

Testimony of

The Honorable Romano L. Mazzoli

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Thank you, Senator Kennedy and Senator Brownback for this invitation. It allows me to return to Capitol Hill, where I spent 24 happy years in the Congress--serving, I should add, with many members of this panel while they were Members of the House and with scores of other Senators who started their careers in the "Peoples' House" before moving to the "Other Body" as House Members term the U.S. Senate. It is always a great pleasure and even a thrill to return to the historic and hallowed buildings of Capitol Hill.

I must confess that my years on Capitol Hill observing and engaging in Floor and Committee proceedings have left their indelible mark. Seven years after retiring from the House to return home to teach at the University of Louisville, I remain a "C-SPAN junkie"--needing a daily ration of Congressional fare to stay healthy and content. So, though I have been gone a long time, I have stayed in close touch with my former colleagues and their legislative interests--specially including today's subject: immigration policy and procedure.

Before getting to my brief observations about the legislative effort to restructure the U.S. Immigration and Naturalization Service, I must mention having been with Senator Kennedy Monday of last week when he and the members of the Senior Advisory Committee--the Board--of the Institute of Politics at Harvard University's John F. Kennedy School of Government met to evaluate the Institute's many programs and to receive reports from the Fellows of the Institute.

It was my distinct pleasure and honor to have been a Fellow for the Spring Semester and to have led a Study Group of Harvard College students in a discussion of immigration. My students were talented and intelligent and personable, and they made my stay at Harvard enriching and memorable.

As I mentioned to Senator Kennedy at the conference, his brother became president a year after my wife and I were married, and we were impressed greatly by this near-contemporary who was our new, young leader. We were inspired--as were so many in my generation--to think of public service as a noble calling and a high pursuit. I entered public life in 1967 in part because of John Kennedy and his example, and I found it fitting and appropriate that, many years later, I would serve in the school named in his honor. As your brother inspired my generation, Senator Kennedy, I strove as a Fellow to pass along his inspiration to a new generation of future leaders.

Lastly, I salute all of you on serving your country and your constituencies by grappling with the vexing and nettlesome issues surrounding immigration. People ask me today, twenty years after I took up immigration issues in the House of Representatives, why I got involved. I reply: not just because my own father was an immigrant to the U.S. from Italy though that was a reason and not just because it gave me a chance to work with some of the revered figures in the field such as Senator Al Simpson and Representatives Peter Rodino and Hamilton Fish and staff leaders such

as Jerry Tinker and Dick Day, though this is a reason, but mainly, I reply, because of Reverend Theodore M. Hesburgh, CSC, then President of the University of Notre Dame, my alma mater, who served in 1981 as Chair of President Jimmy Carter's panel on immigration reform and who judged the issue to be a preeminent, overriding one which needed legislative leaders poised to accept the "slings and arrows" in order to achieve the greater good. I hope I acquitted Father Ted's judgment, by my work in the legislative vineyards, and I am sure each of you is acquitting it today.

Let me begin today by stating that I will not recommend a detailed, specific plan for INS reorganization. I am not a management expert nor am I totally familiar with the nuances and subtleties of the several plans to remodel the INS which are before the panel and the Congress. But, I am sure in them--augmented by the several proposals offered by immigration advocacy and policy groups including that of Dr. Papademetriou's Migration Policy Institute--are all the ingredients necessary to craft a final workable plan.

My role today, as I see it, is to opine on what, at the end of the day, the restructured immigration entity should be capable of doing well and efficiently.

I start my remarks as I will end them, by paraphrasing my all time favorite government quote--except for Tip O'Neill's "all politics is local"--"If it ain't broke don't fix it." Regarding the INS: It is broke. So, fix it. But, don't break it all over again in fixing it." In other words, the INS needs repair and redirection and restructure in the worst way, but do not repair, redirect and restructure it "in the worst way." Just because the INS has bungled its job and because it frustrates us by its failures and ineptitude, Congress should not make changes just to make changes or just to make a point. The changes need to be measured against the immigration entity's roles and functions and against its missions and goals. Form follows function in all things including governmental reorganization.

The House bill strikes me as a step in the right direction and a good faith effort to deliver to the nation an immigration agency equipped for the challenges of the 21st Century. But, I believe the bill drafted by the Chair and Ranking Member of this panel has advantages over the House-passed measure, and the Conference Report sent to the President later this session should reflect its basic provisions.

