



Eighteenth Sunday in Ordinary Time August 5, 2012 B

Dream Deferred: An Interview with Rep. Luis Gutierrez on Immigration Reform

I share with you articles that connect our faith with sensitive issues like immigration. I like to say that on such issues, good people will differ. If you wish to share with me your thoughts on this subject, I would love to hear from you. Congressman Gutierrez, has strong feelings on the issue of immigration which you may not share.

Why is immigration a moral issue?

For me it comes down to something fundamental to my basic values as a Catholic: the state should never destroy and separate what God has brought together.

I went through something of a Catholic awakening in my life when I was getting married. We didn't just go down to City Hall; we went to church, and we took the sacramental preparation very seriously. It meant something to us to go that day before God, in our church, to share our vows. That's where the sacrament was at, not at some government building.

The tradition of our Catholic community is to bring families together and to want to create an extension of our already wonderful and beautiful family.

Our immigration policies—especially our deportations—are immoral because they are tearing families apart.

Why do so many Americans—including Catholics—miss that moral dimension of immigration?

Unfortunately, to many Americans immigrants are just a bunch of “illegals.” That's the term they like to use because *illegal* dehumanizes you, it takes away your spirit. It makes you a thing. It makes you into something bad.

Illegal is a word we use for a bank robber, a drug dealer, a speeder, a drunk driver. When you think of an “illegal,” you don't want to be next to that person. Yet these “illegals” sit with me in the same pews in the church that I go to on Sunday. Their children play with my children. We shop at the same stores. We intermarry.

In those situations I can no longer see you as “illegal.” I'll see you in the broadest spirit of who you are. I'll see you as a child of God. I'll see your humanity.

What else is implied by the word illegal?

A lot of people think of “illegals” as freeloaders. They don't see them in meatpacking plants; they don't see them harvesting the potatoes that we eat or picking the lettuce

and tomatoes for our salads. They don't see them in the orchard groves of Florida picking the oranges or in Oregon or Washington picking the apples.

So if you're at a nice restaurant and see José the dishwasher back there, if you really thought he was engaged in a criminal action, how come you aren't dialing 911? How come you just sit there and eat your meal? You know that more than likely José doesn't have papers, but you don't give a hoot because you're just happy to get your plate.

If you walk through the more affluent neighborhoods of Chicago early in the morning, you'll see immigrant women arriving at people's homes. What do we entrust them with? Our children!

It seems like lately you can't get anybody appointed to a federal court or run for public office because somebody either mowed their lawns or cleaned their babies' behinds while being undocumented in this country.

Americans should understand that when they're eating a piece of meat or some vegetables or are doing just about anything in their lives, it's more than likely that hands of “illegals” touched them. Could you even find things to eat where that wasn't the case?

What's the best way to change the attitude of Americans who call others “illegal”?

Very simply, the way we do it is we stop it wherever we encounter it.

And we have to start at the very top. When Barack Obama was running for president, he was careful to talk about the “undocumented.” Then when his health-care reform was in crisis, he came before a joint session of Congress to talk about its importance, and what did he say? “No illegals,” those were his words, “will get one cent of this.”

And people clapped. The implication was: “Illegals” should just die.

How we use words is important. It's always interesting to me that in this country the farther away you are from immigrants the more likely you are to be against them. In big cities like Chicago and L.A. and New York, where there are many immigrants, everybody's fine. But the farther away you are from immigrants—and, it seems, the whiter a place gets—the more people say, “Oh, we've got to secure the border.”

Don't we have to secure the border?

I'm not denying that we've got to secure our borders as

part of a comprehensive immigration reform. The federal government has a responsibility to give us a system that is fair and that protects us. I am not for open borders, but I think there should be a rational way of bringing more people in.

America is always going to need new immigrants. Somebody's going to have to do the jobs at the lowest rung. And let me just assure you that there have been no lines for people wanting to do those jobs in Alabama after they passed their harsh immigration law. They chased tens of thousands of undocumented workers out of the state. Just wait until the next time there's a harvest and see who they're going to get to pick it.

It got so silly that in Alabama they arrested one of the big shots of the Mercedes-Benz Corporation, which had brought thousands of jobs to the state, for not having proper documents with him. He's like, "Are these Americans crazy? I came all the way from Germany to Alabama to bring jobs, and they're going to arrest me?"

Sometimes people distinguish between immigrants who are high-tech scientists, engineers, or doctors, and those who don't have such qualifications.

Yes, those are the ones we clap for. People want to separate the "good" immigrants that go to college from those other ones.

But why do we have to make this into a class war? I believe part of our problem is that somehow the guy who washes dishes, the day laborer, the one who's picking potatoes, and the one in the meatpacking plant—they're all sweaty and maybe ill-clothed.

My parents never went a single day past eighth grade. I know lots of immigrants who came to this country and made this country great who never went to school. We should speak up for the dishwasher as we do for the high-tech worker—both deserve to stay and benefit from immigration reform.

I think the U.S. Catholic bishops have said it best when they have referred to immigrants as "the most vulnerable among us." And who are the most vulnerable immigrants? The ones who don't have education, the day laborers. So we've got to think about them. They may not make a pretty picture, but they're marvelous human beings.

