

**HEARING OF THE IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER
SECURITY AND INTERNATIONAL LAW SUBCOMMITTEE OF THE HOUSE
JUDICIARY COMMITTEE; SUBJECT: THE SECURITY THROUGH
REGULARIZED IMMIGRATION AND A VIBRANT ECONOMY ACT OF 2007;
CHAired BY: REP. ZOE LOFGREN (D-CA) WITNESSES PANEL I:
REPRESENTATIVE JEFF FLAKE (R-AZ); REPRESENTATIVE JOE BACA (D-
CA); REPRESENTATIVE RAY LAHOOD (R-IL); REPRESENTATIVE BRIAN
BILBRAY (R-CA); PANEL II: TONY WASILEWSKI, SMALL BUSINESS
OWNER, SCHILLER PARK, ILLINOIS; EDUARDO GONZALEZ, U.S. NAVY
PETTY OFFICER SECOND CLASS, JACKSONVILLE, FLORIDA; REVEREND
LUIS CORTES, JR, PRESIDENT, ESPERANZA, USA; JOSHUA HOYT,
EXECUTIVE DIRECTOR, ILLINOIS COALITION FOR IMMIGRANT & REFUGEE
RIGHTS; CASSANDRA BUTTS, SENIOR VICE PRESIDENT FOR DOMESTIC
POLICY, CENTER FOR AMERICAN PROGRESS; MICHAEL BARRERA,
PRESIDENT AND CEO, UNITED STATES HISPANIC CHAMBER OF
COMMERCE; JULIE KIRCHNER, DIRECTOR OF GOVERNMENT RELATIONS,
FEDERATION FOR AMERICAN IMMIGRATION REFORM; COREY STEWART,
CHAIRMAN AT-LARGE, PRINCE WILLIAM COUNTY BOARD OF
SUPERVISORS; LOCATION: 2141 RAYBURN HOUSE OFFICE,
WASHINGTON, D.C.**

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Body

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LAW SUBCOMMITTEE OF THE HOUSE JUDICIARY COMMITTEE; SUBJECT: THE SECURITY TH....

BOARD OF SUPERVISORS LOCATION: 2141 RAYBURN HOUSE OFFICE, WASHINGTON, D.C. TIME: 1:00 P.M. EDT DATE: THURSDAY SEPTEMBER 6, 2007

REP. ZOE LOFGREN (D-CA): As members arrive, the hearing on the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law will come to order.

I would like to welcome the Immigration Subcommittee members, our witnesses, and the public to the committee's continuing discussion regarding comprehensive immigration reform.

First, I'd like to apologize to everyone who was here at exactly 1:00, when the hearing was to begin. The bells rang, and we had a series of votes that has delayed us for one hour, and that is just one of the risks that we face serving in the House of Representatives, and I'm sorry that it has delayed all of you and inconvenienced you.

Today, our hearing will specifically address one comprehensive immigration reform bill, H.R. 1645, otherwise known as the STRIVE Act, or the Security Through Regularized Immigration and a Vibrant Economy Act of 2007.

I would like to commend our subcommittee colleague, Representative Luis Gutierrez for not only drafting and introducing this bill but also for his service in behalf of comprehensive immigration reform in the 110th Congress and in many congresses before the 110th. Since Representative Gutierrez became a member of Congress in 1992, he has been a champion for immigration reform.

I was personally enormously disappointed when the Senate was unable to proceed on comprehensive reform this spring. We were prepared, on the House side, to tackle this important issue, but because of Senate inaction, we didn't get the chance to proceed on hearings or a mark-up on the STRIVE Act.

The details matter though, and today we will get information and details on the STRIVE Act. We can't know what the future will hold for comprehensive reform, but we can be armed with knowledge about the leading legislation in the House to meet the immigration challenge.

Because this hearing is about his bill, I would like to yield the balance of my time to my colleague from Illinois who may properly introduce the subject of our hearing today, after which we will recognize the ranking member for his opening statement, Mr. Gutierrez.

REP. LUIS GUTIERREZ (D-IL): I want to thank you, Chairwoman Zoe Lofgren, for calling this hearing and for all of your hard work and efforts to get comprehensive immigration reform passed.

I also want to thank the witnesses for being here and for the support many of you in the audience have shown for the STRIVE Act and comprehensive immigration reform. I want especially recognize Tony Wasilewski and Eduardo Gonzalez for sharing their personal and heart wrenching experiences with our broken immigration system. You are brave to testify, and you're doing a great service to your family, to other American families facing similar challenges, and to our nation.

The U.S. Congress cannot and should not ignore the growing immigration crisis in our country. Despite unprecedented resources and daily debts in the budget, we are still unable to control our borders. We hold family values as important and vital to the moral health of our country, and yet as a Congress, we are unmoved by the destruction of good families at the hands of our nation's broken immigration system.

We have a better educated and retiring workforce, coupled with a growing demand for workers, but we have no system in place to fill the gaps in our labor force. We also have an estimated 12 million or more undocumented immigrants who risk life and limb to come to America, are working, contributing, and assimilating with their families into our communities.

In the absence of real reform, it appears that some in Congress believe that the best strategy is to hope that the undocumented will disappear on their own forced out by a patchwork enforcement measure aimed at making life difficult for them. This is hardly a workable national security strategy or a sensible, fair, just immigration policy.

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It should be no surprise to us that what Congress has done and not done over the last several years had resulted in total and utter failure on all fronts. In fact, we should be ashamed of ourselves for using immigration as a political prop and for not fulfilling our constitutional responsibility to take charge of U.S. immigration policy. We have failed the American people. No wonder state and local communities are struggling to come up with their own solutions.

I can think of few substantive bills that are perfectly drafted on the date of introduction. And with 697 pages, the STRIVE Act is no exception.

However, the STRIVE Act is the best place to start, as it is bipartisan, has broad support of stakeholders invested in real reform, and all the essential components of a comprehensive solution that will work to clean up the chaos of our current immigration system.

To my colleagues in Congress, I say we need to roll up our sleeves, engage friends on both sides of the aisle committed to real reform, and negotiate a workable solution to the immigration crisis that only worsens as we ignore it.

As to the first panel, I would like to thank my friends for coming here, Congressman Flake, who I have enjoyed immensely working with in drafting the STRIVE Act. I thank him for being here to testify. To Congressman Baca, thank you for all of your leadership in the Hispanic Congressional Caucus and the Democratic Caucus.

And to someone who when the history is written about comprehensive immigration reform, Congressman Ray LaHood, my colleague that I'm proud to say from the state of Illinois, thank you so much.

Congressman Bilbray, welcome to you, too. We are on opposite sides of this issue, but I hope that one day through honest discussion and negotiation of this issue, you and I and others can come together to solve what we know is a broken immigration system. And I yield back the balance of my time to the gentlelady, the chairwoman, and I thank her profusely for allowing me to speak and address this very august body. Thank you.

REP. LOFGREN: Thank you. The gentleman yields back. I now recognize the ranking member for his opening five minute statement.

REP. STEVE KING (R-IA): Thank you, Madam Chair. On my first reflection, I had to listen twice to see if Congressman Bilbray was being welcomed to YouTube rather than you, too. That has part of the reality of our life today, and what we're doing here is taking up an issue that I believed twice had been resolved in the Senate this year.

I'm a bit surprised, when I received the notice of the hearing on a piece of immigration legislation that clearly constitutes amnesty. The American people have spoken so forcefully against amnesty that the Senate was forced to reject it earlier this summer.

The 697 pages of legislative text that make up the STRIVE Act contain some provisions that are interesting, some that beg for more explanation, and some that are troubling, to say the least.

For instance, I'm concerned that the bill provides mass amnesty for most of the 12 to 20 million illegal immigrants currently in the U.S. It's a two-step process, in which the illegal immigrants first become conditional non-immigrants, and then after six years of work in the U.S. they and their spouses and children who have also been illegally in the U.S. become permanent residents.

And I'm troubled that supporters of the bill claim that it's not amnesty, because illegal immigrants are required to pay fines and sit through English classes before they can become permanent residents and then with a path to citizenship.

When a 1986 law had similar requirements, everyone agreed it was amnesty, including Ronald Reagan. In fact, even Black's Law Dictionary states that the '86 Immigration Reform and Control Act provided amnesty for undocumented aliens already present in the country.

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Yet, IRCA itself required illegal immigrants to wait, pay a monetary fine, and learn English. The STRIVE Act sells U.S. citizenship for a grand total of \$2500, and that's within the price range of the cost of paying a coyote to smuggle the illegal aliens into America in the first place.

Supporters also claim that STRIVE is not an amnesty because conditional illegal immigrants are required to touch back at U.S. border port of entry in order to apply for permanent residence. Such a scenic bus trip does not erase the fact that illegal immigrants have violated the rule of law and have received amnesty.

Current immigration law provides that illegal immigrants cannot return to the U.S. for 10 years if they have been illegally for over a year. A provision that waives this penalty in order to let illegal immigrants symbolically touch back is, in and of itself, amnesty. And of course, even the bill's touch back requirement can be waived for a multitude of reasons, including extreme hardship.

I've heard many times in this subcommittee and on the floor that no one wants to repeat the mistakes of 1986, the '86 Immigration Reform and Control Act. But the STRIVE Act does just that in many different ways.

The bill will help create the cottage industry for fraudulent documents and promote the same systemic fraud that followed IRCA. The STRIVE Act allows illegal immigrants who seek amnesty to show fraudulent pay stubs, time sheets, and even sworn affidavits and remittance records and record of day labor centers to prove that they have worked for six years as conditional non-immigrants in the United States.

Affidavits are invitations to lie, and pay stubs and time sheets are easily forged. That's been proven. In fact, when it seemed earlier this year that the Senate would pass an amnesty, counterfeit document makers were boasting that they could easily supply the requisite documents.

So, so far I've concentrated only on the amnesty component, but there are other components. For instance, the recipients of this would receive social security benefits based on the time they worked in the U.S. illegally. Those who receive amnesty will jump to the front of the line and will get to stay legally in the United States before and ahead of in line the 3 million people who are waiting outside the United States to legally enter.

Legal immigrant numbers will be dramatically increased. They will nearly double by this bill. A guest worker program will bring in 400,000 new workers and their spouses and children in the first year, a number that could rise to 600,000 in subsequent years. And those guest workers can get green cards at any point, as long as their employer is willing to apply for them.

I've mentioned several problematic provisions of the STRIVE Act and could mention many more. For now, I look forward to the witnesses' testimony, but I would ask this question. Why do the proponents of this bill persist in claiming that it's not amnesty? Couldn't we just agree that it is and move on with the debate of the bill? That's what's held up this debate in America now for probably about four years.

And then, I would just define amnesty. We have done so consistently in this committee. To grant amnesty is to grant a pardon to immigration lawbreakers and reward them with the objective of their crime, a simple definition. It's solid. It holds up under scrutiny.

And as long as we're talking about the same thing here, I do think that we have to have this debate, but I'd like to have it after the next election, because the Senate has spoken. This bill has no chance of moving, I don't believe, through this floor. And if it did, I don't believe it has any chance of being taken up by the Senate. And so I would identify this as a piece of legislation that is here for venting, but it's not here for processing.

We'll hear what the witnesses have to say. I thank you, Madam Chair, and I yield back the balance of my time.

REP. LOFGREN: The gentleman's time has expired. I would now ask that the chairman of the full committee, Chairman Conyers, would make an opening statement.

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REP. JOHN CONYERS (D-MI): Thank you, Chairwoman Lofgren. There are a number of reasons why this is a very important hearing. The first is that the Chairman of Agriculture Committee just approached me earlier this morning to tell me about the crisis that's going on in farming.

I don't know if my friends, the witnesses, have heard about it, but he says there is an absolute crisis among farmers, and you can check with your own states and areas. That is that they don't have anybody to deal with the huge agricultural production that we engage in in this country, and that prices of fruit and vegetables may likely go up 100 percent because of our failure to take this positive action.

And so he's asked, Madam Chairwoman and Mr. King, that we have joint hearings with Agriculture and Judiciary on this subject of the crisis in the farm community. And I'm sorry I didn't get a chance to raise it with both of you before now.

The second thing is that the American people haven't spoke about the reform immigration because what happened in the Senate was that they did not reach closure to cut off debate. That's a little bit different from what the substance of what has happened. We need to take that into consideration.

Number three, we've got this 60-day no-match letter which is going to drive a lot of people, social security number and everything don't match up, you're out. And that's going to drive a lot of people who won't have time to get it corrected within the 60-day period, it's likely to drive them underground.

Finally, I'd just like to point out that this term, "amnesty" has been misused more times in this debate over the subject matter than any other word I can remember being misused over this long period of time. "Amnesty" can't mean that you pay fines, that you pass a national security check, that you work for six years, that you end up at the end of the line to come back. That is not amnesty. That is working your way back into reentry. And I close with the observation that in 1986, was it the Senate that passed -- both houses passed the Reform Immigration Bill.

So now that you've had my corrective information that clears your head to begin to approach this matter as impartially as you can. I've never noticed so much unnecessary anti immigrant bias.

We need to enforce immigration laws, true. But we also need to realize that we are a nation of immigrants, and it's in that spirit that I commend the gentlelady, Chairperson Lofgren, for holding this hearing. And I thank her for this opportunity.

REP. LOFGREN: I thank the chairman. And in the interest of proceeding to our witnesses, mindful of our busy schedules, I'd ask that other members submit their statements for the record within five legislative days. And without objection, all opening statements will be placed into the record. And without objection, the chair is authorized to declare a recess of this hearing at any time.

We are honored to have four of our colleagues as witnesses today. We know you well, but not everyone here in the witness room necessarily knows you. So I'm going to introduce each distinguished person.

