

November 6, 2009

The Honorable Patrick J. Leahy, Chairman
Committee on the Judiciary
The United States Senate
Washington, DC 20510-6275

Attention: Kelsey Kolbelt
Kelsey_Kolbert@judiciary-dem.senate.gov
Senate Judiciary Committee
224 Dirksen Office Building
Washington, DC 20510

Dear Senator Leahy,

Thank you for the opportunity to testify before the Senate Judiciary Committee, Subcommittee on Immigration, Refugees and Border Security hearing regarding "Comprehensive Immigration Reform: Faith-Based Perspectives" on October 8, 2009. Also, thank you for your October 26, 2009 follow-up letter and questions affording further opportunity to present and clarify the position of the National Association of Evangelicals in our October 8, 2009 Resolution on Immigration.

Here are responses to each of your eight questions:

1. Question:

Dr. Stephen Steinlight testified at a recent House hearing entitled "Faith-Based Approaches to Immigration Policy" regarding, what he would characterize as an inappropriate use of Leviticus 19:34. This is what he said: "The word in the Hebrew Bible for strangers is "Ger v'toshav." The precise English equivalent is sojourner. It first appears in Genesis 4:23 describing Abraham when he dwells briefly with the Hittites in what is now Hebron. It last appears in Chronicles 29:15 where King David employs it to contrast the transitory nature of human existence with the eternality of God, creator and steward of the earth on which we briefly dwell as wanderers. Richard Elliot Friedman, a leading authority on biblical Hebrew, translates it as "alien" and "visitor." Every English dictionary defines sojourn as a temporary stay. Thus, this passage offers no scriptural sanction to argue some 12 million illegal aliens should be permitted to remain permanently in the United States." Is Dr. Steinlight correct about what the true meaning of sojourner is and if not, has the definition changed since the writing of Leviticus?

Response:

Because of the technical nature of your question I secured a response from Dr. M. Daniel Carroll R., Distinguished Professor of Old Testament at Denver Seminary. Dr. Carroll earned a Ph.D. from the University of Sheffield, England, a Master of Theology degree from Dallas Theological Seminary, and a B.A. from Rice

University. For a full review of his credentials and scholarly publications see <http://www.denverseminary.edu/about-us/our-faculty/dr-m-daniel-carroll-r/> Dr. Carroll wrote the following answer to your question.

Several statements in this [question] are incorrect. Let me explain:

- The term for “stranger” (or “sojourner”, “alien,” or “resident alien” – depending on the English version one uses) is *ger* (the verbal root is *gwr*). What is cited (“Ger v’toshav”) is actually two words (*ger* and *tôshab*) joined by the conjunction “and.” This combination does appear at Genesis 23:4 (see below). Whereas some English versions will collapse this combination into one word in their translation to reflect the gist of what Abraham is saying, others do not (e.g., NRSV: “I am a stranger and alien”; NIV: “I am an alien and a stranger”). Sometimes, like here, these two words are parallel; on other occasions, they are clearly distinct. The meaning of *tôshab* is disputed, but *ger* is by far the more common term in the Old Testament (it occurs 92 times).
- The citation of Genesis 4:23 is incorrect. I assume by the descriptor, that what is meant is 23:3-4. Even if that were the case, this is not the earliest use of the term. The noun *ger* first appears in Genesis 15:13 (the verb first occurs in Genesis 12:10).
- This first use of the term contradicts the statement that the word implies a temporary stay, because that verse says that the stay of the Israelites would be 400 years! It is true that the length of sojourn can be short in the biblical narratives, but the length is determined only in the context of the particular passage. The essence of the verb is not the length of stay, but rather that one is residing in a land not originally one’s own. (Methodologically, it is inappropriate to appeal to how “every English dictionary” defines the word to determine the significance of a *Hebrew* term.)
- Finally, Leviticus 19:34 is important, because in the very same chapter one finds the statement, “love your neighbor as yourself” (v. 18). Verse 34 reads, “love him [i.e., the sojourner] as yourself.” In other words, the chapter is suggesting that one of the neighbors one should love as oneself is the sojourner.

