

## KEYNOTE ADDRESS

THE HONORABLE ASA HUTCHINSON\*

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW  
WASHINGTON, DC  
MARCH 20, 2007

I am delighted to be with you, and it's good to be on the campus of American University Washington College of Law. My time at Homeland Security was an extraordinary period in my life and I'm delighted to see that, on a subsequent panel, you're going to have some real heroes of homeland security who have worked in the field and provided great leadership in border security. You've got an exciting group of panelists later on today.

My role today is to provide a bit of an overview of immigration reform, border security, and the direction in which our country is headed. I left Congress because the President asked me to head up the Drug Enforcement Administration. One month after going there, the events of 9/11 occurred, which changed the scope of America and the emphasis of the government. The President subsequently asked me to leave the Department of Justice to help set up the new Department of Homeland Security (the Department or Homeland Security).

I have never had a tougher job in my life. In fact, if the doctor called me into his office and told me that I only had one year to live and asked me how I wanted to spend it, I would respond that I would want to spend it at Homeland Security, because the year I spent there was the longest of my life. Even though it was—and still is—a tough environment, it is probably one of my most rewarding experiences because it allowed me to engage in a national mission that is critical to our future—critical to the security of America.

---

\* Under Secretary for Border and Transportation Security, U.S. Department of Homeland Security (2003-2005); J.D., University of Arkansas School of Law; B.S., Bob Jones University.

I appreciate American University for hosting this symposium on immigration law at a time when our nation has never been more focused on the challenge of immigration enforcement, immigration reform, and immigration fairness. The *New York Times* talks about immigration as the hot topic in the presidential race. Senator Sam Brownback, Senator McCain in Iowa, and others get hit constantly with immigration questions in their town meetings. I can identify with that because I have held a lot of town meetings myself.

Also, today in the *Washington Post*, there is a story about the Inspector General's report finding that the Department of Homeland Security is ill-equipped to oversee the growing detention caseload resulting from the Department's increased emphasis on enforcement.<sup>1</sup> Immigration is on the forefront of issues facing our nation, and you have an opportunity to influence the debate and the outcome.

Those of you who are practitioners and judges have a heavy load to carry, and I thank you for your service. When I was in Homeland Security, I was able to reconnect with a friend of mine, George Proctor, who was a United States Attorney in the Department of Justice back in the 1980s with me. He too was from Arkansas. He eventually went to Los Angeles and became an administrative law judge handling immigration cases. I went out to Los Angeles to do a border inspection and see the work firsthand. I actually went out with a fugitive apprehension team at about 5:00 A.M., saw all the field agents working, and then went to an immigration judge's courtroom. This experience showed me the struggles that immigrant families, judges trying to make the right decisions, and practitioners trying to apply a rule of law in a challenging and complex area, face every day.

Immigration courts have a heavy caseload with completion rates having increased by 34% between 2002 and 2006.<sup>2</sup> The caseload is increasing. The workload is increasing. Immigration judges' decisions increased by 61% during the same period, which is a significant increase.<sup>3</sup> It is a challenge for those who represent aliens. It is significant that from 2002 to 2006, attorneys represented between 35% and 48% of the aliens in court, showing that the attorney caseloads have increased.<sup>4</sup>

This is a hot topic. I know it's a hot topic because I came off of the campaign trail last year in a race for governor of Arkansas. Yes, I ran as a Republican, and, yes, I lost. Let me give you some advice: do not run for office after overseeing immigration enforcement and drug enforcement.

---

1. See U.S. Agency Ill-Equipped to Deport Immigrants, WASH. POST, Mar. 20, 2007, at A4.

2. See OFFICE OF PLANNING, ANALYSIS, & TECH., U.S. DEP'T OF JUSTICE, FY 2006: STATISTICAL YEAR BOOK A1 (2006).

3. See *id.*

4. See *id.* at G1.

The ads can really be funny if you have a sense of humor; seeing me wave in—literally wave in—on TV, one million illegal aliens to the United States, saying, “Welcome. Our doors are open.” Obviously, that is not the case—but truth can get lost in a campaign. There is a high level of accountability whenever you are in immigration enforcement—and there should be.

