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FROM: Cardinal Theodore E. McCarrick

TO: Honorable Patrick Leahy
Attn: Kelsey Kobelt

DATE: November 10, 2009

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November 9, 2009

Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
U.S. Senate
Washington, D.C. 20510

Att: Kelsey Kobelt

Dear Mr. Chairman:

I appreciated the opportunity to testify October 8th before the Senate Judiciary Committee's Subcommittee on Immigration, Refugees, and Border Security, on "Comprehensive Immigration Reform: Faith-Based Perspectives." I am happy to respond to the questions of Senator Jeff Sessions (R-AL) below.

Response to Question #1:

The position of the Catholic Church is that our immigration laws should be reformed so that those who are here undocumented and have built equities in their communities should have an opportunity to pay their debt to society and then earn, over time, a chance to get in the back of the line and apply for permanent residency.

The reference to "stranger" as a temporary visitor, based on the Hebrew definition, depends upon the use of the term and its context. The root word for stranger in Hebrew is "ger," which at its core refers to someone who is in a foreign land. There are other uses of the term in Genesis and other parts of the Bible which suggest a longer stay. When Christ states in Matthew 25:35 that we should "welcome the stranger," because "what you do for the least of my brothers, you do for me," (25:38-41) He places no condition on the welcome.

Response to Question #2:

Faith does not negate reason; instead, it provides guideposts which helps govern reason. They are not mutually exclusive. In the case of our current immigration laws, both faith and reason lead one to conclude that reform is needed to ensure humane treatment of human persons, which is a principle derived from the Judeo-Christian ethic.

To suggest that the Catholic Church advocates for “open borders” is inaccurate. We support the right of the sovereign to secure its borders. It is the view of the U.S. Conference of Catholic Bishops (USCCB), however, that portions of our immigration laws should be changed because they lack fairness and due process protections. It is also the view of the U.S. bishops that the application of these laws should be examined.

Response to Question #3

This question and assertions contained in it misrepresent the Catholic position. We do not show disrespect for the law; in fact, by attempting to change the law through the democratic process we are showing respect for it. The Catholic Church conducts its ministries and service programs to immigrants within the confines of the civil law. We also have stated that the sovereign can put reasonable limits on immigration.

It is the position of the U.S. Conference of Catholic Bishops, however, that our generous history as a nation of immigrants has helped build our great nation and that, even today, the work of immigrants continues to do so. Immigration continues to help our nation overall. We cannot accept the work and taxes of these persons and at the same time not provide them the protection of the law.

Response to Question #4

The U.S. Conference of Catholic Bishops strongly disagrees with the analysis in the question. According to the USCCB, a program properly administered and funded by government could be effectively implemented; chain migration would not occur, given that family-based categories are limited; and legal immigrants are currently not eligible for public benefits for at least five years and, even after that period, rarely depend upon such services.

The USCCB does not support an amnesty, which has been defined as forgiving a transgression without penalty. USCCB supports a path to citizenship in which immigrants would be required to pay a fine, work, begin learning English, and get in the back of the line.

Response to Question #5

Again, the question misrepresents the position of the USCCB. We do not oppose enforcement of the border, and we certainly do not oppose the use of enforcement if the border were approached by another army, as the Scripture passage suggests. This is an inappropriate comparison. The reality today is one of migrants attempting to come and work in order to support their families, not a national security threat.

Response to Question #6

It is the position of the Catholic Church that the common good of our country would be served by reform of our nation's immigration laws, consistent with the Church's stated

position in my testimony. We are not in support of “open borders,” as the author incorrectly asserts.

Illegal immigration is not good for the migrant or society. Our position seeks to replace illegality with legal status and legal avenues for migration, within limits, in order to serve the common good of the nation and the rights and dignity of the migrant.

In addition, persons without legal status in a country maintain their intrinsic worth as human beings and children of God and thus basic human rights and human dignity. These rights and dignity should be respected.

Question #7

The Catholic Church favors creating a legal system that ends illegality—this lawful system would include a legalization program, the creation of legal avenues for workers to enter lawfully and for families to be reunited, and policies to look at the root causes of migration. The premise of the question is incorrect, suggesting that a position in favor of immigration reform is equal to a position favoring “open borders.”

Question #8

According to Catholic teaching, a nation’s immigration policy should serve the common good of the nation but also serve the international common good, where possible. This would include the accommodation of immigration, reasonably limited by what is in the best interest of the nation. As the most powerful economic nation in the world, the United States has a higher obligation toward meeting the international common good than other nations.

The disagreements in the current immigration debate lie as to what is good or not good for the interest of the United States. Regardless of what may be considered in the national interest, however, the basic rights and dignity of migrants should be respected.

It is the position of the Catholic Church that immigration reform, consistent with my testimony, would serve the common good of the United States while also serving the international common good.

Mr. Chairman, thank you for the opportunity to answer these questions.

Sincerely,



Theodore Cardinal McCarrick
Archbishop Emeritus of Washington