've joined us today for the subcommittee's hearing on the ethical imperative for reform of our **immigration** system.

Today we welcome very important leaders from the faith community who are here to share with us their perspectives on current **immigration** policy and the need for an overhaul of our nation's system. Faith-based organizations often lead our nation in the ongoing discussion over **immigration** reform. Over the past decade, faith leaders have often shepherded the often-contentious national **debate** over our **immigration** system by framing it as a moral and ethical question.

The United States Conference of Catholic Bishops was an early leader in bringing faith communities to the table. More recently, organizations and denominations such as the National Association of Evangelicals, the Southern Baptist Convention and the Liberty Counsel Legal Ministry have assumed significant leadership on the issue.

Creating unprecedented coalitions across the denominations, each of these groups has passed a resolution supporting comprehensive reform that provides for secured borders; **immigration** laws that meet the economic and

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family-reunification needs of our country; and an earned path to legal status for hard-working immigrants who pay a fine, pass a criminal background check and earn -- and learn English.

While these groups and I don't always agree on every issue, we do agree on this issue, as do most of the American people. A recent bipartisan survey found that the vast majority of Americans -- over 74 percent -- support comprehensive immigration reform that follows the above principles: border security, immigration laws that meet our nation's needs and the needs of our families, and a pathway to legal status for hardworking immigrants. In fact, this poll found that 84 percent of people who support the Arizona law also support comprehensive immigration reform.

Today we will hear from those to whom we look for moral and ethical guidance about their support for a firm, rational and just immigration policy. I commend our witnesses' efforts and their leadership.

And now I would recognize our minority for an opening statement. I understand from Mr. King that he would like Mr. Smith, the ranking member for the full committee, to offer his opening statement at this time.

REP. LAMAR SMITH (R-TX): Thank you, Madame Chair.

A recent Zogby survey reinforced what many of us already know: Americans, including the religious faithful, want America's immigration laws enforced. According to this study of likely voters, 54 percent of Catholics, 61 percent of Protestants and 65 percent of born-again Christians support attrition of illegal immigration through enforcement.

I suspect we will hear today that it is somehow immoral or unethical to enforce our nation's laws and that, in fact, sometimes we should ignore those laws.

For those who want to take this approach, there is just one problem. The Bible contains numerous passages that support the rule of law. The Scriptures clearly indicate that God charges civil authorities with preserving order, protecting citizens and punishing wrongdoers.

A prime passage is Romans 13: Let every person be subject to governing authorities. On this passage, the late Father Patrick Bascio wrote in his book "On the Immorality of Illegal Immigration": Clearly this is advice to Christians to follow the laws of their nation and to respect the laws of other nations. Although Christianity encourages acts of charity, we cannot be both charitable and lawbreakers.

Now consider Leviticus: When a stranger sojourns with you in your land, you shall not do him wrong. Some claim that the passage mandates we welcome any and all foreigners, even those in our country illegally. But this and other passages do not imply that foreigners should disregard civil laws to enter or that we should overlook it when they do.

For instance, the law for Israel allowed legal distinctions to be drawn between native Jews and resident aliens. The Hebrew term for "sojourn," as well as the dictionary definition, means "temporary stay." A related term used in some Scriptural translations is "stranger." So this passage offers no Scriptural sanction for allowing millions of illegal immigrants to remain permanently in the United States. Furthermore, in the New Testament, according to the new Westminster Dictionary of the Bible, the word "stranger" denotes one who is simply unknown, not necessarily a foreigner.

Related to the Leviticus citation is a passage about treatment of "the least of these, my brothers, the hungry, the naked, the stranger, the prisoner." This quote from Matthew plainly advocates individual acts of kindness and does not mandate a public policy. A note in "The New Interpreter's Bible" says, quote, "It is the individual human beings, not nations as corporate political structures, that stand before the judgment." This suggests little biblical support for anyone's claim to have a right to remain where they have lived illegally or to obtain public benefits, including citizenship.

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Father Bascio takes it a step further, stating, quote: "The Christian church currently favors an immigration policy that assists those who violate our laws rather than enter the legal process that leads to legal immigration. The Christian church in some quarters actually recommends to its ministers and priests that they break the law by helping illegal immigrants who break the law. The church's position disappoints those who play by the rules, placing legal immigrants and businesses that respect our laws at a great disadvantage," end quote.

Bascio contends that "the Christian leadership of this country, not really comprehending the wide-ranging problems connected with illegal immigration, has blessed violating the sovereignty of our nation, depressing the wages of American workers, encouraging the growth of the most violent gangs in America, driving up black unemployment," end quote.

A prime example comes from The Wall Street Journal. After a wave of raids by federal immigration agents on Labor Day weekend, a local chicken-processing company called Crider lost 75 percent of its 900- member workforce. But for local African-Americans, the dramatic appearance of federal agents presented an unexpected opportunity. For the first time in years, local officials say, Crider aggressively sought workers from the area's state-funded employment office, a key avenue for low-skill workers to find jobs. Of 400 candidates sent to Crider, most of them black, the plant hired about 200.

Bascio says, rightly, that, quote, "Those who build their empires by constructing the world economic order on the foundation of cheap labor are immoral, and their sins cry out to heaven for vengeance. Church leaders, we plead with you to take note of this," end quote.

The fact is that Americans need not repent for wanting to uphold the rule of law and provide jobs for legal workers. I agree with Father Bascio's sentiment when he said that illegal immigration is not a victimless crime. There are an abundance of real victims whom Christians have the moral obligation to aid and protect. A truly Christian, moral approach would be not to acquiesce to illegal immigration, but to work to end it.

Our nation has a wonderful tradition of welcoming newcomers. We admit more than 1 million legal immigrants a year -- as many as all other nations combined. There is a clear difference, though, between those who play by the rules and come in the right way and those who don't.

Madame Chair, before I yield back, let me say that I have another committee markup at which I have an amendment to offer, so I will be gone for some time, but expect to return. And with that, I'll yield back.

REP. LOFGREN: Thank you for yielding back.

Mr. Conyers, I believe, is on his way, and wishes to offer an opening statement. But while we await his arrival, I'll recognize the ranking member for his opening statement.

REP. STEVE KING (R-IA): Thank you, Madame Chair. And I want to thank the witnesses in advance for your testimony and for coming forward here today.

And it is just, this is very interesting to me, this is a bit of a turn of what normally we see. The folks on my side of the aisle generally are quoting scripture and talking about our faith and the core of the things that motivate us. People on the other side are saying, well, this really isn't a -- sometimes, even into the floor and the congressional record, say this is not a Christian nation. Well, I believe it is. And so let's examine some of that today while we talk about our core values.

And it turns out I might have been reading a copy of the Bible is a little different than what we might hear about today. I didn't realize that Moses was an illegal immigrant, and neither did I realize that King David was an illegal immigrant, or that Mary and Joseph were illegal immigrants. I didn't realize that the Bible barred the enforcement of immigration laws, and neither did I realize that it erased borders, demanded a pathway to citizenship for illegal immigrants, or that the Bible forbade the leaders of a nation from caring most about the wellbeing of its own citizens.

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However, the goal of this hearing is apparently to certify the self-evident truth of all of these propositions. Not only must I have been reading a faulty copy of the Bible, but in the land of the Bible, the leaders of today's Israel must have been reading the same copy, because they built border fences to protect their citizens from terrorists and illegal job seekers alike. They deported over 136,000 illegal foreign workers between September of 2002 and May of 2005. That's modern-day Israel. The percentage that was the equivalent of that was about 6.5 million removals in the United States, had we done the same thing, over that same period of time.

And the law of return applies only to Jews. You know, anything less would certainly result in the annihilation of the whole of the Jewish people that reside today in Israel, and for those reasons, they have their policy, which don't seem to be objected to by clergy in America, and certainly not by me. I think they have a right for their determination and that faith. But at the base, this concept that animates this hearing appears to be that the only biblically acceptable immigration policy is an open borders policy.

Never mind the fact that four out of every 10 Mexican adults that were surveyed would migrate to the United States, if given the opportunity to do so, and that there are 5 billion people on the planet that have a lower gross domestic product per capita income and equivalent standard of living than the people -- that's out of about 6 billion people on the planet, about 5 billion of them live in a lower standard than the average citizen in Mexico. And never mind the devastating effects illegal and low skilled immigration in general are having on this country, and especially on our most vulnerable citizens.

And I'm pleased that Jim Edwards is here testifying today. He's done much to articulate and write about the real clarity of the issues in the Bible, and how it addresses the immigration issues of today and how it applies to day. He's pointed out some things that I think he may not have time to say, and so I would reiterate those here. And one is to look back through primarily the Old Testament, but not exclusively. Deuteronomy 32:8, "When the Most High gave to the nations their inheritance, when he divided mankind, he fixed the borders of the peoples according to the number of the sons of God."

And in Ezekiel of 47, details the promised land's boundaries. In Numbers 34, it describes the borders the Lord established for each tribe of Israel. Deuteronomy 19 commands against moving a neighboring tribe's boundary stone marking a given tribe of Israel's inheritance in the promised land. Mr. Edwards also writes elsewhere in the same politics, the same issue up in Acts, and as St. Paul addresses the Athenians, he explains that, and I quote, "From one man, God made every nation of men, that they should inhabit the whole of the earth." And he determined the times set forth for them and the exact places where they should be.

Mr. Edwards points out, of course, some other issues in the Old and New Testament. One is in Matthew where Jesus says, "Therefore, render unto Caesar the things that are Caesar's, and unto God the things that are God's." Mr. Edwards also writes in Timothy that Paul warns that if anyone does not provide for his relatives, and especially for his own family, he has disowned the faith and is worse than an unbeliever. Here it is made plain that we each have a very special obligation to those who are closest to us by family and blood ties, and their needs and welfare must stand tops in our priorities.

And what is said here about the local civic community can also be said about the civic community on a larger scale. We as Americans have a greater and more immediate moral obligation to be concerned with the welfare and quality of life in the United States than in other countries. That's just as the residents of those other countries should be more concerned with what goes on in their countries. Each of us has ties to very peculiaristic communities, and we must all acknowledge the legitimacy of those ties and the special obligation that we all have to direct our immediate attention to the welfare of those very special communities that each of us calls our own.

Statesmen and political leaders have a special obligation to look out for the wellbeing of the political communities that are entrusted to our care. I just would point out a couple of other points here as I close, and that is my church sponsors an Hispanic congregation in Minnesota. We take up a collection on a regular basis, and that's something that we feel very good about doing. And I've sat down and had many conversations with pastors that are primarily in my district. And the conflict that we have sitting here at the people who have been entrusted to make the laws,

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and the people whose profession and spiritual obligation is to mission to all the peoples of the earth is that our job is to faithfully make the laws and see to it that they are enforced by our executive branch. And I hope you'll respect that, all of you, and I respect your job and your mission to mission to all peoples on earth.

And so, with that, and I hope that's the appropriate tone for this hearing today, Madame Chair, and I'd yield back the balance of my time.

REP. LOFGREN: The gentleman's time has expired. We will recognize Mr. Conyers for his statement when he arrives, and at this point, in the interest of proceeding with the witnesses, we will ask other members to submit their statements for the record, and without objection, all opening statements will be placed in the record. And without objection, the chair is authorized to declare a recess of the hearing at any time.