I'm certainly for the DREAM Act, which would make it easier for some undocumented youth to go to college. I was the first one to introduce a bill on it. But I'm for the DREAM Act as a down payment. It's the first stage. But I don't want to just do that and feel satisfied. I'm for comprehensive immigration reform.

What would comprehensive immigration reform look like?

We need an immigration system that honors families and keeps them together. People should come to this country with a visa, not with a smuggler, and our system

should allow them to do so within reasonable limits. And those limits should be determined by the needs of our economy and society.

And we need a system of legal immigration that fits a 21st century labor force and that employers and immigrants actually use so that we have control over who comes and who is here.

We also need to get those people who are already here into the system and on the books if they are crime-free and play by the rules. Immigrants would love to earn legal status if we gave them a way to get right with the law. We need enforcement that makes sure that everyone—employers, citizens, immigrants, and law enforcement—is playing by a clear set of rules.

That, to me, is what comprehensive immigration reform is all about. And to make it happen, we need an independent movement for immigration reform, a new civil rights movement.

What role do you see for the church in that movement?

The church has played a critical role in social justice here in the United States. When Saul Alinsky started the movement for community organizing, it was the Catholic Church that played the key role in making it happen.

Alinsky had great theories, but he needed an institution that had the trust of immigrants and of poor neighborhoods and that even the politicians respected. Somebody had to give the movement a sanctuary and say, "Leave them alone." Or look at the role the church played in the civil rights movement for African Americans.

So how well is today's church doing on immigration?

I think that the church, especially here in the United States, should decide that this is its top priority in terms of its social justice agenda.

That would mean using every pulpit and going to places where its immigration advocacy is unpopular. The church should not restrict this work to our Hispanic neighborhoods but also talk about immigration issues where there may be parishioners who are unfriendly.

If you're only speaking to certain members of your church, then you're not really being honest, either with yourself, your church, or your congregations. So I'd like to see the church do more of that.

For example, I'd like church leaders to talk to people like my friend and fellow Democratic Congressman Dan Lipinski. He's a very proud member of the Catholic Church, but when it comes to immigration policy, he's about as far away from the Catholic Church as possible.

The church has immense power to mobilize communities of people. I don't want church leaders to be politicians, but I think it's important for them to say, "This is the right thing to do, so do it." And if not, to denounce it. I think that's the church's role and responsibility.

Speaking as a Democrat, I have to say that in 2009 and 2010 we spent two years in the majority, and what a wasted opportunity! We really could have taken on comprehensive immigration reform.

Part of the problem was that our Republican friends—such as Senator John McCain or Representative Jeff Flake from Arizona, who was my co-sponsor for the Flake-Gutierrez bill for comprehensive immigration reform—abandoned us.

Still, we Democrats had two years, and we wasted that opportunity.

Why was it wasted?

We had the opportunity to do it, but people wanted to do health care reform—important. People wanted to do energy reform—important. People wanted to reform Wall Street—all of those issues were important. But immigration reform was important, too, and it should have been given a greater priority within the Obama administration.

Is that why you protested outside the White House last year?

I did not go to Washington to defy the president of my own party and to get myself arrested in front of the White House. But I did that because I felt that the president's deportation policies led to the separation and destruction of many families who should have never been deported. I thought that was immoral.

I'm not saying anything that Cardinal Francis George here in Chicago didn't also say back in the first year of the Obama administration. The only difference is that I felt compelled to take action to denounce it in a very public manner.

A lot of people were disappointed about the failure to pass the DREAM Act, which could have provided a path to citizenship for many undocumented children of immigrants. Why didn't it succeed?

As far as the DREAM Act is concerned, we should be very clear with the American public: If you're disillusioned, the president did try. We did our part.

In November 2010 we passed the DREAM Act in the House of Representatives by a vote of 216 to 198. Then the bill went to the Senate, and the Republicans blocked us. Even though a majority of senators, 55, voted for it, their insistence on the 60-vote cloture requirement is what killed the bill.

Have there been any developments with the DREAM Act since then?

We have had both some hopeful developments and some disappointments.

In December 2010, after the DREAM Act was defeated in the Senate, we sat down with the president. Given the new Republican majority in the House, which was coming in January 2011, and given the fact that the Democratic

majority in the Senate had gone down to 51, there was nothing more we could do about the DREAM Act.

Instead we agreed to focus on laying the groundwork for the positive step that finally occurred when the administration moved to use its administrative resources and directives to help our immigrant community. In the first half of 2011 the president kept saying, "I'm not a dictator. You think I could just wave a magic wand, but it is the Congress that has to change the law. There's nothing I can do." But we kept insisting: "No, you're the president of the United States. Yes, you can!"

What's changed since then?

The president announced in June that he would stop the deportation of young immigrants eligible for the DREAM Act. This is an extension of the prosecutorial discretion policy he announced in 2011, but goes a step farther.

