CELIA FISHER: Welcome, everybody. I’m Celia Fisher. I’m the Director of the Fordham Center for Ethics Education, one of the centers sponsoring this event.

The first thing I’m going to say is, everybody turn your cell phones off.

Along with my colleagues at the center, as well as the Center on Religion and Culture, we are very pleased to welcome you to this very special interdisciplinary dialogue.

We would first like to thank the Center on Religion and Culture, the manager, Patricia Bellucci, who is absolutely amazing, and my center’s Assistant Director and director of our master’s in ethics and society and our minor in bioethics, Dr. Adam Fried, for the tireless work in putting this event together.

Each year our centers examine questions that are at the forefront of moral, religious, and societal debate. We approach this evening with a discussion that is at such a critical time. We must address the issue of immigration and the problems that are arising from both a moral and a policy standpoint.

As families are increasingly separated and detailed due to ineffective immigration policies, Congress and the American public remain deeply divided about what constitutes a fair and realistic solution, raising important ethical questions about the responsibilities of lawmakers, religious leaders, courts, and we the public, in crafting a just and caring immigration policy that reflects our shared humanity and our common moral responsibilities.
We are very fortunate to have such a stellar interdisciplinary panel of experts this evening to address these critical moral questions.

Before we begin, there are a couple of housekeeping issues, in addition to silencing your cell phones. We’re going to be passing around index cards. You may have seen them on your chairs, with little pencils. We will have people coming around. At the end of all three talks, we will be having a time for questions. So pass them up. They are going to be collected. That will be very helpful.

I would now like to introduce Dr. James McCartin, who is Director of the Center on Religion and Culture. He will introduce this evening’s panel.

JAMES MCCARTIN: Good evening. Welcome.

As Celia said, I’m Jim McCartin, the Director of the Fordham Center on Religion and Culture. I just want to say how honored I am to be collaborating with our colleagues at the Center for Ethics Education.

A quick word about our center. This evening marks the first event in the Center on Religion and Culture’s tenth anniversary season. From its start, the guiding vision of the center’s cofounders, Peter and Peggy Steinfels, earned CRC a strong reputation for facing issues of vital current significance with evenhanded intelligence. I think you will find that tonight’s program is a testament to the ongoing need for what the Steinfels set out to create: intelligent engagement around issues of crucial significance to our common life.

Thanks to all of you for being part of this engagement.

When we began to think about who might serve as presenters and conversation partners this evening, the first name that came to mind was Secretary Ken Salazar.

Before his executive branch service as Secretary of the Interior and during his congressional service as a member of the United States Senate, Secretary Salazar gave evidence of his evenhanded intelligence on the range of issues related to immigration when he joined a bipartisan group of senators to construct a comprehensive immigration reform package, a package that after Senate passage in 2006, would subsequently die.

Ten years later, the nation has yet to come to some consensus on immigration. Drawing on his expertise in this area, Secretary Salazar will begin tonight by trying to make sense of the broad issues we as a nation are facing in the current immigration crisis and hopefully shed some light on why we remain log-jammed a decade after his initial efforts at reform.

Judge Sarah Burr, our second presenter this evening, comes with decades of experience, not only as a federal judge who ruled on immigration and asylum cases, but also as an advocate with an extensive background working in the Immigration Unit of the Legal Aid Society in New York. In her remarks Judge Burr will address the practical challenges of responding to the needs of immigrant youth and families within the complicated context of U.S. law and public policy.

Finally, we’re pleased to have with us Dr. Gabriel Salguero, the President of the National Latino Evangelical Coalition. During his presentation he will explore the moral issues at stake and draw from his on-the-ground experience, mostly his experience in recent months, with building networks, both religious and civic, designed to serve the needs of
immigrant youth and families, especially those who come from impoverished backgrounds.

Tonight you will learn a great deal about what indeed we owe immigrant youth and children amid what Pope Francis recently called the humanitarian emergency now under way within U.S. borders.

To start us off, it is my pleasure to call to the podium Secretary Ken Salazar.

KEN SALAZAR: Thank you very much, Jim, for the introduction and to all of you who are here to discuss this issue of great importance, not only to the United States of America, but, really, to the world.

I want to thank my fellow panelists, Judge Burr, and I also want to just acknowledge Gabriel Salguero, because the last time that I saw him, we were actually working on this topic in the Roosevelt Room during the Obama Administration. It’s great for him to be here and great for all of you, as you come here together to try to figure out how we can move forward as a country and how we make sense of the immigration debate that’s going on in our country today.

I thought what I would do is start out my comments by essentially labeling how I see this period of time in American history. I would essentially label our time in terms of the immigration debate as a time of shame for the United States of America.

It is a time of shame because the moral values and the legal framework that keep us as a nation a beacon of hope and opportunity and the rule of law throughout the world somehow are suffering in a way that seems incomprehensible to everyone.

Somehow we can’t seem to understand the national imperatives of economics and national security and the moral and humanitarian values of this country that should call us all together to move forward with a comprehensive reform that makes sense to our country and to its future.

So I think about this time when we are in this impasse, which is now more than a decade-long impasse, and I think that history will look back at this time period and they will say that, yes, America has been a country that has been on a march towards a more perfect union, and along the way, there have been chapters of great pain and places where we have seen our country deal with issues that have made suffering come about (for) the people who live in this land and who reside here.

I think about those time periods of shame which I have studied and been a part of as your Secretary of Interior in my time of public service. I think back to times such as the period of slavery for this country in its first 260 years of existence up to the Civil War.

I think to the annihilation of Native Americans before then and even after then, and how that was and still is a stain on the consciousness of America as we move towards a more perfect union.

I think about the Jim Crow era, from the Civil War all the way to the 1954 Brown v. The Board of Education decision of the U.S. Supreme Court. I think there, too, the doctrine of separate but equal, which Justice Warren said had no place in our Constitution under the Equal Protection Clause, that it was okay for us as a country to say that we could divide ourselves among blacks and browns and whites, and to create separate schools and separate public facilities for people — those were times, yes, of shame.
Times of shame, too, when we as a world and as a nation did not recognize the rights of women to vote and to participate fully in the life of our America.

Yet somehow, through each of those periods, the country has progressed. We have made progress and we have solved problems. We still have a long way to go. And on this particular issue, on immigration, there’s a clarion call for us to take action as a country.

In this day, when you read the headlines — and those of us who follow the immigration debate — you have to wonder what is happening in our country in this time of shame, when now, for the last ten years and even today, some 12 million people live in the shadows of our society.

Those who are landscaping the gardens and places that America calls “America the beautiful, from sea to shining sea” have to live in the shadows of our society. Those who are cleaning our hotel rooms, as we go across this country, including places like here in New York, are people who still have to live in the shadow of our society. Those who work at some of the most difficult jobs, where no one will work except for them, they live in the shadows of American society.

I remember well, as a U.S. senator, working with Senator Kennedy and Senator McCain and President Bush, trying to move forward with a comprehensive immigration reform package. I remember visiting the meat-packing plant in Greeley, Colorado, where over 1,500 workers there that day were tugging at my sleeve asking me, “Senator, this is something that’s so important. What can you do?”

Then a few weeks later, those families who depended on that meat-packing plant were essentially torn apart as there was a raid on the plant in Greeley. Children came home from school that afternoon. They had seen their parents in the morning, but they would not see their parents for a long time, because they would be separated.

I can tell you story after story about how those seeing so much affect humanity. Yet somehow we seem to be caught in this time of shame in a period of paralysis, in a period where we don’t seem to be able to move forward.

I often ask myself, what is it that keeps us from solving this problem? Why is it that today 50,000 children and their families (are) essentially in detention, in jails, and trying to find a holding place in this country? Why is it that the 12 million people who are here do not create the kind of movement to solve this humanitarian problem right here in our own places?

In my view, the issue of immigration reform and what’s happening with children and their families across the southern border today really represents the number-one civil rights and humanitarian issue of our time. It represents the number-one civil rights and humanitarian issue of our time.