Now, I'd like to introduce our witnesses. Each one is esteemed, and first it is my pleasure to introduce Dr. Richard Land. Since 1988, Dr. Land has served as president of the Southern Baptist Convention's Ethics and Religious Liberty Commission, the policy arm of the largest Protestant denomination in our country. He is the host of several nationally syndicated radio programs, and was featured as one of the 25 most influential evangelicals in America by Time Magazine in 2005. Most recently, Dr. Land has been an active convener of Conservatives for Comprehensive Immigration Reform, and has co-authored a white paper on Principles for Just Immigration Reform which lays out a moral approach to a comprehensive overhaul of our nation's immigration system.

Next, I would like to introduce Bishop Kicanas. The most reverend Gerald F. Kicanas is the seventh bishop of the Catholic Archdiocese of Tucson, Arizona, where he has served since 2003. He is the vice president of the U.S. Conference of Catholic Bishops, and a member of the conference's Committee for Migration. He previously served as auxiliary bishop for the archdiocese of Chicago, and was director of the Mundelein Seminary. For his extraordinary leadership, Bishop Kicanas was awarded the Cardinal Joseph Bernardin Award in 2008.

Next, I would like to introduce Reverend and Dean Mathew D. Staver. Dean Staver is chairman and founder of Liberty Council, a non-profit legal ministry with a focus on litigation, policy and education. He is dean and professor of law at the Liberty University School of Law. A former Seventh Day Adventist pastor, Dean Staver has argued twice before the Supreme Court of the United States, and is the author of 11 books and hundreds of articles. Most recently, Dean Staver has been active in Conservatives for Comprehensive Immigration Reform, a group of over a dozen conservative, faith-based groups pushing for an overhaul of our nation's immigration system.

And finally, I would like to introduce as the minority's witness, Dr. James Edwards, Jr. Dr. Edwards joined the Center for Immigration Studies in 2009 as a fellow. Edwards was a legislative director for Representative Ed Bryant, a former colleague of ours, and a member of the House Judiciary Immigration Committee when he served here. Dr. Edwards was an adjunct fellow with the Hudson Institute and was selected as 1998 Lincoln Fellow by the Claremont Institute. Edwards authored with James G. Gimpel "The Congressional Politics of Immigration Reform." He earned his doctorate at the University of Tennessee and his bachelor and master's degrees at the University of Georgia.

Now, you have written statements, and those statements will be made part of our official record. We are inviting you to address us in about five minutes' time. That little machine on the table, you probably noticed before, when it's green, it means there's a lot of time left. But when it turns yellow, it means, and it's always surprising, there's only one minute left. And when it turns red, it means, actually, it's been five minutes. Now we won't cut you off in the middle of a sentence, but would ask that you try to summarize, if it goes red, so that we can have time for members to pose questions to you, subsequent to the testimony.

So, with that, let us begin with Doctor Land. Thank you so much for being here.

REV. LAND: Thank you. Good morning, Chairman Lofgren, and Ranking Member King, and members of the subcommittee.

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The Southern Baptist Convention is the nation's largest Protestant denomination, with more than 16 million members and more than 44,000 autonomous local congregations. The Ethics and Religious Liberty Commission is the public policy arm of the Southern Baptist Convention.

With an estimated 12 million men, women and children living and working in an undocumented status in the United States, we have a crisis. And despite the impasse of previous congresses on immigration reform, I do not believe that that crisis is insurmountable. I believe Congress can and should devise a plan to bring these people out of the shadows. The more protracted the delay in action, the more severe the problem will become. I look upon the Arizona law and other similar laws to be a symptom. They are a cry from help from states that are suffering because the federal government has not done its duty.

Like other religious bodies, the Southern Baptist Convention has been vocal in the issue of immigration reform. In June 2006, Southern Baptist Convention gathered in Greensboro, North Carolina, for its annual meeting, passed a resolution by a nearly unanimous vote which called for enforcement of immigration laws balanced with compassion for those who are here illegally, and urged a pathway to legal status for them after having secured the border. Chief among the resolution's admonitions was a call for the federal government to provide for the security of our nation by controlling and securing borders. Clearly, our federal government has not done that for several decades.

Fundamentally, I believe Southern Baptists and other Evangelicals view immigration through the lens of their faith. As citizens of the United States, we have an obligation to support the government and the government's laws for conscience sake, Romans 13:7. We also have a right to expect the government to fulfill its mandate to punish those who break the laws and reward those who do not. But Southern Baptists also recognize a biblical mandate to care for those who have are the least among us, Matthew 25, to care for the strangers who reside in our land, and to act justly and mercifully, Micah 6:8. Bearing this in mind, Southern Baptists pledged in their 2006 resolution, among other things, to call upon Southern Baptists to act redemptively and to reach out to meet the physical, emotional and spiritual needs of all immigrants, start English classes on a massive scale, and to encourage them toward a path of legal status and/or citizenship.

But acts of mercy by the church have been and will remain insufficient to repair our broken immigration system; nor is the church's responsibility equivalent to the government's. While Southern Baptists and other Evangelicals will do their part individually and collectively as churches to reach out to those who are here illegally, only a proper government response can resolve our immigration crisis. Your responsibility and obligation is different than ours.

I believe that first, everything must start with border security. We have to secure the border. And I think most Americans do not accept the argument that our government cannot secure the border. The federal government has the resources to do what it chooses to do and has the will to do; the Internal Revenue Service comes to mind. The American citizen understands that if we don't pay our taxes, you will come and get us. And we believe we have to commit whatever resources are necessary to secure the border. That does not mean to close the border, but it means to have control of the border. To have control of who goes in and who goes out.

But, you know, the statement was made earlier that it's immoral -- some people are arguing that it's immoral to enforce our nation's laws. I don't think that's fair and I don't think it's right. What's immoral is to not enforce the nation's laws for over two decades and then to say, "Oh! Now we're going to enforce the law, and we're going to enforce the law retroactively." You know, it would be like if the government sent out a letter to every driver in America and said, "By the way, for the last 24 years we've been conducting surveillance by satellite on the interstates and up until now haven't had the ability to ticket you for all of the times you exceeded the speed limit. But we do now. And so now we're going to send you a ticket for every time you've exceeded the speed limit, retroactively, over the last 24 years." I don't think most Americans would think that was fair and I don't think most Americans would accept it.

I believe that we have to -- once we have secured the border, and I believe that's got to be done with agreed-upon metrics on -- that the government puts together and says -- and certifies, we have met this metric, we have met this

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metric, we've met this metric, then I believe we have to have a six to nine month grace period for people who are here in an undocumented status to come forward to register, to agree to pay fines, to pay back taxes, to undergo a background check, to learn to read, write and speak English and pass a test that they've done so, and go to the back of the line so that they are not being rewarded for having come here in an undocumented status; behind those who are trying to come here legally. And over a time period, they have the opportunity to then get to legal status.

I do not believe that you can strain the English language into saying that that is amnesty. Amnesty is what President Carter gave those who avoided service during Vietnam. I would have let them come back too, as President Carter did, but I would have let them spend two years working at minimum wage in veteran's hospitals caring for those who took their place.

Thank you.

MS. LOFGREN: Thank you very much, Doctor Land.

Father Kicanas.

BISHOP KICANAS: Madame Chairman, I am Bishop Gerald Kicanas --

MS. LOFGREN: The microphone. Yeah, very good. Thank you.

BISHOP KICANAS: I am Bishop Gerald Kicanas, the Bishop of Tucson, Arizona, and Vice President of the U.S. Conference of Catholic Bishops. And I testify today on behalf of the U.S. Catholic Bishops.

I would like to thank you, Madame Chairman, as well as our Ranking Member, Steve King, for holding this hearing today on so critical an issue and inviting me to testify. I appreciate it.

Madame Chairman, in my written testimony I outline at length what I and the Catholic bishops are convinced is the just and effective public policy needed for repairing our broken immigration system. I would like to emphasize this morning what I and my fellow bishops think are some of the ethical and moral issues in this debate confronting our elected officials and our nation.

The immigration issue is often dissected in terms of the economic, social, or legal impacts on our nation. What is not often acknowledged, and frankly is sometimes dismissed, is that immigration is ultimately a humanitarian issue since it impacts the basic rights and dignity of millions of persons and their families. As such, it has moral implications, especially how it impacts the basic survival and decency of life experienced by human beings like us.

Madame Chairman, our current immigration system fails to meet the moral test of protecting the basic rights and dignity of the human person. As the bishop who oversees the diocese along the whole of the Arizona/Mexico border, the epicenter of migrant movement, I witness the human consequences of our broken immigration system in my diocese's social service programs, hospitals, schools, and parishes. Regularly, anxious and troubled immigrants come to ask our priests, employees, for assistance for a loved one, a parent who has been detained, a child who has lost a parent, or tragically, a family member who has lost a loved one in the harsh Arizona desert. We strive as best we can, realizing that unless we change the laws which apply to immigration, we are only providing a band-aid to this situation.

Because of a broken system, immigrant families are being separated. Migrant workers are subject to exploitation by unscrupulous employers, and those attempting to find work by coming north are being abused and taken advantage of by human smugglers. It is shocking to realize that about 5,000 men, women and children have died in the desert since 1998. One such victim was Jocelyn Hernandez (sp.), age 14, from El Salvador. Her and her nine-year-old brother were attempting to reunite with their mother in California when they became lost in the desert. Jocelyn became dehydrated and survived for four days until she died. She was found on the twelfth day. Jocelyn's story, sadly, is being repeated far too often along our Arizona border.

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Madame Chairman, the overwhelming majority of migrants coming to the United States come not for nefarious purposes but to either find work to support their families or to join their loved ones. Once here, they do contribute their work and skills to our country. Yet on their way north, and while in our country, they and their families often are subject to the dangers and abuses that I have mentioned. This is a situation from a humanitarian and ethical standpoint that needs to be addressed.

From a moral perspective, as a nation we cannot accept the toil and taxes of immigrants without providing them protection of law.

Let me address the issue of the rule of law, which is a flashpoint in the debate and to which many immigration reform opponents point in arguing against legal status for the undocumented. The U.S. Conference wholeheartedly agrees the rule of law is paramount and that those who break the law should be held accountable. As our testimony points out, comprehensive immigration reform would honor the rule of law and help restore it by requiring 11 million undocumented to pay a fine, pay back taxes, learn English, and get in the back of the line. We believe that this is a proportionate penalty.

Let me also address the issue of border security, the topic of much discussion recently, especially in our own state of Arizona. Church teaching acknowledges and upholds the right of a nation to control its borders. It is our view that the best way to secure our southern border is through immigration reform. We have spent \$100 billion on immigration, border and interior enforcement. The Border Patrol in the Tucson and Yuma sectors, whose work I deeply respect, are trying their best to address this difficult situation. And I'll close there.

REP. LOFGREN: Thank you, very, very much.

Dean Staver, we'd be delighted to hear from you.

MR. STAVER: Madame Chairman, thank you, distinguished members of Congress, for inviting me to address this important issue of immigration.

I'm Matt Staver, founder and chairman of Liberty Counsel, a national legal organization, policy and education organization. I also serve as dean and professor of law at Liberty University School of Law. Liberty University is the largest Christian university in the world, with over 62,000 students coming from 74 countries. I also meet with and chair an organization called the Freedom Federation that represents some of the nation's largest, multi-ethnic, multi-racial and multi-generational organizations representing over 40 million people in America.

The crisis that the country is facing in Arizona is a symptom and a cry for help. It is an example of our failed immigration policy. However, the Constitution places the responsibility for immigration on the federal government, not on the states; therefore, it is imperative that Congress act sooner than later to reform our immigration system. It is a matter of national security, domestic tranquility and national identity. While upholding the rule of law, we must devise a system that is compassionate and just.