As one of the fastest growing Hispanic areas of the nation, with a significant Asian-American population as well, Arkansas is an interesting case study. While I served in Congress, immigration casework was the largest area of casework that our office handled. I found the immigration system perplexing in terms of the volume of cases, the backlog we experienced, the task of case management, and the complexity of the issues. There is a reason for the challenge and the complexity of the issues in immigration cases—there are two great American values in conflict.

The first value is the integrity of the law. As a federal prosecutor and someone who has sworn to uphold the Constitution of the United States, I believe in the integrity of the law and I believe in the rule of law. Consequently, I come down, in terms of immigration law, on the enforcement side. This belief is also a great American value. You go to law school because you understand that value; you want to uphold that value.

At the same time we are a compassionate nation that has our roots in welcoming immigrants to this country. We are conflicted between these two great values: the rule and integrity of the law versus the compassion of our country. While I was in the enforcement arena at Homeland Security, I was often asked why we weren’t arresting the illegal aliens and why our agents weren’t doing their work. Well, they *were* doing their work. However, many times, when they were out there, we would find out that we apprehended the valedictorian of the class or the star of the football team. Then, the entire community would rise up and ask us why we were picking on these people. These experiences exemplify the conflict between the compassion of America and the rule of law.

In a small town in Arkansas, there is a timber mill, and the owner of that mill told me a story that illustrates the challenges and complexity of immigration enforcement. Immigration officials once raided the plant, and as the officials checked the paperwork, as they always do, they found no violations. They found all the paperwork perfectly in order and documented on the employer side. After examining the paperwork, they went into the plant. In the plant they found twenty illegal workers. The paperwork was fine and in full compliance; however, illegal workers were still working in the plant. This exemplifies the obvious challenge of documents and the legitimacy of those documents. They arrested those

twenty workers and deported them. On average, those illegal workers had been in the country for five years. They were settled in the community. Their children were going to school. They were active in the churches, and so the community had compassion. Then the employer tried to fill those twenty slots. He went through two hundred applicants, found twenty finally, but only two of them lasted more than two weeks. It was hard to find workers who were willing to do the work. The government enforced the law, but the uprooting of the families tore at the heartstrings of the community.

The rule of law must prevail. If the enforcement of the law runs counter to the best traditions of our nation, then the reform debate is set in motion. This is what we are seeing today.

The reason I focused on the enforcement side of the immigration debate is that Americans can remember that we've done this before. In the 1980s, under President Ronald Reagan, we had comprehensive immigration reform where we addressed the issue of illegal aliens who were in our country. We gave them a legal status and a path to citizenship.

The promise that we made then was that this was going to be a once-and-for-all reform and that we were going to tighten our borders so that we wouldn't have to deal with the problem of illegal aliens in our country again. That was the 1980s. Twenty years later we have twelve million illegal aliens in our country. People wonder what we'll do ten years from now even if we have comprehensive reform and give legal status to those who are presently here. That's the fundamental question we have to ask: whether ten years from now we'll again be dealing with another ten million who have illegally crossed our border and an immigration system that is moth-eaten and void of integrity.

We do not want to be in the same conflict ten years from now. Therefore, we must concentrate on the security side, the enforcement side, the side of integrity. Once people have confidence in the system, then we can address the twelve million who are here and give them a legal status. I fully support, once we have created confidence in the system and address the enforcement side, giving a legal status to those twelve million here, or whatever that number will be.

The big debate is whether legal status for those twelve million people will be a temporary worker permit, which would require immigrants to return home before they can start on the path to citizenship, or whether it will be some type of path that allows them to earn their citizenship. The

solution must address the compassionate side of America and comprehensive reform cannot ignore those who already live here, have their families here, and are part of the fabric of our society.

I know from experience that reform is difficult. Former Attorney General John Ashcroft was entirely too gleeful when he learned about the transfer of the former Immigration and Naturalization Service (INS) from the Department of Justice to the new Department of Homeland Security. When he handed off INS to me, he wished me luck.