2. Question:

In “Catholics, Immigration, and the Common Good,” Father Dominique Peridans an Associate Pastor at a Roman Catholic in Maryland wrote the following: “It has been stated elsewhere by the same local leadership of the Church that the United States currently has ‘hard and unjust immigration laws.’ I ask in what way are they ‘hard and unjust?’ The United States has the most generous immigration policy in the world. In 2008, 1,107,126 people were granted green cards. Where is the hardness and injustice? If, however, we are speaking of the *application* of immigration laws — which is a very distinct issue, it ought to be articulated clearly. The distinction is paramount.

There are perhaps issues to be addressed regarding the application of immigration laws, but the leap from humane treatment of illegal immigrants to open borders, as is — for all intents and purposes — suggested, is enormous and erroneous. One cannot pass from incidents of injustice in the application of laws to generalizations about the laws themselves, thereby undoing their intelligibility. It is a slippery intellectual

slope. As suggested above, a very important theological principle regarding the Christian life is negated: “grace does not destroy nature.” And a very important truth about the nature of faith is equally negated: “faith does not destroy reason.” Is Father Peridans correct in his analysis and do you believe reason is being destroyed?

Response:

People of faith may also be people of reason. Christians should look to the Bible for direction but also exercise good reason.

Inappropriate and unjust application of immigration laws does not negate or illegitimatize existing immigration laws. However, inappropriate and unjust application of laws may inform us about the laws and call us to examine whether the laws themselves contribute to unjust application. This is a reasonable approach to the review and evaluation of any law and may contribute to changes in the law.

3. Question:

Father Peridans states in the same article: “Reference to respect for immigration law is so often made by the bishops who then, in the same breath, seem to invite disrespect for law. How could anyone want to enforce immigration law when they are pushed back against the wall, ‘Dare we look at them with and through the eyes of Christ for whom no one is illegal?’ Such statements are ambiguous, and frankly guilt-inducing. Let us not forget that Jesus Christ said, ‘Render unto Caesar that which belongs to Caesar.’ Jesus had great respect for the reality of the state, and thus civil authority. To claim that someone who has entered a country illegally is law-abiding makes no sense, and is to suggest that immigration laws are morally irrelevant. Our welcome of immigrants ought to be *generous*, not unconditional. The latter is disrespectful of the common good.” How can disrespect for law be embraced and how we can ever inspect immigration laws to be enforced if we are willing to simply disregard them for religious sake?

Response:

Respect for law is a civil responsibility and an integral aspect of perpetuating the common good. However, questioning and changing laws should not be mistaken as disrespect.

The laws of the United States have been changed many times throughout our 233 year history. Changes have occurred often in tax law, criminal law and in immigration law. Few, if any, would support the immigration laws of the United States from the 1800s or the early 1900s as appropriate for 2009. They were challenged and changed.

With respect, we believe that now is another time to change our immigration laws as we have changed them in the past.

4. Question:

In “A Biblical Perspective on Immigration Policy” James Edward, noted: “In recent amnesty proposals, 12 million or more illegal aliens would be legalized. These

amnestied lawbreakers would tie up the immigration bureaucracy; introduce through chain migration millions of relatives into an already clogged system; qualify for scarce public resources such as Medicaid, welfare, and other public assistance; and the costs of all these things would be borne by American taxpayers. Furthermore, the scale of such “mercy” would do harm to many Americans and communities, and lead to more illegal immigration by the signal such policies would send (and indeed have sent with previous amnesties).” I think past amnesty programs provide a very good indication that Mr. Edwards analysis is correct. Do you disagree with this analysis?

