

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
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Ranking Member, Judiciary Committee
Hearing On "Immigration: Economic Impacts"

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President Bush is right when he says as legislators and leaders we cannot slavishly follow the ever shifting polls. It is too bad he has not always followed his own advice. When it comes to immigration reform, the Senate and the Congress must do the right thing, not just the currently popular thing. Immigration reform encompasses the need to secure our broken borders while preserving human dignity and human rights. I hope that the President will do more than just talk about what should be done and take action by encouraging his fellow Republicans in Congress to work with us to pass comprehensive, fair and humane immigration legislation.

A GOP Campaign Of Distortion

The bipartisan compromise being considered by the Senate strikes the right balance between enhanced security and realistic reform. It is a marked improvement from the punitive measure passed by the House.

Given President Bush's comments in favor of a comprehensive approach to immigration reform, I was surprised by published reports that the effort to include these harsh criminalization provisions in the bill introduced by Chairman Sensenbrenner in the House actually came from this Administration's Justice Department. Indeed, I take Chairman Sensenbrenner at his word, when he noted in House debate last December: "At the Administration's request, the base bill makes unlawful presence a crime" The Los Angeles Times reported on April 16 that an anonymous White House official confirmed this, as well.

I recently wrote to Attorney General Gonzales in an effort to get beyond the blame game and get to the facts regarding the origin of these criminalization provisions that have provoked so much outrage across the country. I hope that the Attorney General will be more forthcoming in responding to my request than he has been in the past. There is no reason he cannot help us get to the facts by sharing with us the communications he and others at the Justice Department and in the Bush Administration had with House Republicans as they determined to criminalize undocumented presence in the United States and humanitarian efforts to help those in need. Republicans may control the White House and both branches of Congress, but they do not enjoy a Republican-only lobbying privilege that protects such information between the Bush Administration and House Republican leadership.

If the Attorney General is forthright in his answer to my inquiry and provides the information and documents I request, we will know more about where these proposals came from and why they were so strenuously supported until Senator Durbin exposed the matter at our Judiciary Committee markups last month. Good sense and decency prevailed on March 27, when, in a bipartisan effort, our Committee stripped these provisions from the bill. I am encouraged that Senator Frist and Mr. Hastert have joined on a letter revisiting their earlier misguided notions to establish such new felonies as those contained in the House-passed bill and that were introduced by Senator Frist in his original proposal. We cannot backslide into criminalization of undocumented presence with oppressive collateral consequences for hardworking immigrants and their families.

I had hoped that progress on this matter was significant until I heard that Republican political operatives have paid for misleading radio ads on Spanish language stations seeking to blame Democrats for these provisions. This is not spin, it is downright distortion. These provisions were initiated and supported by the Bush Administration and congressional Republicans. Revealing the truth will put the lie to these partisan charges and false suggestions. The ads run by the Republican National Committee represent politics at its worst. This is an irresponsible and shameless example of putting base political interests over truthfulness, integrity and the security interests of the American people, and those behind it should be exposed. I hope we can get beyond this kind of rank partisanship and join together to enact historic legislation that will comprehensively address our immigration situation.

I ask that a copy of my April 21 letter to the Attorney General be included in the record. I do hope that he will be responsive and provide the information and materials that will show the vicious and partisan Republican ad campaign for what it is.

Ineffective Enforcement Requires Improved Security

We need to be concerned about the security of our borders. I was among those who pushed for added enforcement along the Northern Border as well as our Southern Border over the last several years and have voted to provide the resources necessary to make those commitments a reality. It is the Bush-Cheney Administration that has been the impediment to the hiring and training of the additional Border Patrol agents we have sought to require legislatively.

For all its talk and swagger about security, the Bush-Cheney Administration has not lived up to its rhetoric in securing our borders. A report card issued by the 9/11 Commissioners in December 2005 evaluated this Administration's efforts on border security at a D - below average. Just last month we heard about nuclear material being successfully smuggled across our borders. This April, a U.S. Citizenship and Immigration Services employee, Michael Maxwell, testified before a House subcommittee about an astonishing culture of corruption, and misdirected priorities in the agency within the Department of Homeland Security charged with processing immigration applications. He testified about district offices that reward employees with bonuses, movie tickets and gift certificates for disposing of applications rapidly.