Why is it, then, that we are not able to come to a way forward that creates more consensus in this country? Why is there such division? Why would a Republican president like George W. Bush, who I met with three or four days after my November 2004 election, along with now-President Obama, and seven other Republicans, a governor from a border state — why, notwithstanding his efforts, which were truly strong efforts on behalf of a Republican president, working with our bipartisan coalition, could we not get it done in 2006?
Why was it that even when we came back in the next Congress, the same kinds of issues seemed to falter even more? I still remember the call from President George W. Bush from Air Force One the day after the final vote was taken. It had failed in the Senate the second time around. He said to me, “Ken, we fought the good fight, but this will not be solved on our watch.”

Why is it that this President, Barack Obama, elected with a very significant vote among the Latino community, promising that immigration reform would be an issue that he would resolve in the first year of his presidency — six years later, we are still in the same place we were back then. Why is that so?

Both President Bush and President Obama are good people. I worked closely with both of them. They’re both my friends. They have the right kinds of values to try to push an agenda that ultimately gets us to a solution.

So it is important, as you are doing here at Fordham, here at the Center for Ethics, to really ask yourselves, why does it seem to be such a difficult issue to solve? I don't know that I know the answers, but I would offer two observations as to why I think it is so difficult.

I think the first is that we as a country have a very shallow understanding of immigration and its roots here in this country. Most people do not know the history here in New York of Ellis Island.

As the U.S. Secretary of Interior, I had the honor of visiting the Statue of Liberty and opening up the crown to the world to see. Every time that I would go to the Statue of Liberty and I would go to Ellis Island, I would think about how our country became what this country became — because of the immigrants who were drawn here because of the freedom and opportunity that was here.

We are an immigrant nation.

Yet there are those, including many of my former colleagues in the United States Senate, who would like to close the door behind them and to say that we don't want those immigrant people. They would refer to those who are attempting to come into this country to seek freedom and opportunity as “those people,” as if somehow they were lesser human beings. That’s very true in the U.S. Senate and the U.S. House of Representatives today among many of its members.

I think that comes from the fact that they are representatives of the people, and the people of this country still need to understand the history of immigration and that its roots have given us the opportunities that we have today.

Perhaps because of the impasse, because of the crisis that we see, that kind of education we will see unfold in the years ahead, as we strive for a solution to this major problem.

Secondly, I believe that part of the reason — maybe the significant reason — we have had such a difficult time to get comprehensive immigration reform is that there is a xenophobia with respect to Mexico, Central America, and Latin America. My family came here before the United States was in the southwestern part of this country and before there was a United States of America.

As President Obama introduced me the last time he introduced me, he said, “We’ve got to remember that Ken’s family was here and the border came over Ken, as opposed to the other way around,” because my family helped found the city of Santa Fe, the city of “holy faith,” in New Mexico in 1598, before Jamestown, before Plymouth Rock, 250 years
before the conclusion of the Mexican-American war. (Sentence in Spanish language.)
Very deep roots. Very, very deep roots.

Yet, when you look at the immigration debate today, it’s all about creating a wall between
the United States and Mexico and all of Latin America. I often think about how President
Reagan went to the Berlin Wall and, writing his speech on the way over, decided to insert
that famous phrase, when he said, “Mr. Gorbachev, take down this wall.”

Yet here in the United States of America what we do is invest in building this huge wall
between the United States and our neighbors to the south. In fact, the latest bipartisan
bill that did pass the Senate has some $45 billion allocated to building more wall between
the United States and Latin America.

I have often pondered why it is, even in the debates — I spent two months on the floor
with Senator Ted Kennedy and Senator John McCain and our colleagues, who were
working on the successful passage in 2006 of the U.S. Senate Bill on Comprehensive
Immigration Reform — why it was that people would insist on creating such a wall to the
south and yet to the north — we have 2,000 miles between the United States and Mexico,

nearly 5,000 between Canada and the United States. No wall to the north.

In my view, part of the immigration reality that we see and some of the rhetoric and some
of the poison that we see has its roots in some of that history. It has its roots in the
history that the southwestern part of the United States was, in fact, a conquered place, a
place where the Rio Grande and the Colorado River and the place in between — there was
supposed to be a wall there.

Yet when you look back at the history of this country, and those who have died in war and
who have done so much to serve this country, there are cultural, historical, and economic
ties that go back 400 years between the United States and all of Latin America.

So how we fashion the immigration solution has to take, in my view, a new understanding
of the role that the United States of America should play in terms of our foreign policy.

In November of 2004, in the first meeting with President Bush and Vice President
Cheney at the White House, I said to the President and to the small group of people over
breakfast that one of the things that we had to do with our foreign policy — yes, we still
need to pay attention East-West, yes, we need to pay attention to what’s happening in the
Middle East and other places around the world, but we have forgotten the importance of
the relationship of the United States of America to Latin America.

I reminded President Bush about President Kennedy and his efforts under the Alliance
for Progress in the 1960s. It was President Kennedy’s vision that we would form an
Alliance for Progress for all of the Americas in the Western Hemisphere.

Yet somehow, time after time, president after president, Republicans and Democrats, we
have failed to do that.

So much of the discord and poison that we see around immigration reform, in my view,
reflects a failed policy by the United States of America with respect to our neighbors to
the south. We need to reexamine that as we move forward with immigration reform.

Those two are, at least in my view, central elements that contribute to the impasse that we
see today.
Now, as I look ahead — because I know elections are approaching — I know that there will be a time between this November and the end of the Obama Administration where there may be additional action that will be taken. I know this issue will continue to be debated in universities across the country, like here at Fordham, in many states — Texas, Arizona, you name it — all over the country.

What is it that we can look forward to, in my humble opinion?

In my humble opinion, I think you can look forward to, first of all, bold leadership. I hope that, as the President has promised, Barack Obama delivers on his values and he says, yes, we’re going to do something to make sure that the United States upholds its moral and economic values to this country, through executive action and authority that the President does, in fact, have.

But we must all remember that those are short-term kinds of actions. Any executive order — and I’ve been legal counsel to a governor; I’ve worked closely with three presidents — any executive order can be undone by the next president of the United States.

So it’s not a lasting solution.

What needs to happen is that we need to fix our immigration laws through comprehensive immigration reform, and the United States Congress needs to be involved in that effort. Will we see bold leadership from the United States Congress after November or will we not? The last decade has not shown us that we see a lot of bold leadership in the U.S. Congress.

I think we can look ahead, always with hope, thinking that members of the United States House of Representatives and the Senate will appeal to their better angels and try to create a new comprehensive immigration reform package moving forward.

I don’t know if that will happen, and so the third area where I think we have to go is to make sure that we have the people of this country involved in a march for this next chapter of civil rights.

In my view, this is such an issue. It’s an issue that calls out for the kind of leadership that many of you here today bring to the table. It’s a kind of leadership that the evangelical organizations which are headed by my good friend Dr. Salguero — it’s that kind of leadership that hopefully ultimately will appeal to creating a better consensus on a good comprehensive immigration reform.

We still have a long way to go. We still have a long way to go. But we cannot give up on it. The issues that are at stake are so important. The economic issues for our country really depend on our being able to bring talent in to this country from many places. That’s why people like Mark Zuckerberg and so many others are so involved in trying to make sure that we have the right talent here in this country. That’s why the dairymen and the agriculture groups and so many others want the immigration reform issues fixed.

It’s also about national security. We don’t have to think long about how we need to know who is coming in and out of our country and how we keep America safe. We’re here in New York, right in the aftermath of 9/11. So it is also about national security.

But importantly, I would say it is also a national moral imperative for our country. We need to make sure that we get it right.
Let me just conclude my comments by saying, yes, it is a time of shame. We ought to recognize that here in the United States. It’s a time of shame. But there have been others who have led us through tough times where we as a country have come out much better at the other end of the debate. That will happen here as well.

I’m reminded of César Chávez, the leader of the United Farm Workers. The President and I, two years ago, had the honor of creating a national monument in his honor where he is buried, in a place called La Paz, California. It became the 400th unit of the United States national park system, to honor his march for civil rights for the farm workers. His most famous of prayers is the “Prayer of the Farm Workers,” where he says, “Let me know the plight of the most miserable so that I will know my people’s plight. Let me have the courage to serve others, for in service there is true life.”