Seated first on the panel is Congressman Jeff Flake who is serving his first term in Congress representing Arizona's 6th Congressional District. Before serving in the House, Mr. Flake was the Executive Director of the Foundation for Democracy, a foundation monitoring the South African nation of Namibia's independence process.

Following his work at the foundation, he was named the executive director of the Goldwater Institute. He graduated from Brigham Young University, where he received his bachelor's degree in international relations and a master's degree in political science. Along with Congressman Gutierrez, Congressman Flake is the principle co-author of the STRIVE Act, and he and his wife, Cheryl, have five children.

I would next like to welcome my co-Californian, Congressman Joe Baca, who has represented California's 43rd District since 1999. Congressman Baca served as an Army paratrooper between 1966 and '68, after which he earned his bachelor's degree from California State University-L.A. Congressman Baca and his wife, Barbara, opened their own business in San Bernardino in 1989 while raising four children.

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First elected to the California State Assembly in 1992 and the State Senate in 1998, we of course know Congressman Baca as a leader on the Agricultural and Financial Services Committees and serves now as the distinguished chairman of the Congressional Hispanic Caucus.

It also my pleasure to introduce Congressman Ray LaHood, serving his seventh term as the representative from Illinois' 18th District. The grandson of a Lebanese immigrant, Congressman LaHood earned his bachelor's degree in education and sociology from Bradley University. He began his professional career as a junior high school teacher, and after serving in the Illinois State House in 1982, he served as the chief of staff to House Republican leader, Bob Michel.

A member of the Appropriations Committee, Congressman LaHood and his wife, Kathy, have four children, seven grandchildren. And all of us are sad to know that Ray has said this is his last term with us here, and it's been a pleasure to serve with him these many years.

And finally, I'm pleased to recognize another co-Californian, the minority's witness, Congressman Brian Bilbray, the representative from California's 50th District since of June of 2006. Congressman Bilbray was first elected to Congress in 1994 and co-chaired the Federation for American Immigration Reform between 2001 and his 2006 election.

In addition to his work on the Committee on Oversight and Government Reform, Veterans Affairs, and Science and Technology, he is a member of the Republican Policy Committee and chairs the Immigration Reform Caucus. A native of San Diego, Congressman Bilbray has served San Diego County for over two decades as a mayor, as a county supervisor, and as a member of Congress.

And I would note that I first met Brian when we served on our respective county boards of supervisors, myself in Santa Clara and he in San Diego. He and his wife, Karen, have five children and five grandchildren -- well, six grandchildren, lucky you.

So we will begin with your testimony. You know the drill on the lights and the five-minute rule, but obviously we will not have a heavy gavel, and we would ask, Congressman Flake, if you would begin.

REP. JEFF FLAKE (R-AZ): I thank the chair, and I thank the committee members for holding this important hearing. I am glad to be back in the Judiciary Committee if not on the Judiciary Committee. I received the equivalent of a no-match letter in January, so unfortunately I have to be on this side.

(Laughter).

I think all of us watched with a lot of frustration the process this year, particularly in the Senate, where they discussed -- came up with a plan and then came away not being able to pass anything that could come here to the House. I think that we will all, the longer we go, be rueful that nothing -- that we did not comprehensive reform this year.

When you look across the country and recognize that there have been 1400 immigration bills introduced out there across the country; 170 laws have been enacted in 41 states, including my home state Arizona, has mentioned it's kind of a patchwork of laws that simply aren't going to work very well. Because as we know, immigration is -- and labor law, is largely federal. And it's inescapable that it has to be the Congress that moves here, whether it's the administration enacting new regs or states moving forward.

Until you have comprehensive immigration reform of our laws, it's going to be difficult to have any semblance of meaningful workable immigration reform. Let me just respond to a little of what was said before about why don't you just call this an amnesty? That's what it is. It's just like the '86 law.

It's not like the '86 law. There are many differences between what is proposed here and the '86 law. The '86 law had no fines at all. There were some processing fees, I think, attached, but no fines. There were no work requirements with the '86 law. Here, under this piece of legislation, you have to work for six years.

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There were no requirements to exit the country and then reenter legally. There are those requirements here. Most importantly, the 1986 law was not comprehensive. We either failed to recognize or failed to have the political wherewithal to know that we would need a temporary worker program going forward.

So we didn't enact one.

Therefore, the 1986 law was out of date the day it was signed into law, and we didn't have a mechanism for legal workers to come in the country in any meaningful number, and so they came illegally. And we would have that same problem today if we enacted all the enforcement measures we could do without a meaningful temporary worker program going forward.

That's why this legislation was careful to be comprehensive, to have enforcement measures, tough border enforcement, tough interior enforcement, biometric cards, identifiers that we simply don't have today. Employers simply don't have the tools to meaningfully enforce the law today unless the Congress moves ahead and makes some changes.

And that's what this is all about, and that's why I'm glad that this committee is seeing fit to hold this hearing and try to move forward. Let me just say that out there in the states, we're in a very difficult problem. I don't blame my home state of Arizona, the state legislature or others for moving ahead and enacting their own laws and trying to get a handle on this situation.

We're in a bad way in Arizona. We bear a disproportionate burden of the federal government's failure to have rational immigration law and to enforce the law that we have. Healthcare, education, it hit us particularly hard, and that's not going to change until we have comprehensive reform here.

That's what this legislation was supposed to do. I say "was supposed to do," as if the time has passed. I'm glad this hearing is held, and I hope that we can move forward to mark-up and actually get it this year, but I know it's unlikely, frankly. And I think that that's too bad.

Let me just give, very briefly, the high points of this legislation to sum up. As I mentioned, it's tough border enforcement. There's interior enforcement with biometric cards so employers will finally have the tools. And it sets up a new worker program for low skilled workers.

We know, when you look at demographics, we're going to need a labor force, in the future, that we simply don't have. And when I hear people talk about amnesty, it strikes me that those who say let's simply enforce current law aren't counting on the fact that we simply can't enforce this law very quickly.

Five percent of the workforce out there, about 7 million people, are undocumented. That means if you removed them from the workforce, there would be severe dislocations, and you would have severe problems. Everyone on either side of this issue knows that.

But those who say we can simply enforce the law are counting on the fact that it would take years to actually remove those who are here, because if you removed them immediately, you would have severe dislocations.

So this notion that this is an amnesty when simply not enforcing the current law is not an amnesty strikes me as inconsistent. I just don't get the distinction there. With that, I'll go ahead and yield back and wait for questions. I thank the chair.

REP. LOFGREN: Thank you. Congressman Baca.

REP. JOE BACA (D-CA): Thank you very much, and thank you for allowing me to say a few words as chair of the Congressional Hispanic Caucus. The CHC, under the leadership of our Immigration Task Force chair, Mr. Gutierrez, has a long and a proud history of working on immigration.

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We thank you. I, and the caucus, particularly want to say thank you for your services to us, to our country, and to those 12 million undocumented. I also want to thank you, Madam Chair, and the subcommittee for having this important hearing today on this vital important issue.

Immigration is critically important, not only to CHC, but to every immigrant, whether you're Italian, Irish, black, Asian. Our constituents across the country are very much concerned, and we take action. Whether it's a Hispanic small business owner, the family struggling to stay together while living in fear, or individuals whose dreams of life in the United States, only to be confronted with unrealistic processes fraught with delays, the communities we represent care about immigration reform.

Our community, our immigration system is broken, and I state, our immigration system is broken. People are suffering. People are suffering. As a result, this is an issue much more than Hispanic or immigrant issue. This issue is about an American issue. The fact is, our broken immigration system is hurting our economy and making our nation less secure.

As such, CHC stands willingness in a responsibility to roll up our sleeves and get to work on a bipartisan fashion to make real headways for the good of all Americans. We offer our help, expertise, and commitment to lead the immigration issue on behalf of the community and our constituents.

As we believe the STRIVE Act is a comprehensive solution, and it is a comprehensive solution that best fits immigration problems and the political realities that we're in. STRIVE is a comprehensive bill that addresses employers, businesses' needs, hold employers accountable, protect employees' rights, and provide for strong border security.

STRIVE also addresses the needs of farmers through the ag provision. It sets up an employment verification system to help our businesses better comply with immigration laws. It benefits families by giving more children access to education under the DREAM Act.

It also makes our nation safer by increasing enforcement personnel on the borders and increasing penalties for crimes committed by immigrants. STRIVE provides a pathway to legalization for qualified hard-working immigrants only, and I state, hard-working immigrants only.

It is critically important to emphasize that this is not an amnesty, as the gentleman indicated before. Any attempt to brand it as such is empty rhetoric and designed to play politics with our security. It calls for real penalties, for real sacrifices. In fact, many of our members who are supportive of the immigrants' community might personally wish for a different bill.

But at the end of the day, we feel STRIVE offers the best chance for real reform. STRIVE helps families stay together, and many of us have to look at many of the cases in our district. We know the heartbreak reality facing immigrant families who want to play by the rules to adjust their status but are facing unrealistic backlog and inefficiencies in our current visa system and also living in fear.

Congress has the responsibility to deal with the broken immigration system, and we cannot ignore the immigration crisis, that it will go away or it will solve itself. And that is not the solution to the problem. We have to address the problem. It is the responsibility of Congress. It is not the responsibility of the states. It is ours, and we must take action.

That's why the President of the United States was supporting and is supporting comprehensive immigration. Congress needs to take action, and the STRIVE Act offers the best solution. It's time to solve the crisis. I urge the subcommittee and Congress to strongly consider the STRIVE Act as a solution that is fair and realistic.

It's important for our security and to help businesses and protect our nation and our proud immigrant history. I thank you, and I yield back the balance of my time.

REP. LOFGREN: Thank you, Congressman Baca. Congressman LaHood.

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REP. RAY LAHOOD (R-IL): Thank you, Madam Chair. I want to say a special thanks to Congressman Gutierrez for announcing that he is running for reelection. I know that he wants to be back here and have the opportunity to be a key player in immigration reform. So Luis, I know people in Illinois are thrilled with the fact that you will be running for reelection.

I want to congratulate Congressman Flake for his leadership on this against real tough odds in his own state and against a lot of opposition from people in his own state. The STRIVE Act, I believe, does strike the right balance between strengthening borders, increasing penalties for violators, rewarding those documented guest workers who have navigated the legal channels to be here, and giving a conditional path to citizenship for those here illegally.

Some of you know that my grandparents came here from what is now Lebanon. They came in 1895. They settled in Peoria, Illinois. They didn't speak one word of English. What they did is they played by the rules, and they worked hard. This will give those that are here now that same kind of opportunity, to play by the rules.

We need to create some rules that will allow people to stay here; because they've either been brought here by I guess what are known as coyotes or come across the border seeking opportunities. And frankly, the idea that 12 to 20 million illegals will be sent back to the country from which they came is nonsense. Anyone who proposes that is living in La La Land. These people are here doing jobs that Americans don't want.

They're working in meat packing plants in central Illinois that I represent. They're working on farms in central Illinois that I represent. They're picking fruits and vegetables. They're doing landscaping work. They're building homes in many of the states that we represent. We have to provide some kind of legal opportunity for people to be able to play by the rules, and that opportunity does not exist today.

Look at, this is a comprehensive approach. The idea that you can throw out these code words, and if you think you say "amnesty" loud enough and often enough, people are going to believe you. This is a comprehensive approach, and it gets beyond the code words that people like to use that they think are going to really influence people's opinions.

But in Congress, we have done things in a comprehensive way. Bankruptcy, it took six years; welfare reform, six years; the Warner Bill, which is about ready to come out of a conference report, it's taken it six years to do that; Sarbanes-Oxley, it took us two years; the transportation bill that we passed two years ago; the ag bill, the farm policy that's being worked; all in a comprehensive way where people come together.

They reach a consensus. They don't try and use threatening language. They don't try and intimidate other people. They come together to work together to solve problems. That is what people sent us here to do. The STRIVE Act is a good first step to allow us to get to a comprehensive approach and to send a message to not only employers but people who are living here.

We're going to deal with this problem. We can deal with it, and if we set aside all of the kind of machinations that go on around here and work together, I believe this can happen. I believe it will --

(Audio break)

REP. BRIAN BILBRAY (R-CA): -- called Bonsai charges up the middle of the freeways after the last piece of legislation that was called "comprehensive." I served as a small mayor along that border, as a county supervisor along with you, in fact in a county of three million people, and I now serve as chairman of the Immigration Caucus.

Let me just tell you though, we have, since the '86 amnesty proposal, when I was a county supervisor and saw what happened along the borders, we have had more people die try to enter this country illegally every year that was killed in the Oklahoma explosion. Every year, we have lost more than that. And that started in '86 with the concept that we were going to reward illegal behavior by giving an amnesty at that time.

And that is why I've been so strong on this. I've seen the human cost. It's not an abstract to me. I don't live 2,000 and 3,000 miles from the border. I've seen the real life impact when it comes to what we do here in Washington.

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I also want to point out that I am proud that I'm a child of a first generation immigrant, my mother. She was a war bride that came here in '44, played by the rules, got her citizenship as quickly as humanly possible.

And believe me, every time I go home and go upstairs to mom, she's always there to remind me that she played by the rules and everyone else should learn by example, that this is a legal immigrants, Madam Chair. And legal means a lot in a nation of laws.

The other thing that a lot of people may not know I'm going to say, I probably spend more time in Latin America than any other member of Congress. I would be interested to talk about this, but I see this issue from the South looking up, and that's why I feel so strongly on this. The border is not an abstract to me. Immigration is not something that affects just one little community. It affects the entire region.

I'll just ask you, with this bill, what do you want to accomplish with it? Do you want to stop illegal immigration? Because if you want to stop illegal immigration, Madam Chair, you do not start off the process of stopping illegal behavior by rewarding it.

And for those who say this is not a reward, I ask you, under the STRIVE Act, the proposal that you allow somebody who is illegally in the country to enter in the program and go through a program, are you going to allow everyone in this country or in the world, whoever broke our immigration laws, to have the same option?