The immigration debate does not belong to a political party or any socioeconomic or ethnic group. It is, in my opinion, a moral issue. We should not allow partisan politics or the difficulty of crafting a solution to deter us from the ultimate goal of fixing a broken system. We must secure our borders, enforce our laws, and then we must deal with the undocumented immigrants who are currently living within our borders.

On the national security issue, this is a national security and a domestic tranquility issue. It depends upon secure borders. Secure borders are not closed borders. Violent criminals and drug traffickers take advantage of open borders. Such criminals are a threat to everyone in every community. We must enforce our laws against those who knowingly employ undocumented immigrants, those who entice them to come here illegally, and those who take advantage of them once they cross the border.

Regarding the undocumented immigrants currently living in the United States, there are essentially three solutions: amnesty, deportation, or earned legal status.

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Amnesty, in my view, flaunts the rule of law; rewards those who break the law; and is a disservice to those who are and have worked their way through the naturalization process. I am opposed to **amnesty**.

Mass deportation, however, is impractical, immoral and unjust. Many undocumented children have come here with their parents. Some children are naturalized (sic) citizens, having been born in America, yet their parents remain undocumented. Deportation in these and many other circumstances would rip families apart, which no fair-minded American wants to do. While undocumented felons or those who have committed violent crimes in America should be deported, we should invite the millions of undocumented and otherwise law-abiding persons living in the midst to come out of the shadows by providing them with an opportunity to gain legal status.

The opportunity for earned legal status should involve a program of legalization, subject to appropriate penalties, waiting periods, background checks, evidence of moral character, a commitment to full participation in American society through an understanding of the English language, an understanding and affirmation of the rights and duties of citizens and the structure of America's government, and an embrace of American values.

We must create a rational and just **immigration** policy which acknowledges that we are both a nation of immigrants and a nation of laws. A just policy would put otherwise law-abiding citizenship -- law-abiding persons on one of three paths: one path leads to pursuing earned legal citizenship or legal residency, one leads to acquiring legal guest-worker status, and one leads back across the border, including a swift process for deportation of undocumented felons or violent offenders.

A just **immigration** policy respects the traditions held by people of many backgrounds that make up America while recognizing the importance of a shared language, history and cultural values. Those who choose legal citizenship should have the opportunity to fully participate in the American dream by removing any barriers to achieving those dreams.

Let me be very clear: An earned pathway to legal status is not **amnesty**. I reject **amnesty**. And I call upon those who label an earned pathway to legal status as **amnesty** to stop politicizing this **debate** needlessly and to honestly acknowledge the difference.

The time to forge a national consensus is now. America is a country of immigrants, a melting pot of individuals from various ethnicities and cultures. America deserves a just **immigration** policy; one that begins with securing, not closing, the borders; one that enforces our laws; and one that offers the opportunity for earned legal status.

The overwhelming attraction of America is her freedom. As the world's standard-bearer for freedom, America's light shines as a hope for those around the world. We must never quench the torch of liberty. We must always stand for the freedom that makes our shores the object of desire for people without hope.

Thank you.

REP. LOFGREN: Thank you very much, Dean.

And now we'd like to hear from Dr. Edwards.

MR. EDWARDS: Thank you, Madame Chairman.

First, I'll discuss key biblical principles that relates to today's **immigration debate**; and second, I'll discuss important implications of comprehensive **immigration** reform.

First, each Christian is bound by a high moral imperative: Love the lord with all your heart, soul, strength and mind; and love your neighbor as yourself. These cornerstone precepts instruct believers personally to love your enemies; to bless those who curse you; to care for the least of these my brothers. It's unreasonable, though, to try to require civil authority to display the same kind of mercy or compassion individual Christians are called to show.

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The God-given role of civil governments is as God's agents to constrain evil within their jurisdiction. Civil authority wields the sword of justice to protect the innocent and punish law breakers. "The things that are Caesars" are concentrated on justice. Public acts of government differ fundamentally from individual acts. An individual, showing mercy, decides willingly to bear an injustice.

It's merciful when a private person turns the other cheek, goes the extra mile, or gives up his tunic as well. But the government can only obligate the members of its society and their common resources. Trying to codify mercy in that way, government can end up imposing injustice upon the innocent. What might constitute an act of mercy, when an individual does it, becomes an injustice when government uses the sword of justice to compel such mercy. Even if well intended, such action is unjust.

Second, we must consider the impact of comprehensive immigration reform on our fellow Americans. More than the welfare of illegal immigrants is at stake. The foremost obligation, legally and morally, of the U.S. government is the welfare of American citizens. The American people would end up the forgotten victims of comprehensive immigration reform. It would put the most vulnerable Americans at risk, including native-born minorities, high school dropouts and teenagers.

We had 21 million unemployed or underemployed native-born Americans as of third quarter, 2009, just a year ago. Comprehensive immigration reform would put them up against many more job competitors, forcing down the wages these Americans could otherwise command. Today, fewer than half of American teens have jobs, compared with two-thirds in 1994. Yearly average wages of native-born men fell 4 percent between 1980 and 2000. For native drop-outs, it was about twice that, 7.4 percent.

Consider vulnerable Americans' unemployment situation as of a year ago. I am citing the broader, U-6 unemployment figure.

For native-born high school dropouts, 32.4 percent; for native-born blacks 18 to 29 years old with just a high school diploma, 39.8 percent; for native-born blacks who drop out of school, 42.2 percent; for native-born Latinos without a high school diploma, 35.6 percent; for native-born Latinos 18 to 29 with only a diploma, 33.9 percent.

There's also the effects on America's current fiscal crisis. Many beneficiaries of amnesty would qualify for many public programs from which they're currently disqualified.

Consider Medicaid. Health reform expanded Medicaid up to 133 percent of poverty. About 3.1 million current illegal aliens would qualify for Medicaid. That's an extra \$8.1 billion annually or 48.6 percent -- I'm sorry -- \$48.6 billion from 2014 to 2019. That's the first budget window.

In short, what comprehensive immigration reform would do unto the least of these fellow Americans hardly ranks as ethical treatment. In closing, scripture doesn't detail a normative immigration policy, thus, we have to exercise prudential judgment.

In 1986, we tried immigration reform that looked much like today's proposals. Within a decade, the illegal population had grown to three times the size of the 1986 level. The enforcement measures failed to secure the border or shut down the jobs magnet. Pursuing essentially the same failed solution would force compassion on our fellow Americans that they can't afford.

Perhaps the most ethical thing Congress could do is to suspend most immigration at least with until unemployment rates drop to prerecession levels.

Thank you.

REP. LOFGREN: Thank you, Dr. Edwards.

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And before proceeding with questions, first, I would like, without objection, to submit for the record the testimony of the United Methodist Church. We didn't have room for everybody who wanted to testify, so that will be added to the record.

Our chairman of the full committee, Mr. Conyers, has arrived, and I don't know if he had an opening remark that he would like to make.

REP. CONYERS: If I could just briefly, Madame Chairman and Ranking Member King, this hearing, I think, is very clearly a sort of a landmark in this discussion, this national discussion that we're entering into. And I'm so pleased that the bishop is here, that the president of the Southern Baptist Convention is here, that the dean of Liberty University Law School is present with us and, of course, Dr. James Edwards. We welcome you all.

And I just mentioned to the chairperson here -- and I haven't talked to Steve King about it yet -- but I just want to put on the record that we might like to meet with you after the hearing itself to talk about how we can expand our discussion beyond the formalities of committee hearings.

And I am so pleased and honored that you'd be with us here in the Judiciary Committee. And if I could, Madame Chair, I'd like to yield the balance of any time -- a few minutes -- to our distinguished colleague from Illinois, Mr. Gutierrez, who's been deeply immersed in this subject as well.

REP. LOFGREN: Without objection, our colleague, Mr. Gutierrez, also the chair of the immigration task force for the Hispanic Caucus would take the remainder of the time.

REP. LUIS GUTIERREZ (D-IL): Let me say to Chairman Conyers, I think your suggestion is well needed. And I would encourage us -- as when we met with the speaker of the House -- to say to the men and women of faith that I think you can save us from ourselves and from our own partisan political bickering. This is a moral issue, and so, therefore, I would suggest that you call us to order and that you convene the meeting so that men and women from this side of the aisle can meet with men and women from that side of the aisle, put it that way.

And you can then discern who is working of good faith in order to achieve the goal that we should as a government.

Now, I want to begin just by saying to Dr. James Edwards, I listened very closely to your comments, and you want to make a distinction between the scripture and civil government, between we as Christians and the civil government. But our government should be a reflection of who we are. What is government but a reflection of the millions of people that constitute that government?

So when you say that the civil government should be different and has a different task, I don't see it that way. I want my government to be the best and the highest of our moral and ethical standards and objectives. That's what I want my government to be. I want it to be a reflection of my values, not distance itself from my values.

And so I'm sorry, I just have to disagree. I think that, as I listen to the panelists and they speak, because what are we talking about? We talk about them in these terms. And, you know, one member said, well, we give money to the Hispanic congregation, and so that means I'm not a bad person. And four out of 10 Mexicans -- well, ladies and gentlemen, why do we always focus the issue of immigration on the Latino and on the Mexican community when we know that 40 percent of the undocumented workers that are in this country came here legally?

As a matter of fact, we can go to the mall today and there are tourists who came here on tourist visa and will not return. There are students that are going to graduate, hopefully not from Liberty University, but there are students who are going to graduate and never return to their country of origin. The fact is there are millions of undocumented workers that cross legally.

And so when we speak about secure the border, secure the border, secure the border, let's be careful about the message that we are sending to America. This is not a fight between the United States and Mexico. Hundreds of Mexicans died this year, in the last 12 months, fighting the drug cartels. Fighting the drug cartels that provide the

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insatiable -- the thirst that this America has for the drugs that come across those borders. We, too, have a responsibility. We, too, have a responsibility for the effect that it's having on the civil society and Mexico and their inability to continue to create and foster.

So I just want to say to all of you, thank you for coming forward, but let's focus on the human being.

One last point if I could just have 15 more seconds.

REP. LOFGREN: Without objection, the gentleman has 15 seconds.

REP. GUTIERREZ: What is important is that we focus on families. Who are these undocumented workers? In my household -- I'm like most Americans where only two out of 10 Americans live with children. You know that in a family house, only two.

And -- but if you look at the undocumented, five out of 10 of them live with children. Of course, if you came to my house at dinner time or on the weekend on Sunday morning, you'd think we still had children because they're always showing up.

But my point is these are families. Think about it. Four million American citizen children of the undocumented. That seven-year-old girl asked the first lady, can you help my mom get some papers. We should respond to that seven-year-old girl by saying, yeah, we're going to get your mom her papers so she can raise the best American citizen child ever in the United States of America.

REP. LOFGREN: The gentleman's time is expired. And because we went to the chair for his opening statement, I'd like to recognize Mr. King for any questions unless you -- to be fair on going back and forth.

REP. KING: I thank the chair for recognizing me. First, I'm looking at the numbers of people we have on our side of this, which looks like two, and I look down this end and I see a lot of the Democrats that are eager --

REP. LOFGREN: So you're declining?

REP. KING: -- three witnesses, and one witness here. So I'd like to defer to the chair --

REP. LOFGREN: That is absolutely fine. I will go first then.

Let me first thank all of you for your testimony. It's thoughtful and informative. And I'd like to give my first question to you, Dean, because not only are you a faith leader but you've argued twice before the Supreme Court and you're dean of a law school.

And I was interested in your comment that -- in your written testimony, that you reference in your oral testimony -- that there is a difference between providing amnesty and providing a path to status, and that we need to stop the debate from being unnecessarily politicized.