I’m reminded of Dr. King, for whom we now have a monument of an African-American hero on the National Mall of the United States in Washington, D.C. I had the honor of signing the permit and moving that project along during my time as Secretary of the Interior. If you visit Washington and you go and see the most famous quotes of Dr. King, one of them is about the arc of the moral universe, where he says, “The arc of the moral universe is long, but it bends towards justice.”

“The arc of the moral universe is long, but it bends towards justice.”

The issue of immigration and children and families of the border is one such issue — one such issue. You all who will hang on to the edge of that arc — to try to help this country and its leaders understand the importance of having a system of immigration reform that makes sense to this country is one of those important imperatives that will fulfill the vision of Dr. King, that that arc of the moral universe bends towards justice.

Thank you very much.

SARAH BURR: Good evening. I’m very pleased to join in this conversation and to be invited to speak here this evening.

What do we owe to immigrant youth and families?

From my perspective, from having sat on the bench, we owe them due process of law. It’s a very simple phrase. It’s an ambiguous phrase. It has a long history, going back to the Magna Carta. Due process of the law has been enshrined in our Constitution through the Fifth Amendment and the Fourteenth Amendment.

What is due process of law? I believe that it means fundamental fairness to all persons in all proceedings, both civil and criminal. Let me just make that distinction between civil and criminal. Immigration proceedings are civil proceedings. They are not criminal proceedings.

In immigration proceedings due process encompasses the right to notice of the charges, the right to an attorney of your choice, the right to defend yourself or to contest the evidence against you, the right to an impartial arbiter (that being the judge), and the right to appeal if you disagree with the decision.

In criminal cases, the right to counsel is absolute. If you cannot afford an attorney, one is appointed for you at government expense. In civil cases you are entitled to the attorney of
your choice, but the government has no obligation to provide you with a free attorney. You, if you are in proceedings, have to go out and get your own lawyer.

In juvenile cases — and those are the cases of young people eighteen years and younger — this right to counsel becomes crucial. How can a juvenile or a young person really understand the charges against them without a lawyer? How can they mount a defense or how can they question the evidence without an attorney? You’re talking about a very vulnerable population. Juveniles, as a group, are impressionable due to their young age.

If they are particularly young, they are legally considered to be incompetent. There’s the issue of whether they can properly testify in court. Forget about whether they understand the charges, can they even tell their story in court?

Another issue that immigration judges deal with in terms of juveniles as a vulnerable population is the very disturbing issue of trafficking. There are children who come through immigration court who are brought to this country to work. They’re being trafficked for working or in the sex trade. The judge not only has to deal with the vulnerability of age, but the possible vulnerability that you have a young person who is being trafficked.

How do immigration judges deal with these dilemmas? In New York City, which is the only venue that I am cognizant of in terms of my own practical experience, the immigration court set up a separate juvenile docket about ten years ago. We started to see a real increase in the number of juveniles about ten years ago and decided that these kids really needed to be separated from the general population and have their own docket.

There are now four judges in New York City who hear juvenile cases in which the entire docket is juveniles. Those judges are trained to deal with a younger and more impressionable group of people. The judges do not wear a robe. They tailor their language in court to be as clear and as simple as possible to deal with the children in front of them. When asking the children questions, they ask very simple and non-leading questions, questions that do not suggest an answer.

Generally, the judges try as hard as possible to make the proceedings stress-free.

All of that is important, but the most important thing is that the children be represented by an attorney. We’re very lucky in New York City because we have a number of legal aid providers. We have law schools that help. We have legal aid groups. Thanks to all of their efforts, the children who appear in immigration court are all represented by lawyers.

I would say that we’re lucky.

We’re lucky to have the level of talent and commitment among the legal community in New York City to provide due process to these children. This is not so in many parts of the United States. There are many areas in this country where there are immigration courts in remote locations or in detained facilities where there is virtually no access to an attorney. Not only is there very limited access, but there is even more limited access to a pro bono, or a free, lawyer.

So the real issue is, in covering the courts across the country, how are we going to afford due process to these young people?
As a society, I think we are judged by how we treat the weakest among us. Society, through Congress, through laws, has authorized that juveniles receive a full and fair hearing. I believe that a full and fair hearing for juveniles necessarily requires the appointment of free counsel to all children.

Thank you very much.

GABRIEL SALGUERO: Thank you to the Center on Religion and Culture and the Center for Ethics Education, Secretary Salazar, and Judge Burr.

I couldn’t agree more with Judge Burr’s last comment. I think that a humane and moral society should provide free legal counsel for all children.

The question I was asked is, what do we owe immigrant youth and families? You might ask, why would they invite a Puerto Rican evangelical to a Jesuit organization to speak to this issue? I think it’s because a faith perspective has been deeply involved.

It’s not lost on me that this is the tenth anniversary of the Center for Religion and Culture.

Many faith groups, including the Evangelical Immigration Table, of which I am a part, our coalition, the National Latino Evangelical Coalition, the U.S. Conference of Catholic Bishops, the Hebrew Immigration Aid Society, and so many others, have for more than ten years been providing a faith-based, interfaith, moral response to the immigration crisis.

For us as faith leaders, we don’t establish laws, but we do advocate for justice. The only way you can change laws, from where we sit as citizens and faith leaders and people who, we believe, have a moral pulpit, is to create the change in the wind. One of my mentors in faith advocacy said, “Gabriel, (remainder of sentence in Spanish language); “Gabriel, if you want to change the law, you need to change the culture.”

Many politicians — not all, but many — before they vote on a law, stick their finger in the wind to see which way the wind is blowing. If the answer is blowing in the wind, it’s up to faith leaders to create the changes in the wind.

Let me begin with what has been done. Secretary Salazar is right that we have met on more than one occasion in the White House and, most recently, in the Roosevelt Room. Let me just name a few of the organizations that have been advocating vigorously for comprehensive immigration reform.

The question is not, does the country want immigration reform? The country does. Every survey from any political stripe or ideology has said that the country wants immigration reform. Two-thirds of Americans want immigration reform. Every major faith leader has advocated for immigration reform. There’s even an organization called BBB, Bibles, Badges, and Business, where you have sheriffs, evangelical leaders and Catholic leaders, and business leaders, which includes the head of the U.S. Chamber of Commerce — that very progressive group — which has advocated for comprehensive immigration reform. The New American Partnership, headed by former Mayor Bloomberg, Forward U.S., Mark Zuckerberg.

Over a year ago, there was a Senate bipartisan bill that came to the floor for comprehensive immigration reform that has just been sitting.
The question is not, does the country want immigration reform? The question is, why aren’t the leaders following the lead of the country?

I submit to you that there are several obstacles, many of them outlined by Secretary Salazar, political. There are places in the country where this argument is not making headway. Recently, about a month ago, there was a late bill that passed in the House about UACs. That’s the legal term, “unaccompanied alien children.” Not a term I would use. I call them children created in the image of God.

There were two bills.

One of them called for the repeal of DACA, the Deferred Action for Children, dreamers. The other one did not lean heavily enough in the direction that President Obama had asked for help in the border.

One of the conversations that were a part of it that saddened my heart was repeal of TVPRA, the Trafficking Victims Protection Reauthorization Act — that to help over 50,000 children who came to the southwest border of the United States would be contingent on repealing the Trafficking Victims Protection Reauthorization Act, protecting children who are trafficked, many of them, as you know, coming from Honduras, Guatemala, and El Salvador, countries ravaged by violence, gangs, corruption, extreme poverty, the virtual domination of organizations like La Mara Salvatrucha in places like San Pedro Sula (Spanish term) Guatemala.

What would make us turn children away who are fleeing violence and, in the same breath, ask people in the Middle East to take over a million refugees in Syria? It is as if we have historical amnesia and Emma Lazarus never spoke to us: “Bring me your poor, your hungry, your huddled masses” (Spanish term) yearning to be free.

I submit to you that what we owe them is a stronger moral argument and a more vigorous defense of children everywhere. I submit to you that what we owe them is common sense and comprehensive immigration reform that does not divide families. We cannot say we value families, as faith voters, and then deport parents to another part of the world. It is at best inconsistent and at worst hypocritical.