Actually, the STRIVE Act has an interesting situation with the touch back. Now, think about the logic of this. Someone shows up from El Salvador and says, "I've never broken your laws. I've never come into your country illegally, but I'd like to come in now." We'd say, "Sorry, you have a process you have to do."

But if somebody shows up there from Guatemala and says, "I've been in your country illegally for 10 years. Here's my proof. I've broken your laws." And you say, "Fine. You get to qualify for this program, and only if you can show that you've broken the law do you qualify for this program."

Madam Chair, when you give a special program and special status for someone based on the fact they've violated the law, like it or not, it is amnesty. And that's what the American people take it to, no matter how much we talk here.

If it is not amnesty, then offer it to the 100 million out there who would love to come to this country legally. But that's not what's being proposed here today. Now, there are challenges that we can work on them.

Rather than talk about a 600-page document, why don't we talk about a common ground we can work on? H.R. 98, by Sylvester Reyes and David Dreier, talks about -- is included in this bill. Let's take that part and work on those things that we can find common ground on, rather than playing to the extreme.

Let's remember the mainstream in America that says let's make it simple for people to know whose illegally in this country, and let's got to the source of illegal immigration, and that's illegal employment, and crack down on the illegal employers.

And I challenge the majority, here is your chance to crack down on those people that have been profiteering by the blood, sweat, and I'd say the deaths of illegal immigrants, crack down on the employers. And H.R. 98 is the bill supported by the men and women of the border patrol who you and I hire and are in debt with the responsibility.

And I would ask that we consider bringing the border patrol agents here, and I would admonish both sides here. This is an immigration bill, why don't we bring in the people that would have to enforce the law. Would we do an education bill without ever talking to an educator? Do we do a military bill without ever talking to somebody who is a general in the military?

I ask you that we bring that in, so Madam Chair, this is not the bill at this place. If you want to see what happened in the Senate happen again, bring this to the floor and see what the American people will say, but I appreciate the

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chance. But I say again, let's join together, work on H.R. 98, and then we can talk about moving the agenda together. I yield back.

REP. LOFGREN: Thank you. Thanks for all of you. I don't know. We're an hour late, and I know that because all of us have busy schedules, you may, too. So I want to ask you whether you are able to stay for questions. And if any of you are unable to, I'm sure the committee will understand. But if not, I'll start.

And I wonder, Congressman LaHood, if I could start with you, because you represent a district that is rural and in the center of this country. You referenced the no-match letters.

I'm just wondering if you thought if we do nothing, given the new enforcement efforts and the no-match letters that are going on, and actually, the reports we've received from the border patrol is that we've really tightened up on the border and the number of unauthorized crossings is dropping. What do you see happening in the economy and in the country if there isn't some movement on some of these issues?

REP. LAHOOD: Well, we know that, in the agricultural community, there is a huge shortage right now, and that those that are now in the field trying to harvest the crops that they have produced throughout the spring and summer, there's going to be a great deal of difficulty. And people are worried about the kind of talk that goes on here in Washington, and people are concerned about it.

And what I've tried to explain to people back home is that we've done a lot on enforcement. The previous majority, of which I was a member of obviously, passed an awful lot of laws and a lot of penalties and tried to address some of the issues having to do with illegals and employers who brought people here illegally and some of the other issues.

But frankly, people in the landscaping business, the agricultural business, the meat packing business, want us to do something so they'll have the workforce available to them in a legal way so they can continue to do the things that they know how to do so well.

REP. LOFGREN: I'd like to ask Congressman Flake, we all know Arizona, as you said, is sort of ground zero for undocumented immigration issues, and yet Arizona elected officials have had a fairly forthright stand on coming up with comprehensive solutions, yourself, your senator, Mr. McCain, your governor.

And I think about the two hotly contested races where immigration was the major issue. And Mr. Mitchell and Ms. Gifford that got elected on more of the we need to have a comprehensive type solution.

So what is unique about Arizona that is allowing, even in the face of tremendous challenges that you described in your testimony, the elected officials to come forward saying we can come up with a solution.

REP. FLAKE: I think Arizona, because we are on the front line, we understand that it needs to be comprehensive. I think, in Arizona, we understand that even if you were to seal the border completely, we would remember that over 40 percent of those who are here illegally didn't sneak across it. They came legally and have overstayed.

So it's got to be at the employer level that this is going to succeed. And I think we understand there as well that you've got to give employers the tools if you want real enforcement.

And lastly, as I mentioned, in Arizona probably more than elsewhere, across the country it's 5 percent of the workforce is illegal or undocumented, 5 percent. It represents about 7 million people. And nobody that I have heard, I have not seen one deportation bill introduced by anyone saying, "Let's go round them up and deport them all tomorrow."

And those who say that, "Oh, we can move forward. We don't need the labor," are counting on the fact that we simply can't enforce the current law quickly at all. It'll take years to do so. And so, I think in Arizona we recognize that it's got to be comprehensive solution that involves certainly more border security but also employer

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enforcement and an interior enforcement, and then a meaningful temporary worker program that actually gives employers access to legal workers who are coming.

REP. LOFGREN: Finally, Mr. Baca, I would note at our very first hearing in Ellis Island, we had the chief of the border patrol as a witness and his testimony. In his testimony he said, "You will never secure the border if you don't have comprehensive immigration reform." That was his testimony to us there.

As chair of the Hispanic Caucus, you're not sharing the border effort, but the caucus has had the same strong commitment to comprehensive reform. Can you share with us why this is such a priority for the caucus and the people of the caucus represented?

REP. BACA: Thank you, Madam Chair. First of all, this bill actually helps immigrants currently in the United States legally. By legalizing the undocumented immigrants, they're more likely to earn wages that are competitive with today's legal immigrants. In turn, undocumented immigrants would have to go to the back of the line to earn legalization. So they can't jump the line, so it would help overall.

And finally, many illegal immigrants to date, including Hispanics, are struggling to keep their families together in the U.S. Parents are being deported while their U.S. children are left behind, and families across the U.S. are being torn apart and are waiting through years of delay to be reunited. STRIVE helps them in family reunification for hard working tax paying families, including illegal immigrants here in the United States.

And many of the individuals that are here come here for a better way of life. We know that the enforcement is not the answer. The border is not the answer. Comprehensive is the answer to many of the individuals that want to be here. And for anybody to say that they're going to go in front of the line, no. No one's going to go in front of the line.

We also realize that many of the undocumented have spent approximately \$57 million for social security. They continue to pay taxes any time they go to any one of our stores, bring revenues into our area. They help build our economy. By allowing a comprehensive immigration legislation, will allow individuals to become taxpayers and pay into our system and have the kind of security that we want for our nation.

We'll know who's here illegally and who is not here legally. We'll know who are neighbors are and should be here. Our country would be a lot safer.

REP. LOFGREN: Thank you, Mr. Baca. And I note that my time has expired, and I'll try and be better in the future. So I turn now to Ranking Member, Mr. King, for his questions.

REP. KING: Thank you, Madam Chair. I make no such pledge.

(Laughter.)

No, sincerely I appreciate the rhythm with which this committee has had, and there are times when it's important to hear the balance of the response. And you do so with discretion, and I appreciate that.

I'm just going to go back up through a number of the comments that were made by the witnesses, and maybe I'll get to a question. I'm going to point this out that legalizing people that are here illegally doesn't guarantee any kind of security.

Right now, we have border crossers who cross when they choose to do so. Now, we would give them, under this bill, one more option to cross the border. And that would be now you can cross it legally where today you might be crossing it illegally multiple times.

I'd just ask you, if you're smuggling drugs, and you happen to be one who has also met these other qualifications, would you cross the border more or less if you become regularized as this bill proposes to do?

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I would submit more. It's more options to cross the border, more options to cross the border with more contraband. I've never understood the administration's position or the proponents of this bill as to why we would have more security simply by labeling 12 to 20 million people as now legal that today are not legal.

And then, I'd go to Mr. Flake's statement, 5 percent of the workforce and 7 million people. I agree with those numbers.

But I think to put it in perspective, it works like this, that those 7 million people are also matched up against the 69 million people that are simply not in the workforce between the ages of 16 and 74.

There are 69 million nonworking Americans, if you add up the unemployed, those on welfare, and those that just simply aren't registered to work. That would be a working age that we pay unemployment in. There are 9.3 million nonworking teenagers in America that would easily replace the numbers of the 7 million working illegals that are here.

And the percentage of work that's being done that would be 5 percent of the workforce, is the illegal workforce, but they're doing 2.2 percent of the work, because these are low skilled jobs. And we match up to their contribution to the GDP, and so 2.2 percent of the work amounts to about 11 minutes of an eight hour day. You could just shorten your coffee breaks to pick up the slack.

If you wanted to look at the United States from a macro view, certainly there are industries that have become so dependent upon illegal labor that they would be in a crisis if tomorrow everybody woke up in a bed where they were illegal to work in that country.

But I pose this question, I think to Mr. LaHood, and we have something in common, Ray. And that is that our grandparents came here legally in the United States and abided by the laws of the United States. And I have something that troubles me greatly about this, because I was raised in a law enforcement family.

The constitution and not our federal code, but the code of Iowa was in our house many times referenced and put down by my father, and I followed his fingers along those lines, a reverence for the rule of law. And I think that's consistent with the oath that we all take. And I have a real concern about what message this says about reverence for the rule of law.

And I happened to have interviewed a number of people who live in my district who are beneficiaries of the '86 Amnesty Act. And they are, invariably, in favor of another amnesty act, because it was good for them, and it was good for their family. And their family members also support an amnesty of one version or another, because they believe that that's the path to success for their family.

And I understand the tone that you bring to this, and I think I share a lot of that. But if we grant -- and I am going to call it "amnesty," because I don't know how else we would define it.

But if we waive the law for 12 to 20 million people and they and their family members and their descendants hear the advocacy for how good that was for them, what does that do to the essential most central pillar of American exceptionalism which is the rule of law? How would we ever have a culture in the United States of respect for the rule of law if a mass of people of that number were rewarded for breaking the law?

REP. LAHOOD: The answer to the question is very simple, Mr. King, and that is this. We're not going to waive the rule of law, and we're not going to give an amnesty. We're going to say, number one, you admit you're here illegally. You pay a fine. You go back to the country from which you came. You touch back. And at that point, you're admitting that you're here illegally.

You're paying a penalty for doing that, and at that point, there is no amnesty. You're pleading guilty to the fact, I'm here illegally. I'm paying a fine. I'm going back. I'm touching back to the country from which I came. That's in the STRIVE Act. Those are provisions that, if this were passed, would be a part of it.

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REP. KING: I appreciate that, Ray.

REP. LAHOOD: At that point, people do admit that they're here illegally, and there is no amnesty, because they're paying a fine.

REP. KING: You understand my definition is to grant a pardon and reward them with the objective of their crime, and that's really what it is. And the penalty is of less consequence than paying a coyote to come into the United States. But I would just in turn, ask Mr. Flake, how would you define amnesty?

REP. LAHOOD: Well, let me just say this about the fine; \$2500 is a lot of money. It may not be a lot of money to a coyote, but it's a lot of money to somebody who is here making \$12 an hour or whatever it is. That's a lot of money, Steve. I mean, it's not insignificant. It may be to some employer who has got a lot of money, but it's not to somebody who has to touch back and pay the fine.

REP. FLAKE: Let me answer that. Amnesty, in the dictionary, I think Webster's, says "an unconditional pardon for a breach of law." This is not an unconditional pardon. And if your definition is that they are ultimately rewarded with the object of their desire, the other day I was driving to Home Depot, and I got a ticket.

I paid the fine, but I still got to drive to Home Depot in the end. I got the object of my desire. It wasn't very pleasant, but I did.

REP. KING: We're talking about YouTube.

REP. FLAKE: Did I get an amnesty? No. I paid a fine. And unless you're willing to say we're going to deport everyone here tomorrow who is here illegally, I don't know how you draw distinction between de facto amnesty that that is and with a process, a laborious process, that people have to go through in this bill. So that would be my answer. Thank you.

REP. KING: Thanks, Madam Chair. It's interesting to have members of Congress as witnesses here, and I appreciate your testimony.

REP. LOFGREN: The gentleman from Illinois, Mr. Gutierrez, is recognized for his five minutes.

REP. GUTIERREZ: Thank you very much. I want to thank again the gentlelady from California and the chairwoman for conducting this hearing. I also just want to make a few points about what I've heard from this wonderful distinguished panel.

Number one, we heard earlier from my friend from California, Mr. Bilbray about Sylvester Reyes as well. Sylvester Reyes is an original sponsor of the STRIVE Act, because he feels that that's the way to do --

REP. LOFGREN: And David Dreier isn't, but he's still got (crosstalk) --

REP. GUTIERREZ: I understand that, but Sylvester Reyes is an original co-sponsor. He came to testify here before this committee saying that was my position last year, and this is my position today.

I would like to also say that in mentioning the question of the chairwoman, we did invite the chief of the border patrol to our first hearing, the first hearing ever on comprehensive immigration reform under the leadership of Zoe Lofgren. And we went to Ellis Island, and we invited him.

And so the chief of border patrol said to us, "You want to stop and control the borders; you need to have a new worker program." This is the chief of border patrol, the man who was in charge of defending our borders each and every day and supervising thousands of others to do the same kind of work each and every day.

He said, "You need to take care of the backlog." He said to us, "You need to take care of the backlog. The wait is too long. There are some people waiting for their sons from the Philippines, 15, 16, 22 years. That's too long for

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people to come." And he also addressed the issues to say to us listen it was only like 3 or 4 percent of the people that he catches that he finds are engaged in criminal activities.

He said the other millions that he turns away are people that are coming here to look for work, to be reunified with their families. That was the chief of border patrol, and he said, "What do we make ourselves safer?" Do we make ourselves safer in this country by approving the STRIVE Act?