We all believe that the laws need to be obeyed, but we make the laws. And I remember in 1996, we changed immigration laws retroactively.

I mean, we made it the case that someone who was here -- and I've run into these situations, where someone who was brought as a child to the United States really was raised in the country, and now they've married, you know, their high school boyfriend and they're a married couple. And yet that woman has to leave the United States and leave her husband for 10 years under the law we passed. That was retroactive.

So I'm wondering if you could talk to us about the rule of law and how the Congress has an opportunity to make changes to have a more rational set of laws as well as the amnesty question, how we might get a grip on that question that's constantly thrown about.

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MR. STAVER: Thank you, Madame Chairman. Certainly as dean and professor of law at Liberty University School of Law and also founder and chairman of Liberty Counsel, a legal organization, and a practicing attorney, I support strongly the rule of law. We obviously must be a nation of laws and of rule of law. So I believe that this issue is critically important that we do support our laws.

Amnesty, however -- that has oftentimes been used as a hot-button flash word, and I believe that's what it oftentimes is used, to simply politicize this debate and shut down any rational discussion of this debate -- should ultimately be defined. Amnesty is what Dr. Land said Jimmy Carter did, President Jimmy Carter, with those who avoided the draft in Vietnam. Amnesty is what President Ronald Reagan did in 1986 with the immigration issue. Amnesty is complete forgiveness without any consequences whatsoever. That's amnesty.

What I propose is something different. And the reason why I propose that is because of several factors. I propose first of all that you have a pathway to earn legal status, whether that is citizenship or temporary residency or worker visa status. Something that would be earned, not just simply given, not something that would be guaranteed but something that would be an opportunity to those who are here.

We often times get into this debate and we forget about -- we talk about securing our borders, I think people agree we need to do that. We talk about enforcing our laws, people agree we need to do that, but then they forget about the 12 million or so people that are here. We've got to deal with them, we cannot just simple starve them out, hope that they'll go away. We've got to deal with them and bring them out of the shadows. These are individuals like you and I that want to pursue the American dream.

But sometimes our laws have ultimately put a barrier between that and that goal. I propose a pathway to earn legal status, and that includes those various items that I mentioned, penalties, all of the other items going to the back of the line and so forth. That is different than amnesty, and if you look at any law, for example, there is not a cookie cutter penalty for any law that we have.

For example if the government were to entrap someone to break the law, the penalty on the government is complete victory for that individual who was entrapped. In other situations where we have different kinds of gradations of violations, we don't give everybody the same penalty, whether it's civil or criminal penalties, we tailor it based upon the individual.

REP. LOFGREN: Right.

MR. STAVER: But in this case, to just simply deport everybody is immoral and it's not consistent with the rule of law. I propose that we have something that deals with this, upholding the rule of law, but compassionately and justly deals with those who are here within our borders.

REP. LOFGREN: Thank you.

Dr. Land, you have spoken out today and also before today on the issue of immigration reform. And I understand, and as a matter of fact gave you a flyer that my office got yesterday, that some are suggesting that, you know, they supported you before you spoke out but that now maybe you don't actually speak for the peers in your congregation. Can you -- I mean, do you speak for the Southern Baptists, do you think?

REV. LAND: Well, no one speaks for all Southern Baptists --

REP. LOFGREN: Well that would be true for all Catholics as well.

REV. LAND: -- the old -- (inaudible) -- wherever there are two Southern Baptists there are at least three opinions. (Laughter.) But I think it's clear that I speak for a majority of Southern Baptists. In 2006, Southern Baptist Convention the last time the Congress was debating this issue, passed a resolution overwhelmingly, 95 percent-plus vote, and you understand that when the Convention passes a resolution, those are elected messengers from the 44,000 churches. Each local church elects its messengers who go to the convention and vote their conscience.

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And I think any fair reading of that resolution is a policy that secures the borders and then finds a way toward legal status, an earned pathway toward legal status.

Now I've had some in the press who have said well, we think -- or how do you know that Southern Baptists agree with you? Well I decided to test that theory, I presented what I've argued as a fair and just policy to our Southern Baptist Convention in Orlando in June. I have a reporting time during the time of the convention and I gave that, what I presented today in more detail, and it was very enthusiastically supported by the messengers that were there. And these are the most involved, the most faithful Southern Baptists.

You have to understand that about -- you know, we have hundreds of thousands of Hispanic Southern Baptists, many of them undocumented, who have come here to the United States. And I don't think it's a secret that Southern Baptists are evangelistic, which means that we will witness to anyone that will stop and listen to us. And so as a consequence, many of those undocumented workers have become Southern Baptists and members of Southern Baptist churches and leaders in Southern Baptist churches during the last two decades.

And in fact I had the privilege of speaking to the Southern Baptist Hispanic caucus in Orlando during our convention, and of course they were very supportive of this. They were very supportive of what I've laid out, including an earned pathway and going to the back of the line, et cetera.

And, I would hasten to add at last, I'm elected, as you are, by Southern Baptists. And our convention has fired two agency heads in the last five years, so they know how to do it, and they're not bashful about doing it if they think that I'm not speaking what most Southern Baptists believe.

REP. LOFGREN: Thank you very much.

I recognize Mr. King now for his questions.

REP. KING: Thank you, Madame Chair. This would be an interesting conversation to carry on in a setting where we could point, counterpoint -- but I appreciate all your testimony here.

Maybe start with Reverend Staver and the statements that you've made about the word amnesty politicizing this, and you prefer that we not use that language at all. Of course it is in our dictionary and it is in Black's Law, and that you recognize that definition when you state that that is how -- it has one definition of it, and Reagan signed the amnesty legislation in 1986 with a promise that there would never be another amnesty and that there would be full federal enforcement. And I reacted to that as an employer, I've got my I-9 forms from probably all the way back to '86 still in my files.

But I submit this, that we do need to define amnesty in a way with more clarity than using examples. And I would define amnesty this way, and I have for years, and it's this: to grant amnesty is to pardon immigration law breakers and reward them with the objective of their crime. And I just submit that definition to you and ask as a lawyer and attorney, as a pastor and as someone who's studied this thoroughly, how you would react to that definition, a pardon for immigration law breakers coupled with the reward of the objective of their crime.

And we don't know whether their objective is to obtain citizenship or a job or to do some of those things that we all object to in this discussion.

MR. STAVES: Congressman King, that definition would not be consistent with the rule of law, it wouldn't be consistent with the definition that is in Blackstone or Black's Law Dictionary. Amnesty would be forgiveness, complete forgiveness where you have absolutely no penalty. That's what Ronald Reagan did. I don't support what Ronald Reagan did. I don't suppose that that is what I am proposing here.

I'm not saying don't use the word amnesty, but use it when you really talk about amnesty.

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REP. KING: Then I would submit then, Reverend, that the path that you've described here as pay a fine, pay the back taxes, learn English, that those things are designed to provide the objective of the person who had already broken the law. Whether it's a fine that is less than one pays a coyote to be smuggled into the United States, learning English is something that helps one in this path in this country -- I don't see that as a penalty or any kind of recompense for breaking the law. And at least 60 percent of them are actually -- they violate, they commit the crime of crossing the border illegally.

MR. STAVER: With all due respect, Congressman King, if we just simply -- we really have three options. Deport everybody, give them all complete forgiveness with no consequence, or deal with them somehow. I think it's impractical and impossible to just simply deport 12 million. And in fact if you do that, you will tear apart families. You will tear apart families where the children are legal and the parents are not. You will tear apart families or people who have no idea what their home country is, cannot even speak the language of their home country, and I don't think any of us want to see those kind of --

REP. KING: Well, let me submit this.

What I'm suggesting we do is that people who break our laws, we put them back in the condition that they were in before they broke the law.

And I turn then to Reverend Land -- and I appreciate your testimony as well -- and the example you use is if we had, let's say, video cameras up and were able to record speeders for 20 years and then we would send them all a ticket for every time they'd speeded.

I would argue that there's another viewpoint on that. And what I'm hearing advocated here -- some of the members of this panel at least -- is that I'd use this other metaphor that, well, no, let's grant them -- however our definition is, and I'll stick by mine, on amnesty -- but we're going to do this. We're going to give people a pass for all the times that they speeded, but they didn't have a driver's license. And we're going to give them not only the driver's license, but we're going to let them then speed the rest of their life as well.

That's what I think is the real metaphor here -- the difference between granting amnesty and calling this something equivalent to a traffic violation from some years ago.

REV. LAND: With all due respect, the one thing that you didn't mention that Mat and I did mention was going to the back of the line. That they go to the back of the line, behind those people who have been and are trying to come here legally so that they pay a penalty of going back to as if they were just coming into the country.

REP. KING: Where does that line form, Reverend Land? Where does that back of the line -- when they go to the back of the line -- physically, where are the people that go to the back of the line?

REV. LAND: Well, you know, I'm very impressed with the U.S. government's ability to keep records. I've been audited once and I was very impressed with their recordkeeping.

REP. KING: Me too! (Laughs.) Actually, more than once.

REV. LAND: By the way, I came through okay, but it was an interesting experience. It focuses your full attention.

I think we've got a broken immigration system that needs to be fixed and it's your job to fix it. So you need to decide where that line forms. It forms in government recordkeeping that you have to -- you go to the back of the line. You registered on this date. You came forward during the grace period and you registered on this date and you agreed to pay these fines; you agreed to pay these back taxes.

REP. KING: Reverend, I'm watching our clock, I'm sorry, but watching our clock. That line, actually, is still in the United States.

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REV. LAND: Yes, sir.

REP. KING: People don't go back to their home country. The back of the line is actually in the other countries where people are waiting to come into the United States of America. And that's my point.

I just briefly then ask Bishop Kicanas this question: You testified that about 5,000 people lost their lives in the Arizona desert during a period of time -- I believe 1998 till present. And that is tragic, and I share that sense of empathy that you have expressed in your testimony.

But I'd ask if you have contemplated or if you know the numbers of Americans who died at the hands of some of those who did make it across the desert as victims of crimes, and that are part of the drug culture that we heard from Mr. Gutierrez and just part of the violence that comes within the about 4 million a year that try at the border.

Do you know how many Americans died at the hands of those who made it across the desert?

BISHOP KICANAS: Well, there's certainly -- true to say, Congressman, that some who enter this country do so with criminal intent and act in ways that harm others, but that is clearly not the majority of those who are entering this country illegally. The vast majority of those are good people who are looking for a decent way of life for themselves or their families; who want to contribute to the community; who want to add to the live of the society. And it's that individual that is of concern.

Certainly, a person who comes here with criminal intent or who harms another person -- this is something that the law must address and needs to address.

I was humbled to be able to celebrate the funeral mass for Rob Krentz, the rancher who died in Cochise County. There were 1,200 ranchers present for his funeral. It was a sad and painful moment for Susie, his wife, and for the whole family and for the whole community. This is tragic.

Now, we don't know exactly yet what happened, but perhaps it was a drug smuggler, and that is an unconscionable crime that needs to be addressed, that needs to be dealt with fairly and justly.

On the other hand, the person -- if it were a drug smuggler or a migrant who perpetrated that crime -- that is not characteristic of the numbers of people who are crossing the border. It's an entirely different situation.

REP. KING: You recognize the American victims are multiples of the 5,000 that you testified to, I think -- (inaudible) -- Bishop. I thank you very much.

Thank you, Madame Chair. I yield back.

REP. LOFGREN: The gentleman yields back.

I recognize Mr. Conyers, the chairman of the committee, for his questions.

Oh, I think Mr. Conyers is deferring to Chairman Berman, who's recognized for five minutes.