Response:

This question assumes support for amnesty. I do not support amnesty. To the contrary, the resolution of the National Association of Evangelicals recommends that “the government establish a sound, equitable process for currently undocumented immigrants in a manner that provides earned legal status for those that desire to embrace the responsibilities and privileges that accompany citizenship.”

The government is asked to establish a process that takes into consideration today’s realities as well as past experiences with immigration laws and immigrants throughout our long history as a nation of immigrants.

5. Question:

Mr. Edwards also notes that sometimes hospitality was not shown in the Old Testament: “During the Israelite journey, Moses sought permission for the Hebrew people to travel into Edom. He petitioned the Edomite king (Numbers 20:14-21). The king denied permission; Moses appealed, and the king again denied entry. Edom sent its army out to enforce its borders. While this action by Edom was not “hospitable,” it was legitimate. The Canaanite king of Arad (Numbers 21:1-3) launched a preemptive military strike against the Hebrews. That aggression resulted in the Lord’s favoring Israel in a counterstrike, in which the Hebrew army defeated Arad.” The Edomites feared being overtaken by the Israelites and wanted to protect resources. Would you agree that America should be concerned about an immigration policy that does not allow enforcement at the border?

Response:

The story of Israel and Edom is an unusual comparison to America’s current immigration policies and practices. Moses asked permission for an army to march through the land of Edom on their way to their Promised Land. He was not proposing that they stay. Edom refused right of passage through the country’s borders and Balaam predicted the subsequent conquest of Edom as a nation (Numbers 24:18). This prophesy was fulfilled when the army of Israel under King David conquered Edom (2 Samuel 8:13-14.).

Today we are talking about individuals who are migrating in search of employment and a better life, not an army marching through a country.

Borders are important and necessary. That is precisely why the resolution of the National Association of Evangelicals calls for the United States to maintain secure borders: “That the government develop structures and mechanism that safeguard and monitor the national borders with efficiency and respect for human dignity.”

6. Question:

Father Peridans makes clear that we should not blur the lines between illegal and legal and that the United States is under no obligation to simply embrace every individual who decides to enter our country illegally: “Generosity is a must. Fair international economic policy is a must. Open borders, however, are not a must — if there is such a thing as a national community. If there is such a thing as a national community, open borders are the negation of the common good, and blurring the lines of legality of status in a country is a lack of healthy and respectful realism regarding the common good. If the common good of the national family is to be protected and promoted by all members of the community, including Catholics, then the distinction between legal immigrant and illegal immigrant is not morally irrelevant. It is, in fact, a fundamental distinction that cannot be ignored, a distinction between persons who respect the common good and persons who do not respect the common good. “The Church is (indeed) the place where illegal immigrants are recognized and accepted as brothers and sisters,” for the Church is the place where *all* are recognized and accepted as brothers and sisters. But the illegality of such brothers and sisters — as harsh as this may sound to certain ears — cannot be promoted if Catholics are to respect the common good of the national family. Open borders advocacy is civilly and socially disrespectful. Immediate, temporary, transitional assistance for a person in distress who is here illegally is a mandate from Christ, but it is not on the same level as public policy.” I could not agree more. How can Father Peridans be incorrect?

Response:

I have never heard anyone within the community of evangelical Christians propose or support open borders. I certainly do not and the National Association of Evangelicals does not. Our NAE resolution clearly recommends, “That the government develop structures and mechanism that safeguard and monitor the national borders with efficiency and respect for human dignity.”

We acknowledge that there have always been large migrations of people and that the migrations of the 21st century are not limited to the United States. There are millions of immigrants in countries around the globe. Most are seeking employment, food, safety and a good life for their children.

7. Question:

Do you favor ending illegality by creating a lawful system, or open borders and granting amnesty to those who enter the country regardless of our immigration laws?

Response:

No. I do not support open borders and the National Association of Evangelicals does not support open borders. Our resolution says: "That the government develop structures and mechanism that safeguard and monitor the national borders with efficiency and respect for human dignity."