Reform is difficult and it was difficult at the newly created Department of Homeland Security. It was my responsibility to take the fragmented pieces of the dissolved INS, because the responsibility was still there, as well as to realign those pieces to function together.

We reorganized the elements of INS and divided the responsibilities between a service side and an enforcement side.<sup>5</sup> People today continue the debate of whether this reorganization works, or whether we should change things again. However, we should be mindful as we look at Homeland Security and evaluate its reorganization; it takes several years before a reorganization can be successfully completed. I assert it is more difficult to reorganize in the government environment, and yet, we measure the success for the Department of Homeland Security every day. We should remind ourselves that next March, it will have only been five years since Congress created the Department. Therefore, there still has to be a level of patience. There has to be time to judge the success of the reorganization.

I believe that the reorganization has been helpful in terms of INS having divided the service responsibility from the enforcement side. The reorganization placed the inspection services into Customs and Border Protection (CBP) and the enforcement agents into the Immigration and Customs Enforcement (ICE). Immigration services were separated into Citizenship and Immigration Services (CIS). Hopefully this will help all the agencies to be more effective.

I want to make four quick points. First, the momentum is in place for a fundamental change in the handling of immigration cases. Second, comprehensive immigration reform will happen. Third, the reform must

---

5. The service aspects, including asylum and naturalization, became the responsibility of the U.S. Citizenship and Immigration Services, while the enforcement side became the responsibility of the U.S. Immigration and Customs Enforcement and the U.S. Customs and Border Protection. See U.S. Citizenship and Immigration Services, *About Us*, <http://www.uscis.gov/portal/site/uscis> (follow “About USCIS” hyperlink) (last visited Aug. 2, 2007); U.S. Immigration and Customs Enforcement, *About Us*, <http://www.ice.gov/about/operations.htm> (last visited Aug. 2, 2007); U.S. Customs and Border Protection, *Protecting Our Borders Against Terrorism*, <http://cbp.gov/xp/cgov/toolbox/about/mission/cbp.xml> (last visited Aug. 2, 2007).

include tools for employers to verify the legal status of workers. Finally, the reform package must include resources for adjudicating and processing immigration cases.

We cannot have a system in which the notice to appear turns into permission to disappear. This is why we must seize the opportunity to fundamentally reform the processing of cases. In 2003, I was down in Laredo, Texas. I went to the border—fellow panelist Lee Bargerhuff remembers this—and I tried to get ingrained in the process in order to understand how it worked. I was Under Secretary for Border Security at this time and had oversight responsibilities, but I didn't understand the ins and outs of immigration law. Therefore, while I was getting briefed on this, I started asking questions such as, “What happens to people from Central America when agents apprehend them?” The answer was that since we didn't have the detention space for them, we had to give them a notice to appear in immigration court. 80% of these people didn't show up. The notice to appear turned into permission to disappear because when they didn't show up, they were already in our country. They're into the system, and they can be lost. At that time, there was no expedited removal, there was insufficient detention space, and immigration courts gave undocumented immigrants who came into our country the notice to appear.

Much of that has changed. As a person who values the rule of law, this was unacceptable to me. So, I asked how much it would cost to develop expedited removal along the southern border. Congress had previously given broad authority to the old INS, but INS failed to use it. The answer was that it would cost over \$100 million to have the detention space and the processes in place to accomplish this.

I didn't have \$100 million in my budget, so I asked what it would take to do it just along the Arizona border in the Sonora Desert. They gave us a figure and we implemented it as a part of our Arizona Border Control Initiative. We squeezed the dollars together and increased the detention space. This started to change the dynamic. Now if someone comes in from Central America, you can use expedited removal instead. And if they insist upon going to court, you can detain them in a detention space. You don't simply give them a notice to appear. Suddenly the immigration courts were able to process the cases more quickly. Detention space increased, so we saw a reduction in immigration case filings between 2005 and 2006.<sup>6</sup> I hope some of the later panelists will address why there has been that decrease. I'm sure there are a lot of different reasons for it, but one possibility is that expedited removal has had an impact on the filing of

---

6. See OFFICE OF PLANNING, ANALYSIS, & TECH., U.S. DEP'T OF JUSTICE, *supra* note 2.

those immigration cases. As we increase border enforcement, expand expedited removal, and reduce the use of the notice to appear, we start changing the dynamics of the entire system.