I think we do, because we have 12 million people. We don't know where they live. We really don't have their fingerprints. They have all kinds of identification which really isn't theirs.

Let's legalize their status, and now we know who they are, because at the current rate going back to what Congressman Flake and Congressman LaHood stated earlier, at the current rates, last year we had an unprecedented deportation from ICE agents. So they deported 180,000 people last year. It's unprecedented.

Well, if there are 10 million, as I suggest, 10 to 12 million and up to 20 million as Mr. Bilbray and others suggest, it would take us about 80 years, at the current rate, at this unprecedented rate, to get rid of the undocumented workers. That's with no new ones coming into the country. So really, we are for safety, because we want to stop new undocumented -- we want to end illegal immigration. We want to end this once and for all.

And I would just add the last thing that I thought was curious, that if we got rid of all of the undocumented today, it would be easy because it would just take 11 minutes out of every other worker's time.

Well, I guess we're going to start a new national service program where I and everyone else contributes to America's economy where I take out 11 minutes to go fix brakes or do some butchering somewhere or do something, and if all us contribute those 11 minutes. And I think that it's a misnomer to talk about things that way. That isn't going to happen.

The good thing is, my mom and dad, as I'm sure everybody's parents probably -- my mom and dad didn't finish high school, but I got to go to college. My kids, one already graduated, and the other one -- that's the American tradition. I'm going to be very blunt, and I'm sure it will --(inaudible).

Who in this country really wants their kids to go back into the fields, the pesticide ridden fields? Who really wants their kids to go do the kind of work that immigrants do each and every day in meat packing plants in this country, in hotel rooms, and washing dishes, and serve -- I'm not saying it's not honorable work. I'm not saying it's not good work.

But is that really the American tradition that we take our children and say, "Okay listen, as part of your national service, you need to go do these jobs"? No. The great American tradition is that we allow people to come to this country, to do the kinds of work at the bottom rung and work their way up so that future generations can go on to become members of Congress, can go on to become doctors and lawyers, so that that's the great American tradition.

Much as Mr. LaHood spoke about his immigrant background from Lebanon and he where his grandson went to. So I think that's the spirit in which we should deal with this issue, and I thank the gentlelady and return the balance of my time.

REP. LOFGREN: The gentleman yields back. The gentleman from California, my colleague, Mr. Gallegly.

REP. ELTON GALLEGLY (R-CA): Thank you very much, Madam Chairman. Ray, I listened with great interest to your testimony. Clearly, we all understand we're a nation of laws. We're a nation of immigrants. In fact, most people in this room can't go back more than two or three, maybe four generations at the most, and find that their roots come from foreign soil.

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But I found it interesting that you preface your remarks and you were very proud, or appeared to be very proud of the fact that your grandparents, to quote Ray LaHood, "Played by the rules." Now Ray, the folks you're talking about here today, did not play by the rules.

We have millions of people waiting in line some 8, 10, 12 years. Our office does more work processing immigration cases than all the rest of the cases combined that we do in our district office. We have folks that play by the rules for many years. What kind of a message does it send to those that have waited in line, like your grandparents, and played by the rules?

What message does it send to them? Why should we play the rules if someone has violated the law long enough that they have to get a fine of \$2500 and touch back? Do they have to touch back for ten years, eight years, six years, or for 20 minutes? What kind of a message does that send, Ray?

REP. LAHOOD: Well, Mr. Gallegly, I'll say this. I think what the STRIVE Act allows for and the reason I'm supporting it is for people to play by the rules, to create a set of rules that allows people to admit illegality, to pay a fine, to touch back for whatever period of time.

And at that point, there is a system whereby they can say, "Hey, I violated the rules. I'm going to pay my fine. I'm going to play by the rules now." That's what the STRIVE Act does, Elton.

REP. GALLEGLY: Pardon me, Ray, though that --

REP. LAHOOD: It gives people an opportunity to play by the rules.

REP. GALLEGLY: That doesn't answer the question.

REP. LAHOOD: Part of the answer to the question is many of the people, as Congressman Flake said, came here illegally. They've overstayed their time now, and --

REP. GALLEGLY (?): And they're illegal.

REP. LAHOOD: That's exactly right. And we want to give them an opportunity because they're contributing to America, to the fiber of America, to the employment, to the economy of America. Look at -- if you take 12 -- if you send all these people back, what's it going to do to America? Part of the American economy is going to collapse, particularly the agricultural economy, the meat packing economy, the service economy, because there aren't going to be enough Americans to do these jobs.

MR. : Congressman, I think the issue is what are the rules?

REP. GALLEGLY (?): Reclaiming my --

MR. : What are the rules (that we're setting down ?).

REP. GALLEGLY (?): Reclaiming my time. We're a nation of laws, and clearly you're changing the rules, but you're changing the rules for people that weren't playing by the rules to say that you now can play by the rules, and it does send the wrong message. Let me get back to my good friend Jeff from Arizona. Jeff says we don't -- and, in fact, Luis says it would take 80 years to remove those that are illegally in the country today through due process, and we don't even know who they are.

I have a novel concept. Maybe I'm out in the woods, and maybe you can steer me straight, Jeff. We know that there's over 10 million people in this country. Social Security service has the name, phone number, and probably shoe size of over 10 million people that are working with an invalid Social Security number. What would be wrong with sending a letter to that employer saying clarify the Social Security number? Make sure it's valid so they're working legally, or you are going to be responsible for terminating that employee. If that employee doesn't have a job and has no other means of supporting -- most of these folks didn't come to the country illegally because of our

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beaches. They came because of economic opportunity, just like we have tens of millions waiting in line right now to come to this country legally for those opportunities.

Explain to me -- what would be wrong with that concept of enforcing the law, or perhaps give us your definition of the Rule of Law.

REP. FLAKE: Well, that to a certain extent is being done right now, and part of the issue is employers now only have a couple of programs to rely on. One is Basic Pilot. Basic Pilot does a decent job of telling the employer if a Social Security number is valid, but it can't tell the employer with great accuracy if it's being used 500 times. And so the employer has to wait for the federal government to go back and forth.

And as Congressman Gutierrez said, right now given the resources we have out there, it would take years and years and years, maybe not 60 years. Maybe we double it. Maybe 40 years. What is acceptable? And why is that any less of an amnesty for those who are here illegally now than a process by which they have to come forward, pay a fine, register in the program, go to the back of the line, go back to their home country, register, have six years of work, and then qualify for a green card? I just -- I don't see --

REP. GALLEGLY (?): Thank you very much, Madam Chairman.

Don't quite put me to the maybe list yet. I yield back.

REP. LOFGREN: The gentleman yields back. The gentlelady from Texas, Ms. Jackson Lee, is recognized for five minutes.

REP. SHEILA JACKSON LEE (D-TX): I thank the gentlelady as well, and I thank her for moving forward. I agree with Congressman Lahood, but I believe the American people want this body to address this question. I was home in the district, and I can assure you that this whole question of immigration has not left the minds of the American people, and there are good will people on both sides of the aisle looking for a solution.

And so I'm delighted to be a co-sponsor of the STRIVE Act. I look forward to this committee moving on a hearing on the Save American Comprehensive Immigration Reform Bill because I think it's important that we say to the American people that we are doing a thorough study. And I thank Congressman Gutierrez for his persistence, and I likewise add my real appreciation for his additional commitment to this body for another two years. We are going to get this done.

I'm holding a Constitution in my hands, and I know that the next questioner will probably use it in a different way. We are a country of laws, but we have been a country of immigrants. In fact, I think it's important that we take our history much further than the 20th century and the 21st century, for it was immigrants who came to this country who found or sought a better way, oppressed from political oppression, religious oppression. I'm not sure whether they were legal or not. I don't know what kind of structure was here to give them their documentation, but they did come.

And when they wrote the Constitution there were a number of important comments. One of them is "the sacred rights of mankind are not to be hidden. They are written as a sunbeam in the whole volume of human nature." So I think what we have is a moral question as well. How do we address individuals who have come to this country undocumented but for an economic opportunity? And unlike other countries where we bring people in as indentured servants and otherwise -- and so it's an individual man or an individual woman -- we have families here. I mean, that's the value system of America. We don't necessarily bring the man in or the woman in to be a domestic and then tell them that there is no family part that can come in. They can't, if you will, access their family members. Might I also say that some of the undocumented persons are overstays. Some of them are family members who've been begging for years to be reunited with their family.

So I think we have to look at this question as a potpourri, Haitians, Africans, Indians from India, Pakistani, individuals in addition to those who come from the southern border. So I want to lay this groundwork and just ask one question. I don't think we can do piecemeal response to immigration. That's what we've been doing. And so

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that is why we have raged on labor sites, and one day there is going to be a violent act. It's going to be violent because the ICE officers have their right to do their job. They're enforcing the law. But there are people who are frightened and maybe put in a situation untoward, or the employer may be put in a situation that results in a violent action. Is that what we're trying to promote?

And then now we're talking about the employer verification. I don't think we should be unsympathetic to small restaurants across America who are literally falling apart because they want to do right. They want to abide by the law. But you will close them down. You'll close janitorial services down. You'll close hotels down. You certainly have already begun to impinge upon the agricultural industry. You'll close contractors down.

And I am committed to full employment for Americans. I don't think we should put immigration reform in place of saying to American -- every American that wants to work, you have the first choice of employment. That is the key. And I certainly don't want to be castigated, as some have done for some of us, Congressman Baca, who believe in comprehensive immigration reform that we're supporting criminals. The crime in New Jersey was horrific and we stand against it. And it's a shame that a convicted or a charged predator was not already incarcerated. I dare anyone to suggest to me that we affirm that. We mourn for those whose lives were lost.

But my question to you, Congressman Baca, is how do we bridge this divisiveness? This is not the civil rights question of the 1960s. It was a different historical basis, but this is the human rights question of the 21st century. And the same divisiveness that was used to pit one American against another America in the race question of the 1960s and 1950s is now being used to divide those of us who want to join together, who want to work with Anglos and Hispanics, African Americans, Asians and others. It is a divisive effort. Would you share with me how we can bridge that, making sure every American works, making sure criminals are incarcerated, and have us not be charged with supporting that when we talk about comprehensive immigration reform?

REP. BACA: Thank you very much for the question. First of all, Hispanics are very patriotic to this country. They're willing to serve this country, willing to fight for this country, willing to die for this country. And there's no way in the world that you can take 12 million people or above out of this country. People want a better way of life. They want to live in harmony like other individuals who have come here. 'Cause if we really assess who are the true Americans, Native Americans are the true Americans who were here. The rest of us are all immigrants. We have a responsibility to live with our neighbors, an opportunity to give these individuals who come to this country who want a better way of life the same opportunities that others have had.

If we truly are Christians, if we truly believe in Christianity, we would allow individuals who want to come here -- whether it's employment or education or family unification -- everyone for national security -- it's important. When people said wait a minute, this will be national security -- we'll know who is here legally, who is not legal, and who's committed a crime. People want to comply with the law. They will not be breaking the laws. They'll be given an opportunity to comply with those laws. And it's important that we bridge that gap, that we don't have hatred amongst one another.

And what we will end up doing -- if we don't do anything, we'll ultimately get into profiling of individuals, whether you carry a document that says if you're brown, you're black, or you're a different kind of a color, you may have to show I.D. Well, somebody else will not. It's important that we work together. I think the STRIVE Act goes in that direction and we have that opportunity, and we've all got to come together. And it's the responsibility of Congress to come up with legislation. That's why laws were made. When you talk about the Constitution, those were laws that were created. Those weren't laws that were there before. It allowed them. We have the same responsibility to create laws now, and we need you in addressing this issue.

REP. JACKSON LEE: Thank you.

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

REP. JACKSON LEE: I thank you. Yield back.

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REP. LOFGREN: And all time has expired. I would like to thank these four members of Congress for taking time out of days that I know are hectic and sharing their expertise and their thoughts with us. I know that we will continue to discuss these items, and I just feel enormously blessed that you've given us this time this afternoon.

REP.: Madam Chair, I appreciate the chance for us all to participate, and I would just encourage everyone here to - as we discuss (the Senate goes down ?) I just realize how few of us participate in things like the inter-parliamentary meetings with Mexico and the Latin American countries, and I encourage everyone to spend more time, talk to the people down there, and see it from their perception, it really is --

REP. LOFGREN: Mr. King and I just came back from Mexico and Mr. Berman also. Thank you very much, and we'll now ask our next panel to come forward. As we have our next panel coming forward, I know that one of our witnesses has already told us that she has a plane to catch at 4:00 and is going to have to leave at that time. That's Cassandra Butts, who we've known for so many years, and she worked here on the Hill, so I just wanted to announce that in advance. When the magic hour comes, Cassandra is heading for the airport.

Alright. It's a complicated task here. Alright. I'm going to begin the introduction of our witnesses, and thank you again for taking the time to be with us here today.

People don't realize when they watch these hearings that these are individuals who really out of the goodness of their heart have come here to share their information, their experiences to inform the Congress, and it's a great donation to your government and we appreciate it a great deal.

Seated first on the panel -- we have Tony Wasilewski, a small business owner from suburban Chicago. Raised on his family's his farm in Poland, Mr. Wasilewski fled Poland's Communist regime in 1989. He married his wife Janina here in the United States in 1993, and they are proud parents of their six year-old son, Brian. The family has made their home in Schiller Park, Illinois where they own a janitorial contracting business. After Janina was deported earlier this year, Mr. Wasilewski became active with several immigrant advocacy organizations. Later this month on September 18th, to be precise, Mr. Wasilewski will take the oath of allegiance and officially become a United States citizen.