8. Question:

Should the immigration policy of the United States and other countries serve the legitimate interest of the nation or the interest of those who want to immigrate?

Response:

This is a good question that calls for careful and balanced response. We should not assume that the interests of the United States and the interests of immigrants are mutually exclusive. There are many immigrants who bring skills to greatly benefit our nation. Many of the recent Nobel prizes awarded to Americans were awarded to immigrants to America.

Our nation has generously welcomed refugees from war-ravaged nations in acts of compassion even though some might argue that was not in the economic best interests of our country.

We must balance the many needs of America with the values of America embodied in the inscription on the Statue of Liberty:

*Not like the brazen giant of Greek fame,
With conquering limbs astride from land to land;
Here at our sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame
Is the imprisoned lightning, and her name
Mother of Exiles. From her beacon-hand
Glows world-wide welcome; her mild eyes command
The air-bridged harbor that twin cities frame.
"Keep, ancient lands, your storied pomp!" cries she
With silent lips. "Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me,
I lift my lamp beside the golden door!"*

Finally, here is the Resolution on Immigration adopted by the National Association of Evangelicals. It begins with a biblical basis for a Christian approach to immigration and concludes with principles for today's immigration laws in America.

NAE Resolution on Immigration 2009

The significant increase in immigration and the growing stridency of the national debate on immigration compel the National Association of Evangelicals to speak boldly and biblically to this challenging topic. The complexity of immigration issues provides an

opportunity to mine Scripture for guidance. A biblically informed position provides a strong platform for the NAE to make a contribution in the public square that will be explicitly Christian. Out of commitment to Scripture and knowledge of national immigration realities comes a distinct call to action.

Biblical Foundations

Discussion of immigration and government immigration policy must begin with the truth that every human being is made in the image of God (Genesis 1:26-28). Immigrants are made in the image of God and have supreme value with the potential to contribute greatly to society. Jesus exemplifies respect toward others who are different in his treatment of the Samaritans (Luke 10:30-37; John 4:1-42).

The Bible contains many accounts of God's people who were forced to migrate due to hunger, war, or personal circumstances. Abraham, Isaac, Jacob and the families of his sons turned to Egypt in search of food. Joseph, Naomi, Ruth, Daniel and his friends, Ezekiel, Ezra, Nehemiah, and Esther all lived in foreign lands. In the New Testament, Joseph and Mary fled with Jesus to escape Herod's anger and became refugees in Egypt. Peter referred to the recipients of his first letter as "aliens" and "strangers," perhaps suggesting that they were exiles within the Roman Empire. These examples from the Old and New Testaments reveal God's hand in the movement of people and are illustrations of faith in God in difficult circumstances.

Migration was common in the ancient world. Outsiders were particularly vulnerable. They stood outside the kinship system that regulated the inheritance of property. They did not have extended family to care for them in case of need. The Law recognized their helplessness and stipulated measures that served as a safety net. The motivations behind this generous spirit were that the people of God were not to forget that they had been strangers in Egypt (Exodus 22:21; Leviticus 19:33-34) and that God loved the foreigner (Deuteronomy 10:18-19). The New Testament adds that all believers are spiritual sojourners on earth (Phil. 3:20; 1 Peter 2:11). Christians should show compassion and hospitality to outsiders (Rom. 12:13; Heb. 13:2).

The Bible does not offer a blueprint for modern legislation, but it can serve as a moral compass and shape the attitudes of those who believe in God. An appreciation of the pervasiveness of migration in the Bible must temper the tendency to limit discussions on immigration to Romans 13 and a simplistic defense of "the rule of law." God has established the nations (Deut. 32:8; Acts 17:26), and their laws should be respected. Nevertheless, policies must be evaluated to reflect that immigrants are made in the image of God and demonstrate biblical grace to the foreigner.