I like to illustrate border security in terms of the person from Guatemala who sits in his home, looking at a family that he wants to feed. He hears from his brother-in-law in the United States that he could sneak across the border illegally, get a job, make money, and be able to send it back home to provide for his family. Well, this is obviously tempting to this gentleman, so he analyzes the risks. He could pay a coyote \$2,000 and risk capture by the Border Patrol—a risk which has substantially increased. He could risk death in the Sonora Desert. He might take those risks because he knows that when he gets through, he can get a job in the United States. However, we change the dynamics if the immigrant knows he is going to sit in a detention facility when the government catches him, instead of the authorities releasing him into our society. We change the dynamics further if, in the event that he makes it into our society, he still cannot get a job for lack of proper documentation. If the person knows this, will he still come? I think the answer is no, because his motivation for immigrating is economic relief. If he is unable to obtain economic relief due to the security system, he will not come. All of a sudden the dynamics change along the border. So, the entire system needs comprehensive change. And I think we are on the verge of just such an opportunity.

The second point I will make is that immigration reform will happen. It will happen because those two great values in our nation of compassion and respect for the rule of law are in conflict right now, which created this enormous debate. People are flouting the rule of law and the integrity of the immigration system in many ways; our current system is not working to any casual observer. You have shows like *The Broken Border* that illustrate the issue. The media drives the issue. It's a boiling point for people who are saying we have to have tighter enforcement, we have to have immigration laws that work, and we have to confront the issue of the twelve million illegal aliens already in this country.<sup>7</sup>

As one columnist reported, if you wanted to export illegal aliens, you would have to line up buses from San Francisco to Alaska to have enough.<sup>8</sup> Further, the question remains as to whether the American people would stand for this type of action. This calls for immigration reform. With the

---

7. See JEFFREY S. PASSEL, PEW HISPANIC CENTER, THE SIZE AND CHARACTERISTICS OF THE UNAUTHORIZED MIGRANT POPULATION: ESTIMATES BASED ON THE MARCH 2005 CURRENT POPULATION SURVEY 1 (2006), <http://pewhispanic.org/files/reports/61.pdf>.

8. See George F. Will, Op-Ed, *Guard the Borders—and Face Facts, Too*, WASH. POST, Mar. 30, 2006, at A23.

President supporting it, and with the Democratic Congress saying it is needed and criticizing the Republican Congress for not accomplishing it, the political dynamics are in place to move the issue forward.

Immigration reform will require allocation of additional resources for technology and personnel. We have already seen some of these investments, whether it's 6,000 National Guard members replaced by 6,000 border patrol agents, or physical barriers and fencing for various areas of the border. These are all part of the reforms taking place.

It should also be a reminder that 40% of the illegal aliens in the United States do not sneak across our border. 40% of the twelve million illegal aliens are here because they came legally but then overstayed their visas.<sup>9</sup> This is why the technology for United States Visitor and Immigrant Status Indicator Technology (US-VISIT) is critical to comprehensive border security. It's about the Border Patrol agents, but it is also about technology and programs, such as US-VISIT, which promotes the use of biometric checks. We now know who comes into our country, who leaves it, and who overstays his or her visa.

This program of the Department of Homeland Security has been a huge success. To illustrate how it works, I will give you an example of a lady who came into our country from Nigeria in 1996. She came legally; she had a visa. She went to North Carolina and overstayed her visa. She committed a crime and then decided to flee our system of justice. She then went back to Nigeria and seven years later, wanted to reenter the United States. This is not an uncommon story. Before returning, she got a false identity and a false passport and entered the Atlanta International Airport. The difference, however, is the presence of Homeland Security and the US-VISIT biometric checks. She arrived in Atlanta and presented her false passport to the inspector. He swiped it through his system, and nothing came up on his monitor, which alerted the inspector that the woman's identity was fraudulent. The inspector then asked the woman to place her two index fingers on a scanning device. This system identified the crime that the woman committed in North Carolina and the visa overstay. We will continue to phase in and to develop this system and America will be more secure because of it.