REP. HOWARD BERMAN (D-CA): Well, thank you, Madame Chairman; thank you, Chairman Conyers.

Dean Staver, I -- this issue of what is amnesty and what is not -- what Jimmy Carter did was a blanket amnesty. It defined a group of people and said, they're okay, notwithstanding what they did.

The 1986 law that Ronald Reagan signed turned out to be seriously flawed, not because it gave a blanket amnesty. It required individuals to apply, to pay money, to take English language courses. It didn't have all the features of what we talk about now with earned legalization, but it was a specific, individual-generated legalization program that conferred a temporary status before it confirmed a permanent resident status.

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The flaws were that it didn't -- while it attempted to in terms of increasing Border Patrol numbers, it didn't, quote, "secure the border". It didn't deal with the population that Mr. Gutierrez referred to that comes on student visas or tourist visas and then overstays and melds into the society. And most of all, the I-9 forms that Mr. King keeps in his files were not a substitute for an effective process of requiring employers to verify the status of their workers. And so we have a problem compounded at this particular time.

You mentioned three alternatives. There's a fourth alternative. It's the alternative we seem to be locked into, which is railing about the issue and leaving the status quo with all of the problems that exist, including the exploitation and the continued magnets that exist and created this situation.

But Dr. Land, I really did appreciate your testimony and I take your point. It doesn't deal with that part of the population that my colleague Mr. Gutierrez referred to, but it's certainly a significant part of the issue -- the control of the border. The problem is -- and the securing of the border.

I did not take what you were saying to -- we now spend greater time and effort to figure out how to truly secure the border. We know all kinds of efforts have been taken. We know to some extent it is far more difficult to cross the border now than it used to be. I took your comments to mean a logical process, as we pass legislation, that focuses at its initial stages on an effort to do better at the border, that you create metrics and tests for determining when that's met.

And when that test is met, a process that allows -- and you, at the same time, implement the kind of employer verification system that tells people about legal status and when that system is designed and ready to be implemented, you allow a process where people, under the test that you've outlined for an earned legalization program -- payment of fines, tax issues, back of the line -- comes into being.

It isn't that you -- because sometimes people use the argument "secure the border" as an argument to do nothing else now. And so my -- I just want to clarify that your notion is a total scheme that puts that as the first test, but then at the point where it's reasonable to conclude that has been achieved, these other operations move into effect.

REV. LAND: Yes, sir. I think that the effort last time -- as noble as it was, in 2006 -- has shown us there's not a sufficient trust level to do this simultaneously, so you're going to have to do it sequentially. But you can do it in the same law.

You can have a law that has border security. And once those metrics have been judged as having been met, then it triggers the second part of the law, which would focus on the pathway to earned citizenship or legal status.

And I think that part of border security is going to have to be -- we're going to have to have really much tougher laws on those who exploit undocumented workers by employing them illegally.

And you have to take away any excuse they have, and so I'm going to get really radical here. I'm going to suggest that what we really need is a tamper-proof, biometric Social Security card for everybody who wants to be employed in the United States.

Because if you -- and look, I know people get all upset about national --

REP. BERMAN: I don't.

REV. LAND: But we all have a Social Security card. I mean, when I go teach for my best friend at Southwestern Seminary, I have to show him my Social Security card before they can employ me. So we all already have one.

And if you had a biometric, tamper-proof Social Security card, this would lessen the pressure on the border. Because if they managed to get across, if you told the employers they're going to get a -- you're going to get six months in jail if you hire somebody who doesn't have that card, they won't be able to survive.

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REP. BERMAN: I think my time is expired.

REP. LOFGREN: The gentleman's time is expired. I would recognize the former attorney general of California, a colleague, Dan Lungren.

REP. DANIEL LUNGREN (R-CA): Thank you very much.

As the person who was the Republican floor manager for Simpson- Mazzoli in '86 and got the Republican votes to pass it, I recall very well the discussions and the long period of time we had in passing that bill.

I must say, however, for my friend from California, it did apply to those who entered this country legally and whose legal status was overstayed, so long as that illegal status occurred four years before the date of the bill.

So -- yes?

MR. : My point wasn't that it didn't apply. My point was nothing in that bill dealt with trying to remedy that problem from continuing to happen.

REP. LUNGREN: Well, all right. The point I'm trying to make is it applied to all people who were in illegal status four years before the signing of the bill.

So my first question would be to all of you, and hopefully, just short answers. To whom should this apply -- someone who's just gotten over the border? Someone who's been here six months? A year? Two years, three years, four years, five years?

Because our argument back in 1986 was that as a matter of justice we felt that those people who had gotten -- put down roots in the community ought to be treated differently than those who had not. So if I could just ask you, one, two, three, four -- well.

REV. LAND: Well, that would be for you to determine.

REP. LUNGREN: No, no, no, no. I'm asking what is your opinion.

REV. LAND: Well, I would say that you would have to have a sliding scale.

REP. LUNGREN: Well, where would it start?

REV. LAND: Those who've been here 20 years, for instance, would have less of a time of waiting, and they would move up. And you'd have to set that as some arbitrary date.

REP. LUNGREN: I know. I'd like to know what your opinion is. When does someone have sufficient roots in the community? One year? Two years? Three years? Four years?

MR. LAND (?): That's probably above my pay grade, sir.

REP. LUNGREN: All right.

Bishop?

MR. KICANAS: (Off mike.)

REP. LOFGREN: Could you turn -- yeah, your microphone.

MR. KICANAS: Reform means to bring people out of the shadows. And to the extent that we can do that comprehensively, that would be our encouragement.

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REP. LUNGREN: So I guess you would say if they've been here a day?

MR. KICANAS: Certainly there should be some cut-off, and I think that would be up --

REP. LUNGREN: Well, what should that be?

MR. KICANAS: I would say a minimum of perhaps a year.

REP. LUNGREN: Sir.

MR. STAVER: Congressman, I don't have a magic bullet as to when that time would be, but I would agree that there would be some kind of sliding scale.

However, because that is a difficult question -- and there are many difficult questions -- that question alone and any others that we face should not be used to obfuscate or delay our passage of some kind of --

REP. LUNGREN: With all due respect, sir, I'm not asking to obfuscate. This is a very difficult issue. I spent 10 years trying to get it done the first time around. And these are the difficult things we have to do.

MR. STAVER: I --

REP. LUNGREN: And when you're talking about trying to have a balance between what you say is fair treatment for those who've been illegally -- that is, immigration, illegal immigrants -- and the rule of law, you have to determine that.

And so my question is, do you think that is a public policy issue we have to deal with? That is, should there be a differentiation between people who've been here five years and just got here, number one. And number two, do you not understand that if you make it so close to the time of illegal entry, it encourages others to come in the future, and you will never have a permanent law?

MR. STAVER: No, I agree with you on that point, clearly. And certainly I think you do need to have some kind of scale and you have to be careful that if you say you're going to provide this that you don't have all of a sudden a flood of immigration that's illegal that people want to take advantage of what we're trying to address here. And it makes the problem --

REP. LUNGREN: Let me ask this question of the three of you. When we passed this law in 1986, we made the statement it would be one-time-only because we thought it was a one-time-only phenomenon. And that one of the reasons we did that was we did not want to encourage continuing illegal immigration.

And we were afraid that if it were viewed as a sequential thing -- we do one now, we do one in 20 years, we do another one in 20 years -- it would defeat the purpose of securing the border. Do you understand that, and is that something that we ought to be concerned about?

Doctor?

REV. LAND: Yes, sir. That's why I said border security first. And when I mean secure the border, I mean you have control of the border. You decide. You --

REP. LUNGREN: How do we answer the question that we did this once before, said it was going to be the only time we did it, and now we're doing it again?

REV. LAND: Well, the federal government didn't enforce the law, and they haven't enforced the law for 24 years. That's what's bred disrespect for the rule of law. Under Republican and Democratic administrations, our own federal government has chosen not to enforce its own laws.

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REP. LUNGREN: Bishop?

MR. KICANAS: Illegal immigration is not good for anyone. It's not good for the person crossing the desert at risk to their own life; it's not good for a country not to know who is crossing its border.

So definitely, if there is an earned pathway for those who are here, it will provide then legal entry, if there is a worker program connected to the reform, so that there is a legal way for people to come.

REP. LUNGREN: Should that worker program allow them to bring their families with them, or should it be a temporary worker program in which they come to the United States for, let's say, 10 months out of a year but must return to their home country after 10 months, although they could then return in the following year?

MR. KICANAS: The church has always been insistent on family integration, and the separation of families is not helpful. It's not helpful to the family; it's not helpful to the society. So to whatever extent possible, family should be kept together in a worker program, if that's feasible.

REP. LUNGREN: So they should be treated better than our men and women in the armed forces, who are separated for 10, 12, 18 months' deployment?

MR. KICANAS: Well, that's an entirely different situation.

REP. LUNGREN: Well, I understand --

MR. KICANAS: It's not analogous, really.

REP. LUNGREN: The other thing I just asked you is do you recall the SAW program and the RAW program -- the Seasonal Agricultural Worker program and the Replenishment Agricultural Worker program -- in the 1986 law?

Do you think that worked well?

MR. KICANAS: I know that there are concerns in terms of, for example, in Yuma, which is a huge agricultural workforce, and the need to bring workers over the border. And there's been great concern about the fact that they have to build housing and they have to find a way to retain people when really the intention of people is to go back home. They want to be back home with their family.

REP. LUNGREN : Well, that has a different -- the only thing I'm just trying to mention for you and for my colleagues is we put a seasonal agricultural worker program and a replenishment agricultural worker program in the 1986 law as opposed to a specific temporary worker program.

Unfortunately, the SAW/RAW program had the greatest amount of fraud of any program I know, and we were not able to police it. And many people made assertions that they had worked in agriculture during the period of time we required who hadn't, and it became a back-door way of getting in the United States even though you didn't have -- you didn't meet the qualifications.

And I know I've overstayed my time. I just want to say this, though.

As we talk about treating people fairly, I have to also think about the people in Mexico, the people in Africa, the people in the Philippines, the people in Europe, the people all over the world who have followed the law.

In the 1970s we changed our law to have a worldwide quota system which was supposed to mean that everyone had an equal chance to get in the United States. And when you have rampant illegal immigration, significantly, from any portion of the world, it makes it unfair to those who have waited in line.

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And I have to say this: As we go forward -- and I hope we do do something -- as we go forward, you should also think of what it does or says to those people who followed the law, who've been waiting 10 years, 20 years in the Philippines, to come here, in Africa to come here, in Mexico to come here.

And what does it say to them if we say, you were the saps, and those that broke the law and came here are, frankly, going to be treated differently? And I'm not saying that's the answer, but I say we also have to understand what fairness, what justice means to those who did follow the law.

Thank you very much.

REP. LOFGREN: The gentleman yields back. I understand that Ms. Jackson Lee is prepared for her questions and would be recognized for five minutes.

REP. SHEILA JACKSON LEE (D-TX): Madame Chair, thank you so very much for this very important hearing.

I could not acknowledge that the clergy here today without acknowledging in my hometown of Houston, Cardinal DiNardo, Reverend Clemence of the National Baptist Convention and Bishop Kyles, among many others who have led a very potent and important convening of souls who have supported and understood the ethics and the humanitarianism of real, comprehensive immigration reform. And I'm humbled by the sincerity of my colleague from California and I believe that he is sincere, but I think it is important to, maybe, go against the grain of a familiar refrain in a song that says, as I remember, tiptoe through the tulips. And I think that we are tiptoeing through the tulips.