The role, responsibility and authority outlined in the Senate bill for the new Director of the Immigration Affairs Agency would seem to give that individual greater opportunity and ability to develop, implement and finance immigration policy than the House bill's counterpart Associate Attorney General for Immigration Affairs. We have had devoted and dedicated INS Commissioners over the years, but they have lacked the "clout" to get things done. Both bills provide clout, but the Senate bill delivers more.

While a separation of the INS service function from the enforcement function is a foregone conclusion--and a desirable one--and while allowing the head of each function to exercise authority and make decisions is important, these decisions must be coordinated between the two branches and with the agency head and must be compatible with the immigration entity's overall mission. In other words, the new immigration system needs separation between functions but not such separation that a coordinated mission is impossible. And, the leaders of the branches need

more authority, but not so much that they undercut, conflict with or muddle the immigration entity's policies.

The key to success in any mission, public or private, is for the leader to have the ability to marshal human and financial resources for the tasks at hand. The final INS reorganization plan must guarantee the Director, Associate Attorney General, or, Secretary such budgetary and personnel ("hire and fire") authority as today can be allocated to a government official. Having such authority--which seems to be more present in the pending Senate bill than in the House-passed measure--gives the holder command and control as well as access to the "bully pulpit" and with it the chance to lead national debate on immigration issues and to help form national immigration policy.

Mr. Chairman, I recommend that Members and staff refer to the 1998 study done by the then-Migration Policy Program (today, the Migration Policy Institute), entitled "Reorganizing the Immigration Function." It summarizes the areas of need calling for INS reorganization to be:

- Lack of Policy Coherence
- Inadequate Attention to Customer Service
- Unequal Priority and Attention to Service and
- Mission Overload
- Lack of Accountability

I suggest, Mr. Chairman, that these remain the issues which any reorganization plan must address and ones which I am sure this committee will address. I specially call to attention to the policy coherence element. Ambivalence marks today, as it has for decades, our national immigration policy. This ambivalence--this conflictedness between open borders and closed borders, between more and fewer, between evenhandedness in selection and a point system to reward skills--has hamstrung the INS and the other agencies of government in doing their jobs well. They often do not know what their superiors and the people of America through the Congress want them to do.

Mr. Chairman, we have to take up this debate on what our immigration policy should be sooner rather than later. Reorganization alone cannot overcome this ambivalence and uncertainty. So, leave flexibility in your plan so the new immigration entity and its leaders can adjust the form to fit any new function mandated.

Attached to my statement, Mr. Chairman, is material I asked Mr. Dennis Clare to prepare. He is an attorney in Louisville specializing in immigration law--and a friend with whom I occasionally practice a case. Since, in the final analysis, reorganizing the INS is meant to produce an agency which can handle better the immigration caseload and since this caseload is actually people not numbers, and since attorneys are those who represent these people, Mr. Clare's thoughts on how the ultimate system should work--from the people standpoint--could be helpful to the Committee.

Finally, Mr. Chairman, I am sure you and your colleagues will keep foremost in mind that the exercise here is not some Rube Goldberg-ish effort to move the boxes around and to connect the dots. It is an exercise in developing a federal agency equipped to handle effectively and efficiently immigration-related matters which affect people--not machines, not numbers on a page, not statistics in a year-end report--but men, women and children who often encounter these

problems in coming to America, in working here, in raising families here, in writing new chapters of the American Dream here.

So, whatever the Congress and the Administration do will have desperate importance to people-- simple people, hard working people, people with a dream, people like my late father, Romano Mazzoli, and people, Mr. Chairman, such as those 300 persons from sixty lands of the world who gathered in Faneuil Hall March 28 to be sworn-in as newly minted U.S. Citizens and who, courtesy of Magistrate-Judge Neumann, were led in their first Pledge of Allegiance to the Flag of the United States of America by our 9- and 7-year-old granddaughters, Katie and Courtney Doyle.

I am sure this new group of immigrants will contribute, achieve and overcome as earlier generations have. How can I be so sure? Because I saw it in their eyes. Because I heard it in their voices.

Mr. Chairman, I commend you and your colleagues to your task of reorganizing the Immigration Service while always bearing in mind for whom it is we are undertaking this task.