Part of the comprehensive approach to immigration reform should include more money for detention facilities. There needs to be an expansion of the interior enforcement capability. Until the person who

---

9. See PEW HISPANIC CENTER, MODES OF ENTRY FOR THE UNAUTHORIZED MIGRANT POPULATION 1 (2005), <http://pewhispanic.org/files/factsheets/19.pdf>.

wants to come into our country knows that when he or she enters, he or she will not be able to get a job, we will not be able to have comprehensive and successful reform.

The Secure Fence Act of 2006 (Act) dictates that the Department of Homeland Security must have operational control over U.S. borders within eighteen months as part of an effort to curb illegal immigration along the southern border. I remember going down to Arizona and announcing the Arizona Border Control Initiative back in 2004. We said one of the objectives was to get operational control of the border. The next question was what the definition of operational control was. So, we tried to define it. The Act defines operational control to mean the prevention of all illegal entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband. In the Arizona Border Control Initiative, we did not define it quite as narrowly or stringently as the Act had done.

It would probably be easier to get operational control of the southern border than the northern border. The last statistic I am familiar with stated that the United States has approximately 11,000 border patrol agents on the southern border and between 1,000 and 2,000 on the massive expanse of our northern border.<sup>10</sup> Historically we have evidence of more terrorists coming across our northern Canadian border than our southern border. But much of the public's attention is on the southern border.

We have enormous challenges in terms of our northern border, and I think we are going to have to do more than just talk about the southern border. We will have to put resources along the northern border as well. A fence is not the total answer. It is going to involve new technology, as well as our federal government's partnership with local governments. The best border security on the northern border is the grandmother who has lived in her house on the border for seventy years. She sits in her home and watches that border and calls border patrol when she sees something suspicious. This is probably the most effective tool we can have on the northern side.

Only by investing adequate resources and through comprehensive reform of immigration will we be able to achieve operational control of the southern border in eighteen months. We will not be able to obtain operational control of that border without dealing with interior enforcement and employer tools. To illustrate, people selling a five dollar ladder can defeat a thirty million dollar fence by climbing over it at certain points. This is a little simplistic. But, the greatest border fence can be overcome

---

10. See CONG. RESEARCH SERV., RL32562, BORDER SECURITY: THE ROLE OF THE U.S. BORDER PATROL 18 (2005).

by someone with an intense desire for freedom or economic benefits. One's will can overcome a lot of fences. Therefore, we have to have comprehensive reform and enforcement.

A third point is that immigration reform requires tools or ways for employers to detect false documentation. Some people talk about this in terms of employer sanctions, which are important—you have to have the enforcement side. But we have to give our employers, such as the employer from a small town in Arkansas, tools to distinguish between illegal and legal workers. All of his documents were in perfect order, but the illegal aliens were still able to get jobs because they had false documentation.

We must develop an online system similar to the one used by credit card companies—where you give a restaurant your visa, they swipe it through a system, and they can check your credit very quickly. Employers must have the capacity to verify a potential employee's legal status here by checking with INS, Social Security, and other agencies to make sure that the job applicant has a legal presence here before the employer hires them. This type of online system will give employers the necessary tools to reduce the magnetic power that brings illegal workers to our country.

Although we will not be successful without giving employers the tools to know of a worker's legal status, there will always be some unscrupulous corporation or employer that tries to circumvent the system by bringing in lower cost, illegal workers. Therefore, we must have the capability to enforce the process. That responsibility falls within Immigration and Customs Enforcement. The government has provided more resources to them, and they are continuing to develop their capacity.