A Bipartisan and Comprehensive Solution

Despite the partisan bickering and idleness of this Administration, the Senate was able to forge a bipartisan coalition of its members to join around a proposal that was tough on security while being fair to the millions of immigrants who work and live in our country. The Senate made progress, and it was done the old-fashioned way - among Democrats and Republicans working to do what was right, not what was politically popular. Just before the Senate adjourned for recess earlier this month, we were focused on a solution to the problems posed by having millions of undocumented immigrants inside our borders.

Many of us believe that immigration reform needs to be comprehensive-- with strong enforcement and border security, matched with fair and effective steps to bring millions of hardworking people out of the shadows and provide them a path to earned citizenship and a full measure of America's promise. We were close to achieving that with a bipartisan compromise.

The bipartisan Committee bill and the outline of the Hagel-Martinez bill represent a balance of strong enforcement of our borders with fair reforms that honor human dignity and our American values. I continue to work for a bill and a law that is fair to all. We all agree that it will be tough on security, but it also has to acknowledge our American values and human dignity. The House-passed bill and the original Frist bill were overly punitive and did not include a path to earned citizenship.

American Traditions of Dignity and Fairness

Earlier this month, hundreds of thousands immigrants and citizens around the country rallied and spoke out for fairness. In peaceful petitions across the country on April 10 people took part in a National Day of Action for Immigrant Justice. Participants in those rallies acted in a great American democratic tradition.

I am sorry that Republican leaders in the House have remained so resistant to their calls for fair treatment, a way out of the shadows and a pathway to earned citizenship. I was disturbed to hear Republican legislators condemning Mayor Villaraigosa and California Lieutenant Governor Cruz Bustamante as affiliated to a "radical racist group." Just yesterday, Governor Schwarzenegger convened a news conference to report that California Lieutenant Governor Cruz Bustamante and Los Angeles Mayor Antonio Villaraigosa had received death threats over the immigration issue. Governor Schwarzenegger was right to say that "hate, racism and intolerance are never accepted in our public debates." A Member of the House of Representatives recently said that if the recent protestors "really want to honor America's values, they would stand up to lawbreakers and embrace an enforcement-first approach." In striking contrast, I have not seen congressional Republicans adopting that stance with respect to President Bush's violation of the Foreign Intelligence Surveillance Act statute by a secret program for warrantless wiretapping of Americans.

A Promise For Real Reform That We Must Keep

I hope that the Republican leadership in the Congress will work with us to follow through on the promise of fair, comprehensive immigration reform. A bipartisan majority of the Senate has now voted consistent with moving forward on comprehensive immigration reform and has rejected the narrow and unrealistic enforcement-only approach. I hope the emergency supplemental appropriations legislation will not be manipulated into an enforcement-only effort that leaves millions in the shadows.

Our work on immigration reform is a defining moment in our history. We are writing laws that will determine people's lives and what it is that America stands for. I continue to urge the Senate to rise to the occasion and act as the conscience of the Nation. I continue to work on immigration reform so that the laws we enact will be in keeping with the best the Senate can offer the Nation and the best that America can offer to immigrants. I hope that our work will be something that would make my immigrant grandparents proud, and a product that will make our children and grandchildren proud. The question is still before us whether the Senate is committed to making real immigration reform.

I am concerned that the majority leader's announcement of a "breakthrough" two weeks ago is having the unintended effect of creating a false impression and false hopes. I commended him for changing his position over the course of the recent Senate debate. I am delighted that he and others who had been opposing comprehensive immigration reform with a path to earned citizenship re-evaluated their position and joined us in the effort.

But an announcement is easy, enacting a new law is not. We are still a long way from enacting fair, comprehensive and humane immigration reform. None has yet passed the Senate. None has passed the House. The cruelest joke of all would be to have raised expectations and false hopes by premature talk of a solution when none has yet been achieved. That promise needs to be fulfilled.

I urge everyone concerned about the lives of those who are undocumented to remain focused on enacting a law, and on what it will provide in its final form. It would be short-sighted to pass a bill that ends up serving as a false promise to those who yearn to be part of the promise of a better life that is America.

I am still hopeful that the Senate can pass legislation that is similar to the bill we reported from this Committee. That is why we are here today. I want to thank the experts who have come here today to share their views on the economic impact of immigration. I am committed to moving forward with a fair, humane, and realistic piece of legislation that will address immigration issues comprehensively.