I would adhere to the fact that once a law is passed we should be meticulous in how it's implemented. Reverend Land, I believe that your controversial statement to some should be on the table. But we must have it on the table where we can all discuss it in an implementation and so that you can here the cons from those of us who may not agree and we can here the fors. But the good news would be that we have moved forward.

I worked for a very large nondenominational church to give them relief for one of their Evangelistic workers who didn't meet a standard to get a visa to be able to come in. And we attempted to change the law, I think we worked on it because it said a Catholic for a Catholic, a Baptist for a Baptist, and we said it should just be a religious worker so that people could come in and help to save souls.

But the greatest impediment for passing legislation, and I refer to legislation that I have, Save America Comprehensive Immigration Act, and I refer to one that has drawn many, many sponsors, H.R. 4321, I call it Ortiz-Gutierrez, which you would be shocked, maybe you've read it, please read it. It has pages and pages of border security provisions; ones that if you took a moment to read it you would understand that we are reasonable, we're responsible and we're compassionate.

So the one major impediment is the Republican Party. Every single Republican is committed to denying, denouncing and ensuring that this president fails on immigration reform, that this Congress fails on immigration reform and you tell me, how do we overcome that kind of mindset? Nothing you could say here today -- you could take wings and fly around this room -- you could create the opportunity -- and President Land is looking for the opportunity to fly. As they say, let me fly where the eagles fly. You could fly with the eagles and you would not get them to get past the political schism that they have.

Let me share with you some numbers that I want to put into the record: 1994, 6.9 percent; 1995, 5.59 percent; 1996, 5.41 percent; 1997, 4.94 percent; 1998, 4.5 percent; 1999, 4.22 percent; 2000, 3.97 percent; U.S. Department of Labor unemployment figures. I was a ranking member of the Immigration Subcommittee during that period when Republicans were in charge under Newt Gingrich and under the subsequent Speaker of the House -- we could not move immigration reform and we had the lowest unemployment that we could ever have. It bothers me now to use the excuse of unemployment for that.

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Could I ask the clergy quickly to -- and if I could start with President Land. What do we do about Senator McCain and Senator Graham who committed to us to work together in a bipartisan way. I don't think this should be a single-party issue; it should be an issue for America. And let me remind everyone that the idea of immigration reform is to take care of everyone stranded here in this country.

President Land, what should we do with that mindset that no immigration reform will pass as long as I'm a Republican in the United States Congress, which I am not.

REV. LAND: Well, I think, Congressman Lee -- and my home -- you represent my hometown of Houston. And --

REP. JACKSON LEE: Good to see you.

REV. LAND: And the Texas Pastor's Council just -- it had a press conference last week -- issued a statement on comprehensive immigration reform, signed by a lot of conservative Baptist pastors and was a multiethnic statement dealing with the Texas legislature and their attempt to implement some form of the Arizona law -- and I know some of those churches -- those churches are filled with people who vote Republican. I think, frankly, the country is ahead of you on this issue. I think, with all due respect, the country is significantly ahead of you on this issue.

REP. JACKSON LEE: Excellent.

REV. LAND: And they're waiting for leadership. They're waiting for statesmanship. I believe that there is -- there is -- the foundation and building materials and the blueprint for a centrist comprehensive immigration reform package is there. It's out there in the country waiting to be constructed by -- by people who are willing to be statesmen. As you know, Churchill said, politicians think about the next election, statesmen think about the next generation.

This issue is rending the social fabric of the nation. I think the Arizona Law and the attempts to implement the Arizona Law in other states shows this. There's great frustration with the lack of federal government comprehensive immigration reform and the federal government enforcing its own laws. It breeds disrespect for the rule of law when the federal government ignores its own laws. And I think any fair observation of what's happened over the last 24 years is that more often than not our own federal government has just ignored its own laws when it comes to border security and when it comes to immigration enforcement. And this -- understand as well that we as a nation bear some responsibility for that because we are a government of the people, by the people and for the people.

We have had at least two signs up at the border for at least the last two decades: one says no trespassing and the other says help wanted. The vast majority of these people have broken the law in order to come here and work --

REP. JACKSON LEE: Absolutely.

REV. LAND: -- whereas our domestic lawmakers break the law in order not to work. And they've been able to do it because the jobs are there -- and by the way, I've seen studies that show undocumented workers lower the wages of those at the lower end of the wage scale by approximately 10 percent -- all workers -- documented and undocumented so that if we had comprehensive immigration reform, it would have the impact of raising the wage scale by about 10 percent at the lower echelons where 10 percent makes a real difference. And it would make a real difference in the, in the living standard of those who are in the lower echelons of our society.

So, what I'm doing is I'm saying this is not an issue of right and left, it's not an issue of Republican and Democrat, it's an issue of right and wrong. And encouraging people to talk to their congressmen and talk to their senators -- I didn't even know about what the Texas -- the Houston Baptist pastors were doing --

REP. JACKSON LEE: Yes.

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REV. LAND: -- until they informed me. And they said thank you for your leadership in Orlando, and we're going to respond to what, what's being attempted in Austin. And I can assure you, that the churches -- that the pastors that are there -- a significant majority of them vote Republican.

REP. LOFGREN: The gentlelady's time has expired.

REP. JACKSON LEE: I thank you very much.

REP. LOFGREN: The gentlelady from California, Ms Waters is recognized.

REP. MAXINE WATERS (D-CA): Thank you very much, Madame Chairwoman. I appreciate you holding this hearing today. It's very important that we create a discussion and a debate about immigration reform. And it's very important that the government accepts -- federal government -- its responsibility on immigration reform.

I am pleased that we have witnesses here today, and several times I've heard my colleagues talk about trying to create a reasonable discussion of where Republicans and Democrats can get together and really talk about this issue in ways that will help to solve the problem. But I'm finding, as I learn about some of the reasons for opposition to immigration reform, is that we are so far apart philosophically that I don't know how we are going to be able to really get together and have this debate and this discussion.

Let me -- I was intrigued by the testimony of James R. Edwards, Jr., Ph.D., today and this discussion about the ability for Christians to display and implement compassion and mercy but that governments can't do that. That governments should not attempt to use this civil responsibility in that way.

That it can be more harmful than not.

Let me find out a little bit more to (ask my staff ?) find out who this gentleman is. As we understand it, you served a fellow at the Center for Immigration Study, is that right?

MR. EDWARDS: Yes, ma'am.

REP. WATERS: Are you familiar with the case of Eduardo Gonzalez?

MR. EDWARDS: No, ma'am.

REP. WATERS: Eduardo Gonzalez I guess has been deployed on his third tour of duty with the U.S. Navy, and he has or will be serving on the USS Harry Truman in the Persian Gulf. His wife is not a U.S. citizen, and his child, and they face deportation and their deportation was advocated for and sought out by the center where you did your studying, where you were a fellow. Do you support that kind of deportation of the family of someone who is deployed to serve to protect the United States of America?

MR. EDWARDS: Well not knowing the facts of that specific case, I hesitate to comment directly on that, but I would say in general that there are elements in the law that allow exceptions in certain cases, and that might may well qualify as the exception.

REP. WATERS: The center advocated for his deportation. Do you believe that someone who serves in the United States Armed Forces should have to worry about their family being deported because they are not -- the wife, the child are not citizens? Do you think that's right? Or is it, government should not be compassionate enough to consider the plight of the wife and the child, because that's not our role, as you have articulated in your testimony about the role of government or the --

MR. EDWARDS: What I've said in the testimony is that it's clear from Scripture that the role of government properly is more on the justice side. And certainly we have elements of compassion or mercy that play out in our, that are reflected in our government, which I would agree, as Congressman Gutierrez noted earlier, that should be reflected

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to an extent. And things such as in general where it applies very even-handedly, such as the role of due process or punishment that fits the offense, things --

REP. WATERS: In your testimony, if I may, in closing, this is what you say. "It would be unwise to misapply biblical principles in any public policy area. This is true with respect to immigration. Immigration," you say, "is one of those issues in which Scripture does not detail a normative public policy. This issue differs from clear-cut biblical precepts such as prohibiting murder, stealing or perjury." Thus, you say, we have to consider such biblical principles through appropriately apply -- carefully -- "thus, we have to consider which biblical principles do appropriately apply, carefully assess the situation at hand, consider this nation's experience and unique characteristics, judiciously estimate -- (inaudible) -- barriers, policy options and then exercise prudent judgment."

Okay. I'm clear about that. That puts us a long way apart. And let me tell you why, particularly with this separation issue. I'm in the process of reading three books right now. One is known as "The Known World," the other is known as "The Wench," and of course I'm reading the biography of the British legislator and abolitionist Mr. Wilberforce. All of these books are about slavery. And I have decided to spend a lot of time trying to understand not only what took place during slavery but the implications of that even today.

One of the most vicious and heartwrenching components of slavery was the separation of families, where children were sold off, where fathers were sold off. And when we look at this immigration issue, it emerges again that families could be separated, children could be separated from their parents, what do you think government's role is in looking at this family situation where families could be separated? What's the role of Christianity, what's the role of religion in looking at this and what is government's role?

REP. LOFGREN: The gentlelady's time has expired. By unanimous consent, we'll grant the gentleman 30 seconds to respond.

MR. EDWARDS: Where do I start? In general I'd say that -- (laughs) -- there's a distinction between those who knowingly broke a law and took a chance and would be separated by their family if they were caught and held to certain -- whatever consequences, be it imprisonment or whatever. I mean, it's the same story as an embezzler, or any other person who breaks the law would be separated from their family members.

The person who comes here as a lawful permanent resident played by the rules and is separated because of the quota, waiting the turn of his spouse and minor children, because the citizens who came here before him are joined more quickly with their more extended family members. To me, that's a family separation issue of greater import to the government and it would be more compassionate to join the spouses and minor children than to prioritize more distant family members.

REP. LOFGREN: The gentleman's time has expired. I know Dr. Land has to leave in about 15 minutes, so I'm hoping we can get to all our members.

REV. LAND: (Off mike) -- say that attached to my testimony that was submitted to the committee, in Appendix 5 is principles for just immigration reform where we try -- Dr. Barrett Duke, who has a Ph.D. in Old Testament studies and I who have a Ph.D. in theology try to take the biblical teachings and apply them to what we perceive as being an ethical immigration policy. And it's much too long to go into, but I would refer you to it.

REP. LOFGREN: Thank you, and we will commend that to our committee.

Mr. Gutierrez is recognized for five minutes.

REP. GUTIERREZ: Thank you, Madame Chair.

I want to go back to Dr. Richard Land. Tamper-proof biometric Social Security card, it's in our bill. We want to make sure, because I agree with you totally. You want to end illegal immigration, tell them they can't get a job in

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America. Now I'm saying that, I'm about as pro-immigrant as you can get. Tell them they can't get a job in America. That we're going to end illegal immigration and we're going to end it once and for all.

Let's not -- let's just confess to ourselves, 1986 was a good start, but it was a flawed bill. And it was in essence amnesty to the extent that people applied and you'd been here for years, you show up at an office, you go through a quasi-background check and guess what, 18 months later you go from temporary resident to permanent resident. The law was passed in 1986. I got elected to Congress in 1993. In 1994, I started the beginning of a process that brought out 50,000 people in my district to become American citizens, from what? From that bill.

So you see how quickly people went, from 1986 -- they didn't open up the first office until 1988, but by 1994 they were already applying for American citizenship. That's pretty much -- that is not what our bill says today. What our bill says today, you have to go to the back of the line. People keep -- they make fun of this back of the line. It's nothing to be made fun of. The back of the line is a long time away from you ever becoming an American citizen and gaining permanency in the United States of America.