You might ask yourself, where are evangelicals on this? Much to my pleasure, a growing number of evangelicals, including white evangelicals, have advocated publicly and privately for immigration reform. The National Association of Evangelicals has signed public documents saying that we want common-sense immigration reform that ensures family security and unification.

Secondly, we owe the truth to the American public. These frivolous arguments that somehow immigrants are going to cause the apocalypse of the U.S. economy — when the Bipartisan Policy Center, a center chaired by Condoleezza Rice, has said that immigration reform would be over a $1 billion boom to the U.S. economy. The frivolous economic arguments are falling apart. Yet we still don't have common-sense and comprehensive immigration reform.

At the core of the issue, this is a moral and spiritual issue. To quote one of the greatest thinkers in Christian thought — if you’re Protestant or Catholic, you pronounce it different, Saint Augustine or Saint Augustine — what is the summum bonum? (Spanish terms). That is the question. What is the summum bonum? What is the highest good when it comes to common-sense, comprehensive immigration reform and receiving, yes, what I call refugee children running away from the open veins of Latin America?
Jesus, the great teacher. In that great last sermon of his there in the New Testament in Matthew 25, there’s a pericope there called “The Judgment of the Ethna,” translated into English as “The Judgment of the Nations.” It’s ironic that the word ethna, from which we get “ethnicities,” is translated as “nations” in English.

He says, when all the nations come before God to be judged by God, he will ask them, “When I was hungry, did you feed me? When I was naked, did you clothe me? When I was in prison” — a reference to mass incarceration — “did you visit me? And when I was a stranger, did you welcome me?”

The nations will say to Jesus, “Jesus, when did we see you hungry, naked, thirsty, a stranger?”

Jesus responds in the way only a great teacher can: “As you did to the least of these, my sisters and brothers, you have done to me.”

You see, the question is, what we do to the immigrants we do to ourselves. It is not just, what do we owe immigrant youth and families? It’s, what do we owe our country? Secretary Salazar quoted former President Kennedy. Kennedy is known for two great books. One is Profiles in Courage. Courage is in high demand and in low supply. The second one is A Nation of Immigrants. Immigration built this nation. When we don’t invest in the future of immigration, we do not invest in the future and prosperity of our nation.

Secondly, there’s a wonderful Greek word for hospitality in the New Testament. Over there in the Book of Hebrews, the King James version, the one I learned as an evangelical. I went to seminary. They introduced me to other versions, New Revised Standard, NIV. He says, “Do not forget to entertain strangers.” Another translation says, “Be hospitable to strangers.”

The word for strangers in that New Testament text? Xenophilia. Xenophilia, love of the stranger. To be consistent with our higher angels is not just to welcome the rich diversity of immigrants and their children. We don’t just want to be tolerated; we want to be celebrated.

Xenophilia.

People have said, “We can’t sustain this. This is not economically viable.” Even as those myths fall away, the words of Saint Augustine ring to us: We do not always do things because they work — the triumph of pragmatism — we do them because they’re right, the triumph of morality.

So we’ll see what happens after this midterm election. We’ll see what President Obama does as an executive order. But the truth is, for us to treat these children humanely, and their families, we need comprehensive, common-sense, humane immigration reform that best reflects the best in our faiths, in our moral values, in our commitments as children of God.

Thank you.

JAMES McCARTIN: Thanks to all of you for your wonderful presentations. As our regular attendees know, we divide our programs into two parts: presentations and conversations. Now we move into the conversation stage.
To lead the conversation, I want to invite a man who, if you watched the five o’clock news on Channel 4 tonight, he was on it. David Ushery is an Emmy Award-winning journalist in the New York area. He is the co-host of the weekend editions of News 4 New York and the host of The Debrief with David Ushery. He is a longtime journalist, both in television media and also in print media, having written for the Hartford Courant and the Los Angeles Times.

It’s my pleasure to invite a real pro to the podium tonight. David Ushery.

**DAVID USHERY:** Jim, our problem in local news is not enough people are watching the five o’clock broadcast.

But enough about me and my woes.

Thank you, sir. What an honor to be here. What an honor to share this distinguished dais. I’m sorry, I did have the broadcast just before coming here, so I was just a few minutes late. But I heard most of Mr. Salazar’s presentation and everyone else.

I was even a few more seconds late because I always insist on combing my hair before I enter the room, and it takes me a minute.

My role here is to really facilitate discussion. These are the learned people, and you, in this laboratory of learning, have many questions. That’s what we want to get to, and we will.

As a journalist, I can try to frame a couple of dialogue points, which is what I’ll try to do — not provoking debate necessarily, but just trying to raise some of the issues.

I want to ask this. Secretary Salazar emeritus, you said this requires nothing short of a civil rights movement to move this ball down the field — perhaps the greatest civil rights and humanitarian issue facing us right now. Reverend Salguero, you said, if you want to change the law, you need to change the culture.

Acknowledging that two-thirds of Americans want immigration reform, there’s always the issue of how to get there.

I did a little digging. Are you concerned that there’s a chilling effect now because of the inaction in Washington, this political freeze? ABC and the Washington Post did a poll recently, and they said, concurring with Reverend Salguero, that many want comprehensive immigration reform, but they just can’t agree on how that should take place.

Mr. Salazar, in Colorado there’s a race right now, Congressman Coffman trying to retain his seat. Both he and the Democrat report that when they go out even in the Hispanic community, many are much more likely to raise concerns about the economy or the cost of living than about immigration reform.

What I want the panel to take up now is, if it does require this kind of civil rights movement, this groundswell, are you concerned now about momentum being lost, even in the communities that might be most effective?

Why don’t we start with you and then Reverend Salguero? Then I have something for Judge Burr, too.
KEN SALAZAR: Thank you very much, David.

The fact is, there’s a lot going on in the world today — the issues in the Middle East, Ukraine, and other things that are distractive to this issue. But the issue itself is not going to go away.

The fact is that you still have a broken border, a broken immigration system. You have 11 million to 12 million people living in the shadows. You have 50,000 children and families living in detention, growing to 90,000, predicted, by the end of the year.

So the issue is simply not going to go away. I think that the drumbeat for change is something that will continue. I think it will continue to increase. I think, like most advances in terms of the civil rights of this country, they have taken time to get done. But I’m confident that it’s going to happen.

I would also say it’s interesting — I’m involved in politics; I know this is not a political forum — how people define being pro a comprehensive immigration reform package really requires an educated citizenry to pull back the covers and see what they are talking about. I won’t talk about the race you’re talking about in Colorado, because this is not that kind of forum.

But the difference between the two candidates there is night and day.

It’s important that the American public that cares about this issue and organizations, from the Chamber of Commerce to the evangelical organizations to others, really understand what it is that we are debating about on this important matter.

DAVID USHERY: Reverend Salguero, with that large bully pulpit of your organization, can it be heard? Is it falling on deaf ears?

GABRIEL SALGUERO: I think, as a pastor, I transact in hope. I know anything worth anything takes time. You have to have a capacity for resilience. The civil rights movement taught us that. The anti-apartheid movement in South Africa taught us that. The women’s suffrage — we have a great history lesson of what it takes to move things.

I do think that the frustration you mentioned earlier, David, is going to come to the fore.

We elect leaders to solve problems. I don’t know for how much longer the U.S. public is going to tolerate gridlock and inefficacy around some of the most intractable problems of our day. The issue with the UAC, the children and the border, is directly related to inaction around immigration reform and, as Secretary Salazar mentioned earlier, failed foreign policy of development and sustainability in Latin America. So we need comprehensive reform.

Especially among younger people of faith, they are profoundly — I asked one guy, “What are you going to do for a living?” They used to use “social entrepreneur.” He said, “I’m a solutionist.”

What we’re looking for in the House and in the Senate — and let’s be mindful that the Senate already passed something a year ago. There was some movement. Even in January, the House Republicans and Speaker Boehner said they were for it, and they had some principles laid out. So there has been some movement. The question is, when are we going to have real leadership and when are we going to move? How long will the
country allow for leaders who don’t solve problems and play political ping-pong? I think it’s going to come to the fore.

DAVID USHERY: In the House and Senate, frustration with the White House as well? Is that there?