Not only are cases against DREAMers to be closed, but they will be given "deferred action," a substantial but still temporary form of immigration reprieve. The young people will be protected for two years and they can get a work permit, which would lead to a driver's license in most cases, and, rather than waiting to get picked up by immigration officers, they can come in and apply affirmatively. After two years, it could be renewed.

What implications does this have?

This is a big step. It puts some extra meat on the prosecutorial discretion policy and is extremely significant politically because the plight of the DREAMERS is very closely followed among immigrants and Latinos who vote.

In 2008 Barack Obama got 70 percent of the Latino vote. That's a greater percentage than John Kerry got in 2004 or Al Gore in 2000. Moreover, 2 million more Latinos voted in 2008 than in 2004. So not only did he get a bigger percentage, he got more votes of a greater percentage. And every year 500,000 more Latinos turn 18 in this country, and they're all here legally. Every year.

We still need to monitor how it is implemented and also, we need the original prosecutorial discretion policy to work for others who don't fit the DREAMERS category, but this was big.

What has been the goal for the new administrative actions?

The goal has been to review all proceedings to deport and to introduce prosecutorial discretion. After we kept up the pressure, finally in June of last year, John Morton from ICE (U.S. Immigration and Customs Enforcement) issued his memorandum of discretion.

And then last August they began a review of 300,000 cases of people who were in some stage of the deportation process. That review meant that ICE needed to make a judgment on whether to pursue and prosecute those cases, based on this discretionary memorandum.

The administration said that its enforcement priorities were to target criminals and to use discretion to close cases

against immigrants with clean records and deep ties to their communities. For example, ICE directed immigration officials to “exercise particular discretion when dealing with minor traffic offenses such as driving without a license.”

And what has been the result?

On the positive side, some people are getting relief because prosecutorial discretion is being applied to their cases. But, unfortunately, ICE and Homeland Security’s application of the new policies has been inadequate and inconsistent.

I had been hoping that more than 100,000 cases would be closed, but we will be lucky if 25,000 are closed, which is a pretty small ripple in the torrent of 400,000 deportations a year we are seeing.

The administration’s expansion of local police programs like “Secure Communities,” and restrictive laws in Arizona and Alabama pump noncriminals into the deportation pipeline, which is breaking up families who we should be leaving alone. I find it very disappointing that the federal government is not acting as a backstop to prevent the deportation of low-priority immigrants.

Will the Supreme Court’s ruling on Arizona’s law change things?

The Supreme Court struck down much of Arizona’s anti-immigrant law, SB1070. The court said that immigration enforcement is a federal matter and that prioritizing immigrants for deportation is a matter for the federal executive branch, not individual states.

I am still deeply concerned about racial profiling and the use of appearance as the determining factor for police asking to see someone’s papers. You cannot tell an immigrant—let alone an undocumented immigrant—by looking at them.

Still, the bulk of the Supreme Court case was a rebuke to the notion that 50 states will have 50 separate immigration policies and the feds have to follow their lead. This is a very conservative Supreme Court and this was a very important decision that said some in the anti-immigrant movement, especially those pushing a state-led agenda, had gone beyond what the Constitution allows.

None of this is a substitute for Congress crafting and passing immigration reform for the long run, but these were very encouraging developments.

What’s happening to the immigrants who are picked up by police?

Many of them land in the criminal justice system through racial profiling, which is common in traffic violations, especially in certain parts of the country.

While most police do their jobs admirably, some cops target immigrants and Latinos. But only the federal government can turn a \$50 traffic violation into a broken family by deporting a parent.

The federal government should be a check and balance to local instances of racial profiling, but instead, it is telling local authorities that if you can get someone convicted of a minor traffic violation, the feds will be happy to take them into custody and pursue their deportation.

Can you give us an example of a typical case?

I have been involved in the case of Gabino Sanchez of South Carolina, a married father of two who was facing deportation because local police repeatedly issued him tickets for driving without a license.

Someone like Gabino should never have been picked up by ICE and put into deportation proceedings in the first place. What good does it do to split up his family and leave his two U.S. citizen children without a father when he has lived here since he was a young teen and has built a family and a life and has worked hard and never hurt anybody?

We were able to help him get a federal judge to grant him a federal court hearing. Next February he will have a hearing to argue that his deportation proceedings should be dropped. His is a perfect example of the kind of cases that should be covered by last year’s memorandum and closed without wasting space on a court docket or law enforcement resources.

Why did you decide to focus on deportations?

Because all the immigrants we can save from deportation we are able to keep here and save for another day.

You have to understand, once you’re deported, your first instinct is to come back. But now you’ve got to deal with smugglers and death and murder and rape on the border to get back to your family, so that is the first danger. Second, if you do come back and they catch you, you’ve committed a felony because you’ve re-entered the country illegally.

So it’s hell to get back to this country. And once you’ve caused that destructive fracture in someone’s family, it is hard to heal that again.

In the absence of comprehensive immigration reform, stopping people’s deportations must be a high priority for us to keep the family unit together.

To me, it’s a new “Schindler’s list.” And you know what the regret of many people is? It’s the same regret that Schindler had: “I started too late. I didn’t put enough energy into it.”

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Have a blessed week,