Because what we do is we're family friendly. So we say all of those people that are waiting in line, during the next five years they will receive their visas. In the next five years in any comprehensive bill, you must take -- it is immoral, wrong, unethical to make someone wait 25 years to bring their brother to America when we know that they're on the verge of dying, that their life is all but done. That's not our law. Our law is to bring families together.

So what we say is let's put them. And once everybody that's in line and has been waiting lawfully in line is taken care of, then you begin with those that are undocumented, but you place them somewhere in the line. And all I want to say to everybody is think about it a moment. Think about it a moment.

Think about it a moment. Think about it a moment. If we create a system that doesn't allow people to ultimately become American citizens, aren't we undermining our country? Isn't that what we want is people to come here to invest themselves not only economically but socially but in terms of their heart and their soul by saying this is my country and adopting the United States and following that position?

That's why we're not like other countries. That's why America has become the cemetery of so many foreign languages. Think about it. Germans came, buried German, right? No. Polish came, we buried Italian. We just keep burying languages.

And English continues to be the language of the nation. One after another, why? Because we've allowed them to integrate themselves fully.

So this is really -- I want to thank you all because this is really -- because we agree with you. Biometric -- I love when leaders of our faith-based community begin to speak simple, clear facts. We need a tamper-proof biometric. We need Dr. Land and Bishop. We need to make sure we secure that border and do everything.

And if we need to get metrics to figure it out, let's figure out what those metrics are so that we can secure that border. But we need to secure everything totally. So we agree with that.

We need to punish those employers that exploit them. We agree. Every Democrat here on this side is ready to put them to jail for long jail sentences if they hire undocumented workers and illegal workers in this country.

Now, after hearing all of this, you say, well, Luis, what's the problem? You're for securing the border? You're for a biometric card? You're for putting employers in jail? That's going to be the solution to ending illegal -- what's the problem, Luis?

The problem is what do we do with the 12 million undocumented workers that are already here. And you know what? You've heard it again here today. So I want to thank -- especially, I want to thank the Reverend Mathew Staver. It isn't amnesty, but you know what they've done with amnesty? They changed it from a seven-letter word to the dirtiest four-letter word that can be.

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And if today were Halloween, instead of kids knocking on their door and them saying "boo," as in the tradition, they would say "amnesty" as though to scare us -- (laughter) -- once again. That's what they've done with the word. A word that has no relationship with what we are doing, what we are saying is, quite simply.

Now, you know, it's become the norm here not to speak about charity, not to speak about forgiveness, not to speak about -- look, I'm not a theologian. I didn't come here with my Bible. You know, I'm a good Catholic, you know. But I'll tell you, I learned two things: To love God above everything else and to love my neighbor as I love myself. And let me tell you, I cannot fulfill that principle if when I sit in the pew and I know that person sitting in that pew next to me is undocumented and I don't love them as much.

And when I register my kids to go to school -- and this is not hyperbole -- when I registered them in first and second and third grade, when I'd take them to school, I know there are undocumented children. When I go to teacher-parent conferences, when I go to the park, everywhere I go, they're there. They're an integral part of my life. They're so engrained in our life. They are our neighbor, not only in the spiritual sense but in the factual sense.

They live next to us. They live among us; 4 million American citizen children, hundreds of thousands of American citizen wives, hundreds of thousands -- and husbands who are married to undocumented. Do you really propose that the government go out there and destroy these families? Do you know what it would do to the fabric of American society to take 12 million people and rip them asunder? It is not reasonable.

So what I suggest to all of you is that we meet again; that this testimony is good, but you guys got a little different thing than most people that come here. You know, you have a mission in your life. You have different objectives and different goals in terms of what you want to do.

I want to see if you can help us reach those goals. And for that, I thank you for the wonderful testimony here this morning.

REP. LOFGREN: The gentleman's time is expired.

Mr. Smith wants to catch his breath. Oh, he's ready? The ranking member of the full committee, Mr. Smith, is recognized for five minutes.

REP. SMITH: Thank you, Madame Chair.

Mr. Land, let me direct my first question to you. I apologize for being gone during your testimony because of having to attend another committee's markup.

But as I understand it, you do have some concerns about chain migration. And to the extent that you didn't elaborate on that, could you tell us what aspects of chain migration you would eliminate and which ones you would keep and to the extent that you agree with it, what would you substitute for chain migration? Would you put a greater emphasis on those who have the education and the skills we need in America, for example?

REV. LAND: Well, in Appendix 5 of my testimony, which is attached, I talk about chain migration. The process of bringing extended members of one's family to the United States once one family member is settled here is a significant concern to us and many people in the nation.

If we are to allow millions of people to remain here, we must find a way to limit the influx of extended family members so that we leave room in our nation for future immigrants who have no family here. We propose that chain migration be limited to spouse and see their natural or adopted children. We recommend that hardship exceptions be part of the limits to enable children to bring elderly parents to the U.S. who have no means of support in their home countries.

In order to maintain our commitment to bringing in additional immigrants, we recommend that the number of family member who can be united with family members in the U.S. be subject to an annual cap.

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REP. SMITH: Thank you, Mr. Land.

REV. LAND: And the reason for that is that, otherwise, you get into numbers that are --

REP. SMITH: Right.

REV. LAND: -- extremely large.

REP. SMITH: Okay. Thank you.

REV. LAND: It's a hard decision, but that's the decision that we recommend.

REP. SMITH: Right. Thank you for that answer, and it is appreciated.

Bishop Kicanas, if that's the right pronunciation, I know that the Conference of Catholic Bishops does not or claims not to support open borders. My question to you is: What illegal immigrants would you agree to deport or not admit? In the case of those individuals that we might send home, would you agree to send individuals home, for example, who had been convicted of crimes? Would you agree to send individuals home who were working illegally in the United States?

I want to give you an opportunity to show that you're not just for open borders, that you do agree to enforce some immigration laws.

BISHOP KICANAS: Yes. Clearly, the bishops of the United States do not support open borders. We call for border security to address appropriate issues that are concerns along the border. For example, drug trafficking, human trafficking, weapons smuggling, these are all serious issues that --

REP. SMITH: What about the category of individuals I asked specifically about? Would you deport or support deporting those individuals who had been convicted of crimes and those individuals who were working illegally in the United States?

BISHOP KICANAS: I think we would certainly up support a judicial decision that someone should be deported or a decision that is made --

REP. SMITH: Would you deport individuals in those two categories? Would you --

BISHOP KICANAS: I missed the second category. The second category was those who have committed crimes?

REP. SMITH: Those who have been convicted of crimes and those who have been found to be working illegally in the United States. There seems to be bipartisan agreement on those two categories of individuals. I just wondered if you all as a conference also supported the deportation of those individuals.

BISHOP KICANAS: What we support is comprehensive immigration policy reform. With regard to deportation --

REP. SMITH: Right. What about individuals --

BISHOP KICANAS: -- with regard to deportation, clearly, this is something that the government has to determine who should be deported.

REP. SMITH: I understand that. My question: Does the conference support deporting individuals who have been convicted of crimes and who have been found to be working illegally in the United States? Yes or no? Does the conference have a view on that? Would you support --

BISHOP KICANAS: Well, that really isn't the -- I mean, the position of the conference is to reform our immigration policy. Now, the issue of deportation is affected by a comprehensive immigration policy.

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REP. SMITH: But you're not willing to state those individuals should be deported? It sounds to me, if you're not, then I don't know who you would agree to deport, if anyone.

BISHOP KICANAS: It's not a matter of agreeing to deport. The government determines who is deported. The church doesn't determine who is deported. So we wouldn't stand in the way. In fact, what we do is try to assist people on the other side of the border who have been deported. That's what the church --

REP. SMITH: I don't think I'm going to get a further answer to my question, but I thank you for your response.

BISHOP KICANAS: Sure.

REP. SMITH: Any remaining time I have in a minute, I'm going to yield to the ranking member.

But Mr. Edwards, a question for you. Do you consider to be comprehensive immigration reform, so-called, is equivalent of amnesty or not? And if so, why?

MR. EDWARDS: I do consider amnesty. And because the parameters of what is proposed in the 2006 bills in the Senate and 2007, the most recent proposals on the table, they have about the same exact requirements, a de minimis sort of fine or fee, you know, some modest toward English. But there's no real requirement of acquisition of English language. There's, you know, a number of other things that are pretty small potatoes.

And exactly like Congressman King said, those things are actually benefits to the people who -- in the most part, are benefits to the people who are the benefits of the legalization. And they're going to be better off if they learn English. They're going to be in better stead for the future.

If you wanted to look at real things, and I take into account what Congressman Gutierrez said, that, yes, generally you want everybody who comes here, legal -- even people illegally -- to form a positive emotional and cultural attachment to this nation, and a loyalty, a political or a patriotic loyalty to this nation. But that doesn't mean that everybody should be able to go the entire route to citizenship. You may consider that there are disabilities attached to people who have beneficiaries, and you've got to sort out all the distinctions.

Some people have been here 20 years, some people 20 days. Some people have education, some people don't. Some people have citizen children, some don't. You've got to design something that sets up all of that and deals with each of those specific groups in a way, and some of those may benefit from naturalization, citizenship, but others may not. But you need to think long and hard about exactly who should be held to what standard.

REP. SMITH: Thank you, Mr. Edwards. Thank you, Madame Chair.

REP. KING: Madame Chair --

REP. LOFGREN: Without objection, yes, sir.

REP. KING: Thank you. I think I've technically got to be the one to ask for the two minutes, but I'll be happy to do so.

REP. LOFGREN: We're very cooperative in the running of the hearings.

REP. KING: I just again want to thank everybody here for being here on this important issue, and again encourage you to continue this dialogue. It's very critically important. The more that I review immigration laws throughout the history of America, and we've had many, every time that we have taken an anti-immigration position, it has been the wrong side of history.

When I was recently in Yad Vashem in Jerusalem in January, February of this year, I came across a letter that was actually startling. It was from a member of Congress to our then-president. It was regarding the ship that was filled

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with people fleeing the Holocaust, the Jews that were fleeing Hitler's regime, and they were circling in the Atlantic, wanting to land on the shores of America.

He wrote a letter to the president urging him not to move forward with immigration reform, urging him to deny that ship's entrance, which we eventually did. The same arguments that were raised in that letter are the same arguments that we hear today with regards to jobs, diluting our economy, diluting our culture. We were on the wrong side of history then, and I urge us not to be on the wrong side of history now. Thank you.

REP. LOFGREN: Thank you. I recognize Mr. Gonzalez, my colleague from Texas, for five minutes.

REP. CHARLES GONZALEZ (D-TX): Thank you very much, Madame Chair. My questions will be directed to Dr. Edwards, and I'm going to be reading from your written testimony as well as some previous remarks attributed to you. Quote, "We may fairly conclude that it displays questionable judgment to rigidly construct an immigration policy for 21st century America based on a handful of Scripture passages taken out of context."

And then in your written testimony today I think you make reference to some of those, and you also comment, "But to attempt to require civil authority to display the same manner of mercy or compassion that individual Christians are commanded to display would be ludicrous. Yet that is what certain advocates in the immigration debate unreasonably demand."

I'm not real sure where you make reference to, as certain advocates making that kind of demand, because that's not been the testimony of the other witnesses here today, nor of any member up here on the Democratic side. But let me ask you this. You say, "But do these high standards apply to civil government?" And then you say, "To an extent." So I'm going to take some of those passages, and you know what? I don't think you're entirely wrong. You're substantially wrong but not entirely wrong.