GABRIEL SALGUERO: Remember this number: 71. Seventy-one is the percentage of Hispanics that voted for President Obama in the last election. It’s a good number to remember. It’s one of my favorite numbers when I’m at the White House.

We will see what happens after midterm elections in terms of executive action. But clearly some of the groups have voiced discontent around lack of action, Congressman Gutierrez being one of them. We will see what happens after the midterm elections, where the Latino electorate is and where the faith electorate is on this issue.

DAVID USHERY: Judge Burr, I don’t want to exclude you from weighing in on that question. If not, I have another one.

SARAH BURR: I don’t think there’s anything I could add to that.

DAVID USHERY: Okay. Let me ask you, is it a red herring — some of this passion that we saw that, quite frankly, probably attracted the attention of people who were not tuned in to the border debates and immigration debates — some of the passion that we saw in the south border there with the children, is it articulated as people fearing that the social net, the social infrastructure, of the United States will be too much under strain if there is just an unchecked process of allowing undocumented immigrants to become legalized?

Judge Burr, I was looking it up, and a few years ago, you raised a red flag. You said, “Look, there’s a heavy burden here in the court system. It’s overburdened.” To be fair, you pointed out that you felt there were a lot of cases ending up before you and the other judges that probably shouldn’t have been there. Homeland Security was sending them. But you did raise a red flag, saying, “We are having a tough time.”

Is that a red herring? Frame that discussion, if you will, the idea, this notion, that people are genuinely worried that if we just keep saying yes, if the United States just keeps saying yes, it will just put an interminable strain on our system, if you understand what I’m saying.

SARAH BURR: In terms of the courts, we have been historically underfunded. That is a problem.

Immigration is so political, and there is an inability to think through the consequences of stopping people and putting them in proceedings, and then what happens next. The same way there is more fervor for building up the border, there seems to be more fervor for apprehending people without thinking through the consequences of what you’re doing.

You’re putting them in a court before judges, in a system that is operating to the best of its ability, but that is greatly underfunded and understaffed for the number of cases. This has been generally true, and now it has come to the forefront with the incredible number of children that are in proceedings.

I would say this is nothing new for immigration court, but this present crisis has highlighted this problem.
KEN SALAZAR: David, I would make two points on it.

One is that the issue of the impact and consequence of undocumented children here in the United States, or undocumented families, is one that has been long debated. It generally, in my time in the U.S. Senate and my time trying to work on this issue for the last several years, comes in the form of a negative to the economics of the United States of America through immigration. The fact is, as Gabriel just stated, even the Chamber of Commerce and leaders from across this country in the business world see the positive economic impact of immigration in this country, if we have a system that, in fact, does work.

So I think when people raise that issue, it is, in fact, a red herring.

Second of all, I do think the UAC issue, the unaccompanied children issue, across the border really allowed those who were opponents to comprehensive immigration reform to essentially raise their flag that says, our border is broken and we need to build more walls across the border. They use that as evidence of a broken border.

The reality of it is, when you look at what’s happening today in Guatemala, in Honduras, and in El Salvador, where most of the children and their families are coming from, you have people in those countries who are living in very dire conditions. There is a reality there that I think — the manifestation of it, in my view, is a failed policy over multiple administrations, over multiple decades of the United States of America and its relationship with Latin America.

DAVID USHERY: Reverend Salguero, you’re on the front lines, in many ways, on this in terms of responding to the needs of the community.

GABRIEL SALGUERO: As a pastor, I lament when children are used as political ping-pongs. It’s lamentable. And I mean that in the kind of basic Jewish-Christian-Islamic tradition of “lament,” and other traditions.

The UAC issue, as Secretary Salazar and Judge Burr have said, is a consequence of inaction. We are dealing with a twenty-first-century immigration challenge with twentieth-century immigration laws. It seems to me that everybody knows the system is broken. Then, when there are manifestations of that brokenness, we go back to the system that’s broken. It’s incongruent intellectually.

Humanly speaking, this argument about economics has been, from all sides of the political spectrum, put to rest, with very few exceptions. George Will, conservative columnist, said, I think on Fox News or one of the news channels, we could easily integrate these 50,000 kids into the U.S. system, and in the long run, benefit from it.

So I think you’re quite right, David, in saying that this is a red herring. But morally speaking, even if the good costs us more, as a faith leader, I have to go with what costs us more because it’s the right thing to do.

DAVID USHERY: Remember to write your questions, hold them up. I think Jim is collecting some of them.

Judge Burr, I want to ask you a bit more about what you talked about in terms of the application of due process or the availability of due process. Can you talk a little bit more about the inconsistency that you referenced with some courts? We know that particular courts — in New York City, it may be the caseload, but it seemed to me there was a
fundamental difference in approach, where the availability to have a lawyer or some of the inconsistencies that you mentioned in the due process application in some of the rural courts or something like that — when we come to federal law, why are there such differences?

SARAH BURR: Are you referring to the difference between right to counsel in different —

DAVID USHERY: Yes, some of those things that you said in New York we offer a little bit more robust than somewhere else. I'm just looking for the disparity. If we were trying to have a fundamental approach from federal law or federal — if you understand what I'm saying.

SARAH BURR: I think the real problem lies in the fact that, through case law, due process has Gideon v. Wainright. If you're a criminal defendant, you're entitled to a lawyer at no expense to yourself.

The theory that in civil cases, such as immigration cases, you're not entitled to a free lawyer is that you're not facing imprisonment and that the threat of imprisonment is what triggers the right to a free attorney if you can't afford one.

But obviously whoever framed that argument wasn't thinking about the consequences of immigration law, which can very much result in possibly deportation. Is deportation as bad as imprisonment? Yes, it is. It's possibly much worse. Unfortunately, this distinction in the law still exists.

I do hope that the law can move forward to deal with this very harsh situation, where children are not guaranteed a right to an attorney in immigration court, to encompass the right to counsel for children by the government. I'm hoping that situations like this, which appeal to a broad band of people — probably nobody would want to see a child appear before a judge unrepresented. That can happen.

It doesn't happen in New York City because we live in probably the most advanced city in the country in terms of immigration and attitudes towards immigration. But there are many places along the border, in Arizona and New Mexico, Utah, places outside the large cities, where conceivably children are facing charges without a lawyer.

To me, it's unfathomable. But under the law as it presently exists, they are not constitutionally guaranteed a free attorney.

DAVID USHERY: Extraordinary.

Mr. Salazar mentioned the xenophobia for Mexicans and Central Americans. Judge, I don't know if this is fair to ask you, but paint a picture for us about the cases that came through your court system.

A lot of people think immigration is really only dealing with Central America. Obviously this issue in the border is pretty specific. But paint a picture of what we're talking about when we're talking about immigration cases.

SARAH BURR: In New York City, we deal with people from all over the world. Actually, 60 to 70 percent of our caseload comes from China. There are juveniles from China also, and they raise the same concerns. We have a very large group of people from China. We don't have as many Central Americans as you would think, but we do have a
number. We have a lot of West Africans and a lot of people from India, Pakistan, Bangladesh. So it really is a very diverse group of people.

Certainly we see enough Central Americans so that we’re aware of the country conditions there, which as these two other speakers have described them. It’s extremely difficult, and especially for the young people who are fleeing gang violence.

Unfortunately, the law is not on their side in terms of asylum, but there are other avenues of relief that would be available to them.

KEN SALAZAR: David, let me, if I may, just interject one point. It is important for us to recognize that this debate is not just about Mexico and Central America, South America and the Caribbean. The fact of the matter is that the broken system of immigration affects people from throughout the entire world.

Indeed, I remember having this very conversation with Senator Ted Kennedy about the number of Irish men and women who are here in this country without documents and are here illegally.

So it’s not just a Latino issue or a Third World issue. There are lots of people from all over the globe, many of them who come here under a legal status. Usually it’s a student visa. What they will do is just overstay their visa. They won’t go back home.

So you have lots of people from the developed world, including the European countries, who frankly are here in the United States illegally.

I think when you look at this issue, as judge said, there’s a very diverse population that is affected.

I think as we debate the issue, it is important also just to recognize that one of the big components of comprehensive immigration reform has been to continue to build more and more walls across the southern border.