Next we are pleased to have Eduardo Gonzalez join us, serving his fourth year in the U.S. Navy as a helicopter mechanic. Born in Mexico in 1983, Mr. Gonzalez came to the United States as a child with his mother and two brothers. After participating in (ROTC ?), he graduated from high school in 2001. Mr. Gonzalez earned an associates degree in occupational studies. The proud father of 22-month-old Eduardo Jr., Mr. Gonzalez became a U.S. citizen on July 21st, 2005. He has completed two tours of duty in the Middle East and is in preparation for his third deployment. On behalf of Congress and the American people, Mr. Gonzalez, we owe you and your family our most genuine gratitude for your service.

I'm pleased next to introduce Reverend Luis Cortez Jr., the President and CEO of Esperanza USA. In addition to his work with Esperanza, Reverend Cortez serves on the board of the Federal Home Loan Bank in Pittsburgh and was appointed to the Pennsylvania Minority Business Development Authority and Philadelphia Workforce Investment Board, is one of the founders of the United Bank, Pennsylvania's first African American owned commercial bank. Raised in Spanish Harlem, Reverend Cortez graduated with honors from City College in New York with a Masters of Divinity -- (inaudible) -- Theology Seminar and with a Masters degree from New Hampshire College.

It is my pleasure to next introduce Joshua Hoyt, Director of the Illinois Coalition for Immigrant and Refugee Rights. Mr. Hoyt has worked for nearly 30 years as a social justice advocate in both the United States and abroad. Before serving the directorship of the coalition in 2002, Mr. Hoyt served for four years as the executive director of the Organization of the Northeast in Chicago as president of Illinois' largest consumer organization, the Citizens' Utility Board, and as associate director of the United Power for Action and Justice in Chicago. My. Hoyt is a graduate of the University of Illinois and (Central ?) University of Barcelona in Spain.

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We'd also like to extend our welcome to Cassandra Q. Butts, the Senior Vice President for Domestic Policy at the Center for American Progress, or CAP. Prior to her work at CAP, Ms. Butts served as the senior advisor to former Democratic leader and presidential candidate Richard Gephardt and as an advisor to Senator Barack Obama. She's practiced law as an assistant council for the NAACP's Legal Defense and Education Fund, and she served as an international observer during Zimbabwe's 2000 parliamentary elections. She earned her Bachelor's degree from the University of North Carolina at Chapel Hill and her law degree from Harvard University.

It's my pleasure next to introduce Michael Barrera, the president and CEO of the United States Hispanic Chamber of Commerce. Due to a last minute scheduling conflict, Mr. Barrera will be leaving the testimony prepared by his colleague, David Lizarraga, the chairman of the Board of Directors at the Hispanic Chamber. Prior to his selection as president, Mr. Barrera was appointed by President Bush in 2001 to serve as the national ombudsman for the United States Small Business Administration. A native of Kansas, Missouri, Mr. Barrera earned his bachelor's degree from Kansas State University and his law degree from the University of Texas. He co-founded two law firms in Kansas City and served as an assistant prosecutor in Jackson County, Missouri.

Finally I'd like to welcome the minority's two witnesses, the first of whom is Julie Kirchner, the director of Government Relations at FAIR, the Federation for American Immigration Reform. Prior to joining FAIR, Ms. Kirchner worked as council at the Minnesota House of Representatives while she staffed the Judiciary and Civil Law Committees. In addition to her legislative experience, Ms. Kirchner has worked both as a private litigator and a criminal prosecutor. She earned her -- I'm sorry. She earned her Bachelor's degree from Yale University and her law degree with high distinction from the University of Iowa, College of Law.

And finally I'm pleased to welcome Corey Stewart, the chairman at-large for the Prince William County Board of Supervisors in Virginia. Chairman Stewart was elected in 2006 after serving for three years on the board as the district supervisor from Aquacon. He earned his B.S. from Georgetown University School of Foreign Service and his law degree with honors from William Mitchell College of Law. He also practices law as an international trade attorney with the Washington firm of Foley and Lager (ph).

Now, each of your statements will be made part of our record in their entirety, and so we would ask that you testify - - summarize if necessary for five minutes. We have these little machines on the table. When the light turns yellow it means you've got one minute left. I know. It always seems faster than possible. And when the red light goes on it means you've actually used up your five minutes. And we would ask you to please summarize and conclude. So we have a lot of witnesses and we want to hear from all of you.

So that is how we will proceed, and we will start with Mr. Wasilewski, and I hope I'm not mispronouncing your name too severely.

MR. TONY WASILEWSKI: Thank you. Yes, that's correct. Hello. My name is Tony Wasilewski. I am an immigrant from Poland, a long- time resident of the Chicago area, and in another two weeks a proud citizen of the United States. I am also a husband and father. I have been married to my wife Janina for 14 years and never have been separated from her. However, since June 8 of this year, I am living by myself because my wife was deported to Poland.

Janina came to the United States in 1989 fleeing Communist Poland. She immediately applied for political asylum. In 1993, September 25th we got married. Later that year, she lost her asylum case and received an order for deportation instead.

In 1995, during an immigration court hearing, Janina was ordered to voluntarily depart the United States. However, she did not understand what happened at that hearing. There was no one there to translate the proceedings. And the judge never addressed her directly or explained to her the consequences of not going through with the voluntary departure.

Now knowing what happened or what's going to happen, we decided that Janina would stay with me. I was starting the process of getting my green card through work sponsorship, and I hoped that Janina could get hers with me.

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Another reason why Janina did not leave the United States was that she was undergoing fertility treatment. Here in the United States my wife received adequate care, which would not have been available to her in Poland at that time. During this time we suffered three miscarriages. Finally, six years ago our son, Brian, was born.

We tried to get Janina's case reopened and reviewed. In 2005, the Seventh Circuit Court of Appeals ruled that it was unable to review her case under a law passed in 1996. Meanwhile, we became an example of a model immigrant family. We learned English, bought a house in suburban Chicago, and started our own business. We were living the American dream.

On March 8th of this year, the dream turned into a nightmare when Janina received her final order of deportation. She was to report to the immigration office ready for deportation. We were able to postpone the deportation in hope finding a solution for this difficult situation. Janina was able to stay and see our son kindergarten graduation June 5th, just two, three days before her deportation, June 8th. But despite huge support for the community, our church and local officials, we were not able to keep Janina in the United States for good.

After 18 years in the United States, we have nothing in Poland. Janina had nothing to go back to. And I would have nothing there either. We decided that Brian, our son, would go with his mom to Poland because a small child needs his mother. I stayed to wait for my citizenship interview, take care of our house, and run our business, which is the only source of my family income.

This was the hardest decision of my life. I had to see my family go without me and to let Brian think that he was just going on vacation.

We don't know what future holds for us and particularly for the child that Janina and I wanted with so much love for so many years. I feel like my life was destroyed. I am the father. I am the husband. Now I feel lost.

My only chance to get them back is to get a waiver for Janina. Otherwise, she is barred from returning to the United States for ten years. Our community and local officials have already offered their help with the complicated process of applying for this waiver. Will that support help? Will my pain be enough hardship for immigration officers to grant Janina a waiver? I can pray for it.

I hope this hearing and my testimony will help all the separated families so they can be united again. I also hope that my testimony will move you, members of this committee, to fix our immigration laws so that no more families need to be torn apart. Thank you.

REP. LOFGREN: Thank you very much for sharing that story. Mr. Gonzalez.

MR. EDUARDO GONZALEZ: Chairman Lofgren, Ranking Member King, members of the committee, special guests, good afternoon. My name is Eduardo Gonzalez. I am enlisted in the United States Navy. My rank is Petty Officer Second Class. I enlisted in the Navy in 2003. I graduated high school in 2001, and then continued my education by earning my Associate's degree in occupational studies. I had many choices, but after September 11th, I decided to make this a better country for my family.

Since my enlistment, I have been deployed two times, first on June 7th, 2004 on board the U.S.S. John F. Kennedy in support of Operation Enduring Freedom. The second time was on November 28, 2005, when I was deployed to Camp Beuhring, Kuwait in support of Operation Iraqi Freedom. I am now preparing for my third deployment to begin this November on board the Harry U.S.S. Truman for a tour of the Gulf region. I am proud of the service that I provide to my country. I enjoy every second of it. In fact, I plan to re-enlist.

I met my wife, Mildred Gonzalez, in November, 2001. On May 28, 2004, we decided to get married. Mildred's mother had come to the United States -

REP. LOFGREN: Mr. Gonzalez, just take a minute. We're not going to rush you. Just take a minute and take a deep breath.

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MR. GONZALEZ: Mildred's mother had come to the United States from Guatemala in 1989 without documents when Mildred was only five years old. Mildred's mother applied for asylum/NACARA in September of 2000 and included Mildred on her application. Her mother was eventually granted legal status in July, 2004. Because Mildred was included on her mother's application, Mildred also should have been granted lawful status in July, 2004.

However, we were unaware of the repercussions of our decision to get married six weeks earlier. Our marriage cancelled out Mildred's ability to obtain status through her mother because she was no longer an unmarried daughter under 21 years old. At the time we got married we did not know Mildred and her mother would have an appointment with an immigration official in July of 2004. After all, that had been waiting for four years.

Mildred attended the immigration appointment with her mother and brother, and Mildred was denied her request to obtain legal status, solely due to the change in her marital status. At the time of her immigration interview, I was deployed and only being able to communicate once in a while, I found out that she was disapproved.

Mildred's case was then sent to immigration for removal proceedings and her first court appearance was on September 16, 2004. The judge was generous because of our situation and decided to reset her court date to June 14, 2007. We were all hoping for immigration reform by that time and hoping that the law would change. However, that did not happen, and on June 14, 2007 Mildred and I appeared in court fully expecting that Mildred was going to have to leave the United States within 120 days.

I was in uniform and the judge knowing that I was about to deploy and knowing that we have a 22-month-old son, gave Mildred a 12-month extension. We recognize that Mildred has been fortunate to get these extensions, however these extensions do not solve our problems, they only prolong them. On June 8, 2008, if Mildred's legal status does not change, she will have 60 days to voluntarily depart the United States or she will be deported.

Since she has not been to Guatemala since she was five years old, she is not familiar with the culture, language or society. She has no family there, and I feel that this would be very difficult for us and perhaps even dangerous for her. Mildred has spent 18 years of her life in this country, and to us and our child the United States is her home.

Our son, Eduardo Gonzalez Jr., was born on December 9th, 2005, two weeks after I was deployed to Kuwait on my second tour. Missing my first-born child's birth was a sacrifice itself. Yet, I had to perform my duties as a member of the team of mechanics that I'm apart of.

I am about to go on deployment once again knowing that my wife might not be here when I return or where my son might end up if I don't return before her court date. Sometimes I find it difficult to concentrate on my duties, but as a citizen of the United States of America, sometimes it makes me wonder if I can die for my country, why can't I just be with my family? Every time I go somewhere my wife worries about me not coming home one day, but now she also has to worry about leaving home, a country where she feels safe.

I want to serve me country 100 percent. But with these issues in the back of my mind, I feel I can't do that. I am not asking for anything. I'm just bringing these issues to your attention. As you may already know, my family is not the only one going through this situation. Many will not come forward and speak about it because they fear they will have to pay the consequences. Mildred and I also worry that this might have a negative impact on us, but given this opportunity, we feel that if we tell our story we might be helping others in this situation.

I come before you not only as a United States sailor, but as a husband, a father and an American citizen. I am hoping that my testimony helps and something positive comes out of it. Thank you very much.

REP. LOFGREN: Reverend Cortez.

MR. LUIS CORTEZ: Thank you, Madam Chair, Mr. King and members of the subcommittee for the opportunity to appear before you today. Since immigration legislation failed in the Senate this summer, hundreds of state and local enforcement initiatives have been enacted and thousands more are pending.

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In these cities and states a fundamental value of American jurisprudence, the presumption of innocence, is gone. For thousands of third, fourth and even fifth generation American citizens their skin color now defines the limits of their rights. The color of our skin or the sound of our accent now provides us the privilege of being detained, harassed or accosted in an effort to determine our status. Even I wonder whether I need to carry my passport.

Criminal elements are now beginning to prey on innocent, law abiding, hardworking members of our communities. Many of them, in fact, are American citizens. American citizens are now afraid to call the police. American citizens are deciding it's easier to let certain crimes go, to not get involved as witnesses, than to fall victim to over aggressive law enforcement when they have a family member who is undocumented.

The country needs immigration reform legislation enacted now more than ever. With the Senate failure, we look to the House for leadership. The House needs to show the same leadership and ability to resolve differences, as was demonstrated ten years ago when Congress passed comprehensive welfare reform. The welfare reform debate was heated and full of conflict and controversy. And yet this Congress and this country came together and solved one of the biggest domestic problems facing our country in the mid '90s. I have faith that Congress can rise to this similar challenge today.

The House has an opportunity to show wisdom and courage and permanently fix our broken immigration system. Now is the time to lead, to educate constituencies influenced more by rhetoric than reality. Now is the time for leaders of both parties to teach their junior members by example. As faith leaders, are called to ground our conduct in treatment of others in our reading and understanding of Scripture.

So too for guidance on immigration policy we turn first to Scripture. Our support for comprehensive immigration reform comes from the biblical mandate, which is -- well, the biblical mandate to advocate on behalf of the stranger in one's land, a practice that is noted in the Old Testament.

As in Leviticus 19:33-34, "When an alien resides with you in your land, you shall not oppress the alien. The alien who resides with you shall be to you as the citizen among you." In Mathew 25:35, which is in the New Testament, Christ calls on all his followers to treat immigrants with fairness, justice and hospitality: "For I was hungry and you gave me something to eat. I was thirsty and you gave me something to drink. I was a stranger and you invited me in."

One of my continuing frustrations is the gross distortion of the word amnesty. As Christians we understand amnesty. Amnesty is what Christ provided us as forgiveness for our sins when he paid for our sins with his life. This is true amnesty-unconditional and without penalty. The Merriam-Webster dictionary defines amnesty as a pardon. A pardon is defined as "the excusing of an offense without penalty." Amnesty is a free pass and (it plays in front of the line ?). The STRIVE Act as well as recent Senate bills are, in fact, not amnesty.