We received a lot of criticism after 9/11 because the government shifted the limited resources allocated for employer enforcement to national security targets—for example, verifying the workers in the Sears Tower or at a nuclear facility. That led to a great deal of skepticism by the American public that we weren't really serious about employer sanctions. We are starting to shift the focus back, but our lack of tools with which we can provide employers has handicapped our enforcement. Prosecution for immigration violations is not always easy. For example, the federal government prosecuted Tyson Foods in Mississippi for employing illegal aliens. However, the jury acquitted Tyson because it did not find that the company had the requisite intent.<sup>11</sup> This shows how hard it is for the

---

11. Greenberg Traurig, LLP, *Immigration News Flash: Update on Tyson Food Immigration Conspiracy Case* (Mar. 28, 2003), <http://www.gtlaw.com/practices/immigration/news/2003/03/28a.htm> (last visited Aug. 2, 2007).

agents to prove an employer's intent to hire illegal workers when the employer has insufficient tools and criteria to make sure they are not hiring illegal workers.

Congress needs to address reform in terms of resources for immigration judges, attorneys, and case personnel. Every time we presented a reform package to the Office of Management and Budget (OMB), to the administration, and ultimately to Congress, we made the case that if there will be more agents, there must also be more immigration lawyers and judges. There must be more resources to handle the cases and more Assistant U.S. Attorneys on the border states. This way, border states can process the cases that are criminal in nature. Consequently, comprehensive reform must include the ability to handle the caseload. The entire system will not work unless the front-end border enforcement complements the back-end's ability to provide relief and fair adjudication of cases in a timely manner.

It is also important that we develop an effective online system for immigration cases. I mentioned that when I was in California, I went out with the fugitive operations team. After we went out and made our arrest that morning, they showed me the files. I was startled to see the A files—the paper file that the agency had to physically transport if the courts transferred the case to a different jurisdiction. In today's world, with millions of pending cases, you cannot have an effective paper system. The agencies have tried, but they need more resources and more funding to complete the online filing system for immigration cases. The physical A file is a recipe for lost files, slow processes, and bad outcomes. This will take an investment, but it's essential. And the public's voice is important to Congress as they look at immigration reform, to make sure that it is truly comprehensive in terms of the front-end border security and the back-end processing and day-to-day handling of those cases.

For immigration reform to be effective, there has to be cooperation and partnership at the international, state, and local levels. The partnership needs to start between our nations. This is why we worked to develop cooperation and partnerships with former Mexican President Vicente Fox and with the leadership in Canada. We also had a good working group of ambassadors at the consular offices to certain Central American countries with whom we regularly met. We worked with them as they went to the detention facilities along the border and interviewed the citizens from their countries. We also needed their cooperation if their citizens would return to their countries, because these leaders had to give us permission to land. They legitimately wanted to know what their citizens' records were and

what kind of crimes they might have committed. These leaders also wanted to know whether their citizens were legitimate asylum seekers. Cooperation at the international level was very, very important.

There must also be cooperation at the state level. Historically, the states have pushed the responsibility for immigration onto the federal government. I have noticed, since I just ran for governor, that many of the possible solutions to these issues come from governors. When Governor Napolitano and Governor Bill Richardson said the federal government was not doing an adequate job, and that they were going to start addressing it with some state resources, these comments drove Congress to act. Consequently, some of the states are helping to drive the issue of immigration reform.

This partnership must include an exchange of information. The state and federal governments can share resources. We have contributed funding so that the border patrol could create a partnership with local law enforcement. This partnership allowed the federal government to reimburse local law enforcement for overtime. This was a good partnership and a good use of resources.

Cooperation also needs to be in terms of the REAL ID Act,<sup>12</sup> which has had enormous consequences as states toughen up the requirements to get a driver's license. The states are balking at it, but it is a good example of our federalism in action. I don't think it's necessarily the federal government's job to fund every state's identification for its citizens and create all of the databases for identification across our country. I think it's a fair partnership because the state must do a better job and the states are going to have to invest in it. There are going to be real consequences when the REAL ID Act is in place.