I remember having many debates on the floor of the U.S. Senate, where we would be debating different amendments. There were a number of U.S. senators, including some friends from the southern part of the country, who weren’t satisfied with building one strand of fence, or two, but really wanted to have essentially three fences, and even four fences, in order to move the immigration reform package forward.

So the manifestation of the history between the United States and Mexico and Latin America is part of this debate, but there’s a larger question here and a very diverse population involved.

DAVID USHERY: That’s exactly what I was trying to get at, with the Judge painting that picture for us. If you talk about that civil rights movement for African-Americans, it wasn’t just African-Americans who were out there fighting for the change. So I was wondering — maybe, Reverend, you can pick up on this — would it be helpful to the greater debate if other constituent groups or others affected join in the dialogue as visibly as what we see — because a lot of it is the media. You can’t trust the media. You know that.

I don’t mean to be glib, but — do you understand what I’m saying?
GABRIEL SALGUERO: I do think there’s an oversimplification of this issue and there’s a homogenization that actually feeds into a counter-narrative of common-sense and comprehensive — I pastor here in the Lower East Side of Manhattan. One-third of my church is Chinese. We have a Mandarin-language service, a Spanish-language service, and English-language services.

The very reality of people in the pew that my wife and I have the privilege of serving is that many of the Chinese young adults are undocumented and some of the West Indian — Ghana and others.

The first time I went to advocate — because we don’t lobby as a 501(3)(c), but we do advocate — we had a bunch of young Irish men and women with shirts on their backs: “Irish for Immigration Reform.” They came and joined this group of Latinos and Koreans and Chinese.

For me, to couch it in the moral, theological terms is to use Dr. King’s comprehensive narrative of the beloved community. We’re in a one-world house. These interstitial relationships — Asians, Europeans, Africans, African-Americans, West Indians, Haitians — we’re all in this together. We’ll either swim together or sink together.

As Christians, when we start to see it from our shared humanity, that elevates the conversation. There is no “them” and “us.” It’s just us. Just us.

[Applause]

DAVID USHERY: We’ll take some questions here. I’ll take them in the order that they were handed up.

The Chamber of Commerce has been mentioned several times. Isn’t it true that big business favors immigration out of an interest in, one, cheap labor, and two, high-skilled workers? What’s the moral component?

GABRIEL SALGUERO: That’s a long question. Then we have to start talking about living wage and fair wage and all these other things.

I think the Chamber of Commerce knows that one of the growing edges of business is immigrants. Immigrants are establishing high percentages of small businesses and business development, especially on issues of the STEM area — science, technology, engineering, and mathematics.

Is there self-interest? I’d be hard-pressed to talk to any constituency where there’s not self-interest.

But I do think that the moral argument in this case — one of the few instances where the economic argument and the moral argument coincide, which is that it’s good for the economy and it’s morally right. It’s not either/or, but both/and.

KEN SALAZAR: I would only add to that, David, that I think that the coalitions that have come together around the country may be motivated by self-interest. The Chamber of Commerce has its own interest in terms of jobs and providing jobs to the members of the Chamber of Commerce.

I have participated in press conferences in many places around the country on this issue, most of them in my state of Colorado. When we have rallies to bring together the
coalition of people, you will see in there dairy farmers and the agricultural community, because they know that they want to have a system that can allow them to be able to produce the milk that nourishes the families of Colorado. I see the faith community being a part of those press conferences and rallies as well. I see high-tech, because they understand that they need to have the business skills that come in the minds of people from other countries to fulfill some of the jobs that we have in the high-tech world.

What is really most befuddling to me is that this coalition of the willing, which is a very powerful coalition — Gabriel is a part of that coalition — somehow we can’t get to the leaders of our country in a way that allows it to move forward. I know all these people. John Boehner and I are — I don’t know if we’re friends, but we’re on speaking terms. I’ve known him for a long time. I would think that somehow, in his own morality, in his own sense, he wants to do the right thing here.

But somehow there’s an element of the House of Representatives — and, frankly, I’ll put the finger on them, the Tea Party — who is absolutely opposed to having him lead an effort that finds a common-sense solution moving forward. That’s why, notwithstanding the fact that there was a bipartisan bill that was supported by Republicans and Democrats that passed last year in the United States Senate, which the administration supported, which the President supported, it got stuck in the House of Representatives.

Is it Speaker Boehner’s fault? Some people would say absolutely it’s Speaker Boehner’s fault, because he’s the leader of the House of Representative. Yet he represents his membership, and his membership has a significant constituent of what I would call right-wing Tea Party people that simply don’t want this to happen.

DAVID USHERY: A couple of our audience members have questions that I think get a little bit more to the specifics. It will be interesting to hear what you all have to say. Judge, I think you can weigh in on this.

A lot of the arguments you will hear — again, safety and security, and the economics. One person says, is it realistic to develop an immigration reform or policy that effectively addresses ethical, social, moral and security concerns?

Mr. Salazar, I’m going to pick you first. It’s a balance, a delicate balance. The argument has been framed that way.

KEN SALAZAR: I think it can be, but I think you need to have a comprehensive system that is put into place. For me, my own life journey has taken me through a lot of different chapters. I was the lead law enforcement officer in my state for six years as an elected attorney general. Actually, I served at a time when you had a guy by the name of Spitzer who was your attorney general here, before he became governor.

When you look at it in terms of a law enforcement and security perspective, it is true that there are some law enforcement officials and certain segments of law enforcement that really see this as a security issue that can be solved through a good comprehensive reform package.

But on the other hand, I think most reasonable law enforcement officials would be part of the organization which Gabriel discussed, and that is the Badges, Business, and Bibles. There’s a recognition there that in order for us to make sure that we’re safe here in the United States, we need to know who’s coming in and who’s going out.
I dealt with a lot of crime and violence as attorney general. I was attorney general in my state when 9/11 happened and was very involved in putting together lots of the protocols that we have to deal with preventing a 9/11 from happening.

I don’t see that there is an inconsistency with comprehensive immigration reform and the ethical and moral and economic values and the security values that we want to enhance. I think it can be done. I think, through new technologies and resources that have been put in that area, we are in a much better position to do it now in 2014 than, say, we were at the turn of the century.

DAVID USHERY: Judge, I know you are on the civil side, but anything in your circles, in your research, in your think tanks about the fear that many have that the floodgates would be opened to potential terrorists or even street criminals, with certain aspects of reform?

SARAH BURR: Terrorists, I have no idea. Frankly, I can count on one finger the number of people that I saw before me who were charged as potential terrorists. Those people just don’t even come through the court. They are handled separately.

Criminals, yes.

There are a lot of people who are not citizens who commit crimes who come through the court. The immigration laws are very harsh and got much harsher with regard to people convicted of certain crimes. They can put forth any form of relief that they are eligible for.

But I think that is dealt with in the courts, and I don’t see that as a problem. I really don’t.

I think we can have immigration reform that involves all of the components that you suggest. I think the reason we don’t is a lack of courage and a lack of leadership.

GABRIEL SALGUERO: This may seem counterintuitive, but it is precisely immigration reform that will help with issues of security. Most law enforcement officials that I have worked with as part of Bibles, Badges, and Businesses say we need immigration reform so that we’re not stretching law enforcement so thin that they are going after families and people who are trying to earn a living and integrate into U.S. society, and we can target those persons who are having a nefarious and deleterious effect in these communities.

If anybody wants the criminal element to be under legal supervision, it’s the immigrant communities, because we’re disproportionately impacted by those activities.

Although most people say how immigration reform will somehow act negatively to security, it’s actually the opposite that’s true. A more modern, twenty-first-century immigration reform will actually bolster security in our communities and actually let law enforcement officials target those persons in the communities that are committing heinous crimes, rather than families and children.

DAVID USHERY: We have a question from an audience member saying, should the United States reduce funding for border protection efforts and, instead, help the struggling Latin American nations that some of the children and families are fleeing, and some of the instability there?
That gets to a different kind of debate in Washington. I hate to come back to you, but you’re the most experienced in Washington, I think, Mr. Salazar, although Reverend Salguero has been there quite a number of times, has been to the White House a lot.

Is that a fair question, if we divert resources to help people there in their homeland, as opposed to now trying to address something after the fact? That’s a little oversimplifying it, but I think we understand what the person is asking.’