I congratulate Congressman Gutierrez and Congressman Flake for their leadership and hard work that went into (arriving at ?) the STRIVE Act. I commend you on the rising above political rhetoric and polarization and working to bring a just solution to a current crisis.

We believe today as strongly as we did last year that for an immigration proposal to permanently fix our immigration system, it must accomplish four objectives: First, it must be compassionate, just and true to our heritage as a nation of families built by immigrants to our heritage as a welcoming nation. Second, it must secure our borders. Third, it must secure our economy by providing safe, secure systems to meet current and future workforce requirements. And fourth, it must be permanent, lasting, sustainable fix rather than one 20 years from now that will land us right back where we are today.

We believe the STRIVE Act is a fair, workable and just solution to our disastrous immigration system and meets these four objectives. In survey after survey 65 percent of Republicans and 72 percent of Democrats consistently support legal status with a path to citizenship from illegal immigrants who get in back of the line and pay penalties, learn English, etcetera. If the House could find the courage to have the debate to educate their junior members and their constituencies, we might solve our biggest domestic issue of the decade.

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Most Americans and most members of Congress recognize that the vast majority of the 12 million people who are here undocumented are good people caught in a bad system, victims of one of the worst public policy failures of our time. Forty percent who are currently in this country legally, 4.8 million people, entered legally. They couldn't get through the system. We are a nation of laws. Twelve million people live here illegally, and for that there should be penalties. But just as we are a nation of laws, we are also a nation that believes that the punishment should fit the crime. These are not violent crimes. These are not violent criminals.

Don't take the easy road and pass pieces of legislation for which there is already consensus among members. Let's have the debate in a national discussion, and let's take the vote. In the end you are either those that work on behalf of the harassed and the helpless, or those that refuse to set the law of the land that will direct the citizenry and show the moral fortitude that is so lacking today in our public discourse.

Thank you, Madam Chair and members of the subcommittee.

REP. LOFGREN: Thank you. Mr. Hoyt.

MR. JOSHUA HOYT: Good afternoon. My name is Joshua Hoyt. And as I begin my testimony on this polarized issue of immigration I'd like to quote the great statesman from the beautiful state of Illinois, Everett Dirksen, a Senate Republican, who said, "I've heard many a speech that changed my mind, but not one that changed my vote." So thank you for the opportunity, and I will do my best to both change minds and votes.

Our immigration system should reflect our nation's values of family and hard work, and our elected officials should have the courage to bring our laws in line with both our values and with economic and demographic reality. Unfortunately, neither has happened.

Our country is dealing with the consequences of more than 20 years of half-baked immigration policies from both parties. Whether we like it or not, our nation relies heavily on immigrant workers, many from Mexico. Our workforce is aging. In 20 years when I'm 71, the ratio of seniors to workers in the United States will have jumped from the current 24 per 100 to 41 seniors for 100 workers. The answer to the Beatles' existential question, "Who will still need me, who will still feed me when I'm 64," is simple. It's immigrants.

We offer few legal channels for these needed workers, especially for low skilled workers to come to the United States. The laws of supply and demand ensure that immigrant workers will come, and many stay. The half measures of the past have only made the problems worse. The '86 reform did not account for future labor needs. Employer sanctions were ignored. NAFTA increased trade, but did not address the increased flow of workers. Border enforcement pushed immigrants into the desert, and as a result, those that are our now here stay put. And the '96 reform makes it impossible for even productive, well established undocumented immigrants to get legal status.

So here we are in 2007. We have the untenable situation of an undocumented population of 12 million people overwhelmingly productively working, yet vulnerable to exploitation. We have 200 deaths on the border already this year, and we have no workable system for our future labor needs.

Our immigration enforcement policies are severely out of alignment with our trade policies, our economic needs, and our nation's values. The half steps have not worked, and that's why the solution to this mess must be a comprehensive reform, and ICIR supports the STRIVE Act introduced by representatives Gutierrez and Flake. With legal status and earned citizenship for undocumented workers, increases in visa allocations, cut the long backlogs, temporary worker provisions with worker protections for our future labor needs, and enforcement provisions that are generally reasonable and targeted.

There are provisions we don't like, but we applaud Representative Gutierrez and Representative Flake for seeking a solid middle ground. Chest thumping, racially charged, get tough enforcement (perks ?) deportation and workforce enforcement strategies that do not address our underlying labor market demands are doomed to failure.

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Meanwhile, the human cost of breaking up families like Tony's and Petty Officer Gonzalez's are tragic, and the economic costs churning our workforce are incalculable.

The current political strategy of those who bully the vulnerable, undocumented and pander to the most bigoted in their political base is both un-American and politically suicidal. President Bush proved that both parties can compete among Latino and immigrant voters, but in the current climate they're just driven into the arms of the Democrats. And there are those in the majority party who seem to believe that if they just sit back and allow others to do the immigrant bashing, then Latinos will be satisfied with lip service.

Shame on demagogues, on opportunists, and on political cynics. What we need are real **reforms** that will benefit not just the immigrants and their families, but our whole nation. We hope that this committee, this Congress, and this Administration will take such leadership and pass the STRIVE Act. Thank you.

REP. LOFGREN: Thank you very much. Ms. Butts, it's good to see you again.

MS. CASSANDRA BUTTS: Good to see you again, Madam Chair, and thank you for the opportunity to come and speak with you on this important issue. My name is Cassandra Butts, and I'm Senior Vice President for Domestic Policy at the Center for American Progress.

When marchers took to the streets this past year in support of immigrant rights and the passage of comprehensive **immigration reform** in cities and towns across the country, the images hearkened back to the Civil Rights Movement and the struggle more than a half century ago against prejudice and discrimination. The struggle for immigrant rights and civil rights are as intertwined today as they have been at any time in the history of the United States.

We stand tall as a nation by welcoming more immigrants than any other country in the world. The welcoming torch of the Statue of Liberty, which beckons "huddled masses yearning to be free" or the U.S. government motto E Pluribus Unum, "Out of Many, One," are more than symbols of our nation. They embody the fundamental principles of our democracy.

When we have honored those principles in the past our **immigration** laws have reflected the best America has to offer. But too often that generosity was in conflict with our domestic struggle with race, and our **immigration** policies were tainted with the same stains of discrimination and intolerance that divided the nation. For almost a century beginning in the 1880s, U.S. **immigration** laws excluded or significantly limited groups of ethnic and racial minorities from entering the U.S. These increasingly restrictive **immigration** laws projected to the world increasingly intolerable conditions for ethnic and racial minorities in the U.S. who shared a common heritage with the disfavored immigrant groups.

The 1960s represented a historic turning point that forever linked the fates of ethnic and racial minorities in the U.S. regardless of their **immigration** status. Heavily influenced by the fight for racial justice and equal opportunity represented by the Civil Rights Movement, Congress passed the **Immigration** Act of 1965, which eliminated the national origins quota system and racial exclusions. This new law became the third great pillar of civil rights laws of the era, joining the Civil Rights Act of 1964 and the Voting Rights Act of 1965 as beacons of freedom to the world and realizing America's founding principles.

As a result of the '65 act, people of color now make up the majority of approximately 24 million legal immigrants in the U.S. today. The growing diversity has reached every state and metro area in the nation, and the Census projects that the United States will become a majority minority country by 2060 largely based on this growth.

But as our **immigration** patterns have shifted to reflect greater diversity and the demands of a globalized economy, U.S. **immigration** laws have not been modernized to address these trends. One result has been the growth of a significant undocumented immigrant population estimated at 12 million. As a result, we have witnessed the resurfacing of historic hostilities towards immigrants and efforts to once again legislate intolerance and discrimination in our **immigration** laws.

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If this effort prevails and Congress fails to pass comprehensive immigration reform, such as the STRIVE Act, the implications could be far reaching. The choice before us is one that would either define our society as clinging to the past in fear of changing demographics, or as one prepared to take a progressive step forward towards a society rooted in the principles of racial equality and justice that has marked our progress since the 1960s.

We are once again at a historic crossroads, and the path we choose to take could have as profound an impact on our future as the Civil Rights Movement. Congressional inaction has already led to a patchwork of state and local anti-immigrant actions. Recent examples of such -- excuse me. Recent examples of such efforts provide few answers to the problems posed by our broken immigration system and raise more concerns about the safety of immigrant communities amid the specter of civil rights violations.

The first case in point is Hazleton, Pennsylvania, which was in the forefront in enacting a local ordinance in 2006 that broadly defined illegal aliens to include lawful residents and naturalized citizens. The ordinance imposed a \$1,000 fine on landlords who rented to illegal immigrants and leveled a five-year ban on businesses that hired undocumented workers, and designated Hazleton as an English-only city.

In a legal challenge by local immigrants and business owners represented by civil rights advocates, a federal district court recently ruled Hazleton's ordinance unconstitutional. But the court's strong decision in the Hazleton case has not deterred other localities, such as Prince William County, Virginia, from taking similarly disturbing actions. In addition, state and local law enforcement have sought to fill the breach left by federal inaction by enforcing federal civil immigration laws, and these efforts also run the risk of encouraging racial profiling and other civil rights violations.

Today, the link between immigrant rights and civil rights could not be more apparent. Supporters of comprehensive immigration reform, like the STRIVE Act, seek to restore a basic sense of justice and fairness to our immigration policy and recognize the common humanity of all residents of the United States regardless of their immigration status.

We as a people still believe in the principles that define our fight for civil rights and the principles that have defined our American democracy. Congress should honor those principles by passing comprehensive immigration reform. Thank you.

REP. LOFGREN: Thank you very much. Mr. Barrera.

MR. MICHAEL L. BARRERA: Good afternoon. It's late in the afternoon. I appreciate everybody staying here. Chairman Lofgren, Ranking Member King, members of the subcommittee, fellow panelists, and of course the hardworking staff, my name is Michael Barrera, and I'm the president and CEO of the United States Hispanic Chamber of Commerce, which represents the interests of two million Hispanic owned businesses in the U.S.

I appreciate the opportunity to testify before the subcommittee on behalf of our chairman, David Lizarraga, who could not be with us here today. Chairman Lizarraga is the son of immigrants from Mexico, and I am the proud grandson of Mexican immigrants. We've been blessed with immigrant virtues of hard work and dedication to achieve the American dream. We owe our success in business and our commitment to the economic development of our communities, not just the Hispanic communities, but our communities, to these same virtues. I dare say that most of us in this room owe much of their success to their immigrant roots and are immensely proud of their immigrant heritage. It is the strength of these immigrant roots that has made this country great.

That is why I am deeply troubled that demonizing immigrants and closing our borders to them jeopardizes our economic future. Therefore, please accept the support of the United States Hispanic Chamber of Commerce for comprehensive immigration reform and for the STRIVE Act as a vehicle that accomplishes this goal.

The employer community is fully committed to comprehensive reform, even more so due to the Administration's imposition of a proposed enforcement initiative that may displace as many as 1.4 million workers in the coming months. And these just aren't illegal immigrant workers. These are overall workers in the U.S. economy. We also

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support a lawsuit filed by the AFL-CIO, which seeks to freeze this enforcement initiative. In fact, the court issued a TRO on this. This lawsuit references a letter signed by the USHCC and many other employer associations expressing strong reservations about these proposed regulations. You know, it's not every day that I think I'd ever be here proposing and supporting a lawsuit by the AFL-CIO. But right now we have labor unions and businesses joining together to fight bad policy, which arose in the vacuum left by Congress' inability to reform our broken immigration laws.

The failure to pass immigration reform has also spurred, as many people have talked about, a flood of conflicting, fragmented and often intolerant state and local ordinances on immigration. Comprehensive immigration reform is needed now if we are to put an end to the more than 1,400 state and local laws, which are being hostile to immigrants and also over burdensome to small businesses that have been introduced or passed in the last two years. The legal patchwork is creating havoc for residents, businesses and immigrants across the nation.

Global economic integration is a fact of life. Labor jobs go where labor is available, and that is why we need to allow a steady and regulated stream of immigrant labor into our country. The choice is between further off-shoring of American industries and jobs or maintaining a productive and legal immigrant workforce that can fill the gaps of our labor supply.

Immigrants fulfill a critical part for the U.S. labor force by performing jobs that Americans simply don't want to take or perform. The CATO Institute came to the same conclusion when it found that immigrant workers fill segments in the U.S. job market where Americans are either over or under qualified. But if you really want a great example, when is the last time you tried to get a teenager to mow your yard? It just doesn't happen anymore.

As someone that works with both businesses and the Hispanic community, I call on Congress to pass comprehensive immigration reform for the sake of small businesses and the countless families that are being ripped apart with every workplace raid, with every misdemeanor that is being reclassified as an aggravated felony, and with the erosion of judicial review. I also urge reform for the sake of legal immigrant families that are being forced to pay steeper immigration fees and will soon be forced to navigate a bureaucratic maze of government regulations to renew all green cards in 120 days. This also hurts business.

Madam Chair, Ranking Member King, and members of the subcommittee, every person in this room owes their origins to our immigrant forefathers and mothers, many who weathered seemingly impossible odds in a strange land to come to the U.S. to achieve the American dream. This is not the time to close the door to others that dare to pursue the American dream. We must lend a hand to those immigrant families that are here contributing to this nation's strength and our economy.

We urge this subcommittee to remain steadfast in passing comprehensive immigration reform. Please note that for the sake of brevity I did not reference thoughts related to the STRIVE Act itself, but those can be found in the written testimony submitted for the record.

Thank you once again for allowing me to serve as a witness today, and look forward to your questions.

REP. LOFGREN: Thank you very much. Ms. Kirchner.

MS. JULIE KIRCHNER: Thank you very much. Oh, got to get my mike on. I hope that works now.