I talked about two competing values. If we can accomplish comprehensive immigration reform, if we can improve the handling of cases, if we can provide meaningful access to our courts by those seeking admission to our country, then we will have a system that respects the rule of law and is consistent with the compassion of this great nation. It is important to remember the place of asylum cases. We have to remember the place of legitimate claims that have to be brought before immigration judges. We have to remember our history of immigration and that immigrants are a part of the fabric of America. We cannot lose that.

Asylum deserves to be talked about. When I was in Homeland Security, I saw a movie about asylum. The movie showed that when asylum seekers arrive in the United States, some might have fraudulent documents because that might have been the only way to get on the plane in order to get here.

---

12. See REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 302 (2005).

However, those fraudulent documents also mean that these asylum seekers have committed a crime. Thus, they face imprisonment. These people deserve a fair hearing. When Homeland Security implemented expedited removal, we went through very stringent training requirements to ensure we addressed the issue of asylum seekers. We did this to make sure that we did not ignore the legitimate requests of these people in utilizing expedited removal and that we trained the officers in appropriate measures.

I struggled with the values and the enforcement responsibilities while I was in Homeland Security. I'll end with a story. My wife and I were on a short vacation when she asked me to go into an antique store. There were some old books in the store that I started perusing through until I saw a book that was published over 100 years ago. Henry van Dyke, who was a Princeton University professor, had written the book and entitled it, *The Spirit of America*.<sup>13</sup> The book was a series of lectures in Europe—actually at the University of Paris—in 1910, when he had tried to build better U.S.-French relations.<sup>14</sup> Over 100 years later, I thought his message was still timely. I got that book and I started looking through some of his lectures in which he described the character of America. He used one phrase in particular: “Americans are a people of idealists set about to accomplish a very practical task.” I think that comment was in reference to the founding of our country and the creation of our country, but I'll also apply it to today.

Historically, America has been unique because the country has not had two different classes of people: the citizen class and a temporary worker class. The American people viewed those who came to the United States as future citizens of this great country. It might take years and learning the language, but, ultimately, the goal was to become citizens.

Europe is paying the price for keeping those two distinctions. Those countries did not strive for assimilation. The result has been a feeling of isolation in the immigrants, particularly in the Islamic community. They were simply there as temporary workers. They were different from everybody else. They did not weave themselves into the fabric of Europe. In the United States, we've done it differently. We've been much more successful in assimilating immigrants. Historically, anytime somebody has been here seven, eight, or nine years, temporary status or otherwise, our inclination is to make them part of America. Then the question becomes, is that going to change?

---

13. See HENRY VAN DYKE, THE SPIRIT OF AMERICA (1910).

14. See *id.* at vii.

I think that we need to create a meaningful path for workers to come to our country. The workers provide the energy that helps keep the economy moving. But there has to be a legal path. We can debate changing the legal side and the quotas system. Those are not arbitrary, but they are subjective judgment calls; we can debate the specifics as to how they should be changed. When I sat on the Judiciary Committee of Congress, in the Immigration Subcommittee, we dealt with quotas and the question of raising them. I am familiar with the political pressure from constituents not to raise those quotas because Americans might need those jobs. Also, there was a sense that we had too much pressure from illegal immigrants.

Again, I believe that you have to have a meaningful legal path for alien workers. You can increase the quotas, but you first have to convince Americans that we are going to have a system with integrity. There will always be more people seeking to come to this country than we can allow, so there is always going to be waiting involved. But we have to have a process in place to fairly evaluate these cases. We cannot simply tell them that it's going to be twelve years before a court can hear their case due to a backlog or lack of resources. There's a great work demand, and I have no problem with changing the quotas and legal process. My home state of Arkansas is an agricultural state that needs agricultural workers. The legal process of helping them move from their countries is very, very cumbersome. We need to improve it.

When you're talking about securing America or protecting America from terrorists, please understand that we have not lost our love of civil liberties, commerce, and cherished constitutional liberties, but we have the practical task to secure our country. When it comes to immigration reform, we've not lost our compassion. We've not lost the fabric of immigrants as being a part of our society. However, we do have a practical task to once again give integrity to our immigration system. That is what I think immigration enforcement is all about, and that is what I hope will become the hallmark of immigration reform as it moves forward this year.