So "To care for the least of these, my brother." All right, maybe government shouldn't do that. Maybe civilian authorities shouldn't do that. "Love your enemies." Difficult thing to do in time of war. "Bless those who curse you." We don't really turn the other cheek all the time. "Love mercy, walk humbly." No one may vote for me if I love mercy and walk humbly. Maybe you're right.

You left one out. "To act justly." To act justly. I think that does have application, whether it's in the religious sphere or whether it's in government service. Would you agree to act justly is an objective or a goal that should be sought by all?

MR. EDWARDS: Well, earlier in the testimony I did cite Micah 6:8 in full, where it does say, "Act justly," and I fully agree that --

REP. GONZALEZ: No, I'm quoting you. Because "act justly" seems to be one where you would find a lot of disagreement, that it may not have an application as we form public policy here in Congress. To act justly. Actually that's what I thought we were all elected to do, fundamentally. So you would agree that that's one passage, whether taken out of context or not, has application in what we seek to do here today. To act justly.

MR. EDWARDS: That is one passage. In fact, it is not out of context because there are so many other passages. And the reference point is Scripture best taken is Scripture interprets itself.

REP. GONZALEZ: To act justly.

MR. EDWARDS: You have to take it as a whole, and it is very clear from Scripture that the principle of justice and acting justly is fully in order, both for individual Christians or civil --

REP. GONZALEZ: All right. So then you're -- that is a long answer to say yes, you would agree with my proposition to act justly is something we should all seek, regardless of context, regardless of our roles, right? Is the present immigration law on the books just? Is it fair, is it just?

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MR. EDWARDS: In general. It's got a lot weaknesses because it's a political decision. But it has, in general, elements of justice. It is thought through. In many regards it allows for exceptions, the kind of merciful exceptions on a case-by-case basis, such as parole --

REP. GONZALEZ: Let me ask you. Is it just to view the 12 million workers and their families in this country as someone that is here illegally, without any chance of remaining in this country? Because it appears to me that you agree with some on the other side of the aisle that anything short of deportation would be amnesty. Because that's all you have provided us today. For the 12 million workers and their families -- and they're all not from Mexico, by the way, or south of the border. One size would fit all if they would be deported. Is that justice?

MR. EDWARDS: No, sir.

REP. GONZALEZ: And so you would agree that we need to reform our laws and find exactly what the other witnesses have spoken to today, find an answer, a solution that is fair and just. And we've been talking about an earned pathway to legal status that does include penalty in every courtroom in the United States, whether it's administrative, criminal or civil. There are penalties and punishments, there are gradations.

Not everyone. It's not one size fits all. And people are basically also placed on a probationary period. If they don't comply, then the full import of the law or punishment or consequence will be visited on them.

But what I'm hearing from the other side and from you today is not just and it is not fair. And that's what we're attempting to do here today. So I welcome and I appreciate the testimony of the other witnesses, and I hope that we can move forward. And I yield back.

REP. LOFGREN: Thank you. The gentleman's time has expired. The gentleman from --

MR. EDWARDS: May I respond?

REP. LOFGREN: I think that would be fair. By unanimous consent the gentleman is granted an additional 30 seconds so you may respond.

MR. EDWARDS: Thank you. What I was trying to say earlier is very much in line with what you're pointing out. You cannot treat all of the 11 million currently illegal aliens exactly the same because some have been here 20 years, others have been here 20 days. Some have families, some don't. Some have U.S. citizen children, others have no children. You've got to design very specific penalties according to each of those categories of circumstance. That would be the prudent approach, rather than think everybody gets to stay here forever and become a U.S. citizen, regardless of whether you just crossed any border, or whether you over-stayed a visa or whatever.

I think exactly as Congressman Gutierrez pointed out earlier, it would be well in order to deal with the problem of visa over-stays.

REP. LOFGREN: The gentleman's time has expired, and the gentlelady from California, Ms. Chu, is recognized for five minutes.

REP. JUDY CHU (D-CA): I'd like to ask some questions pertaining to labor and jobs, and first I'd like to ask Dr. Edwards, and then have a response from Rev. Staver.

I'm particularly disturbed by your testimony, Dr. Edwards, where you state that Harvard economist George Borjas has attributed immigration with directly reducing yearly average native-born men's wages by 4 percent. And I'm disturbed because you only tell part of the story. Citing this statistic alone is misleading because you failed to mention that Borjas concluded that while immigration reduces the wages of native workers by 3.4 percent over the short run, he finds that immigration has no effect on such wages over the long run. In fact, it's a zero percent effect on such wages.

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And you also failed to mention that the majority of economists who write on this issue, such as David Carr, Giovanni Peri, Rachael Friedberg, Jennifer Hunt, Gerald Fitzjames differ from Borjas and conclude that immigration has actually had a positive effect on the wages of most, if not all Americans. And this is because, for one, immigrants buy things and increase demand on products and services.

Secondly, immigrants tend to work in industries like agriculture and landscaping, and certain parts of the U.S. would become unviable without their labor, and thirdly, immigrants tend to complement American workers rather than directly compete against them.

And let's just take the example of agriculture. We do have exceedingly high unemployment levels right now, but for all the unemployment out there, Americans are not running back to the fields to do certain manual labor. And this has been highlighted by the "Take our Jobs" campaign being run by the United Farm Workers and discussed on the Stephen Colbert show.

Farm workers are saying to America, you want our jobs? Then come take it. But after months of advertising this particular campaign, where they actually encouraged people to come take these jobs, only 60 people signed up and only three have made it to the fields. And in fact, there are estimates that there are 2.5 million undocumented farm workers and their families in the U.S., but without them we don't grow citrus, berries, tomatoes and other fruit. Our food would not be able to compete with the cheaper food from overseas.

And if our farms go away, it's not just farm work that goes away, it's all the jobs that go along with it, such as packaging, processing, trucking, accounting, advertising -- that all goes away, and these are jobs that are actually held by Americans. In other words, if you send the farm workers home, you eliminate millions of American jobs. Any farmer will tell you that.

So, Dr. Edwards, what would you have to say about the fact that most labor economists have found that immigration has had a positive effect on the wages of Americans? And also, if we lost the undocumented farm workers, would you still be in favor of rounding them up and shipping them home, considering so many Americans in complementary jobs would lose their jobs? Where would we get the people to perform the jobs of farm workers?

MR. EDWARDS: Again, where do I start? If you take Borjas' work as a whole, including his entire work called -- his book called "Heaven's Door" and other of his scholarly publications -- I've read a good bit of Borjas and other economists, and in general, it is the case that where there are more people in the labor force, there are lower wages. Where there are the ability to substitute capital for labor -- that is, mechanization, which happened in the tomato industry for instance, at the end of the Bracero program -- we ended up with fewer jobs in the California, particularly in the tomato industry, but they were higher-paying jobs. They were better quality jobs. There was much more productivity and output, and -- this is a much more complicated subject than I can answer in 30 seconds, but the truth is that there are plenty of people who would, if the wages naturally were to rise because of the tighter labor market, might be attracted to different sectors, maybe not as stoop labor but for other mechanized jobs in the agriculture sector.

REP. LOFGREN: Reverend Staver?

MR. STAVER: Thank you. I think the idea that if you just simply -- that this is going to adversely affect the economy is an oversight, because anybody who has lived in Florida or Texas or some of these other agricultural states -- and I was raised in Florida -- knows that there's a lot of vegetables and flowers and agriculture that's grown there and a lot of these individuals are illegal. They're undocumented workers.

If you all of a sudden ship them back to wherever they have originated from, you're simply not going to have those fields and those employers filled with individuals clamoring to go out there and give us what we enjoy as Americans when we -- a watermelon or a tomato or have salads. Those come from someplace. They don't come out of thin air.

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And if we were just to simply ship everyone back, that's going to have a negative impact on our economy and on our way of life. I think that what we ultimately see is that argument being used throughout history. We have continually addressed this issue of immigration. We have historically been opposed to immigration against various kinds of identifiable groups, whether they are Italians at one particular time that have our disfavor, whether they're Asians that have our disfavor or Japanese or Chinese or other people of Asian descent, or Jews during the Holocaust, and now it seems as though it's the Latinos and those primarily coming from Mexico.

Every time we have had that issue, we've always raised the issue that if we allow these individuals, they're going to take our jobs, and historically that has been absolutely proven incorrect. Moreover, I think that we need to not stereotype every one of these that are illegal or undocumented workers or immigrants here. It's not just the Mexicans. It's not just Italians.

There are some other individuals from all different kinds of descents, from all different spectrums of the world, and we can't just have this cookie-cutter approach to simply say, because they will affect our jobs, we will ship them all back overseas. I think that that's not an appropriate, it's not a just, it's not a moral, it's not an ethical approach.

REP. LOFGREN: The gentleman's time has expired. We have, as a matter of fact all of the members have had an opportunity to ask -- (inaudible).

I understand Ms. Jackson Lee has a unanimous consent request.

REP. JACKSON LEE: I ask unanimous consent to conclude with a comment I did not get a chance for in my opening comment. I just wanted to make one brief comment.

REP. LOFGREN: Without objection, the gentlelady is granted one minute.

REP. JACKSON LEE: Thank you. To all of the participants and panelists, let me thank you very much.

And President Land, because of our Houston connection, let me make it very clear how excited I am about the bipartisanship of our congregations, many of whom I worship with, and, of course, many constituents in my own district are Republicans because they're Americans.

What I would ask as you proceed and what I wanted the action item to be is to be ever-pressing on those names and others who I have classified in one party -- I'm talking to everyone -- to give them the message that you're giving; otherwise, we will not move forward.

And to give Dr. Edwards a rebuttable answer to what he has articulated, because with much respect, it is wrong. When we had low unemployment, Republicans blocked us from moving -- and I'm speaking not of the constituency but of the elected body. What I would pray for, and I truly pray for it, that we distinguish the 12 million undocumented here in the country. That is where the crisis is and we've made it very clear, put them on the back of the line, let them work. When they work, others work. It is well known.

So my challenge to you and my question, and I would like to be part of it, is to convince Dr. Edwards, because he carries the banner for those who think they can hide under this banner of religiousness. I would ask that we work with those who are blocking us in the Senate and blocking us in the House in a humanitarian manner. I yield back.

REP. LOFGREN: The gentlelady's time has expired. I would like to thank all of the witnesses for being here today. A lot of people don't realize the witnesses come as volunteers to help our country, and I think you all have helped our country today with your testimony, both oral and written. It's thoughtful and it's been very helpful.

A little housekeeping here. The members of the subcommittee will have five legislative days to submit any additional written questions to you, and if that occurs we would request that you answer those promptly so that they can be made part of the record. And without objection, the record will remain open for five legislative days for the submission of any other additional materials.

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I would just like to note that I learned some things today. It's always a good day when you learn something. And as I listened to you I became hopeful. Too often here in Washington we're at loggerheads, but I think what I heard today is that people who can disagree on many, many other things can come together in a thoughtful, rational, coolheaded manner to say, "What's good for our country? How do we solve problems?" That's our job and I think you are leading us in that regard.

As Mr. Berman said, doing nothing is the soft amnesty. You know, anywhere I go no one says do nothing about this, whatever people think on the subject, so I do hope that we will be able to pull together across the aisle and across our country. Obviously, America has the right to decide who's going to come and join us and become Americans here with us.

That is an obligation that we have, but our rich history shows that we are made stronger by immigration. I think of my own grandfather who got off the boat at age 16 because he wanted to be free. He wanted to be here in America, and because of his bravery, I'm sitting here today and I give thanks for that.

So this hearing is adjourned with thank you to all of the witnesses.

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