REP. LOFGREN: Yeah, very good.

MS. KIRCHNER: Thank you very much, Madam Chair, Ranking Member King and members of the subcommittee. Thank you for this opportunity to present the position of the Federation for American Immigration Reform with respect to the STRIVE Act and the policy considerations behind it. My name is Julie Kirchner, and I am here as government relations director.

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FAIR is a nonprofit public interest organization advocating an immigration policy that best serves the national interest. Our organization has over 300,000 members and activists in 49 states and is affiliated with over 50 immigration reform organizations across the country.

Madam Chair, on June 28th of this year after an extensive national debate, the motion to invoke cloture on the Senate Comprehensive Immigration Reform Bill failed. It failed because the American people recognized that the legislation did not embody meaningful reform. Instead they saw that through amnesty and guest worker programs the legislation rewarded illegal activity, undermined the American worker, and only made a bad situation worse. And the American people said no with a voice that is rarely heard in politics.

Madam Chair, one of the most compelling lessons we learned from the Senate debate is that before the American public will even consider amnesty or guest worker legislation, the government must restore credibility to an immigration system that has long lost the confidence of the American people. However, upon examination of the STRIVE Act, it is clear that H.R. 1645 does not restore credibility to our immigration system, but instead only replicates and in many cases exacerbates the very same problems in the Senate bill.

Madam Chair, members, there have been several members, honorable, distinguished members who have who have testified today that the STRIVE Act -- they consider the STRIVE Act to be the solution, the best solution. I most respectfully disagree. FAIR disagrees. FAIR believes that the STRIVE Act really, in fact, fails to fulfill its purported policy goals.

First, the STRIVE Act will not end illegal immigration. On the contrary, by granting amnesty through so-called conditional nonimmigrant status, blue cards and the DREAM Act, the legislation rewards those who break the law and only encourages more illegal immigration. Second, the STRIVE Act will not include the economic standing of the American worker. Instead, by creating a massive new H-2C guest worker program and more than doubling the employment-based immigrant visas, the legislation floods the market with foreign workers willing to work for less and eager to compete with U.S. workers.

Third, the STRIVE Act does not guarantee a crackdown in employers who hire illegal aliens. The STRIVE Act does require that employers use an employment eligibility verification system and does increase civil and criminal penalties for employers who hire illegal aliens.

However, all of this is undercut by provisions permitting the Department of Homeland Security to delay implementation of the verification system and to exercise its discretion to exempt entire classes of employers from its use. In addition, employers who hire independent contractors do not have to participate, and Homeland Security has the discretion to reduce penalties for illegal hiring practices.

Fourth, the STRIVE Act will not improve the quality of life in the United States. Indeed, it may improve the plight of individual immigrants, but this comes at a cost to society in the form of increased public services often borne by state and local governments, increased strain on the environment, and staggering population growth. FAIR estimates that the passage of the STRIVE Act would result in an additional 50 million people being added to the 2050 population projection. This means that instead of the U.S. population growing to 461 million by the year 2050, it will soar to approximately 513 million.

Finally, the STRIVE Act will not satisfy the American public's demand for meaningful immigration reform. Indeed, in poll after poll the American people have shown that they overwhelmingly oppose such legislation. For example, a June Rasmussen Report poll of over 800 voters found only 22 percent of Americans supported the bill considered by the Senate earlier this summer.

Madam Chair, like the Senate Amnesty Bill, the STRIVE Act promises only to compound rather than ease the immigration crisis. While we're granting amnesty that rewards illegal activity and creating massive new guest worker programs that hurt the American worker simply does not make sense when there are other viable alternatives out there. One need only look to the Jordan Commission of the mid 1990s -- the bipartisan Jordan

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Commission may I add -- to see that many sound reforms have yet to be implemented. These reforms should not be held hostage to amnesty and guest worker programs.

And Madam Chair, I would just like to say in closing -- today there have been many comments on the issues of fairness and justice. And FAIR does believe that immigration policy should not discriminate race, color, religion or any particular background. It should be fair to all immigrants, and there are many hundreds of immigrants all over the world who I believe would probably like to participate in the American dream. And to reward those who come illegally rather than reward those who play by the rules who wait their turn in line is in our opinion unfair and unjust.

And while there are some who say, well, there are the people who would participate in this conditional non-immigrant status -- as amnesty as we call it -- are penalized for paying some money. The difference is, is that the slate is wiped clean. Unlike people who are prosecuted and convicted of crimes in the U.S., there's no conviction on their record. It is as if it's never happened. And I think, Madam Chair, that there's a very important difference. They get to start over. They get to act like it's never happened. Immigrants from all over the world, from Asia, Africa, South America, you name it -- there are many, many who want to come, and we should be fair to all of them.

Thank you, Madam Chair.

REP. LOFGREN: Thank you. And last but certainly not least, Mr. Stewart.

MR. COREY STEWART: Thank you, Madam Chair, Ranking Member King, members of the subcommittee. I'm Corey Stewart, chairman of the Board of County Supervisors, Prince William County, Virginia. As I'm sure some of you know, Prince William County is located approximately 25 miles south of here. At 400,000 residents, we are the second largest county in the commonwealth of Virginia. We are also the seventh wealthiest county in the United States.

This economic prosperity and economic opportunity and high quality of life in Prince William has drawn talent from all over the United States and, in fact, the world. We welcome the increasing diversity in our community. We welcome -- excuse me. We welcome legal immigration in our community. And I better say that, since my own wife is a legal immigrant from Sweden.

What we do not welcome is unlawful, illegal immigration in our community. Illegal immigration is degrading the quality of life in our community. According to Immigration and Customs Enforcement, approximately one third of the gang members in northern Virginia are illegal immigrants, people that should not have been here in the first place. At last check, only one fifth of our inmates in our local adult detention center were illegal immigrants.

In a sick twist of fate, one of the suspects in the brutal execution style murders of three American college students in New Jersey is, in fact, a resident of Prince William County, Virginia. And just this morning, Madam Chair, if you'll allow me -- a murder committed by an illegal immigrant twice deported from the United States -- another murder by an illegal immigrant in Prince William County. The suspect here was twice deported and allowed to come back to the United States.

We are on the front line of this problem. The localities and the citizens and the local taxpayers have to pay for the problem, but what caused the problem was you, the federal government failing to enforce the law. And this is the problem. We are asking for your support to crack down on illegal immigration. The federal government has failed to secure the border. The federal government has also failed to support communities such as Prince William County that are dealing with the effects of illegal immigration.

So what do we do as a community? We use our limited resources and our limited legal authority to crack down locally. We have successfully teamed with Immigration and Customs Enforcement to implement the 287-G program. And I want to thank certain members of this committee who supported that in 1996. In the first month of implementation this past July, we initiated deportation proceedings of 52 illegal immigrant criminals, illegal immigrants who on top of being illegal, entered our community and committed crimes. Those 52, at least for the

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time being, will not be committing crimes such as this and threatening the lives and the property of Prince William County residents.

What we've asked, however, is that you enforce the laws at the federal level. Failing that, we ask that you give us more authority to do so at the local level. We ask that you give us the authority to detain and arrest suspected illegal immigrants based solely upon a civil detainer. We also ask that you give us the authority to do, as Hazelton, Pennsylvania did -- to fine landlords who house and harbor illegal immigrants. We also ask that you give us the authority to fine employers who hire and exploit illegal immigrants.

The law must be enforced. It's degrading our quality of life. If you're not going to enforce it at the federal level, we ask that you give us the tools at the local level to do so, and we will. Thank you.

REP. LOFGREN: Thank you, and thank you all for your testimony. And it has been a long afternoon, but I think it's been an instructive one. And we will have just a set of questions and then we will adjourn. And I'll begin, if I may.

Mr. Wasilewski and Petty Officer Gonzalez, it seems to me, if I'm hearing you correctly, that you both -- in the case -- you're a U.S. citizen. You're a legal resident about to become a U.S. citizen, and that your wives would have been permitted under existing immigration law to get a legal visa except for -- changes were made to the law in 1996 on this three and ten-year bar. Is that your understanding? That's the only thing that's really standing in the way at this point?

MR. WASILEWSKI: Yes, Ms. Chairman. Immigration officials said she broke the law. But my wife has never done anything wrong here in the United States. She has no criminal record, not even a parking ticket. And they were both -- because Janina -- she tried to follow the legal procedures for staying in the United States, but by applying for political asylum, she exposed herself --

REP. LOFGREN: Right.

MR. WASILEWSKI: -- to the immigration system and was deported.

REP. LOFGREN: So she thought she was -- she was trying to follow the rules and got caught in this trap.

MR. WASILEWSKI: Yes.

REP. LOFGREN: Petty Officer Gonzalez, this three and ten-year bar -- is that really what's the issue? Because you're an American, I mean, not only an American, but we thank you once again for your service to our country. The rule is that if you're an American citizen you can apply for your spouse. I mean, we're not trying to choose who Americans marry, but it's this three and ten-year bar issue, isn't it?

MR. GONZALEZ: No, ma'am. When we got together, me and my wife, she had already applied for asylum/NACARA.

REP. LOFGREN: Under the NACARA.

MR. GONZALEZ: Right. And she was already in proceedings, in her process. Now, when we got married that changed her status and could no longer --

REP. LOFGREN: Right.

MR. GONZALEZ: She could no longer be granted status under those set of rules.

REP. LOFGREN: Under the NACARA, right.

MR. GONZALEZ: Right. And so now since she didn't get it -- so now she got sent to removal proceedings because she was exposed also.

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REP. LOFGREN: Right. Well, I just think -- if I can -- the old immigration lawyer in me and old immigration law professor tells me that this is a massive bill, and a lot of the attention has been focused on the 12 million undocumented, and that's appropriate. I mean, there is a lot of -- it's an enormously important challenge for those individuals of our country and for the economy and the like.

But also, within the -- are elements of -- it's an intricate law, and under ordinary principles -- I mean, the rule has always been in modern history that the federal government doesn't tell Americans who they get to marry. I mean, we're not going to make a selection, and Americans get to -- if you're an American citizen, you get to have your spouse stay here with you. We changed the rules on that, well, 11 years ago. In the STRIVE Act that is made an issue, and maybe that's one of the things that we should be attending to in addition to some of the issues that have gotten more attention.

I'm just wondering, Mr. Gonzalez, Petty Officer Gonzalez -- and you're in service to our country and you're in this situation. I don't think most Americans would think that's a very good situation. I don't think most people would -- they'd be surprised that an American serviceman would be in this situation. Have you run into other people in military service that have had similar problems?

MR. GONZALEZ: Yes, ma'am. I have countless people that are in the same situation as I am to where they try to play by the rules. And when we play by the rules and we no longer qualify by the rules, we get exposed, and then we have to go to the next step, which is removal proceedings. And there is many people in my shoes, and I'm speaking for a lot of them, and they are in the same situation I am. They just don't want to say anything about it.

REP. LOFGREN: I am -- I think I -- think you could -- I understand we announced that earlier. I would like to ask Reverend Cortez -- you've been here before us to testify, and I always look forward to listening to your wonderful voice.

But in your written testimony you talk about law abiding individuals living in fear. What can we -- and I know that that's the case. What can we do to eliminate this climate of fear that's occurring in our neighborhoods that you described?

MR. CORTEZ: Well, law abiding people -- by that I include both clergy, of which -- we're an association of clergy, a national network -- clergy and individual families who are citizens, but they all know someone who's undocumented. So the climate of fear that's being created is on two sides: On one side you have racial profiling, and we know of the cases now where American citizens who happen to have Hispanic surnames and happen to be working in a place that has a raid are being arrested illegally.

We also -- so on one side you have that issue of fear. On the other side you have the fear that if you call a police officer and they're empowered and one cousin or an uncle or someone in the neighborhood isn't documented, clergy now for the first time have to make a decision whether we work with the police, which traditionally in inner city communities -- ministers have been at the forefront with police departments fighting issues of -- fighting over issues of crime, specifically drug interdiction and others.

On June 23rd, I participated in a process where 56 police chiefs were represented by Sylvester Johnson from -- the Philadelphia chief of police. And all of them said that they would not want their officers to begin to track down undocumented immigrants because in Hispanic communities, as well as in Middle Eastern communities, in African communities, it was going to raise havoc between good, law abiding citizens and the police department when they had a family member or a friend who was undocumented.

REP. LOFGREN: Thank you, and my time is expired, so I'll turn to the ranking member for his questions.

REP. STEVE KING (R-IA): Thank you, madam chair. I do appreciate the testimony of the witnesses. First, I'd ask -- as I looked through your testimony and listened to Petty Officer Gonzalez, I didn't hear you testify as to your place of birth and your status, citizenship.

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MR. GONZALEZ: I guess I was real shaky. I was born in Mexico City in 1983.

REP. KING: (Oh, really ?) Okay.

MR. GONZALEZ: And my mother, who followed to -- came over here with a working permit, and then she applied for residency. She got her residency, and she applied with us as minors and we got our residency. And I feel that I (owe something ?) to this country, so I enlisted in the Navy. My brother, who is one year younger than me, enlisted in the Marine Corps, and we're a good family.

REP. KING: Have a rivalry between brothers?

MR. GONZALEZ: Ah, sometimes.

REP. KING: Then you received your citizenship when?

MR. GONZALEZ: 2005, February I believe.

REP. KING: Congratulations.

MR. GONZALEZ: Thank you.

REP. KING: And I want to also say that as I listen to the cases of Mr. Wasilewski and yourself, Petty Officer Gonzalez, I'm not going to be specific about the paths that I think you have under current law. But I believe a year from today if you follow current law both of you will have a lot better expression on your face than you have today, and I believe your families will be united and will stay united without fear of being divided. And I believe that can happen under current law. And so I encourage you to follow that, and I congratulate you for the paths that you followed on the legal path.