KEN SALAZAR: Sure. This is a long-debated question. My own sense is that you have to do both, but I do think we have been out of balance, where the funding that has gone into and has been part of the bills to support comprehensive immigration reform has been mostly focused in on the security aspects of the question.

To me, there’s a larger question here. If you really want to get to the bottom of the issues that are driving much of the debate today, including the issues of children and families of the border today, you have to develop a comprehensive foreign policy, which, jointly working in a bilateral way, in a Western Hemispheric way, with the entire hemisphere, creates opportunity in these countries for people in these countries.

If you are from Guatemala, Honduras, Ecuador, or any of a number of countries in Latin America, you don’t wake up in the morning wanting to leave your home. I don’t think anybody here in the United States wakes up in the morning wanting to leave their home.

But the fact is that there is tremendous economic hardship, very limited economic development in many of those countries, and they are lured to essentially put their lives in their own hands and to leave their families behind in order to try to gain opportunity for their families. Their desire, most of them, actually is to come here to the United States and then to return to their home country.

So I think you have to do both. As we learned from 9/11, we have to invest in the right security systems for people who enter our country or who ride our planes.

That’s just a reality of the world that we live in today. But it’s also important for us — and I frankly think we have had a forty-year failure in the United States of America in terms of looking to our neighbors to the south and understanding that it’s important for us to be able to lift them in a good way.

DAVID USHERY: Reverend, in your coalition, you point out there are some who tend to lean right on family matters, if you will. Do you think there would be a will, more or less, to spend money outside the United States in areas to try to address something that perhaps is causing an influx of some coming in?

GABRIEL SALGUERO: Churches have historically done this, through missions and development, organizations like World Vision and World Relief. They don’t just provide aid, but also development and economic and agricultural assistance.

DAVID USHERY: I think the question is government money, though, U.S. taxpayer dollars.

GABRIEL SALGUERO: I think the question is, if we don’t, aren’t we going to pay for it anyway in the budget on our side of the borders?

Let me give you two examples that transcend left-right. A lot of border governors are signing bilateral agreements with Mexico. Just last month, our governor in the adjacent
state, Governor Christie, went down to Mexico and met with business leaders and
development people.

I think people are aware that there’s a way to develop the Americas in a way that is
mutually beneficial.

In the long run, as a Christian and as an evangelical leader, is it saving children’s lives? Is
it protecting them from certain death and economic deprivation? If we can invest billions
of dollars in military development, it seems to me that Jesus would say we can invest
billions of dollars in the safety of children.

DAVID USHERY: Judge, someone asked specifically if there could be a change to
juvenile civil laws that would help in this in terms of the children. We come back to the
original question: What do we owe the children? Is there something specific in that
sphere that Congress might be able to agree on when it comes to the children?

SARAH BURR: There are a number of things that can be done, and some of them are
being done. Certainly providing them with counsel I think would be a very good start.
Also not putting them in proceedings in the first instance, not having them be in
immigration court, or at least putting them on the back burner, what we call
administrative closure, or terminate those cases. Those things are actually being done as
we speak by the judges.

There’s also something called prosecutorial discretion. DHS made public comments up
to a year or two years ago that they were going to engage in prosecutorial discretion and
not put in proceedings, say, someone who got stopped for speeding who turns out to be
undocumented and has a family here. They are just going to put that case aside. I don’t
know what will happen. I assume that if there was ever immigration reform, it would be
dealt with.

But there are many things that can be done with regard to juveniles if Congress would
consider the entire process. I guess that’s my problem, that Congress has historically
stopped at the enforcement area and not thought through how to deal with people and
children who are in these proceedings.

With regard to the earlier question, in my experience the reasons people come to the
United States are, one, economic, or two, because they come from a country where there
is no rule of law. I think that is what’s happening in Central America. The government
can’t protect these children. They are victims of their own lack of governmental oversight
in terms of these gangs and other corruption in the countries.

I don’t think anybody leaves their country and wants to relocate to another country.
Certainly I wouldn’t want to move to any other country on a permanent basis. What
drives people is basically desperation, either economic or safety.

Those are the two motivators that bring people to this country.

DAVID USHERY: We talked about the broader policy implications. We know there are
numbers associated with this. One person in our audience just very much directly laying
it out there: What do you suggest for families whose parents are being deported? My
husband has lived nine years in the United States and we have a baby boy. What can I do
when my husband is deported? What resources are out there?
I know, Reverend Salguero, you have been out front on this. For sure, it doesn’t look like before the midterm elections we’re going to get anything, and we’ll see what after.

GABRIEL SALGUERO: I think the judge would probably have more legal — the truth is that absent immigration reform, there are some relief possibilities if you have a good immigration lawyer. But absent immigration reform, how many people have I had to tell in my own congregation, tragically, you do not have a lot of options. That’s just the truth. I want to just add to what the good judge has said. Today AILA sent a letter to the President — this is the Association of —


GABRIEL SALGUERO: American Immigration Lawyers Association — to close Artesia. Artesia is a center in New Mexico 100 miles from nowhere. We tried to visit it. We had a faith delegation try to go visit it. It was incredibly hard. That’s given all of our help with the U.S. Conference of Bishops and all these — it was very hard. There was an eleven-year-old U.S. citizen held there for months.

This issue of legal recourse for juveniles I think is — we are at a point where we’re having U.S. citizen children being detained for a long time and a whole list of abuses. I’m sure the letter will become public, if it’s not already, to the President and to Secretary Johnson on why they feel Artesia should be closed, because it’s not in keeping with the best defense for juveniles and minors.

For the person who said that their spouse, what will happen — the truth is, that’s why we’re asking for immigration reform, because we cannot do anything — there’s a difference between law and justice.

What the just thing to do and what the law allows are not always coinciding. This is a great country and we do better that most, but in this case the recourse is very little, absent relief from some great immigration lawyers that can find places where the spouse can find relief.

The judge could probably speak.

SARAH BURR: I think that when you have a family, they are there in court as a unit. If the parent has a case, then that case applies to the spouse and the children. If, in fact, the adult with the case loses the case, they all lose the case.

If we’re talking about one parent being in proceedings and somehow the rest of the family isn’t and that person loses, that is extremely difficult.

As a country, we have to think about the consequences of that, because that person may be the only breadwinner for the family, in which case the rest of the family may have to go and collect some kind of public assistance. And let’s not forget what the effect on young children is if they lose a parent who is geographically separated from them. So there are many, many very negative scenarios to that. But under the law, the family has a very harsh choice.

If the other adult in the family does not have a case, then they either have to stay here without status or follow the other —

DAVID USHERY: Is there a Web site of organizations that can at least help to cushion this devastating blow? That doesn’t even sound right, “cushion the blow,” but if they are
facing this prospect, so we could just point that person in the right direction? Maybe if someone wants to come up afterwards, we can kind of talk that through.

**GABRIEL SALGUERO:** I think there are tons, both in the faith world and outside. The Catholic Charities is exceptional. Lutheran Immigration Refugee Services has done some exceptional work. AILA has some places that they can point to. Here in New York, the Hispanic Federation has worked with a lot of families.

So there are places.

But as the judge has said, it’s really — especially if the parent is an undocumented immigrant, but they have U.S. citizen children, which is often the case — what they call mixed-status families.

**SARAH BURR:** Right. Then clearly the other adult in the family wants the children to remain in the United States for all the benefits, educational and social benefits, and does not want to return to their native country.

**KEN SALAZAR:** I would just add, I think the question is, how do you get a lawyer if you are in a situation like this? One answer to that is, if you have the money, you can hire a lawyer. The reality of it is most people can’t afford to have a lawyer.

But answer number two, I think, especially here in New York, is that there are a number of law firms and societies and associations that are trying to provide help to people who find themselves in that kind of circumstance.

My firm, WilmerHale, is actually involved with an alliance of law firms that are trying to provide that kind of pro bono assistance.

I think one of the things that you can do is connect up with the New York City Bar Association, with other pro bono legal organizations here to try to identify a lawyer so that they can then go through the kind of analysis that Judge Burr went through to see whether or not there might be some help for you and your family.