National Realities

Immigration is a worldwide phenomenon. People migrate due to economic globalization, armed conflicts, and a desire to provide for their families. The United States of America is a country founded by immigrants, and its history has been characterized by waves of immigrants from different parts of the world. Immigrants will continue to be an essential part of who we are as a country. Our response to

immigration must include an understanding of this immigrant history and an awareness of the positive impact of multiple cultures on national life over the last 250 years. The challenge today is to determine how to maintain the integrity of national borders, address the situation with millions of undocumented immigrants, devise a realistic program to respond to labor needs, and manifest the humanitarian spirit that has characterized this country since its founding.

The problems related to immigration are many and complicated. In many instances the arrival of a large number of immigrants has compromised the border. Some communities now struggle with significant stress on infrastructures in education, health care, social services, and the legal system. At the same time, many jobs and industries rely on immigrant workers. Current quotas do not grant enough visas to meet these needs, nor does federal immigration law provide sufficient opportunities to others who also come seeking gainful employment. Many immigrants who obtain legal entry yearn to be reunited with families, but backlogs under family-based immigration law result in excessive periods of family separation.

Due to the limited number of visas, millions have entered the United States without proper documentation or have overstayed temporary visas. While these actions violate existing laws, socioeconomic, political, and legal realities contribute to the problematic nature of immigration. Society has ignored the existence of an unauthorized work force due to the economic benefits of cheap immigrant labor. Without legal status and wary of reporting abuses, immigrants can be mistreated and underpaid by employers. Deportation of wage-earners has separated families and complicated the situation for many. Most undocumented immigrants desire to regularize their legal status, but avenues to assimilation and citizenship are blocked by local, state, and federal laws. This has generated an underground industry for false documentation and human smuggling.

These quandaries offer fresh opportunities for the church. Immigrant communities offer a new, vibrant field for evangelism, church planting, and ministry. Denominations have launched efforts to bring the gospel to these newcomers, establish churches, and train leaders for immigrant believers. Millions of immigrants also come from Christian backgrounds. These brothers and sisters in Christ are revitalizing churches across the country and are planting churches and evangelizing. Their presence is a blessing of God. These spiritual realities remind evangelicals that an evaluation of recent immigration cannot be reduced to economics and national security issues.

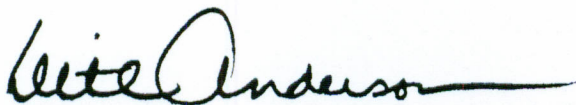
Call to Action

Motivated by the desire to offer a constructive word for the country's complicated immigration situation and guided by the Scripture, the National Association of Evangelicals calls for the reform of the immigration system. We believe that national immigration policy should be considerate of immigrants who are already here and who may arrive in the future and that its measures should promote national security and the general welfare in appropriate ways. Building upon biblical revelation concerning the

migration of people and the values of justice and compassion championed in *For the Health of the Nation: An Evangelical Call to Civic Responsibility*, we urge:

- That immigrants be treated with respect and mercy by churches. Exemplary treatment of immigrants by Christians can serve as the moral basis to call for government attitudes and legislation to reflect the same virtues.
- That the government develop structures and mechanisms that safeguard and monitor the national borders with efficiency and respect for human dignity.
- That the government establish more functional legal mechanisms for the annual entry of a reasonable number of immigrant workers and families.
- That the government recognize the central importance of the family in society by reconsidering the number and categories of visas available for family reunification, by dedicating more resources to reducing the backlog of cases in process, and by reevaluating the impact of deportation on families.
- That the government establish a sound, equitable process toward earned legal status for currently undocumented immigrants, who desire to embrace the responsibilities and privileges that accompany citizenship.
- That the government legislate fair labor and civil laws for all residing within the United States that reflect the best of this country's heritage.
- That immigration enforcement be conducted in ways that recognize the importance of due process of law, the sanctity of the human person, and the incomparable value of family.

Sincerely,

A handwritten signature in black ink, reading "Leith Anderson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Leith Anderson
President