Then I wanted to say, Mr. Barrera, Congressman Lahood sat in the chair next to you in the previous panel and testified that his grandparents came here from Lebanon in 1896. And you're a third generation from Mexico, and I'm a third generation too. But I don't get any credit for that. I'm kind of missing out here, you know? I would say that my father's family picked a -- they were raised on a different path. And that was the -- it was a path of throwing themselves into this greater overall American culture.

And I don't hear that coming out of the witnesses on the panel about how valuable it is that we have a greater American culture. It's an umbrella that sits over the top of everything within this country, and it's tied together by common history, which we share -- all of today share this -- and a common language and a common sense of destiny and a common sense of purpose. And I'd like to hear that reiterated more and more rather than less and less, and I'd like to see us identified more as Americans first. I point that out because it seems to be missing in this testimony that's here. I know it probably isn't missing in your heart, certainly not with our gentleman in the Navy uniform. But I make that point because I think it needs to be made.

And then another point, another distinction that -- if there were a -- let me say an abstract anthropologist that was sitting here listening to this that didn't have their memory clouded with all of this debate that we've had -- they were trying to determine the difference between legal and illegal immigration, they'd also have a nearly impossible time defining that difference because many of the witnesses don't want to talk about the difference between the two, and I want to emphasize the difference.

And I want to point out also that -- a nation to be a nation has to have borders and it has to have the Rule of Law. And that's the most essential pillar of this nation of American exceptionalism, and I'd say -- I saw you raise your hand, Reverend Cortez, but you quoted from the Bible, and I want to quote back to you, and it's about nations. And this is Act 17, Verse 26, and it's -- and this is -- it's -- and I'll quote it this way: "God made all nations who live in on earth, and he decided when and where every nation would be." I guess I think our destiny is directed in that fashion. I believe that you would too. And as I listen to your testimony I can't help but conclude that borders mean less to you than they do to me.

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MR. CORTEZ: No, sir.

REP. KING: And why -- and I'm going to --

MR. CORTEZ: You didn't read my testimony. Read my testimony.

REP. KING: And I'll get ready to ask a question here in a minute. And I listened carefully to your testimony, and I hope that you would respect my statement as well. But I can't draw a conclusion there, anything otherwise. If we are going to grant a path to citizenship for almost all of 12 to 20 million people and reward that, violation of the law, and wipe the slate clean, as Ms. Kirchner said, then what will those descendents have to say about the Rule of Law? What will they have to say about that essential pillar, that central pillar of American exceptionalism?

And I think rather than go to hear more of this, I would turn over to the supervisor, Chairman Stewart, and ask him -- can you list for us again the tools you'd like to have to enforce the Rule of Law?

MR. STEWART: Sure. Thank you very much, congressman. First of all, I wanted to thank you again for the 287-G authority, which passed in 1996. And I understand -- I believe it's Mr. Smith that authored that bill.

What we would like is greater authority. We are willing to do it. We ask for three specific things at this point: First, we would ask that we be allowed -- that our law enforcement officials be allowed to detain and arrest illegal immigrants based solely upon the immigration charge. Right now we cannot do that unless they've committed some other underlying crime. Secondly, we would like the authority to fine landlords who house illegal immigrants. And third, and more importantly, the ability to fine employers who are hiring illegal immigrants.

And I've listened to some of the testimony here today from other members, and they mention that these are jobs that Americans don't want to do. That's just simply not the case. These are skilled and unskilled jobs. People, especially in the construction industry -- and if you're a contractor and you're trying to obey the rules and do the right thing, it's very difficult to compete when you've got unethical, unscrupulous contractors who are hiring illegal immigrants, not paying them any benefits, paying them below wage. And when those illegal immigrants become sick, as most of us eventually do, where do they go? When they don't have benefits they go to our emergency rooms in our hospitals, and that's been a problem as well.

So those are the three things we actually ask for.

REP. KING: Thank you. Madam Chair, that --

MR. CORTEZ: Madam Chair, may have a statement? May I make a statement please?

REP. LOFGREN: I think what we need to do is go to Mr. Gutierrez under the five-minute rule, and he may want to let you speak first before -- as part of his questioning. Mr. Gutierrez.

REP. LUIS GUTIERREZ (D-IL): I was immediately going to go to Reverend Cortez 'cause I think it's unfair to make an accusation of a panel member and then not allow that panel member to respond to the accusation. I think that's fundamentally un-American as far as I'm concerned. And while my parents only spoke Spanish, I was blessed with some use of the English language, limited as it might be.

So Reverend Cortez --

MR. CORTEZ: Thank you.

REP. GUTIERREZ: -- please feel free to answer.

MR. CORTEZ: Thank you, Mr. King. Now, I want to raise the fact that if you would've read my testimony, you would've seen that in the testimony I stated clearly that we need to close the border and that the United States as a sovereign nation has a right to do with its border what it pleases. So I never said that we were one country or open borders. That has never been the decision of the clergy in this country.

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Secondly, I want to raise the question about the issue of Rule of Law. Rule of Law -- under the Rule of Law Jesus Christ was crucified -- it was the law of the land at the time. Separate and equal was also part of the - was law in this country. It didn't mean it was a stupid law. It just meant it was the law. We have 12 million people who are here. They are here. And unless you want to start a program of some sort and trace them down and chase 12 million people with their three million American children -- if you want to do that, then you should just say it. But to hide behind the statement Rule of Law --

REP. KING: Madam Chair, this has gone beyond the --

REP. LOFGREN: The gentleman from the Illinois controls the time.

REP. GUTIERREZ: Thank you. Thank you very much for your answer. Let me just say that I think that when we have a debate and we have people come here, like Mr. Wasilewski who's come here who's talked about -- he's going to become an American citizen. He speaks English. He came here to this country. He developed a business. He came here to this country, developed a business. He speaks English. He's going to become an American citizen. He's going to take -- and then we have Petty Officer Gonzalez who's going to give his third term, his third time, his third deployment back to Iraq.

And then to come to question and to say to the panelist by god, you didn't mention that you love America, you didn't mention that you want to learn English, you didn't mention how great this country is -- what greater sacrifice and what greater tax can a citizen pay than the tax of their body and the tax of the blood, as Petty Officer Gonzalez has done and continues to do for every and every one of us? Shame on any institution that has a panel such as this and then questions their Americanism, questions the kind of right to say I love this country. We see that each and every day.

Mr. Wasilewski, I look forward to -- when you raise your hand up. I want you to raise your hand up with your wife. I want her to be there with you, with your American citizen children. Petty Officer Gonzalez, I want you to (do it ?). Yes, there are more. I remember. And I have the names of Army Specialist Alex Jimenez. Do you know how many hundreds of his comrades went out there in harm's way to find him when he was taken prisoner? And he hasn't shown up yet. And while he's taken prisoner what does his wife in Massachusetts get? An order for deportation from the United States of America.

So these aren't isolated cases. So when you're looking for the undocumented, remember when a county, a municipality, a village goes out hunting for the undocumented saying they shouldn't have housing, saying they shouldn't have healthcare, remember you're going to come across the wives of servicemen who are out in Iraq. Be careful what you wish for because it will truly be an un-American experience to have such an individual as Mr. Gonzalez, Petty Officer Gonzalez come here, and then all of a sudden he decides well, he's going to live in this county, and this county wants to deport -- certain law -- and you don't have papers? Out of my county. Arrested. I'm sending you to -- deportation.

Be careful. The community is an interwoven community. Truly they are my neighbors. Their children play with my children. And I want to know that if harm comes to my child that that undocumented child will feel the freedom to call the police so that we can get rid of the criminals together. We are not the criminals here on this committee or those who support comprehensive immigration reform.

And I'd like to go lastly to my friend from Illinois. What do you think we need to do, Josh, in terms of -- politically? Where do you think we are politically right now, and what steps do you think we need to take here in the Congress of the United States?

MR. HOYT: I think there needs to be a decision by both parties that we have to look for solutions. The idea that we can scapegoat people and use racially charged political organizing tactics to try and save our political skins I think is repugnant, and the idea that we can hide behind lip service and not address this issue I think is cowardly. I think we really need for Congress to put on its long pants and act like grownups and fix a problem that is a crisis for this country.

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REP. GUTIERREZ: And I'd just like to say that look, people are going to die in the desert. They're going to continue to die in the desert. Servicemen are going to continue to be separated from their spouses. There's going to continue to be pain in this country. And I would just like to say from my side of the isle, right -- Democrats -- we're in the majority. We got elected to lead. Let's lead on this issue, and let's figure out comprehensive immigration reform.

And I just want -- so everybody understands. The first panelists -- there were three Republicans and one Democrat on the first panel. We invited them to come forward. I understand this needs to be done in a comprehensive and in a bipartisan manner. And I think Reverend Cortez -- thank you for the work. I'm sorry you didn't get to answer your question. I'm happy I had the time to give you. Thank you so much to all of the panelists.

REP. LOFGREN: The gentleman's time is expired. The gentlelady from Texas, Ms. Sheila Jackson Lee, is recognized for five minutes.

REP. JACKSON LEE: Thank you very much, Madam Chair, and let me thank the witnesses. The work we do in this Congress warrants overlapping hearings and meetings and (rules ?) committee, and so to those who have given their testimony, let me offer an apology for not hearing all of your testimony. But I would almost say without any effort at providing any greater knowledge than others -- you know that I've been around this barn before.

And I think it is extremely important that we take the challenge that was given to us by the previous panel, is that this House can move forward. This House can move in a bipartisan manner. This House, the people's House, can move and be responsive to a number of issues that really generate I think the divisiveness that immigration reform has generated.

I remember last August we were on a round Robin visiting all over the country, and there was an attempt to bring us back in September with the divide of the country even wider than we've ever seen it before. Interestingly enough, the proponents of immigration reform were not to be daunted. They were there, and they were a wide range of individuals, a wide range of Americans, strongly the faith community, business persons, average citizens, people of good will, small businesses and people who look at this from a practical perspective.

Just a few weeks ago I had to intervene on two religious workers who were getting ready to be deported because of an inconsistency in understanding whether or not the (assemblies ?) of god equal to a non- denominational church. They were religious workers. They were legitimate. But they were on the road of deportation because of a fine line of inconsistency in the law.

So I am troubled by people who don't think that we need to fix the law in order for people to abide by the law. I want to go after this issue of whether or not this is amnesty. Go back to the 1980s, and you'll know what amnesty was all about. This is, in fact, an earned access to legalization. I want to go back to the old terminology, which means that you have several hurdles to cross over before you can be in essence on the pathway to earning access to legalization. And I think we divide if continue to use that term because it is in essence a word of divisiveness. No one likes to see someone get something for nothing. But when you take an American on an individual basis, they understand equity and they understand fairness.

Let me quickly pose questions, and I would appreciate it. Mr. Wasilewski, you have experienced the fear and the fright of deportation. Is that not --

MR. WASILEWSKI: Yes, (I have ?).

REP. JACKSON LEE: Do you expect it to be reasonable to divide families and to expect the deportation literally of seven million people?

MR. WASILEWSKI: Ah, that's a hard question. I had an experience of deportation. I felt we lost with the system. The system, the immigration system now is sick. We -- what's really important is -- my goal, my -- just my -- think - - what I think -- just -- if it's families that's together, our country will be strong. We can't just separate the families. I

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am from a country, from Poland, and we have -- (just coming ?) from 45 years. We have Second World War -- it was war, but for me in America we need those people. We need those people. We need to have people just to work in restaurants, hotels, and we need their documents, not amnesty, not green cards, but documents.

REP. JACKSON LEE: Something to fix the system.

MR. WASILEWSKI: Yes.

REP. JACKSON LEE: So you're not here sitting here saying let us flaunt against the law. Let us break the law forever. You're asking for the Congress to accept its duty of fixing the system. Is that what you're saying?

MR. WASILEWSKI: Yeah, please, I'm begging the Congress. (I beg the Congress ?)

REP. JACKSON LEE: And will you adhere to a fixed system? Will you get in line and make the new laws work by giving you an opportunity to earn access to legalization?

MR. WASILEWSKI: Yes, I'm --

REP. JACKSON LEE: I thank you. I thank you. Henson -- is it -- Petty Officer Second Class Gonzalez, let me thank you for your service. And I did not hear your testimony, but let me not go directly to your testimony, sir, and to say you are wearing a uniform. And I imagine in that uniform you took an oath to adhere to the laws of the United States.

MR. GONZALEZ: Yes, ma'am.

REP. JACKSON LEE: And you would not openly violate those laws.

MR. GONZALEZ: I'm now under the United States Court of Military Justice. I'm not allowed to answer that question.

REP. JACKSON LEE: Alright. Then I will simply say that you want to abide by laws as much as you can. Is that true?

MR. GONZALEZ: Yes.

REP. JACKSON LEE: Okay. And in thanking you for your service, would you view a fixed immigration system to be helpful to you and your family members and others?

MR. GONZALEZ: Yes, ma'am.

REP. JACKSON LEE: And you would look forward to that reform?

MR. GONZALEZ: Yes, as promptly as possible.

REP. JACKSON LEE: I thank the distinguished member of the panel.

REP. LOFGREN: Thank you. Gentlelady's time has expired. Without objection, I'll (submit ?) into the record the statements from Congressman Hilda Solis that she's asked to be made apart of the record. And I would like to thank all of you for sticking with us in this lengthy day. I think that the testimony we've heard today is significant and important. I believe that we need to reform our laws from A to Z, and maybe we start at M, but we've got to get this job done at some point. And how we tackle it is a challenge, but I think having this hearing is going to help us. It will be a foundation for moving forward. And your testimony will help as well.

So thank you all very, very much, and this hearing is adjourned. We have five legislative days to submit additional questions, and if we do have additional questions, we ask that you answer them as promptly (as possible ?).

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REP.: Thank you.

REP. LOFGREN: Thank you.

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