**DAVID USHERY:** We touched upon this a little bit before, but one of our audience members says, what do you predict the impact of the President's decision will be on the vote in November — assuming his decision now to not take any executive action until after that at least? Should we expect to see a smaller Latino turnout, for example, or might the decision have no discernible effect as voters focus on economic concerns? If that latter is true, might not the President again be wisely playing a longer game?

I’ll give you a few seconds to ponder that.

**KEN SALAZAR:** As a person who has run for political office three times in my state and who has worked with several presidents and their campaigns, I think it’s hard at this point in time to see what the outcome of his decision to defer action until post-November will have on the turnout in this November election. I think there’s a whole host of other factors.

I do think that, whatever decision he does make, whenever he does make that decision, David, whether it’s a December decision, which is what I have been reading in the media about, it will be very interesting to see how that plays out across the country.
Much of that I think may be impacted by the results of this November election. It could
galvanize the country in a way in which immigration reform is put on steroids and it
finally does happen because there will be this period of controversy and consternation
and people trying to figure out what to do, and it may galvanize the country to really put
together the kind of immigration reform package that Congress needs to put together.

On the other hand, it could backfire.

There’s a huge coalition of what I call the anti-comprehensive immigration reform people
in Congress today. It could galvanize their fervor to fight any kind of comprehensive
immigration reform package, in which case then you kind of look ahead and you continue
this decade of inaction and irresponsibility to the 2016 election, when we have national
elections. Maybe that will be when this issue is finally dealt with.

So it’s hard to tell.

DAVID USHERY: Reverend?

GABRIEL SALGUERO: I think Secretary Salazar has summed it up well. It’s a risk.
It’s a risk. Historically Latinos across the United States have not had a high voter turnout
in midterm elections. That’s just kind of an electoral fact, which I regret deeply.
For me, I don’t want to get into a political calculus. Mine is a moral calculus.

For every day there’s a delay, there are a thousand families or more being impacted.
That’s the arithmetic I want in the House, in the Senate, and in the White House, the
moral calculus.

I’ll leave it to politicians to do their job, but my job is to say every day there’s a delay,
somebody’s father or mother is going to be separated from their children. That’s the
calculus I want people to start doing, the moral calculus. The political calculus is for
another constituency outside of the faith.

DAVID USHERY: In looking at the questions, many people hit upon the same ones.
We’re coming up to the end of our time, so I’ll just combine this last one for all of you and
give you a chance to think of it.

In summary, what would be two or three key points that you think immigration reform
definitely needs to include? I like this one too. As we come to this from a point of faith,
someone said, what are some of the points of light, the stories of human goodness and
generosity that have come out of this crisis?

Sum up for all those gathered here what you think whatever emerges needs to include and
tell us what does give you that faith, the points of light that have come out of it. Who
wants to go first?

SARAH BURR: I feel like I’m repeating myself. I am. I believe that immigration
reform should address the issue of right to counsel. There are a number of smaller issues
that I can think of that are really very technical.

I think also immigration reform has to deal with the very large number of undocumented
people in this country, who at this point in time do not have relief in court. I don’t want
to use the word “amnesty,” but there have historically been forms of relief, such as
registry, which give people status in this country if they have been here for a certain
number of years, work, pay taxes, etc.
I think immigration reform has to address that very large number of people who Secretary Salazar said are living in the shadows.

Finally, I think that immigration reform has to deal with what we are seeing a very large increase in the immigration court, which I would say generally are vulnerable populations, which are not only juveniles, but people who are not mentally competent. That is becoming an increasing issue in immigration court.

That’s what I would like to see.

DAVID USHERY: Three things there, okay.

Reverend, two or three things, and it must include a point of light that has emerged from the crisis.

GABRIEL SALGUERO: I would agree with Judge Burr on legal counsel, especially for minors and juveniles, and legal counsel that is linguistically compatible and culturally competent. I would say that.

Family unification as a principle to part of the immigration, that families stay united as a principle.

Secondly, an earned path to citizenship. There has to be a way for these 12 million, many of them women and children, to have a path to citizenship.

I think, just from raw political analysis, you have to deal with issues of future flow to get bipartisan support. There has to be some way to modernize the system to do that. But my top things would be family unification, earned path to citizenship, and legal counsel, of course also dealing with the issues of future flow, which means foreign policy that helps with development and economic sustainability.

In terms of hope, ten years ago, the majority of white evangelicals weren’t for immigration reform. We have won that argument. There is massive conversion in that. Faith groups are a key component. The winning-over of large groups and organizations of business and of law enforcement — those are two places of hope. At the end of the day, churches that I work with — we will not relent. Whatever the law is, we answer to a higher authority, and we’re going to help undocumented people have love and shelter and access to a community that loves them.

The last thing of hope I would say is, in terms of the public argument, the majority of Americans want immigration reform. That’s just a fact. We won that argument. Now it’s moving, in some places, in the legislature.

So those are three things.

DAVID USHERY: Secretary Salazar, we come full circle with you.

KEN SALAZAR: Thank you very much, David.

Just as a point of personal privilege, since I came to Colorado to see this great institution, I just want to say thank you to Dr. Jim McCartin and to Dr. Celia Fisher and all of you in this great Jesuit university and members of the community who came here tonight to hear about and engage in this lively discussion that we have had here today. It truly is
extraordinary, and I would hope that it’s something that would happen across the country.

Maybe, with respect to your second point on the points of hope, I think Pope Francis being a Jesuit is one of those things that gives a lot of us a point of hope on a lot of different fronts.

On your specific question, David, I would say two things in terms of action items that I would like to leave this audience with that I think are important to this country. The first is that we need comprehensive immigration reform in this country, for all of the matters and policy imperatives that we spoke about here tonight. That’s to have an immigration system that works here in this country. That’s point number one.

Point number two, I think we need a call to action relative to our hemispheric relationships here in the Western Hemisphere. They have been long neglected — fifty years since John Kennedy announced the Alliance for Progress. Most presidents after that really have not focused at all on Latin America. I think we need to do that.

So those would be my two points: Let’s get comprehensive immigration reform happening here in the United States, and two, let’s have a new foreign policy into Latin America.

In terms of points of hope, I would give you two. One is that, unlike ten years ago or twenty-five years ago, we have become much more of a one-world community. That’s both from a communications point of view, where we can communicate through the Internet what’s happening quickly from one end of the world to another, and it’s also true from an economic point of view, whether it’s in Mexico or in Argentina, where I recently visited. We are much more interconnected economically in this point in our world history than we ever have been.

I think those interconnections will help us deal with these issues that go beyond borders. So I think that’s a point of hope, the creation of more of a global community in all of its manifestations.

The second, for us here specifically, on this legislative initiative on comprehensive immigration reform, I echo what Gabriel said. The coalition that exists today no one could ever have dreamt of back in 2004, when we were fighting for this issue, when Senator Kennedy would call me, in 2005, every Sunday morning for a fifteen-and-a-half-hour conversation about how we would move forward in the next week to try to get comprehensive immigration reform done.

We didn’t have the coalition then that exists today. It’s the dairy farmers, the business community, law enforcement, lots of people who have come together on it. It transcends partisan lights. That’s why one of the mystifying realities for me is, given this strong coalition, the support of the American public, why is it that we can’t seem to get Washington to work?

I think that’s what we need to continue to hit Washington over the head with. The coalition is there. The people of the United States of America want it. That’s a really good point of light that we have today in 2014.

DAVID USHERY: Ladies and gentlemen, I turn it over now to Dr. McCartin and Dr. Fisher. Thank you, and thank you for such a riveting discussion.
CELIA FISHER: First of all, I want to thank David. What a moderator. That was absolutely wonderful.

I’m sure we’re all incredibly moved by the wisdom and the humanity of this panel. I think about how I began the session asking that the panel address how we get a fair and just immigration system in a divided society. But I think something that we learned is that we’re not that divided as a society, but we’re divided as a government. I think all of us are now more responsive to how we get that government to move.

I think what we all want to do, thanks to your incredible wisdom and showing us a shared humanity — maybe we can all move that arc of the moral universe a little bit, bend it a little bit quicker.

So thank you for helping us do that. And thank you all for coming.